TOWN OF LOUISBURG ZONING ORDINANCE

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DIVISION 1. - GENERAL PROVISIONS

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Sec. 21-301. - Short Title

This chapter shall be known and may be cited as the Town of Louisburg Zoning Ordinance.

Sec. 21-302. - General Purposes

(a) Specific Purposes. The regulations in this chapter are made in accordance with a comprehensive plan, and designed to promote the public health, safety, morals and general welfare of the town. To this end, the regulations address the following public purposes:

(1) providing adequate light and air;

(2) preventing the overcrowding of land;

(3) avoiding undue concentration of population;

(4) lessening congestion in the streets;

(5) securing safety from fire, panic and dangers; and

(6) facilitating the efficient and adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(b) Additional Purposes. These regulations are made with reasonable consideration as to the character of the various zoning districts and their peculiar suitability for particular uses,

all with a view to conserving building values and encouraging the most appropriate use of land throughout the town's planning jurisdiction.

Sec 21-303. - Authorizations

(a) Statutory References. This chapter is authorized by the following North Carolina General Statutes:

(1) *Planning and Development Regulation.* Chapter 160D (Local Planning and Development Regulations);

(2) *Shooting Ranges.* Chapter 14 (Criminal Law), Article 53C (Sport Shooting Range Protection Act of 1997); and

(3) *Water Supply Watershed Protection.* Chapter 143 (State Departments, Institutions, and Commissions), Section 214.5 (Water Supply Watershed Protection).

(b) Reference to North Carolina General Statutes. This chapter may refer to or cite sections of the North Carolina General Statutes. When a referenced statutory section is later amended or superseded, this chapter will be deemed amended to refer to the amended statutory section or section most clearly corresponding to it.

Sec 21-304. - Consistency with Comprehensive Plan

(a) Chapter Consistent with Comprehensive Plan. This chapter is consistent with the town's adopted comprehensive plan. Any amendments to this chapter or the official zoning map should be consistent with the following:

(1) the adopted comprehensive plan in effect at the time of the request for amendment; and

(2) any adopted neighborhood, area or specific plan.

(b) Chapter Text Amendments. Amendments to the text of this chapter are consistent and in accordance with the comprehensive plan if they comply with the goals, objectives, policies, strategies and vision statements contained in the plan.

(c) Amendments Inconsistent with Comprehensive Plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the comprehensive plan, then the future land-use map in the comprehensive plan is automatically amended with no further action required. The amendment shall be noted in the comprehensive plan. (NCGS 160D-605(a))

Sec. 21-305. - Compliance with Chapter

(a) Compliance Required. No land shall be used, occupied or maintained, and no structures shall be designed, erected, altered, used, occupied or maintained, except in conformity with this chapter, and upon performance of all conditions attached to any development approval.

(b) False Representation. No person shall sell, rent, lease, or offer or attempt to sell, rent or lease any land or structure upon representation falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this chapter

Sec. 21-306. - Components of Chapter

This chapter consists of the chapter text, official zoning map and all other documents used in its administration and enforcement.

Sec. 21-307. – Applicability

(a) General Applicability. This chapter applies to all buildings, structures, uses, lands, water and air over which the Town of Louisburg has jurisdiction under the constitution and laws of the State of North Carolina and United States of America.

(b) Exceptions to Applicability.

(1) *Bona Fide Farms in Extraterritorial Jurisdiction.* Property used for bona fide farm purposes in the extraterritorial jurisdiction is exempt from this chapter. Property ceasing to be used for bona fide farm purposes shall become subject to this chapter. As used in this paragraph, "property" means a single tract of property or an identifiable portion of a single tract of property. (NCGS 160D-903)

(2) *Federal Government Buildings and Land.* The erection, construction or use of buildings or land owned by the United States of America is exempt from this chapter.

(3) *Schools.* The level of service of a road facility, or facilities abutting or proximately located to a school, shall not be used as basis for denying a text amendment or rezoning request submitted by a school. (NCGS 160D-701)

(4) *State, County and Municipal Buildings and Land.*

a. *Zoning Requirements Applicable Only to Buildings.* With the exception of Sub-paragraphs (b) (Application of Historic Preservation Overlay District) and (c) (Application of Watershed Overlay Districts) below, the provisions of this chapter apply only to the erection, construction and use of buildings by the State of North Carolina and its political subdivisions, including Franklin County and the town. (NCGS 160D-913(a))

b. *Application of Historic Preservation Overlay District.* The provisions of the Historic Preservation Overlay district apply to the construction, alteration, moving and demolition of buildings owned by the State of North Carolina, its political subdivisions, agencies and instrumentalities, including Franklin County and the town. (NCGS 160D-947(f))

c. *Application of Watershed Overlay Districts.* The provisions of the watershed overlay districts shall apply to all state, county and town-owned lands and buildings. (NCGS 143-214.5(i))

d. *Overlay and Conditional Zoning District Application; State-owned Land.* With the exception of Sub-paragraphs (b) (Application of Historic Preservation Overlay District) and (c) (Application of Watershed Overlay Districts) above, land owned by the State of North Carolina shall not be included within any overlay or conditional zoning district without approval of the Council of State or its delegate. (NCGS 160D-913(d))

Sec. 21-308. - Coordination with Other Regulations

(a) Compliance with Other Laws and Regulations. The use of buildings and land within the town's zoning jurisdiction is subject to all other federal, state and county regulations as well as this chapter, whether or not such other provisions are specifically referenced in this chapter. References to other regulations or provisions of this chapter are for convenience of the reader. Lack of cross-referencing does not exempt any land, building, structure or use from other regulations.

(b) Conflict with Other Laws and Regulations. The provisions of this chapter shall govern when they impose higher standards than required in any other provision or regulation. When the provisions of any other statute, ordinance or regulation impose higher standards than this chapter, then the more stringent statute, ordinance or regulation shall govern.

Sec. 21-309. - Minimum Requirements

(a) Rules of Construction. Interpretation and application of this chapter is the basic and minimum requirements for the protection of the public health, safety, comfort, prosperity and welfare. This chapter shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms or phrases in its administration shall be construed in accordance with Division 9 (Definitions).

(b) Text Controls Over Graphics. Wherever there is inconsistency between the text and any graphic, picture, illustration or drawing in this chapter, the text controls unless otherwise provided in the specific section.

Sec. 21-310. - Applicability to Prior Development Approvals

(a) No Change to Previous Approvals Required. Adoption of this chapter does not require a change in the plans, construction or designated use of any building for which actual construction was lawfully begun before the effective date of this chapter and on which actual construction has been diligently pursued. For the purpose of this section, "actual construction" includes the erection of construction materials in permanent position and fastened in a permanent manner; and/or the deconstruction, elimination and removal of an existing structure in connection with such construction, provided that actual construction work must be diligently pursued until completion of the building.

(b) Completion of Development Under Prior Approvals. Existing, valid development approvals on or after the effective date of this chapter remain valid until their expiration date. Development may be completed in accordance with such approvals, even if such building, development or structure does not fully comply with the provisions of this chapter.

(c) Compliance Required After Approval Expiration. If building is not commenced and diligently pursued in the time allowed under the original approval or any granted extension, then the building, development or structure must meet the standards of this chapter in effect at the time of re-application for development approval.

(d) Effect on Pending Applications. Development approval application submitted in complete form and pending approval on or after the effective date of this chapter shall be reviewed under the terms of the ordinance in effect at the time the application was deemed complete. Any re-application for an expired approval must meet the standards of this chapter in effect at the time of re-application of development approval.

Sec. 21-311. - Relation to Private Agreements

(a) Chapter More Stringent Than Private Agreement. Where the provisions of this chapter impose a greater restriction than that imposed by a private agreement, including but not limited to any easement, covenant or deed restriction, the provisions of this chapter will control.

(b) Private Agreement More Stringent Than Chapter. Where the provisions of a private agreement impose a greater restriction than this chapter, the provisions of the private agreement may be enforced between private parties notwithstanding the provisions of this chapter.

(c) Chapter Compliance Required. The existence of a private agreement shall not excuse any failure to comply with this chapter.

(d) Responsibility of Town. The town shall not be responsible for monitoring or enforcing private agreements.

Sec. 21-312. - Zoning of Annexed Land

Unless an owner requests a specific zoning district at time of annexation, the property involved will be zoned A-R (Agricultural-Residential).

Sec. 21-313. –Split Jurisdiction Zoning

(a) Mutual Agreement Between Jurisdictions Required. When a parcel of land lies partially within the zoning jurisdiction of the town and partially within the zoning jurisdiction of Franklin County, the two governments may by mutual agreement pursuant to Chapter 160A (Cities and Towns), Article 20 (Interlocal Cooperation) of the North Carolina General Statutes, and with written consent of the landowner, assign exclusive zoning jurisdiction for the entire parcel to one of the two governments.

(b) Effect of Agreement. The agreement shall only be applicable to zoning regulations and will not affect taxation or other non-regulatory matters.

(c) Recordation of Resolution. The Town Council and Franklin County Board of Commissioners shall each adopt official resolutions on the agreement. The resolutions shall be filed with the Franklin County Register of Deeds within 14 days of adoption of the last required resolution.

Sec. 21-314. - Severability

It is the legislative intent of the Town Council that this chapter shall stand, notwithstanding the invalidity of any part, and should any provision of this chapter be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.

Sec. 21-315. - Repeal of Existing Zoning Ordinance

The existing zoning ordinance titled “Louisburg Zoning Ordinance,” as adopted on March 14, 1977, and as subsequently amended, is repealed. The adoption of this chapter, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, an existing violation of the prior ordinance.

Sec. 21-316. - Effective Date

This chapter shall take effect and be in force, effective January 15, 2025. Duly adopted by the Louisburg Town Council December 10, 2024.

DIVISION 2. – DEVELOPMENT APPROVAL PROCEDURES

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Sec. 21-317. - Specific Purposes

(a) Purpose. The purpose of this division is to consolidate procedures for filing and processing applications for required development approvals. The format describes the steps involved, from application initiation through final action, including appeals of denied approvals.

(b) Intent. The intent of this division is to implement the comprehensive plan and ensure all proposed development complies with the requirements of this chapter.

Sec. 21-318. – Development Approvals

(a) No Development Without Approval. No development activity shall occur on any property in the town's jurisdiction until all applicable development approvals for that activity are granted.

(b) Development Approvals Run with Land. All rights, privileges, benefits, burdens and obligations created by development approvals made pursuant to this chapter attach to and run with the land.

Sec. 21-319. - Pending Permits and Permit Choice

If an applicant submits for any type of development approval under this chapter, and a provision of the chapter changes between the time the application was submitted and a decision on the application made, then the applicant may choose which version of the provision applies to the application. If the applicant chooses to develop under the prior provision, they do not have to wait for final action on the proposed change before proceeding with their development approval.

Sec. 21-320. - Review Procedures for All Applications

(a) Pre-application Meeting. With the exception of zoning permit, certificate of appropriateness-minor work and certificate of compliance applications, applicants are strongly advised to attend a pre-application meeting with the Zoning Administrator before filing any application for development approval. The purpose of the meeting is to discuss the procedures and substantive requirements for the application and review process.

(b) Time Limits. Whenever a time period for processing an application is stated in this chapter, the time period does not commence until the Zoning Administrator deems the application complete as specified in Paragraph (d) (Completeness Review) below. The applicant and Zoning Administrator may mutually agree to an extension of any specified time limit.

(c) Application Filing. Applications must be filed with the Zoning Administrator on the appropriate form. Applications will not be deemed complete unless they include all of the following:

(1) *Contact Information.* Name, address, telephone number and e-mail address of the applicant, property owner or authorized agent, as applicable.

(2) *Proof of Authority to File.* A deed, valid lease, contract, option, written statement or other document showing the applicant's standing to file the application.

(3) *Application Fees.* Payment of any application fees as established by the Town Council in its annual budget ordinance.

(4) *Property Location.* An address, PIN (Parcel Identification Number) or other description accurately identifying the subject property's location.

(5) *Site Plan.* A plat, map or drawing showing all existing and proposed buildings and other structures located on the lot with their setbacks from property lines labeled; driveways; parking areas; other built-upon areas; buffer yards and other site details necessary to show the development complies all applicable chapter requirements.

(6) *Additional Information.* Any other information required by the Zoning Administrator to show the proposed development's compliance with this chapter**.**

(d) Completeness Review. Completeness review is for the purpose of determining whether preliminary information required for application submission is sufficient to allow further processing. It does not constitute a decision that the application complies with the provisions of this chapter. Completeness review is subject to the following procedure:

(1) *Initial Review.* The Zoning Administrator has five working days from initial application submittal to review it for completeness and provide written notice of his/her determination. The application is deemed complete if a written determination is not made within the five-day review period.

(2) *Notice of Incomplete Application.* If the application is deemed incomplete, the Zoning Administrator must specify the deficient parts of the application and state how they may be made complete. A list and description of the specific information needed to complete the application must be included as part of the determination.

(3) *Re-submittal.* The applicant may resubmit the application with the information required by the Zoning Administrator or appeal that determination to the Board of Adjustment as outlined in Section 21-327 (Appeal). A new five-day review period applies to any application re-submittal.

(e) Technical Review. After determining the application is complete, the Zoning Administrator will review it for compliance with the technical standards of this chapter. The Zoning Administrator may refer the application to other town, county or state agencies to assist in the review.

(f) Requests for Additional Information. The Zoning Administrator may, during the course of processing the application, request the applicant to clarify, amplify, correct or otherwise supplement the information required for the application, if the information is necessary to render a final determination on the merits of the application.

Sec. 21-321. - Notice Provisions

(a) Notice Required. The Zoning Administrator must provide notice of any required legislative or quasi-judicial hearing specified by this chapter as prescribed in Table 2-1 (Notice Requirements) below.

Table 2-1
Notice Requirements

Type of Notice	Chapter Text Amendment	Official Zoning Map Amendment (Rezoning)	Appeal, Certificate of Appropriateness, Special Use Permit, Variance
Newspaper Publication: Two successive weeks in a newspaper of general circulation published no more than 25, and no less than 10, calendar days before the hearing date. [a]	X		
Mail: Written notice deposited in the mail no more than 25, and no less than 10, calendar days before the hearing date. [b]		X [c]	X [d]
Signage: Prominently posted on the subject property or and adjacent public street or highway right-of-way no more than 25, and no less than 10, calendar days before the hearing date.		X	X

[a] *In computing the time period, the day of publication is not included but the day of the hearing is.*
[b] *First class mail to the applicant, property owner (if different) and abutting property owners (as listed with the county tax assessor's office). Properties are "abutting" even if separated by a street, railroad, or other transportation corridor.*
[c] *First-class mailed notice is not required if the amendment directly affects more than 50 properties owned by a total of at least 50 different property owners (as listed with the county tax assessor's office). Two notices may be published in a newspaper of general circulation in the area. Each notice must be no less than ½ of a newspaper page in size. First class mailed notice is not required for property owners residing in the newspaper's general circulation area; however, those property owners outside the newspaper's general circulation area must be notified by mail.*
[d] *When a variance from a water supply watershed overlay district is requested, notice must be given to each local government having jurisdiction within the watershed and any entity using the water supply for consumption.*

(b) Contents of Notice. Required notices must state the date, time and place of the hearing, reasonably identify the property subject to the application, and give a brief description of the action requested or proposed.

(c) Certification of Notice. The Zoning Administrator will certify that required notices were given as required by this division. The certification will be deemed conclusive in the absence of fraud.

(d) Action to be Consistent with Notice. The approval body may take any allowed action on an application that is consistent with the notice given.

(e) Minor Amendments Not Requiring Re-notification. The approval body may allow minor amendments to the application without re-submittal of the entire application. Ineligible amendments include the following:

(1) increase the number of dwelling units, floor area, height or built-upon area;

(2) introduce different land uses;

(3) request a larger land area;

(4) request a greater variance than requested; or

(5) reduce or eliminate conditions attached to a development approval unless a new notice is provided.

Sec. 21-322. - Legislative Hearings

(a) Specific Purpose. Legislative hearings give the public an opportunity to be heard on amendments to the comprehensive plan, this chapter and the official zoning map. Unlike quasi-judicial hearings, legislative hearings don't require due process protections such as the right of parties to offer evidence, cross-examination, sworn testimony and written findings of fact.

(b) Approval Body. Legislative hearings are heard by the Town Council for adoption and amendments to the:

(1) comprehensive plan;

(2) chapter text; and

(3) official zoning map.

(c) Conduct of Legislative Hearing.

(1) The applicant and any person or persons may appear and present testimony, either individually or as a representative. Testimony need not be submitted under oath or affirmation.

(2) Each person must state for the record their name, address and, if appearing on behalf of an organization or group, the name and mailing address of the organization or group.

(3) The Town Council may ask questions of the applicant, staff or public at any point during the hearing.

(4) The Town Council may set reasonable time limits on the presentation of testimony and limit it where it is repetitive.

(5) The order of proceedings will be as follows:

a. The Zoning Administrator will present a description of the proposed development and the relevant sections of plans and this chapter involved. A written or oral recommendation may be given at the opening of the hearing or, in complex cases, be reserved until the close of the hearing. The recommendation will address each factor required by this chapter to be considered prior to development approval;

b. The applicant will present information they deem appropriate;

c. Public testimony will be received;

d. The Zoning Administrator will not respond to any applicant statement or any public testimony during the hearing, but may respond to questions from the Town Council concerning any statements received during their deliberations;

e. The applicant may reply to any testimony presented by the Zoning Administrator or the public; and

f. The Town Council will close the public portion of the hearing and conduct deliberations.

(d) Record of Proceedings. The Town Council will record the minutes of the proceedings consistent with state law. The Zoning Administrator will provide a copy of the record to any person making such a request within seven working days of the request.

(e) Appeals of Legislative Decisions. Appeals may be filed with Franklin County Superior Court within the time periods prescribed by NCGS 160D-1405 (Statutes of Limitation).

Sec. 21-323. - Quasi-judicial Hearings

(a) Specific Purpose. Quasi-judicial hearings provide a venue where the approval body applies discretion of a judicial nature in the review of certain development approvals. Where necessary, reasonable conditions may be attached to development approvals to ensure development will be compatible with neighboring land uses.

(b) Specific Requirements. The approval body must investigate facts or ascertain their existence, hold hearings, weigh evidence and draw conclusions from the facts as a basis for their official action, and exercise discretion of a judicial nature. These decisions involve the application of land use policies to individual properties, as opposed to the creation of policy, and involve two key elements:

(1) the finding of facts regarding the specific proposal, and

(2) the exercise of discretion in applying the standards of this chapter.

Due process requirements mandate that all fair trial standards be observed when these decisions are made. This includes an evidentiary hearing with the right of the parties to offer evidence, cross-examine witnesses, inspect documents, have sworn testimony and written findings of fact supported by competent, substantial and material evidence.

(c) Approval Bodies. The Town Council has assigned the duty to conduct quasi-judicial hearings to the following bodies:

(1) Board of Adjustment for:

a. appeals not involving regulations specific to the watershed overlay districts;

b. special use permits; and

c. variances, not involving watershed overlay district standards.

(2) Historic Preservation Commission for certificates of appropriateness within the Historic Preservation Overlay zone.

(3) Planning Board for variances and appeals involving regulations specific to the watershed overlay district standards.

(d) Conduct of Quasi-judicial Hearing.

(1) The applicant, the Zoning Administrator and any person having standing under NCGS 160D-1402(c) has the right to participate as a party to a quasi-judicial hearing. Other witnesses may present competent, material and substantial evidence as allowed by the approval body.

(2) Each person appearing at a quasi-judicial hearing must take a proper oath or affirmation and state for the record their name, address and, if appearing on behalf of an organization or group, the name and mailing address of the organization or group.

(3) The approval body may ask questions of the applicant, Zoning Administrator or any witness at any point during the hearing. The chair of the approval body may also require cross-examination be conducted through questions submitted to the chair, who will direct the questions to the witness.

(4) The burden of presenting evidence sufficient to lead the approval body to conclude the application should be denied is on the party urging this position, unless information presented by the applicant is sufficient to justify a reasonable conclusion that a reason exists to deny the application. The burden of persuasion on the issue of whether the work, if completed as proposed, will comply with the requirements of this chapter and standards of evaluation remains at all times with the applicant. The burden of persuasion on the issue of whether the application should be denied rests on the party urging the requested permit be denied.

(5) The approval body may set reasonable time limits on the presentation of evidence and testimony and limit it where it's repetitive.

(6) The order of proceedings will be as follows:

a. The Zoning Administrator will present a description of the proposed development, the relevant sections of plans and this chapter involved, and set forth the legal or factual issues to be determined. A written or oral recommendation may be given at the opening of the hearing or, in complex cases, be reserved until the close of the hearing in order to review the testimony and document any evidence. The recommendation will address each factor required to be considered prior to a decision on the case;

b. The applicant will present information or evidence they deem appropriate;

c. Relevant testimony and evidence from parties with standing and expert or lay witnesses will be received;

d. The Zoning Administrator will not respond to any applicant statement or any public testimony during the hearing, but may respond to questions from the approval body concerning any statements or evidence received during their deliberations;

e. The applicant may reply to any testimony or evidence presented by the Zoning Administrator or other parties to the request; and

f. The approval body will close the hearing and conduct deliberations.

(e) Record of Proceedings. The approval body will record the minutes of the proceedings consistent with state law. The Zoning Administrator will provide a copy of the record to any person making such a request within seven working days of the request.

(f) Appeals of Quasi-judicial Decisions. Appeals of quasi-judicial decisions are made in the nature of certiorari to Franklin County Superior Court.

Sec. 21-324. – Amendment; Chapter Text (Text Amendment)

(a) Specific Purpose. This section provides the procedure for reviewing and deciding amendments to the text of this chapter (referred to as a "text amendment") whenever the public necessity, general welfare, town-adopted policy guidance or appropriate land use practices justify or require doing so.

(b) Initiation. Applications must be submitted to the Zoning Administrator at least 10 calendar days prior to a regularly scheduled meeting of the Planning Board. Applications may be initiated by any person or organization, including the town.

(c) Planning Board Review and Recommendation. The Planning Board will hold at least one public meeting to review the application. When conducting their review, the board will advise and comment on whether the proposed amendment is consistent with the comprehensive plan or other applicable adopted plans. The board will then provide a written recommendation on the application addressing plan consistency, and other matters deemed appropriate, to the Town Council.

(d) Effect of Planning Board Recommendation. Any Planning Board comment stating a proposed amendment is inconsistent with the comprehensive plan does not preclude the Town Council's consideration or approval of the amendment. The Town Council is not bound by the board's recommendation, if any, and may act on an amendment if the Planning Board fails to deliver a recommendation within 30 calendar days of referral of the amendment to the board.

(e) Town Council Review. The Town Council must hold at least one legislative hearing to act on a text amendment. Notice of the hearing must be given as required by Section 21-321 (Notice Provisions).

(f) Decision. After receipt of the Planning Board's written recommendation, if any, the Town Council shall approve, approve with modifications or deny the application. In making its decision, the Town Council will adopt a written statement describing whether its action is consistent with the comprehensive plan and explaining why it considers their action reasonable and in the public interest. The statement must be adopted prior to adopting or rejecting the text amendment. The statement is not subject to judicial review.

(g) Notice of Amendments to Watershed Overlay District Standards. Upon adoption, the Zoning Administrator shall provide copies of any amendments to the watershed overlay district standards found in Division 5 (Development Standards) to the Stormwater Branch of the North Carolina Division of Energy, Mineral and Land Resources.

(h) Appeal. Any person seeking to challenge the validity of any text amendment may do so by filing an appropriate action with Franklin County Superior Court within the time established by NCGS 160D-1405(b).

(i) Scope of Approval. A text amendment does not authorize the development of land.

(j) Recording Procedures. The Zoning Administrator will refer to the adopted ordinance as a record of the current chapter text status until such time as the chapter text can be updated.

Sec. 21-325. – Amendment; Comprehensive Plan

(a) Specific Purpose. This section provides the procedure for reviewing and deciding initial adoption and amendments to the comprehensive plan whenever the public necessity, general welfare, town-adopted policy guidance or appropriate land use practices justify or require doing so. Amendments may also be considered in situations where the existing plan doesn't provide sufficient direction on land use, density or utility provision, or where the goals and objectives do not support a proposed development.

(b) Procedure. Adoption and amendment of the comprehensive plan is a legislative decision and shall follow the process for amendments to the chapter text outlined in Section 21-324 (Amendment; Chapter Text (Text Amendment)) or official zoning map outlined in Section 21-326 (Amendment; Official Zoning Map (Rezoning)), as applicable.

(c) Concurrent Reviews; Plan and Zoning Amendments. A comprehensive plan amendment and zoning map or text amendment may be considered concurrently.

(d) Recording Procedures. The Zoning Administrator will refer to the adopted ordinance as a record of the comprehensive plan amendment status until such time as the chapter text can be updated. If the comprehensive plan is deemed amended by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan.

Sec. 21-326. - Amendment; Official Zoning Map (Rezoning)

(a) Specific Purpose. This section provides the procedure for reviewing and deciding amendments to the official zoning map (referred to as a "rezoning") whenever the public necessity, general welfare, town-adopted policy guidance or appropriate land use practices justify or require doing so.

(b) Applicability.

(1) *Generally.* This section sets out the requirements for amendments to the zoning district designation of land within the town's planning jurisdiction as well as for land coming into the town's planning jurisdiction through annexation. The provisions in Section 21-312 (Zoning of Annexed Land) of Division 1 (General Provisions) shall apply where a map amendment involves annexation.

(2) *Overlay and Conditional Districts.* Land owned by the State of North Carolina shall not be included within any overlay or conditional zoning district without approval of the Council of State or its delegate. (NCGS 160D-913(a))

(c) Initiation. Applications must be submitted to the Zoning Administrator at least 10 calendar days prior to a regularly scheduled meeting of the Planning Board. Applications may be initiated by:

(1) the Zoning Administrator;

(2) any appointed board by resolution; or

(3) the Town Council by resolution;

(4) an application properly signed and filed by the property owner or, with the property owner's specific written consent, a contract purchaser, property owner's agent or other person having a recognized property interest in the land. Applications to "down-zone" property or zone property to a conditional zoning district designation must include the specific written consent of all legal property owners whose property is subject to the amendment.

(d) Additional Documents for Conditional Zoning District Zoning Map Amendments. Applications for conditional zoning district zones shall include the information required for the specific conditional zoning district as found in Section 21-349 (Conditional Zoning Districts) of Division 3 (Districts), as well as any rules, regulations and conditions that will govern the development and use of the property. Conditions and site-specific standards shall be limited to those that address the conformance of the development and use of the site to town ordinances, the adopted comprehensive plan or other adopted plans, and the impacts reasonably expected to be generated by the development or use of the site. Any conditions should relate to items regulated by this chapter, as well as the type of development and other matters that the Town Council finds appropriate or the petitioner may propose.

(e) Amendments Involving Multi-family Affordable Housing Structures. The Town Council shall not apply a harmony requirement to any official zoning map amendment establishing a conditional zoning district involving multi-family structures containing affordable housing units for families or individuals with incomes below 80% of the area median income. (NCGS 160D-703(b1))

(f) Planning Board Review and Recommendation. The Planning Board will hold at least one public meeting to review the application. When conducting their review, the board will advise and comment on whether the proposed amendment is consistent with the comprehensive plan or other applicable adopted plans. Where large-scale rezonings are involved, the board's recommendation may address the overall rezoning and describe how the analysis and policies in the relevant plans were considered in their recommendation. The board will then provide a written recommendation on the application addressing plan consistency, and other matters deemed appropriate, to the Town Council.

(g) Effect of Planning Board Recommendation. Any Planning Board comment stating a proposed amendment is inconsistent with the comprehensive plan does not preclude the Town Council's consideration or approval of the amendment. The Town Council is not bound by the board's recommendation, if any, and may act on an amendment if the Planning Board fails to deliver a recommendation within 30 calendar days of referral of the amendment to the board.

(h) Town Council Review. The Town Council must hold at least one legislative hearing to act on a zoning map amendment. Notice of the hearing must be given as required by Section 21-321 (Notice Provisions).

(i) Review Criteria. The Town Council will use the following criteria when considering a zoning map amendment. No single factor is controlling; instead, each should be weighed in relation to the other standards.

(1) *Consistency.* The map amendment should be consistent with the adopted comprehensive plan.

(2) *Adverse Impacts on Neighboring Lands.* The zoning should not be changed in a way that is substantially inconsistent with the use of the surrounding area, whether more or less restrictive.

(3) *Public Facilities and Services.* The adequacy of public facilities and services intended to serve the subject property.

(4) *Health, Safety and Welfare.* The map amendment should bear a substantial relationship to the public health, safety or general welfare. However, the amendment may be justified if a substantial public need or purpose exists; even if the applicant or landowner will also benefit.

(5) *Public Policy.* Certain public policies in favor of the map amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development or sustainable environmental features that are consistent with the comprehensive plan or other adopted plans.

(6) *Size of Tract.* The size, shape and characteristics of the property in relation to the affected neighboring lands should be considered. The zoning designation of a single lot should not be changed when there have been no intervening changes or other saving characteristics. A zoning change may be justified where evidence shows that a small lot is unsuitable for use as zoned, or there have been substantial changes in the immediate area.

(7) *Other Factors.* The Town Council may consider any other factors relevant to a map amendment application as allowed by state law. However, the level of service of a road facility or facilities abutting or within proximity of a school may not be used as the basis for denying a zoning map amendment request made by a school. (NCGS 160D-701)

(j) Decision. After receipt of the Planning Board's written recommendation, if provided, the Town Council shall approve or deny the application. In making its decision, the Town Council shall take the following actions:

(1) Consider the approval criteria in Paragraph (i) (Review Criteria) above;

(2) In the case of adoption of a conditional zoning district, obtain the applicant's signed, written agreement to the proposed conditions submitted for the amendment; and

(3) Adopt the following two statements. The statements must be in writing and may be approved as a single statement.

a. *Plan Consistency Statement.* A brief statement describing whether its action is consistent or inconsistent with the comprehensive plan must be adopted. In the case of large-scale rezonings, the statement may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered. The consistency statement requirement may be met by a clear indication in the Town Council's minutes that, at the time of action on the amendment, they were aware of and considered the Planning Board's recommendations and any relevant portions of the comprehensive plan. The plan consistency statement is not subject to judicial review.

b. *Reasonableness Statement.* A statement analyzing the reasonableness of the proposed map amendment must be adopted. The Town Council may consider among other factors:

1. the size, physical condition and other attributes of the area to be rezoned;

2. the benefits and detriments to the landowners, neighbors and surrounding community;

3. the relationship between the current and permissible development on the tract and adjoining areas, and the development that would be permissible under the proposed amendment;

4. why the action taken is in the public interest;

5. any changed conditions warranting the amendment; and

6. in cases of large-scale rezonings, the overall rezoning and the adopted plan policies considered.

(k) Amendments Deemed Inconsistent with Comprehensive Plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the comprehensive plan, then the amendment has the effect of also amending the future land-use map in the comprehensive plan. (NCGS 160D-605)

(l) Conditions Attached to Amendments; Conditional Zoning Districts. Conditions and site-specific standards imposed on conditional zoning district rezonings shall be limited to those addressing conformance of the development and use of the site to town ordinances and plans adopted pursuant to NCGS 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. Only those conditions approved by the Town Council and consented to by the applicant in writing may be incorporated into a conditional zoning district map amendment. Unless consented to by the petitioner in writing, the Town Council may not require, enforce or incorporate into the zoning regulations any condition or requirement not authorized by applicable law including, without limitation, taxes, impact fees, building design elements within the scope of NCGS 160D-702(b), driveway-related improvements in excess of those allowed in NCGS 136-18(29) and 160A-307 or other unauthorized limitations on the development or use of land.

(m) Effect of Approval; Conditional Zoning Districts. If an application for official zoning map amendment to a conditional zoning district is approved, the use and development of the property will be governed by the zoning regulations in effect at the time of the amendment approval, the approved master site plan and all other conditions of approval.

(n) Notice of Amendments to Watershed Overlay District Boundaries. Upon adoption, the Zoning Administrator shall provide copies of all watershed overlay district boundary amendments to the Stormwater Branch of the North Carolina Division of Energy, Mineral and Land Resources.

(o) Notice to Department of Transportation; Commercial and Industrial Districts. The Zoning Administrator will give the North Carolina Department of Transportation written notice of the establishment or amendment of any commercial or industrial zoning district located within 660 feet of an interstate or primary highway right-of-way. The notice must

be by registered mail to the Department of Transportation office in Raleigh, North Carolina, and mailed no more than 15 days after the effective date of the zoning map change or establishment. (NCGS 136-153)

(p) Withdrawal After Town Council Decision. With the exception of applications initiated by the Zoning Administrator, an appointed board or Town Council, no zoning map amendment for the same property may be filed if an application was filed and withdrawn after a full, fair, complete and final hearing during the previous six calendar months. The Town Council may hear and consider the application if the applicant certifies by sworn affidavit that there is new, relevant and substantial evidence that could not have been secured at the time set for the original hearing.

(q) Denial of Zoning Map Amendment. No application for a zoning map amendment may filed within 12 calendar months of the Town Council's denial of an application for the same property.

(r) Appeal. Any person seeking to challenge the validity of any zoning map amendment may do so by filing an appropriate action in the Franklin County Superior Court within the time established by NCGS 160D-1405(a).

(s) Amendment After Adoption.

(1) *Generally.* Any subsequent zoning map amendment requires a new application and must be processed under the requirements of this section.

(2) *Minor Changes; Conditional Zoning Districts.* The Zoning Administrator may approve minor changes to approved conditional zoning district master site plans. "Minor changes" are those that do not alter district boundaries and only involve revision of minor characteristics of the development such as relocation of driveways or parking, and revisions to floor plans, facades, landscaping, drainage features and features that do not materially affect the approved plan concept or violate any applicable regulations. Any changes that increase the density (number of dwelling units per acre) of the development or change allowed uses are considered to be significant changes. Minor changes in an approved conditional zoning district shall be subject to the following procedure:

a. *Application.* Applications for minor changes shall be filed with the Zoning Administrator in accordance with Section 21-320 (Review Procedures for All Applications) and include details of the requested change and be on a form signed by the property owner(s). If multiple parcels of land are subject to an approved conditional zoning district, the owners of individual parcels may apply for a minor change on their parcels provided the changes do not result in other properties failing to meet the approved master site plan, approval conditions, standards of the zoning district and other regulations in this chapter, or remove entitlements from other individual parcels without the owner's consent. Any modifications approved through an administrative minor amendment shall apply

only to those properties whose owners apply for the administrative minor amendment.

b. *Notice of Decision.* The Zoning Administrator shall give written notice to the property owner(s) and the party who sought the decision, if different from the property owner(s). Notice shall be delivered by personal delivery, email or first-class mail. If the notice is sent by first-class mail, it shall be sent to the last address listed for the property owner, or the affected property, in the Franklin County tax records, and to the address provided in the application if the owner is not the petitioner.

c. *Appeal of Decision.* Any aggrieved person will have 30 calendar days from the date of the Zoning Administrator's decision to file an appeal pursuant to Section 21-327 (Appeal).

(t) Scope of Approval.

(1) *Conventional and Overlay Zoning Districts.* A conventional or overlay zoning map amendment does not have an expiration date or authorize the development of land. It authorizes the applicant to apply for a specific development approval authorized by this chapter.

(2) *Conditional Zoning Districts.* A conditional zoning district map amendment is valid for a period of five years from the date of its approval, or the time frame stipulated in amending ordinance. The amendment does not authorize the development of land, but does authorize application for other specific development approvals authorized by this chapter. Requests to extend the expiration date shall be made in writing to the Town Council prior to the expiration date. The Zoning Administrator shall take action to have the property rezoned to its previous conventional zoning district designation after the expiration date is passed.

(u) Recording Procedures.

(1) *Generally.* The form of the amending ordinance must contain either parcel identification numbers, a metes-and-bounds description of the land being rezoned or reference to an accompanying plat of such land showing the new zoning classification(s) and indicating their boundaries. The Zoning Administrator will refer to the adopted ordinance as a record of the current zoning status until such time as the official zoning map can be changed.

(2) *Conditional Zoning Districts.* A conditional zoning district classification shall be recorded in the same manner as a rezoning to a conventional district classification. The conditional zoning classification shall be indicated by the symbol "CD" following the zoning district designation (e.g., "PD-CD").

Sec. 21-327. - Appeal

(a) Specific Purpose. This section provides the procedure for reviewing and deciding cases where it's alleged there is an error in any written order, requirement, decision, interpretation or determination made by the Zoning Administrator.

(b) Applicability. With the exception of requirements applicable in the watershed overlay zones, appeals will be heard by the Board of Adjustment. The Planning Board will hear appeals related to application of the watershed overlay district requirements.

(c) Initiation. Appeals may be taken by any party having standing under NCGS 160D-1402(c), or the town, by filing an application with the Zoning Administrator. Applications must be filed within 30 calendar days of the date of the action alleged in error. Parties may appear in person, by agent or attorney.

(d) Stay of Enforcement.

(1) *Generally.* An appeal stays all enforcement of the action appealed from.

(2) *No Stay of Enforcement.* Enforcement proceedings will not be stayed in cases where the Zoning Administrator certifies to the applicable board that, because of facts stated in an affidavit, a stay will cause imminent peril to life or property, or because the violation is transitory in nature, a stay will seriously interfere with enforcement of this chapter. Enforcement proceedings will not be stayed except by a restraining order granted by a court in these cases.

(3) *No Stay of Enforcement; Expedited Hearing.* Appellants may file a request for an expedited hearing if enforcement proceedings are not stayed. The application must be filed with the Zoning Administrator and heard no more than 15 calendar days after filing.

(4) *Effect on Review of Other Development Approval Applications.* Appeals do not stay further review of any application for development approval to use the property subject to the appeal. However, the appellant or town may request, and the applicable board may grant, a stay of a final decision of development approval applications affected by the issue being appealed.

(e) Record of Case. The Zoning Administrator will deliver a copy of all documents and exhibits constituting the record of the matter being appealed to the applicable board, appellant and property owner.

(f) Review Procedure. The applicable board must hold at least one quasi-judicial hearing to act on an appeal. Notice of the hearing must be given as required by Section 21-321 (Notice Provisions).

(g) Decision. A majority of the applicable board members is necessary to decide an appeal. The applicable board must determine contested facts and make its decision within a reasonable time. The decision must be based on competent, material and substantial evidence in the record as supplemented by arguments presented at the hearing. For the purposes of voting, vacant positions on the applicable board and members who are disqualified from voting shall not be considered members for calculation of a majority if there are no qualified alternates available to take the place of such members.

(h) Powers of Applicable Boards Relative to Appeals. In deciding an appeal, the applicable board may:

(1) reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed;

(2) make such order, requirement, decision or determination as ought to be made; and

(3) exercise any and all the powers of the Zoning Administrator.

(i) Form of Decision. The applicable board's decision must be made in writing, reflecting its determination of contested facts and their application to the applicable standards, be approved by the applicable board and signed by the chair or other duly authorized board member.

(j) Effective Date of Decision. The decision is effective upon filing the written decision with the Zoning Administrator. The decision must be delivered within 10 working days of the effective filing date. Delivery will be by personal delivery, electronic mail or first-class mail to the appellant, property owner (if different from the appellant) and any person who submitted a written request for a copy prior to the date the decision becomes effective.

(k) Appeal. Appeals must be made in certiorari to the clerk of Franklin County Superior Court. The appeal must be filed within 30 calendar days of the effective date of the decision, or after a written copy of the effective decision is delivered as provided in Paragraph (j) (Effective Date of Decision) above, whichever is later. When first-class mail is used to deliver notice of the decision, three calendar days will be added to the time to file the appeal.

(l) Scope of Approval. An appeal does not constitute a development approval and does not exempt the appellant from the need to obtain other required permits, or from the requirements of other local, state or federal permitting authorities.

(m) Recording Procedures. Copies of all appeals will be maintained in the permanent files of the Zoning Administrator.

Sec.21-328. - Certificate of Appropriateness

(a) Specific Purpose. The town has established an Historic Preservation Overlay district to protect the historic and culturally important and significant structures located in the overlay zone and properties designated as local landmarks. Certificates of appropriateness are designed to further the town's goals in this regard. This section provides the procedure for reviewing and deciding applications for certificates of appropriateness.

(b) Applicability. No exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on a landmark property or within the Historic Preservation Overlay zone, until an application for a certificate of appropriateness has been approved by the Historic Preservation Commission. A certificate of appropriateness is required whether or not a zoning or other permit is required.

(c) Certain Changes Not Prohibited. Ordinary maintenance or repair of any architectural feature is allowed provided the work doesn't involve a change in design, material or appearance. In addition, the construction, reconstruction, alteration, restoration or demolition of any such feature is allowed if the Franklin County Building Inspector or similar official certifies to the Historic Preservation Commission that the work is required for public safety due to an unsafe or dangerous condition. (NCGS 160D-948)

(d) Standards of Evaluation. The Historic Preservation Commission has adopted the following documents containing standards designed to assist, guide and limit its discretion in the review of certificates of appropriateness applications:

(1) the Secretary of the Interior's Standards and Guidelines for Rehabilitation, and

(2) supplemental standards as established by the commission.

Both documents are incorporated into this chapter by reference.

(e) Initiation. Applications must be submitted to the Zoning Administrator at least three calendar weeks prior to a regularly scheduled meeting of the Historic Preservation Commission. Applications may be initiated by an owner of real property, or that owner's authorized representative. Where a property is encumbered with a preservation easement or agreement regarding the exterior of the structure, the written concurrence of the easement or agreement holder must be submitted with the application. The commission's decision will be binding on the property owner and easement or agreement holder equally.

(f) Application Materials. The application must be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed work to be performed.

(g) Historic Preservation Commission Review. The commission must hold at least one quasi-judicial hearing to act on a certificate of appropriateness request. Notice of the hearing must be given as required by Section 21-321 (Notice Provisions). All applications must be reviewed and acted upon within a reasonable time, not to exceed 45 calendar days from the date a complete application is filed, unless an extension of time is agreed to by the applicant.

(h) Approval Criteria. The commission will consider, among other things, the general scale, design, arrangement, texture and material of the building, structure or site in question, and the relation of such factors to similar features of buildings in the immediate vicinity or buildings of a similar architectural style or age in the Historic Preservation Overlay zone. The commission will not consider the interior arrangement of the building or make any requirements except for the purpose of preventing developments that are incongruous to the historic character of the landmark or district. When reviewing applications for certificates of appropriateness affecting buildings owned by the State of North Carolina, the commission shall use the current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and locally-adopted policies.

(i) Delay in Demolition. Applications authorizing the demolition, destruction or relocation of a building or structure may be approved; however, the effective date of such an approval may be delayed for a period of up to 365 calendar days from the approval date. The maximum period of delay may be reduced where the commission finds the property owner will suffer extreme hardship or be permanently deprived of beneficial use of, or reasonable return from, such property by virtue of the delay. The commission may negotiate with the owner and other parties during this period in an effort to find a means of preserving the building or site. If the commission finds a building or site has no special significance or value toward maintaining the character of the landmark, historic landmark property or district, it may waive all or part of such period and authorize earlier demolition or removal.

(j) Decision. A majority of the commission members is required to grant a certificate of appropriateness. The decision must be based on competent, material and substantial evidence in the record as supplemented by arguments presented at the hearing. For the purposes of voting, vacant positions on the commission and members disqualified from voting shall not be considered members for calculation of a majority if there are no qualified alternates available to take the place of such members.

(k) Conditions of Approval. The commission may impose such reasonable conditions upon approval of a certificate of appropriateness as will afford protection of the public health, safety and general welfare; ensure that substantial justice is done; and equitable treatment provided. Such conditions will run with the land and use and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.

(l) Form of Decision. The commission's decision must be in writing, reflect its determination of contested facts and their application to the applicable standards, be

approved by the commission, and be signed by the chair or other duly authorized commission member.

(m) Effective Date of Decision. The decision is effective upon filing of the written decision with the Zoning Administrator. The decision must be delivered within 10 calendar days of the effective filing date. Delivery will be by personal delivery, electronic mail or first-class mail to the applicant, landowner and any person who submitted a written request for a copy prior to the date the decision becomes effective.

(n) Appeal.

(1) *Generally.* Subject to Paragraphs (2) (Timing of Appeal) and (3) (Appeals Involving State-owned Buildings) below, appeals from Historic Preservation Commission decisions must be made to the Board of Adjustment. Appeals to the Board of Adjustment will be reviewed in the nature of certiorari.

(2) *Timing of Appeal.* Appeals must be filed within 30 calendar days of the effective date of the decision, or after a written copy of the effective decision is delivered as provided in Paragraph (m) (Effective Date of Decision) above, whichever is later. When first-class mail is used to deliver the notice, three calendar days will be added to the time to file an appeal.

(3) *Appeals Involving State-owned Buildings.* The state and its agencies may appeal any decision of the Historic Preservation Commission to the North Carolina Historical Commission, or any successor agency assuming its responsibilities under NCGS 121-12(a). The North Carolina Historical Commission shall render its decision within 30 days from the date that it receives notice of the appeal. The decision of the North Carolina Historical Commission is final and binding upon both the state and Historic Preservation Commission.

(o) Scope of Approval. A certificate of appropriateness is valid for a period of five years from its issuance date. Its issuance does not constitute a zoning permit or exempt the applicant from the need to obtain other required permits or requirements of other local, state or federal permitting authorities.

(p) Reconsideration of Denied Applications. The Historic Preservation Commission may permit an applicant to resubmit an application for a certificate of appropriateness that has previously been denied pursuant to the commission's adopted rules of procedure.

(q) Amendments. Amendments to previously issued certificates of appropriateness will be reviewed in the same manner as the initial certificate of appropriateness.

(r) Recording Procedures. Copies of all issued certificates of appropriateness will be maintained in the permanent files of the Zoning Administrator.

Sec.21-329. - Certificate of Appropriateness Minor Work

(a) Specific Purpose. The town has established an Historic Preservation Overlay district to protect the historic and culturally important and significant structures located in the overlay zone and properties designated as local landmarks. The certificate of appropriateness minor work procedure is designed to further the town's goals in this regard by establishing a review procedure for review of minor, routine changes to landmark properties or structures located in the Historic Preservation Overlay zone. This section provides the procedure for reviewing and deciding applications for certificates of appropriateness for minor works.

(b) Applicability. No work listed as a minor work in the Historic Preservation Commission's adopted rules of procedure may be performed on a landmark property or structure located within the Historic Preservation Overlay zone until an application for a certificate of appropriateness minor work has been approved by the Zoning Administrator. A certificate of appropriateness minor work is required whether or not a zoning or other permit is required.

(c) Standards of Evaluation. A list of examples of projects for which no certificate of appropriateness is required is listed in the commission's rules of procedure. The examples constitute those that may be approved with a certificate of appropriateness minor work.

(d) Initiation. Applications for a certificate of appropriateness minor work must be filed with the Zoning Administrator. Where a property is encumbered with a preservation easement or agreement regarding the exterior of the structure, the written concurrence of the easement or agreement holder must be submitted with the application.

(e) Application Materials. The application must be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed work to be performed.

(f) Approval Criteria. The Zoning Administrator may issue the certificate of appropriateness minor work only if the application complies with all applicable provisions of this chapter and the proposed work qualifies as a minor work as listed in the Historic Preservation Commission's adopted rules of procedure.

(g) Decision. Complete applications will be reviewed for conformance with this chapter within five working days of their receipt. Unless the applicant and Zoning Administrator agree to extend the review period, the application will be deemed approved if the Zoning Administrator fails to render a decision within this time period. Applications will either be approved or denied and, if denied, written reasons for denial will be attached to the application and returned to the applicant.

(h) Appeals. An aggrieved person will have 30 calendar days from the date of the filing of the Zoning Administrator's written decision to file an appeal with the Board of Adjustment pursuant to Section 21-327 (Appeal).

(i) Amendments. Revisions to an issued certificate of appropriateness minor work will be processed in the same manner as the original application.

(j) Scope of Approval. A certificate of appropriateness minor work is valid for a period of three years from its issuance date. It authorizes the applicant to pursue any other applicable approvals if required. A certificate of appropriateness minor work does not exempt the applicant from the requirements of other local, state or federal permitting authorities.

(k) Recording Procedures. Copies of all issued certificates of appropriateness minor works will be maintained in the permanent files of the Zoning Administrator.

Sec. 21-330. - Certificate of Compliance

(a) Purpose. No land or structure may be occupied or used until the Zoning Administrator certifies the use is developed and established in accordance with the approved zoning permit and any other applicable development approvals.

(b) Applicability. All uses, including nonconforming uses, must obtain a certificate of compliance where required by this chapter, the state building code or state law. All requirements and conditions contained in any development approval applicable to the property not met at the time of the issuance of the development approval will be required to have been met before the issuance of a certificate of compliance.

(c) Initiation. The zoning permit application referenced in Paragraph (c) (Initiation) of Section 21-334 (Zoning Permit) serves as the application for a certificate of compliance. The applicant must notify the Zoning Administrator when the site is ready for inspection, and the Zoning Administrator will inspect the site for compliance with the issued zoning permit within five working days of notice that the site is ready for inspection.

(d) Appeal. An aggrieved person will have 30 calendar days from the date of the filing of the Zoning Administrator's written decision to file an appeal with the Board of Adjustment pursuant to Section 21-327 (Appeal).

Sec. 21-331. - Special Use Permit

(a) Specific Purpose. This section provides the review procedure for certain uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but which may be approved under appropriate standards and factors set forth in this chapter.

(b) Applicability. Only those uses listed as special uses in a zoning district in Table 4-3 (Table of Permitted Uses) will be authorized. These uses may be permitted through the issuance of a special use permit by the Board of Adjustment if the board determines that

(1) the use can be appropriately accommodated on the specific property;

(2) the use will conform to the comprehensive plan;

(3) the use can be constructed and operated in a manner that is compatible with surrounding land uses and overall character of the area; and

(4) the public interest, health, safety and general welfare will be promoted.

No inherent right exists to receive a special use permit. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation are unique. Every special use permit application, including amendments must, at a minimum, be required to comply with every applicable requirement contained in each division of this chapter. However, mere compliance with the generally applicable requirements may not be sufficient to ensure compatibility, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.

(c) Initiation. An owner of real property, or that owner's authorized representative, may apply for a special use permit for that property. Applications must be submitted to the Zoning Administrator at least 30 calendar days prior to a regularly scheduled meeting of the Board of Adjustment. Applications must include a certificate of agency or power of attorney, if the applicant is not the property owner and a site plan showing the proposed layout of the development for which the specific special use permit is being sought.

(d) Zoning Administrator Review. The application and supporting materials will be reviewed by the Zoning Administrator prior to the meeting where the application is to be considered. Any written comments of the Zoning Administrator will be reported to the board, the applicant and property owner prior to the hearing and become part of the hearing record. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(e) Board of Adjustment Review. The Board of Adjustment must hold at least one quasi-judicial hearing to act on a special use permit request. Notice of the hearing must be given as required by Section 21-321 (Notice Provisions).

(f) Approval Criteria. A special use permit will be issued unless the board concludes, based upon the information submitted at the hearing that, if completed as proposed, the development will not comply with one or more requirements of this chapter. However, even if the board finds the application complies with all provisions of this chapter, it may still deny the permit if it concludes, based upon the information submitted at the hearing that, if completed as proposed, the development:

(1) will not conform to the character of the area in which it is to be located.

(2) will have adverse effects on the health, safety or comfort of persons living or working in the area, or will be more injurious to property or improvements in the area than would any other use generally permitted in the district. In making such a determination, consideration will be given to:

a. the location, type and height of buildings or structures,

b. the type and extent of landscaping and screening on the site, and

c. whether the proposed use is consistent with any policy of the comprehensive plan that encourages mixed uses and/or densities.

(3) will not provide adequate ingress and egress designed to minimize traffic hazards and congestion on the public streets.

(4) will be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(5) will injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted or substantially diminish or impair the property values within the area.

(6) will impede the orderly development and improvement of surrounding property for uses permitted in the zoning district.

(7) will be detrimental to or endanger the public health, safety, or general welfare by virtue of its establishment, maintenance or operation.

(g) Decision. A majority vote of the board members is necessary to grant a special use permit. The board must determine contested facts and make its decision within a reasonable time. The decision must be based on competent, material and substantial evidence in the record as supplemented by arguments presented at the hearing, and the criteria found in Paragraph (f) (Approval Criteria) above. For the purposes of voting, vacant positions on the board and members who are disqualified from voting shall not be considered members for calculation of a majority if there are no qualified alternates available to take the place of such members.

(h) Conditions of Approval. The board may impose reasonable and appropriate conditions and safeguards in addition to, or that supersede any standard specified in this chapter. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public, and that provision be made for recreational space and facilities. Conditions and safeguards may not include requirements for which the town has no authority under statute to regulate nor requirements for which the courts have held to be unenforceable if directly imposed by a local government, including, without limitation, taxes, impact fees, building design elements within the scope of NCGS 160D-702(b), driveway-related improvements in excess of those allowed in NCGS 136-18(29) and NCGS 160A-307, or other unauthorized limitations on the development or use of land. Failure to comply with or maintain compliance with any imposed condition is a violation of this chapter.

(i) Form of Decision. The board's decision must be in writing, reflect the board's determination of contested facts and their application to the applicable standards, be approved by the board, and signed by the chair or other duly authorized board member.

(j) Effective Date of Decision. The board's decision is effective upon filing of the written decision with the Zoning Administrator. The decision must be delivered within 10 calendar days of the effective filing date. Delivery will be by personal delivery, electronic mail or first-class mail to the applicant, landowner and any person who submitted a written request for a copy prior to the date the decision becomes effective.

(k) Appeals. Appeals from decisions of the board may be made in certiorari to the clerk of Franklin County Superior Court. The appeal must be filed 30 calendar days after the effective date of the decision, or after a written copy of the effective decision is delivered as provided in Paragraph (j) (Effective Date of Decision) above, whichever is later. When first-class mail is used to deliver notice of the effective decision, three calendar days will be added to the time to file the appeal.

(l) Scope of Approval. A special use permit is valid for a period of five years from its issuance date. Its issuance constitutes the development approval for the proposed land use and authorizes the applicant to pursue a county building permit and other approvals required to develop and establish the proposed use. Its issuance does not exempt the applicant from the need to obtain other required permits, or from the requirements of other local, state or federal permitting authorities.

(m) Subsequent Applications. An application for a special use permit may be withdrawn at any time. If the application has been advertised in compliance with Section 21-321 (Notice Provisions), an application requesting substantially the same use on all or part of the same described land will not be reconsidered within six calendar months of withdrawal. No application for a special use permit for any lot or parcel that requests the same use and same conditions will be considered within 12 calendar months of a final decision denying the application.

(n) Amendments. An amendment is a request for any enlargement, expansion, increase in intensity, relocation or modification of any condition of a previously approved and currently valid special use permit.

(1) *Amendments Affecting Multiple Parcels of Land.* If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit amendment provided the amendment will not result in other properties failing to meet the terms of the special use permit or regulations. Any approved amendment applies only to those properties whose owners applied for the amendment.

(2) *Minor Amendments.* A minor amendment is any amendment not involving a change in permitted use or overall development density. The Zoning Administrator may approve shifts in on-site location and changes in size, shape, intensity or configuration of less than 10%; or a 5% or less increase in floor area over what was originally approved, provided that such amendment complies with the following criteria:

a. No previous minor amendment has been granted pursuant to this paragraph;

b. Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement; and

c. The proposed minor amendment conforms to the requirements of this chapter.

(3) *Major Amendments.* Any proposed amendment other than those considered a minor amendment are considered a major amendment and will be approved under the procedures applicable to the issuance of the original special use permit.

(o) Expansion or Enlargement of Uses Subject to Special Use Permit. Once a special use permit is granted, the use may be enlarged, extended, increased in intensity or relocated in accordance with this section unless the Board of Adjustment, in approving the initial special use permit, specifically established alternative procedures for consideration of future expansion or enlargement.

(p) Amendments to Nonconforming Special Uses. The Board of Adjustment may approve amendments to existing, valid special uses that are no longer allowed in the zoning district in which they are located. Amendments allowing enlargement, expansion, increased intensity, relocation or continuance beyond the limitations of the existing special use permit, or established in Division 7 (Nonconforming Situations), are not permitted.

(q) Recording Procedures. Copies of all issued special use permits will be maintained in the permanent files of the Zoning Administrator.

Sec. 21-332. - Variance

(a) Specific Purpose. The variance procedure offers a "relief valve" where, owing to special conditions affecting an individual property that are beyond the property owner's control, a literal enforcement of this chapter would result in unnecessary hardship in developing the property. Variances from the watershed overlay district provisions are processed under the provisions of Section 21-333 (Variance; Watershed).

(b) Applicability. The Board of Adjustment may authorize a variance from the provisions of this chapter. No nonconforming use of neighboring lands, buildings or other structures, legal or illegal, located in the same zoning district, and no permitted use of lands, buildings or other structures in adjacent districts will be considered as grounds for issuance of a variance permitting similar uses. No change in permitted uses may be authorized by variance.

(c) Initiation. Variance applications must be filed with the Zoning Administrator by the owner of real property, or that owner's authorized representative. Applications must be submitted at least 30 calendar days prior to a regularly scheduled meeting of the Board of Adjustment. The application must also contain the following information:

(1) fully state the conditions and circumstances applying to the building or other structure, or land for which the variance is sought; and

(2) include a site plan showing the specific variance being sought, if applicable.

(d) Review Procedure. The Board of Adjustment must hold at least one quasi-judicial hearing to act on a variance request. Notice of the hearing must be given as required by Section 21-321 (Notice Provisions).

(e) Approval Criteria. The Board of Adjustment will not approve a variance unless it finds that special circumstances or conditions exist that are peculiar to the land, buildings or other structures for which the variance is sought that do not apply generally to lands, buildings or other structures in the same district. The Board of Adjustment must make positive findings on all four of the following circumstances in order to grant a variance:

(1) Unnecessary hardship would result from the strict application of the regulation.

(2) The hardship results from conditions that are peculiar to the property, such as location, size or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner.

(4) The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured and substantial justice is achieved.

(f) Special Guidance in Making Required Findings. The board shall be guided by the following special considerations in making the required findings found in Paragraph (e) (Approval Criteria) above:

(1) It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(3) A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(4) The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance will not be regarded as a self-created hardship.

(g) Decision. The concurring vote of four-fifths of the board is necessary to grant a variance. The decision must be based on competent, material and substantial evidence in the record as supplemented by arguments presented at the quasi-judicial hearing, and the criteria found in Paragraph (e) (Approval Criteria) above.

(h) Conditions of Approval. The Board of Adjustment may impose appropriate conditions on any variance, provided they are reasonably related to the variance. Failure to comply with or maintain compliance with any imposed condition is a violation of this chapter.

(i) Form of Decision. The board's decision must be in writing, reflect the board's determination of contested facts and their application to the applicable standards, approved by the board, and signed by the chair or other duly authorized board member.

(j) Effective Date of Decision. The board's decision is effective upon filing of the written decision with the Zoning Administrator. The decision must be delivered within 10 calendar days of the effective filing date. Delivery will be by personal delivery, electronic mail or first-class mail to the applicant, landowner and any person who submitted a written request for a copy prior to the date the decision becomes effective.

(k) Appeals. Appeals from decisions of the board may be made in certiorari to the clerk of Franklin County Superior Court. The appeal must be filed 30 calendar days after the effective date of the decision, or after a written copy of the effective decision is delivered as provided in Paragraph (j) (Effective Date of Decision) above, whichever is later. When first-class mail is used to deliver notice of the effective decision, three calendar days will be added to the time to file the appeal.

(l) Scope of Approval. A variance is valid from its issuance date and has no expiration date. A variance does not exempt the applicant from the need to obtain a zoning or other required permits, or from the requirements of other local, state or federal permitting authorities.

(m) Subsequent Applications. The Board of Adjustment shall refuse to hear an application for a variance previously denied if it finds there have been no substantial changes in conditions or circumstances bearing on the application.

(n) Recording Procedures. Copies of all issued variances will be maintained in the permanent files of the Zoning Administrator.

Sec. 21-333. - Variance, Watershed

(a) Specific Purpose. The watershed variance procedure offers a "relief valve" where, owing to special conditions affecting an individual property that are beyond the property owner's control, a literal enforcement of the regulations applicable within the watershed overlay districts would result in practical difficulties or unnecessary hardship in developing the property.

(b) Applicability. The Planning Board may authorize minor variances from the terms of the watershed overlay district provisions of this chapter, and may review major variance requests and make recommendations to the NCEMC (North Carolina Environmental Management Commission) regarding the same.

(c) Initiation. Watershed variance applications must be filed with the Zoning Administrator by the owner of real property, or that owner's authorized representative. Applications must be submitted at least 30 calendar days prior to a regularly scheduled meeting of the Planning Board. The application must contain all the following information:

(1) A site plan, drawn to a scale of at least one-inch to 40 feet, showing all property lines; all existing and proposed structures, parking areas and other built-upon areas; and surface water drainage. The site plan must also contain a north arrow, name and address of person who prepared the plan, date of the original drawing and any later revision dates.

(2) A complete, detailed description of the proposed variance, together with any other pertinent information the applicant believes will be helpful in considering the application.

(3) Evidence or proposed witness testimony to support a finding that each of the factors listed in Paragraph (f) (Approval Criteria) below, are met.

(d) Review Procedure. The Planning Board must hold at least one quasi-judicial hearing to act on a watershed variance request. Notice of the hearing must be given as required by Section 21-321 (Notice Provisions).

(e) Notice and Review by Local Governments Within Watershed. The Zoning Administrator will provide written notice of the watershed variance request to each local government within the watershed, including all entities using the water supply for consumption. The written notice will be provided as required by Section 21-321 (Notice Provisions). The notice will include a description of the watershed variance requested. Local governments receiving notice may submit comments to the Zoning Administrator prior to the Planning Board's decision on the request. Such comments become part of the record of the Planning Board's proceedings.

(f) Approval Criteria. The Planning Board will not approve a watershed variance unless it finds that special circumstances or conditions exist that are peculiar to the land, buildings or other structures for which the watershed variance is sought that do not apply generally to lands, buildings or other structures within the watershed overlay districts. The Planning

Board must make positive findings on all three of the following circumstances in order to grant a watershed variance:

(1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the applicable watershed standard. In order to determine there are practical difficulties or unnecessary hardships, the board must find all five of the following conditions exist:

a. If they comply with the regulation, the applicant can secure no reasonable return from, nor make reasonable use of, their property. Merely proving the watershed variance will permit a greater profit to be made from the property will not be considered adequate to justify granting a watershed variance. Moreover, the board will consider whether the watershed variance is the minimum possible deviation from the terms of the regulation that will make possible the reasonable use of the property.

b. The hardship results from application of the regulations to the property rather than other factors such as deed restrictions or other hardship.

c. 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.

d. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violated the regulations, or purchased the property after the effective date of the watershed overlay regulations (October 1, 1993), and then comes to the board for relief.

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

(2) The watershed variance is in harmony with the general purpose and intent of the regulations and preserves its spirit.

(3) In granting the watershed variance, the public safety and welfare have been assured and substantial justice done. The board will not grant a watershed variance if it finds doing so will in any respect impair the public health, safety or general welfare.

(g) Decision. The concurring vote of four-fifths of the board is necessary to grant a minor or major watershed variance. The decision must be based on competent, material and substantial evidence in the record as supplemented by arguments presented at the quasi-judicial hearing, and the criteria found in Paragraph (f) (Approval Criteria) above. If the board decides in favor of granting a major watershed variance a preliminary record of the hearing will be prepared and submitted to the NCEMC within 10 working days of the date of the favorable decision. The record will contain all of the following:

a. The watershed 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; and

f. The proposed decision, including all proposed conditions.

The NCEMC will review the preliminary record. If the NCEMC approves or denies the watershed variance, it will prepare a decision to be sent to the Planning Board. The board will then prepare a final decision on the watershed variance.

(h) Conditions of Approval. In granting a watershed variance, the Planning Board or NCEMC may attach conditions regarding the location, character and other features of the proposed building, structure or use that relate to the purpose and standards of the watershed overlay regulations.

(i) Form of Decision. The board's decision must be in writing, reflect the board's determination of contested facts and their application to the applicable standards, approved by the board, and signed by the chair or duly authorized board member.

(j) Effective Date of Decision. The board's decision is effective upon filing of the written decision with the Zoning Administrator. The decision must be delivered within 10 calendar days of the effective filing date. Delivery will be by personal delivery, electronic mail or first-class mail to the applicant, landowner and any person who submitted a written request for a copy prior to the date the decision becomes effective.

(k) Appeals. Appeals from decisions of the board may be made in certiorari to the clerk of Franklin County Superior Court. The appeal must be filed 30 calendar days after the effective date of the decision, or after a written copy of the effective decision is delivered as provided in Paragraph (j) (Effective Date of Decision) above, whichever is later. When first-class mail is used to deliver notice of the effective decision, three calendar days will be added to the time to file the appeal. Appeals from the NCEMC's decision on a major watershed variance request must be made on judicial review to Franklin County Superior Court.

(l) Scope of Approval. A watershed variance is valid from its issuance date and has no expiration date. A watershed variance does not exempt the applicant from the need to obtain a zoning or other required permits, or from the requirements of other local, state or federal permitting authorities.

(m) Subsequent Applications. The Planning Board shall refuse to hear an application for a

watershed variance previously denied if it finds there have been no substantial changes in conditions or circumstances bearing on the application.

(n) Recording Procedures. Copies of all issued watershed variances will be maintained in the permanent files of the Zoning Administrator.

Sec. 21-334. - Zoning Permit

(a) Specific Purpose. Zoning permits certify that a proposed use is permitted by right in the applicable zoning district and complies with the applicable regulations of this chapter. Zoning permits do not require a legislative or quasi-judicial hearing before issuance.

(b) Applicability. No land shall be disturbed or used, and no building or structure erected, added to, structurally altered or changed in use, until a zoning permit has been issued.

(c) Initiation. Applications for a zoning permit must be filed with the Zoning Administrator.

(d) Approval Criteria. The Zoning Administrator may issue the zoning permit only if the application complies with all applicable provisions of this chapter and any other applicable development approvals.

(e) Decision. Complete applications will be reviewed for conformance with this chapter within five working days of their receipt. Unless the applicant and Zoning Administrator agree to extend the review period, the application will be deemed approved if the Zoning Administrator fails to render a decision within this time period. Applications will either be approved or denied and, if denied, written reasons for denial will be attached to the application and returned to the applicant.

(f) Appeal. An aggrieved person will have 30 calendar days from the date of the decision to file an appeal pursuant to Section 21-327 (Appeal).

(g) Amendments. Revisions to an issued zoning permit will be processed in the same manner as the original application.

(h) Scope of Approval. A zoning permit is valid for a period of three years from its issuance date. It authorizes the applicant to pursue a county building permit and other approvals required to develop and establish the proposed use. A zoning permit does not exempt the applicant from the requirements of other local, state or federal permitting authorities.

(i) Recording Procedures. Copies of all issued zoning permits will be maintained in the permanent files of the Zoning Administrator.

Sec. 21-335. – Review Authorities

(a) Review Authorities Enumerated. The following review authorities have powers and responsibilities for administering this chapter:

(1) *Town Council.* The Town Council has all powers conferred upon it by the town's code of ordinances and this chapter. The Town Council will exercise the duties and responsibilities listed in this section and Chapter 2 (Administration), Article II (Town Council), of the town code of ordinances.

a. *Powers and Duties.* The Town Council has the following powers and duties to be carried out according to this chapter including, but not limited to, the following:

1. Initial adoption and amendment of the comprehensive plan and any other plans.

2. Initial adoption and amendment of this chapter.

3. Initial adoption and amendment of the official zoning map.

4. Appointment of all boards and commissions charged with the administration of this chapter.

5. Taking any action not otherwise delegated, as deemed desirable and necessary, in the implementation of this chapter and the comprehensive plan.

b. *Conflicts of Interest.* A Town Council member shall not vote on any legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship.

(2) *Planning Board.* The Planning Board is established according to NCGS Sections 160D-301, 307 and 604, and Chapter 28 (Planning), Article II (Planning Board), of the town code of ordinances.

a. *Powers and Duties.* The Planning Board has the following powers and duties to be carried out according to this chapter including, but not limited to, the following:

1. Prepare, review, maintain, monitor and periodically update and recommend to the Town Council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping and analysis.

2. Facilitate and coordinate citizen engagement and participation in the planning process.

3. Develop and recommend policies, ordinances, development regulations, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.

4. Advise the Town Council concerning implementation of plans including, but not limited to, review and comment on all chapter text and official zoning map amendments.

5. Hear, review and decide requests for variances from the watershed overlay district regulations.

6. Exercise any functions in the administration and enforcement of various means for carrying out plans the Town Council may direct.

7. Perform any other related duties the Town Council may direct.

b. *Makeup and Rules of Procedure.* The Planning Board's makeup and rules of procedure are found in Chapter 28 (Planning), Article II (Planning Board), of the town code of ordinances.

c. *Conflicts of Interest.*

1. Legislative Decisions; Recommendations. A Planning Board member shall not vote on any advisory or legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship.

2. Quasi-judicial Decisions. When hearing a variance from a provisions of the watershed overlay district regulations, no Planning Board member will participate in, or vote on, any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations include, but are not limited to, a member having

   i. a fixed opinion prior to hearing the matter that is not susceptible to change;

   ii. undisclosed ex parte communications;

   iii. a close familial, business or other associational relationship; or

iv. a financial interest in the outcome of the matter.

If an objection is raised to a member's participation at, or prior to, the hearing or vote on a particular matter, and that member doesn't recuse themselves, then the remaining members will by majority vote rule on the objection.

(3) *Board of Adjustment.* The Board of Adjustment is established in accordance with NCGS 160D-302.

a. *Powers and Duties.* The Board of Adjustment has the following powers and duties to be carried out in accordance with this chapter including, but not limited to, the following:

1. Hear, review and approve, conditionally approve or deny applications for special use permits.

2. Hear, review and approve, conditionally approve or deny applications for variances from any provision of this chapter with the exception of standards applicable within the watershed overlay districts.

3. Hear, review and decide appeals of decisions by the Zoning Administrator made in the enforcement of this chapter.

4. Exercise other powers and authority provided to it by the Town Council, this chapter or state law.

b. *Membership.* The board will be composed of five members. Three members, appointed by the Town Council, will be residents of the town. Two members, appointed by the Franklin County Board of Commissioners, will be residents of the town's extraterritorial jurisdiction. If enough residents of the extraterritorial jurisdiction cannot be found to fill the seats reserved for residents of such area, then the county board of commissioners may appoint other residents of the county, including residents of the town, to fill those seats. If the county board of commissioners fail to make these appointments within 90 days after receiving a resolution from the Town Council requesting the appointments be made, then the Town Council may make them.

c. *Terms of Office.* Members will serve staggered terms of three years, but may continue to serve until their successors are appointed. In filling vacancies caused by the expiration of an existing member's term, the applicable governing board may appoint certain members for less than three years so the terms of all members do not expire at the same time. Members may be reappointed to successive terms without limitation. Vacancies may be filled for the unexpired terms only.

d. *Oath of Office Required.* All members will be administered an oath of office as prescribed by NCGS 11-7.

e. *Officers.* The board will designate one of its members to serve as chair and one to serve as vice-chair. These officers will be selected annually at the board's first regular meeting in February and will serve for terms of one year unless their terms of appointment to the board expire sooner. A member may be selected to serve as chair for not more than two consecutive, full one-year terms. Vacancies will be filled for the unexpired terms only. The chair and vice-chair may take part in all deliberations and vote on all issues.

f. *Removal From Board.* The Town Council may remove a board member for inefficiency, neglect of duty or malfeasance in office.

g. *Resignation.* If a board member moves outside of the town or extraterritorial jurisdiction, as applicable, that shall constitute a resignation from the board, effective upon the date a replacement is appointed.

h. *Meetings.* The board will establish a regular meeting schedule and meet frequently enough to take action on applications in an expeditious manner. Meetings will be open to the public and conducted in accordance with the quasi-judicial procedures set forth Section 21-323 (Quasi-judicial Hearings).

i. *Quorum.* A quorum of the board will consist of the number of members equal to a majority of the non-vacant seats on the board, but in no case shall a quorum consist of less than four members. A quorum is necessary for the board to take any official action. A member who has withdrawn from the meeting without being excused will be counted as present for purposes of determining presence of a quorum.

j. *Conflicts of Interest.* Board members will not participate in, or vote on, any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations include, but are not limited to, a member having

    1. a fixed opinion prior to hearing the matter that is not susceptible to change;

    2. undisclosed ex parte communications;

    3. a close familial, business or other associational relationship; or

    4. a financial interest in the outcome of the matter.

    If an objection is raised to a member's participation at, or prior to, the hearing or vote on a particular matter, and that member doesn't recuse themselves, then the remaining members will by majority vote rule on the objection.

k. *Voting.* All board members will have voting powers on all matters of business. Once a member is physically present at a meeting, any subsequent failure to vote

will be recorded as an affirmative vote unless the member has been allowed to withdraw from the meeting as allowed under Paragraphs (l) (Voting; Excused) or (m) (Voting; Withdrawal) below.

l. *Voting; Excused.* A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

1. If the matter at issue involves the member's own official conduct; or

2. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility.

A motion to allow a member to be excused from voting is in order if made by or at the initiative of the member directly affected, or to decide an objection to a member's participation at or prior to a hearing.

m. *Voting; Withdrawal.* A member may be allowed to withdraw from the remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting. A motion to allow a member to be excused from the remainder of the meeting is in order if made by or at the initiative of the member directly affected or to decide an objection to a member's participation at or prior to a hearing.

(4) *Historic Preservation Commission.* The Historic Preservation Commission is established in accordance with NCGS 160D-303 and Chapter 2 (Administration), Article VI (Boards, Commissions, Agencies, Etc.), Division 2 (Historic Preservation Commission), of the town code of ordinances.

a. *Powers and Duties.* The Historic Preservation Commission has the following powers and duties to be carried out in accordance with this chapter including, but not limited to, the following:

1. Undertake an inventory of properties of historical, prehistorical, architectural and/or cultural significance.

2. Recommend to the Town Council areas to be designated by ordinance as "historic districts" and individual structures, buildings, sites, areas or objects to be designated by ordinance as "landmarks."

3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks to hold, manage, preserve, restore and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally

binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.

4. Restore, preserve and operate historic properties.

5. Recommend to the Town Council that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area or object as a landmark, be revoked or removed for cause.

6. Conduct an educational program regarding historic properties and districts within its jurisdiction.

7. Cooperate with state, federal and local governments in pursuance of the purposes of this chapter. The Town Council or the commission, when authorized by the Town Council, may contract with the state, the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law.

8. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.

9. Prepare and recommend the official adoption of a preservation element as part of the comprehensive plan.

10. Review and act upon proposals for alterations, demolitions or new construction within the Historic Preservation Overlay zone, or for the alteration or demolition of designated landmarks, pursuant to this chapter.

11. Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or preservation when such action is reasonably necessary or appropriate.

b. *Makeup and Rules of Procedure.* The Historic Preservation Commission's makeup and rules of procedure are found in Chapter 2 (Administration), Article VI (Boards, Commissions, Agencies, Etc.), Division 2 (Historic Preservation Commission), of the town code of ordinances.

c. *Conflicts of Interest.* Commission members will not participate in, or vote on, any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations include, but are not limited to, a member having

1. a fixed opinion prior to hearing the matter that is not susceptible to change;

2. undisclosed ex parte communications;

3. a close familial, business or other associational relationship; or

4. a financial interest in the outcome of the matter.

If an objection is raised to a member's participation at, or prior to, the hearing or vote on a particular matter, and that member doesn't recuse themselves, then the remaining members will by majority vote rule on the objection.

(5) *Zoning Administrator.* Primary responsibility for administering and enforcing this chapter may be assigned to one or more individuals by the Town Manager. The person or persons to whom these functions are assigned shall be referred to in this chapter as the "Zoning Administrator."

a. *Watershed Overlay Districts; Specific Duties.* The Zoning Administrator is responsible for:

1. ensuring stormwater control measures are inspected at least once a year and keeping records of all inspections, and

2. monitor land use activities within the watershed overlay district areas to identify situations that may pose a threat to water quality.

b. *Other Duties.* The Zoning Administrator may correct typographical, numerical reference and spelling errors; errors in section or page numbering; and make other non-substantive editorial changes to the text of this chapter without formal adoption by the Town Council, provided the changes necessary to correct such errors do not change the meaning of the chapter. Any corrections made must be documented to the Town Council and the Town Clerk, and made a part of the Town Council's regular meeting minutes.

c. *Conflicts of Interest.*

1. The Zoning Administrator shall not make any final decision on any matter under this chapter if the outcome will have a direct, substantial and readily identifiable financial impact on the Zoning Administrator, or if the applicant or other person subject to that decision is a person with whom the Zoning Administrator has a close familial, business or other associational relationship. If the Zoning Administrator has a conflict of interest, then the decision shall be assigned to the Town Manager.

2. The Zoning Administrator shall not be financially interested or employed by a business that is financially interested in a development subject to regulation under this chapter unless the Zoning Administrator is the owner of the land or building involved.

3. The Zoning Administrator, other individual or employee of a company contracting with the town to provide staff support in the enforcement of this chapter, shall engage in any work that is inconsistent with their duties or the interest of the town, as determined by the town.

Sec. 21-336 – 21-338. - Reserved.

DIVISION 3. – DISTRICTS

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Sec. 21-341. - Specific Purposes

This division establishes the various zoning districts in which the town is divided, and describes the use and design regulations applicable to each. The following three types of zoning districts are established:

1. Conventional Districts. The town is divided into various agricultural, residential, business, industrial and resource conservation zones. Each district contains uses that permitted "by right," uses "permitted by right subject to specified development standards" and as "special uses." Uses permitted by right or by right with specified development standards are compatible with the other uses within the purpose of the district; requiring only Zoning Administrator approval. Special uses, while also compatible with other uses within the purpose of the district, but because of the nature of the use, may not be compatible everywhere within the district. Therefore, a quasi-judicial hearing is required to assess whether conditions are needed in order to make the use compatible with other uses in the district.

2. Conditional Districts. Conditional districts are floating districts designed to accommodate mixed-use or mixed-housing developments that could not ordinarily be approved in a conventional district. The granting of a conditional district classification shall only be for the specific uses named in the ordinance approving the conditional district.

3. Overlay Districts. Overlay districts are districts addressing special situations requiring additional regulations. The standards of both the conventional or conditional and overlay districts will apply.

Sec. 21-340. - Establishment of Districts

(a) Tier System. The future land use map within the comprehensive plan establishes land use categories having different physical, geographic and functional characteristics and requiring alternative regulatory treatment. The tier system provides a framework for assigning zoning districts and development standards.

(1) *Conventional Districts.* Table 3-1 (Tier System: Plan and Conventional District Correspondence) establishes the future land use map categories and corresponding conventional districts.

Table 3-1
Tier System: Plan and Conventional District Correspondence

Conventional District	Comprehensive Plan Land Use Category
A-R (Agricultural-Residential)	Residential Neighborhood-Riverbend Residential Neighborhood-Fox Park Residential Neighborhood-Growth Area River District East 56 Gateway-401 North
R-l (Low-density Residential)	Residential Neighborhood-North College Residential Neighborhood-South College Residential Neighborhood-Woods Neighborhood Residential Neighborhood-South Main Residential Neighborhood-Fox Park Residential Neighborhood-Growth Area Medical Arts River District Gateway-401 North
R-2 (Medium-density Residential)	Residential Neighborhood-Woods Neighborhood Residential Neighborhood-South Main
O/I (Office/Institutional)	Residential Neighborhood-South College Residential Neighborhood-Woods Neighborhood Medical Arts College Hill Downtown Bickett Boulevard-North Bickett Gateway-401 North
B-1 (Downtown Business)	Downtown Downtown-Depot Hill River District Bickett Boulevard-North Bickett
B-2 (Highway Business)	Residential Neighborhood-Fox Park Bickett Boulevard-South Bickett
B-3 (Neighborhood Business)	Residential Neighborhood-South Main Bickett Boulevard-North Bickett East 56
LC (Louisburg College)	College Hill

Table 3-1
Tier System: Plan and Conventional District Correspondence (continued)

Conventional District	Comprehensive Plan Land-use Category
MA (Medical Arts)	Medical Arts
I-1 (Light Industrial)	East 56 Industrial
I-2 (Heavy Industrial)	Bickett Boulevard-South Bickett East 56 Industrial
RC (Resource Conservation)	Residential Neighborhood-Riverbend Residential Neighborhood-North College Residential Neighborhood-South College Residential Neighborhood-Woods Neighborhood Residential Neighborhood-South Main Residential Neighborhood-Fox Park Residential Neighborhood-Growth Area Medical Arts College Hill Downtown Downtown-Depot Hill River District Bickett Boulevard-North Bickett Bickett Boulevard-South Bickett East 56 Gateway-401 North Gateway-401 South Industrial

(2) *Conditional Districts.* Table 3-2 (Tier System: Plan and Conventional District Correspondence) establishes the future land use map categories and corresponding conventional districts.

Table 3-2
Tier System: Plan and Conditional District Correspondence

District Name	Comprehensive Plan Land-use Category
PD (Planned Development)[1]	All Land Use Categories
PD-R (Planned Development-Residential)	Residential Neighborhood-Riverbend Residential Neighborhood-North College Residential Neighborhood-South College Residential Neighborhood-Woods Neighborhood Residential Neighborhood-South Main Residential Neighborhood-Fox Park* Residential Neighborhood-Growth Area Gateway-401 North Gateway-401 South
[1] Formerly PDD (Planned Development District) (**Excludes Louisburg Falls*)	

(3) *Overlay Districts.* The town establishes the overlay zoning districts set out in Table 3-3 (Overlay Districts with Legacy Designations). These districts impose additional requirements on certain properties within one or more underlying conventional or conditional districts.

Table 3-3
Overlay Districts with Legacy Designations

District Name	Legacy Designation[1]
GWO (Gateway Overlay)	SHOD (Special Highway Overlay District)
HPO (Historic Preservation Overlay)	No Legacy Designation
WCO (Watershed Critical Area Overlay)	WS-IV-CA
WPO (Watershed Protected Area Overlay)	WS-IV-PA
[1] Legacy designations are the names of the districts as applied under the previous Town of Louisburg zoning ordinance.	

(b) Zoning Districts; Additional. Additional zoning districts may be added from time to time upon the recommendation of the Planning Board to the Town Council.

Sec. 21-341. - Official Zoning Map

The map delineating the boundaries of the various zoning districts, together with all matters and things shown on such map, are adopted, approved and collectively constitute the "official zoning map." The official zoning map is incorporated by reference, made part of this chapter, and is on file in the office of the Zoning Administrator. All amendments to the official zoning map shall be listed in the order adopted in a separate register maintained and kept current by the Zoning Administrator.

Sec. 21-342. - Zoning District Boundaries; Interpretation

(a) Generally. The following rules apply when definite distances in feet are not shown on the official zoning map:

(1) Boundaries indicated as approximately following the right-of-way or centerlines of streets, highways or alleys shall be construed to follow such right-of-way or centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such platted lot lines.

(3) Boundaries indicated as approximately following town limits lines shall be construed as following town limits lines.

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

(5) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines or shorelines.

(6) Whenever any street, alley or other public way not subject to zoning regulations is vacated by official action of the town, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street shall be automatically extended to the center of such vacation, and all areas so involved shall then be subject to all regulations of the extended districts.

(b) Additional Rules Applicable to Watershed Overlay Districts. In addition to the rules found in Subsection (a) (Generally) above, the following rules shall apply where uncertainty exists as to the boundaries of the watershed overlay districts as shown on the official zoning map:

(1) Where watershed overlay zone boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries. However, a survey plat prepared by a registered land surveyor may be submitted to the Zoning Administrator as evidence that one or more properties along the boundaries do not lie within the watershed overlay zone.

(2) Where the watershed overlay zone boundary lies at a scaled distance more than 25 feet from any parallel lot line, the location of the watershed overlay zone boundary line will be determined by use of the scale appearing on the official zoning map.

(3) Where the watershed overlay zone boundary lies at a scaled distance of 25 feet or less from any parallel lot line, the location of watershed overlay zone boundary shall be construed to be the lot line.

(c) Interpretation Where Zoning Boundary Unclear. When physical or cultural features existing on the ground vary from those shown on the official zoning map, or in any other circumstances where the zoning boundary is unclear, the Zoning Administrator shall interpret the district boundaries. Appeals of the Zoning Administrator's interpretation are to the Board of Adjustment.

Sec. 21-343. - A-R (Agricultural-Residential) District

The A-R (Agricultural-Residential) district is designed to retain the open characteristics and agricultural nature of the land.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the A-R zoning district are outlined in Table 3-4 (Dimensional Standards – A-R (Agricultural-Residential)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-4
Dimensional Standards – A-R (Agricultural-Residential)

		Well & Septic	Well or Septic	Water & Sewer
Lot size (minimum, square feet per use)		40,000	30,000[1]	22,000
Lot width (minimum, feet)		80		
Setbacks (minimum, feet)	Front & Corner	30		
	Sides	15		
	Rear	20		
Height (maximum, feet)		35		

[1] 40,000 square foot minimum lot size required for lots served by septic within watersheds of Class I and II reservoirs, or Class A-II stream extending from a Class I reservoir to a downstream intake to a water purification plant.

Sec. 21-344. - Residential Districts

(a) R-1 (Low-density Residential). The R-1 district is designed to preserve areas where the principal use of land is low-density residential. The regulations are intended to discourage uses that, because of their character, will be a nuisance to neighboring residences, and to ensure residential development not having access to public water and sewer systems will develop at sufficiently low densities to insure a healthy environment.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the R-1 district are outlined in Table 3-5 (Dimensional Standards – R-1 (Low-density Residential)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-5
Dimensional Standards – R-1 (Low-density Residential)

	Well & Septic	Well or Septic	Water & Sewer	Single-family, Attached
Lot size (minimum, square feet per use)	30,000	20,000	15,000	7,000
Lot width (minimum, feet)	80			
Setbacks (minimum, feet)	Front & Corner		30	
	Sides		15	
	Rear		20	
Height (maximum, feet)	35			

(b) R-2 (Medium-density Residential). The R-2 district is designed to provide a variety of residential living types including single-family, two-family and manufactured housing. Uses must be served by public water and sewer, adequate streets and other utility systems.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the R-2 district are outlined in Table 3-6 (Dimensional Standards – R-2 (Medium-density Residential)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-6
Dimensional Standards – R-2 (Medium-density Residential)

		One-family	Two-family	Multi-family
Lot size (minimum, square feet per dwelling unit)		10,000	15,000	4,000
Lot width (minimum, feet)		50	75	150 for every three dwelling units
Setbacks (minimum, feet)	Front & Corner	30	30	30 at project perimeter
	Sides	10	10	15 at project perimeter
	Rear	15	20	25 at project perimeter
Height (maximum, feet)		35		

Sec. 21-345. - Business Districts

(a) O/I (Office/Institutional). The O/I district is designed to provide for the development of office and community institutions having similar development characteristics and requiring locations close to more intensive commercial districts, or as buffers between commercial uses and residential neighborhoods.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the O/I district are outlined in Table 3-7 (Dimensional Standards – O/I (Office/Institutional)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-7
Dimensional Standards – O/I (Office/Institutional)

Lot size (minimum, square feet)	15,000	
Lot width (minimum, feet)	80	
Setbacks (minimum, feet)	Front & Corner	30
	Sides	15
	Rear	20
Height (maximum, feet)	35	

(b) B-1 (Downtown Business). The B-1 district is designed to permit a concentrated development and mix of permitted uses within the central portion of the town.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the B-1 district are outlined in Table 3-8 (Dimensional Standards – B-1 (Downtown Business)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-8
Dimensional Standards – B-1 (Downtown Business)

Lot size (minimum, square feet)	None	
Lot width (minimum, feet)	None	
Setbacks (minimum, feet)	Front & Corner	Same as adjacent buildings, if new structure; 10 feet if new structure & no adjacent buildings present
	Sides	None
	Rear	None
Height (maximum, feet)	75	

(c) B-2 (Highway Business). The B-2 district is generally designed to be applied along major thoroughfares to provide space for office, service and retail uses.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the B-2 (Highway Business) district are outlined in Table 3-9 (Dimensional Standards – B-2 (Highway Business)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-9
Dimensional Standards – B-2 (Highway Business)

Lot size (minimum for each use, square feet)	10,000	
Lot width (minimum, feet)	100	
Setbacks (minimum, feet)	Front	30
	Sides	15
	Rear	20
Height (maximum, feet)	35	

(d) B-3 (Neighborhood Business). The B-3 district is designed for areas where the principal use of land is for retail trade and office uses, properly located near residential areas, that cater to the everyday needs of residential neighborhoods.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the B-3 district are outlined in Table 3-10 (Dimensional Standards – B-3 (Neighborhood Business)). Division 5 (Development Standards) contains additional standards and allowances

related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-10
Dimensional Standards – B-3 (Neighborhood Business)

Lot size (minimum, square feet)	10,000	
Lot width (minimum, feet)	75	
Setbacks (minimum, feet)	Front & Corner	25
	Sides	10
	Rear	20
Height (maximum, feet)	35	

(e) LC (Louisburg College). The LC district is designed to preserve and support college-related land uses along with ancillary facilities directly linked to Louisburg College. The district will be applied to the College proper and areas where the opportunity for expansion of the college is supported by vacant or underused parcels.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the LC district are outlined in Table 3-11 (Dimensional Standards – LC (Louisburg College)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-11
Dimensional Standards – LC (Louisburg College)

Lot size (minimum, square feet)	15,000	
Lot width (minimum, feet)	80	
Setbacks (minimum, feet)	Front & Corner	30
	Sides	15
	Rear	20
Height (maximum, feet)	35	

(f) MA (Medical Arts). The MA district is designed for hospitals; medical and dental clinics, offices and labs; pharmacies and other medical and health care-related uses and activities to meet the needs of the community.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the MA district are outlined in Table 3-12 (Dimensional Standards – MA (Medical Arts)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-12
Dimensional Standards – MA (Medical Arts)

Lot size (minimum, square feet)	10,000	
Lot width (minimum, feet)	75	
Setbacks (minimum, feet)	Front & Corner	30
	Sides	15
	Rear	20
Height (maximum, feet)	75	

Sec. 21-346. - Industrial Districts

(a) I-1 (Light Industrial). The I-1district is designed to allow industrial activity that is operated in a relatively clean, quiet and un-obnoxious manner.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the I-1 district are outlined in Table 3-13 (Dimensional Standards – I-1 (Light Industrial)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-13
Dimensional Standards – I-1 (Light Industrial)

Lot size (minimum, square feet for each use)	40,000		
Lot width (minimum, feet)	100		
Setbacks (minimum, feet)	Front	30	50 when adjacent to residentially-zoned property
	Sides	15	
	Rear	20	
Height (maximum, feet)	35		

(b) I-2 (Heavy Industrial). The I-2 district is designed to allow industrial activity that, by its nature, may tend to create some nuisance or relatively obnoxious effect in the area where it is located.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the I-2 district are outlined in Table 3-14 (Dimensional Standards – I-2 (Heavy Industrial)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-14
Dimensional Standards – I-2 (Heavy Industrial)

Lot size (minimum, square feet for each use)	80,000		
Lot width (minimum, feet)	100		
Setbacks (minimum, feet)	Front	50	50 when adjacent to residentially-zoned property
	Sides	25	
	Rear	30	
Height (maximum, feet)	35		

Sec. 21-347. - RC (Resource Conservation) District

The RC district is designed to be applied to areas along the Tar River for recreational, cultural and entertainment development. The district protects and preserves land for natural resource protection, and may be used to establish a buffer of low-intensity uses along streams, floodplains and similar environmentally sensitive areas.

(1) *Permitted Uses.* See Table 4-3 (Table of Permitted Uses) in Division 4 (Uses).

(2) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(3) *Dimensional Standards.* The dimensional standards within the RC district are outlined in Table 3-15 (Dimensional Standards – RC (Resource Conservation)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay district standards.

Table 3-15
Dimensional Standards – RC (Resource Conservation)

Lot size (minimum, square feet)	217,800 (5 acres)		
Lot width (minimum, feet)	None		
Setbacks (minimum, feet)	Front	30	50 when adjacent to residentially-zoned property
	Sides	15	
	Rear	None	
Height (maximum, feet)	35		

Sec. 21-348. – Conditional Districts

(a) PD (Planned Development). The PD conditional district is designed to allow flexibility in the development of land to achieve the goals and objectives of the comprehensive plan; promote a compatible mix of uses that increases transportation choices and reduces travel demands; improve the design, character and quality of new development; protect and preserve natural resources and sensitive environmental features; promote a mix of housing types and arrangements that correspond to demographic needs; minimize land use conflicts; and facilitate the efficient provision of streets and utilities.

(1) *Applicability.*

a. *Generally.* The PD district is a conditional district that may be applied in any future land use category, provided the overall density or intensity of the proposed uses are consistent with the established future land use category in which the district is to be applied and this section.

b. *State-owned Land.* Land owned by the State of North Carolina shall not be included within a PD conditional district without approval of the Council of State or its delegate.

(2) *Area Requirement; Minimum.* The property on which a PD conditional district is to be established shall contain a minimum of four contiguous acres. Land under town or county government ownership is exempt from this minimum area requirement.

(3) *Design Criteria.*

a. *Permitted Uses.* A PD conditional district may include a mix of residential, commercial, institutional and industrial uses, or any combination of each individual use type; cluster housing arrangements; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. The uses permitted in a PD conditional district are those designated in the approved master site plan and written development description. Density limits are used to determine the maximum number of permitted dwelling units.

b. *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

c. *Density and Intensity; Minimums and Maximums.* The approved master site plan shall divide the PD conditional district into land use categories and specify proposed maximum residential densities, and/or non-residential use intensities, for each land use category. Property zoned PD and located within the WCO or WPO districts shall be governed by the density and built-upon area standards found in Sec. 21-383 (Watershed Overlay District Standards).

d. *Setbacks and Lot Sizes; Residential Minimums.* Minimum building setbacks and lot sizes shall be those established in the approved master site plan, subject to the

provisions found in Section 21-381 (Setback and Yard Standards) of Division 5 (Development Standards).

e. *Building Height; Maximum.* 75 feet, subject to the provisions found in Section 21-374 (Building Height Standards) of Division 5 (Development Standards).

f. *Compliance with Other Regulations Required.* All development approved as part of an official zoning map amendment to a PD conditional district shall comply with any other applicable town regulations.

(4) *Application Materials Required.* The following application materials shall be submitted as part of an official zoning map amendment request in which a PD conditional district designation is sought.

a. *Master Site Plan.* A master site plan illustrating the following:

1. legal boundaries and total site area;

2. location and widths of streets, alleys, driveways, curb cuts, entrances and exits;

3. land uses and their location;

4. residential densities, number of dwellings and dwelling type;

5. non-residential intensities;

6. maximum footprint and square footage of proposed buildings;

7. building setbacks and yards;

8. location and number of parking spaces;

9. buffer yards and widths;

10. plant chart for proposed buffer yards and landscaping, including height, width and material of any fences, walls or screens;

11. location, character, size, height and orientation of proposed signs. If no signage is indicated on the plans, then the wall or free-standing signage will be prohibited;

12. open space locations designated as public or private; and

13. any other information the Zoning Administrator deems reasonably necessary.

b. *Descriptive Statement.* Written documentation regarding the characteristics and standards to be used for site development including, at a minimum:

1. legal description of site boundaries including total site area;

2. outline of development phasing with anticipated time frames;

3. description of open spaces and other areas to be dedicated for public use;

4. ownership and maintenance responsibility of streets;

5. impact of projected traffic on on-site uses as well as adjacent areas and streets;

6. details of associations or organizations involved in ownership and maintenance, including procedures and methods of operation;

7. draft restrictive covenants to be recorded to assure future compliance with the plan; and

8. any other information that may be appropriate and necessary for review.

(5) *Master Site Plan Constitutes PD Zoning Map.* The master site plan approved by the Town Council shall be the zoning district map for the PD conditional district and serve as the basis for issuance of any zoning permits. The list of approved land uses shall be binding on the applicant and any successor in title, so long as the PD conditional district designation applies to the land, unless otherwise amended as outlined by this section.

(6) *Changes in Approved Plans.* Changes in approved PD conditional district plans may be approved subject to the following procedures:

a. *Minor Changes.* Minor changes are changes that do not alter district boundaries and involve revisions of minor characteristics of the planned development such as:

1. revision of floor plans, facades or landscaping;

2. relocation of driveways, alleys, parking, drainage features or features that do not materially affect the approved plan or any other applicable regulations;

3. reclassification of right-of-way ownership (e.g., public to private or vice versa).

Minor changes may be approved by the Zoning Administrator upon written request by the developer. Approval or rejection of minor changes are subject to review and final determination by the Town Council. The applicant or any party whose property is adversely affected must file a written objection with the Town Council no more than 10 days after action by the Zoning Administrator. An applicant may also submit

a rejected change as an amendment to the planned development under the standard official zoning map amendment procedure used to establish the PD conditional district.

b. *Major Changes.* Major changes are changes that alter district boundaries or materially affect the characteristics of the planned development. Major changes shall be processed as an amendment to the planned development under the standard official zoning map amendment procedure used to establish the PD conditional district.

c. *Permits Subsequent to Approved Changes.* No permits involving minor or major changes to a planned development master site plan or descriptive statement shall be issued until the written change is filed with the Zoning Administrator.

(7) *Failure to Begin, Progress or Complete Development.* Active development of the approved planned development project must begin within two calendar years of its approval. "Active development" shall mean that earth is being moved to develop the project or buildings are under construction. In the event active development of the project is not begun, or ceases for a period of six calendar months after active development begins, the Zoning Administrator shall initiate rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.

(b) PD-R (Planned Development-Residential). The PD-R conditional district is designed to encourage a range of residential housing types in a neighborhood development pattern meeting the needs of residents living in them. The PD-R conditional district provides adaptability in using a variety of development techniques such as variation in lot size, setbacks, circulation patterns and protection of environmentally sensitive areas through designated open spaces.

(1) *Applicability.*

a. *Generally.* The PD-R district is a conditional district that may be applied in any future land use category, provided the overall residential density of the proposed uses are consistent with the established future land use category and this section.

b. *State-owned Land.* Land owned by the State of North Carolina shall not be included within a PD-R conditional zoning district without approval of the Council of State or its delegate.

(2) *Area Requirement; Minimum.* The property on which a PD-R conditional district is to be established shall contain a minimum of eight contiguous acres.

(3) *Design Criteria.*

a. *Permitted Uses.* A PD-R conditional district may include a mix of the following residential and commercial uses:

1. Multi-family;
2. Single-family attached or detached dwellings;
3. Family Care Homes;
4. All Day Care Uses;
5. School, Public or Private; Elementary or Secondary;
6. Medical or Dental Offices;
7. Park and Open Space Uses;
8. Religious Institutions;
9. Utilities;
10. Health Clubs and Fitness Centers;
11. Offices;
12. Any combination of each individual use type;
13. Cluster housing arrangements;
14. Common areas;
15. Unusual arrangements of structures on site; or
16. Other combinations of structures and uses that depart from standard development.

The uses permitted in a PD-R conditional district are those designated in the approved master site plan and written development description. Density and intensity limits are used to determine the maximum number of permitted dwelling units and percentage of the development allocated to non-residential uses.

b. *Prohibited Uses.* See Section 21-35y (Prohibited Uses) in Division 4 (Uses).

c. *Density and Intensity; Minimum and Maximum.* The maximum residential density shall be six dwelling units per acre. Ten percent of the total project land area may be used and developed for non-residential uses. Property zoned PD-R and located within the WCO and WPO districts shall be governed by the density and built-upon area standards found in Sec. 21-383 (Watershed Overlay District Standards).

d. *Setbacks and Lot Sizes.* Minimum building setbacks and lot sizes shall be those established in the approved master site plan, subject to the provisions found in Section 21-381 (Setback and Yard Standards) of Division 5 (Development Standards). However, a 25-foot-wide setback is required along the development project's exterior property lines.

e. *Open Space.* At least 10% of the project area will be dedicated as common open space. If common open space is deeded to a homeowners' association, the owner or developer shall file a declaration of covenants, conditions and restrictions governing the association. The declaration of covenants, conditions and restrictions shall include, but not be limited to, the following:

1. the homeowners' association must be set up before any property is sold in the development;

2. membership must be mandatory and automatic when property is purchased in the development;

3. the open space may not be sold or subdivided at any present or future time;

4. the association must be responsible for liability insurance, local taxes and maintenance of recreation and other common facilities;

5. the association must be able to adjust the assessment to meet changed needs;

6. provisions ensuring that control of such association will gradually be vested in the homeowners' association; and

7. all lands conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities.

(4) *Compliance with Other Regulations Required.* All development approved as part of an official zoning map amendment to a PD-R conditional district shall comply with any other applicable town regulations.

(5) *Master Site Plan Constitutes PD-R Zoning Map.* The master site plan approved by the Town Council shall be the zoning district map for the PD-R conditional district and serve as the basis for issuance of any zoning permits. The list of approved land uses shall be binding on the applicant and any successor in title, so long as the PD-R applies to the land, unless otherwise amended as outlined by this section.

(6) *Changes in Approved Plans.* Changes in approved plans may be approved subject to the following procedures:

a. *Minor Changes.* Minor changes are changes that do not alter district boundaries and involve revisions of minor characteristics of the PD-R development such as

relocation of driveways, parking, drainage features or features that do not materially affect the approved plan or any other applicable regulations. Minor changes may be approved by the Zoning Administrator upon written request by the developer. Approval or rejection of minor changes are subject to review and final determination by the Town Council. The applicant or any party whose property is adversely affected must file a written objection with the Town Council no more than 10 days after action by the Zoning Administrator. An applicant may also submit a rejected change as an amendment to the development under the standard official zoning map amendment procedure used to establish the PD-R conditional district.

b. *Major Changes.* Major changes are changes that alter district boundaries or materially affect the characteristics of the development. Major changes shall be processed as an amendment to the PD-R development under the standard official zoning map amendment procedure used to establish the PD-R conditional district.

c. *Permits Subsequent to Approved Changes.* No permits involving minor or major changes to a PD-R site plan shall be issued until the written change is filed with the Zoning Administrator.

(7) *Failure to Begin, Progress or Complete.* Active development of the approved PD-R development project must begin within two calendar years of its approval. "Active development" shall mean that earth is being moved to develop the project or buildings are under construction. In the event active development of the project is not begun, or ceases for a period of six calendar months after active development begins, the Zoning Administrator shall initiate rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.

Sec. 21-349. - Overlay Districts

(a) GWO (Gateway Overlay). The GWO district is designed to protect and preserve the natural scenic beauty along designated sections of US 401 while allowing for the orderly development of land along applicable highway sections.

(1) *Applicability.*

a. *Generally.* The GWO district may be applied along both sides of existing or proposed major highways or principal arterials within the town's zoning jurisdiction. Where applied, the district shall begin at the outer edge of the existing or proposed right-of-way and include all land adjacent to and within 1,250 feet of the right-of-way. The 1,250-foot dimension shall be adjusted to run with property lines that generally effect the desired distance off of the right-of-way, yet clearly reflect the boundary of the district on property maps.

b. *State-owned Land.* Land owned by the State of North Carolina shall not be included within the GWO district without approval of the Council of State or its delegate.

(2) *Permitted Uses.* All principal uses allowed in the R-1 (Low-density Residential), O/I (Office/Institutional) and B-2 (Highway Business) districts as listed in Table 4-3 (Table of Permitted Uses) found in Division 4 (Uses).

(3) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(4) *Dimensional Standards.* The dimensional standards within the GWO district are those of the underlying zoning district with the addition of the standards outlined in Table 3-16 (Dimensional Standards – GW (Gateway Overlay)). Division 5 (Development Standards) contains additional standards and allowances related to building height, lots, setbacks and yards, and applicable watershed overlay districts.

Table 3-16
Dimensional Standards – GWO (Gateway Overlay)

		Single-family, detached residences	All Other Uses
Lot size (minimum for each use, square feet)		15,000	Same as underlying zoning district
Lot width (minimum, feet)		80	Same as underlying zoning district
Setbacks (minimum, feet)	US 401-South[1]	100	100
	Non-residential adjacent to residential	50	50
	Front & Corner	30	Same as underlying zoning district
	Sides	10	Same as underlying zoning district
	Rear	15	Same as underlying zoning district
Height (maximum, feet)		35	75
[1] Measured from road right-of-way			

(b) HPO (Historic Preservation Overlay). The HPO district is designed to preserve the historic significance of properties that are formally designated by the town as of historic significance.

(1) *Applicability.*

a. *Generally.* The HPO district is applied to areas deemed to be of special significance in terms of their history, prehistory, architecture, archeology or culture, and to possess integrity of design, setting, materials, feeling and association. The HPO district seeks to preserve the overall historic character of the district, as well as the key, character-defining, details of each of the contributing resources, and to assure that new construction is compatible with this historic context.

b. *State, County and Municipal Buildings.* The provisions of the HPO zone apply to the construction, alteration, moving and demolition of buildings by the State of North Carolina, its political subdivisions and agencies and instrumentalities, including Franklin County and the town.

(2) *Permitted Uses.* Any use allowed in the conventional zoning district under which the HPO applies shall be allowed as permitted in Table 4-3 (Table of Permitted Uses) of Division 4 (Uses).

(3) *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

(4) *Dimensional Standards.* The dimensional standards within the HPO district are those of the underlying conventional zoning district.

(c) WCO (Watershed Critical Area Overlay) and WPO (Watershed Protected Area Overlay). The WCO and WPO districts address a moderate to high-intensity land use pattern within designated water supply watersheds as designated by the North Carolina Environmental Management Commission. The districts are mapped as follows:

(1) *WCO.* The WCO encompasses an area extending one-half mile upstream from the town's water supply intake located directly in the Tar River.

a. *Permitted Uses.* Any use allowed in the conventional zoning district under which the WCO applies shall be allowed as permitted in Table 4-3 (Table of Permitted Uses) of Division 4 (Uses) of this chapter.

b. *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

c. *Dimensional Standards.* See Section 21-383 (Watershed Overlay District Standards).

(2) *WPO.* The WPO encompasses the portion of the upstream drainage area of the Tar River located within the town's zoning jurisdiction and adjoining the WCO district. The district extends outward from the WCO to the ridgeline of the watershed.

a. *Permitted Uses.* Any use allowed in the conventional zoning district under which the WPO applies shall be allowed as permitted in Table 4-3 (Table of Permitted Uses) of Division 4 (Uses) of this chapter.

b. *Prohibited Uses.* See Section 21-357 (Prohibited Uses) in Division 4 (Uses).

c. *Dimensional Standards.* See Section 21-383 (Watershed Overlay District Standards).

Secs. 21-350 – 21-352. – Reserved.

DIVISION 4. – USES

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Sec. 21-353. - Specific Purposes

The purpose of this division is to group similar or compatible land uses into specific zoning districts, either as (i) permitted uses, (ii) permitted subject to limitations or (iii) uses authorized by a special use permit. Uses not listed as permitted, permitted subject to limitations or special uses are presumed to be prohibited from the applicable zoning district. In the event a particular land use is not listed in Table 4-3 (Table of Permitted Uses), and not listed as a prohibited use in Section 21-357 (Prohibited Uses), and is not otherwise prohibited by law, the Zoning Administrator shall determine whether a materially similar use exists.

Sec. 21-354. - Table of Permitted Uses

(a) Purpose. Table 4-3 (Table of Permitted Uses) classifies different principal uses according to their different impacts.

(b) Interpretation. Table 4-3 (Table of Permitted Uses) must be read in close conjunction with the definitions of terms found in Division 9 (Definitions) and the other interpretive provisions of this division.

(c) Terminology Used in Table of Permitted Uses.

(1) "P" means the land use is permitted by right with a zoning permit, subject to all applicable standards of Division 5 (Development Standards).

(2) "L" means the land use is permitted with limitations in the same manner as a permitted use, but subject to section 21-364 (Limited Use Standards) and all applicable standards of Division 5 (Development Standards).

(3) "S" means the land use is allowed as a special use that may be approved following a quasi-judicial hearing held by the Board of Adjustment and subject to:

a. Any specified use standards in section 21-367 (Special Use Standards),

b. All applicable standards of Division 5 (Development Standards), and

c. The review procedure set forth in Section 21-335 (Special Use Permit) in Division 2 (Permits and Procedures).

(4) "P*" or "L*" means the land use is allowed as a special use on property located within the GWO district. These uses are subject to all applicable standards of this division and Division 5 (Development Standards).

(5) A dash (-) means the land use is not permitted in the district.

(6) The "Use-specific Standards" column provides a reference to other associated standards applicable to the particular land use.

Sec. 21-355. - Uses Not Mentioned

A land use not specifically mentioned or described by category in Table 4-3 (Table of Permitted Uses) is prohibited. Evaluation of these uses shall be as set forth in section 21-358 (Interpretation of Materially Similar Uses).

Sec. 21-356. - Uses Preempted by State Statute

Notwithstanding any provision of this division to the contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in Table 4-3 (Table of Permitted Uses).

Sec. 21-357. - Prohibited Uses

(a) Prohibited Uses in All Zoning Districts. The following uses are specifically prohibited in all zoning districts:

(1) Any use involving the manufacture, handling, sale, distribution or storage of any highly combustible or explosive materials in violation of the town's fire prevention code.

(2) Stockyards, slaughterhouses and rendering plants.

(3) Use of a travel trailer or tent as a permanent residence.

(4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services performed or other business is conducted. This provision does not apply to food trucks licensed to operate as allowed by the Town of Louisburg Code of Ordinances.

(5) Radioactive waste processing except at hospitals. No disposal of radioactive wastes may occur within the town's planning jurisdiction.

(b) Prohibited Uses in the GWO District. Table 4-1 (Prohibited Uses – GWO (Gateway Overlay) District) lists prohibited principal uses in specific conventional zoning districts overlain by the GWO district. Listed prohibited uses may be allowed in the specified overlain conventional zoning districts if they are located in a development subject to a previously approved master land use plan attached to a previously approved special use permit.

Table 4-1
Prohibited Uses - GWO (Gateway Overlay) District

Underlying Conventional Zoning District	Use Category	Prohibited Principal Use (Unless Allowed as Part of a Master Land Use Plan)
R-1	Lodging, Over Night	Boarding House
		Rooming House
O/I	Household Living	Multi-family
		Single-family, Attached
		Single-family, Detached
	Parking, Commercial	Parking Lot or Structure
	Retail, Sales & Service	Outdoor Markets, Including Flea Markets
B-2	Agricultural & Animal Related	Farmers Market
	Household Living	Multi-family
	Utilities	Public Utility Tower
		Wireless Telecommunications Tower
	Entertainment, Indoor	Adult Use Establishment
		Bowling Alley
		Gaming Room
	Entertainment, Outdoor	Theater, Drive-in
		Golf Range
		Miniature Golf
		Par 3 Golf
	Retail, Sales & Service	Convenience Store
		Outdoor Markets, Including Flea Markets
	Restaurant	Restaurant, Drive-thru
	Vehicle Sales & Service	Manufactured/Modular Home & Storage Building Sales
	Warehousing & Storage	Warehousing & Storage Uses Except Outdoor Storage

(c) Prohibited Uses in Watershed Overlay Districts. The following uses are specifically prohibited in the watershed overlay districts:

(1) *WCO (Watershed Critical Area Overlay) District.*

a. New landfills.

b. New permitted residual land applications.

c. New permitted petroleum contaminated soils sites.

d. Sewage, except as allowed in 15A NCAC 02B .0104.

e. Industrial waste, except as allowed in 15A NCAC 02B .0104.

f. Other wastes, except as allowed in 15A NCAC 02B .0104.

(2) *WPO (Watershed Protected Area Overlay) District.*

a. Sewage, except as allowed in 15A NCAC 02B .0104.

b. Industrial waste, except as allowed in 15A NCAC 02B .0104.

c. Other wastes, except as allowed in 15A NCAC 02B .0104.

Sec. 21-358. - Interpretation of Materially Similar Uses

(a) Interpretation by Zoning Administrator. The Zoning Administrator will determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Should the Zoning Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the Zoning Administrator's decision shall be recorded in writing.

(b) Referral to Planning Board. Should the Zoning Administrator determine that a materially similar use does not exist, the matter may be referred to the Planning Board for consideration for amendment to this division to establish a specific listing for the use in question.

(c) Validity of Zoning Administrator's Interpretation. Unless an appeal is timely filed pursuant to Section 21-327 (Appeal) in Division 2 (Development Approval Procedures), the Zoning Administrator's decision is valid. If, when seeking periodic adoption of interpretations, the Zoning Administrator's interpretation is reversed, then decisions made in reliance on the Zoning Administrator's interpretation are in violation of this chapter.

Sec. 21-359. - Accessory Uses

(a) Relationship to Table of Permitted Uses. Table 4-3 (Table of Permitted Uses) classifies different principal uses according to their different impacts.

(b) "Accessory Use" Defined. "Accessory uses" are secondary, ancillary uses or activities conducted in conjunction with a principal use. To qualify as an "accessory use," the use must:

(1) be conducted or located on the same lot and in the same zoning district as the principal use served, except as may be specifically provided elsewhere in this chapter;

(2) constitute only an incidental, insubstantial or subordinate part of the total activity taking place on the lot;

(3) be secondary, incidental to, subordinate in area and purpose to, and serve the principal use, and

(4) be either:

a. in the same ownership as the principal use, or

b. clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers, or visitors of or to, the principal use.

> ***Example:*** "Religious Institutions" are permitted as a principal use in the B-2 zoning district. A church is considered such a use. "Single-family, Detached" residences are not permitted as a principal use in the B-2 zoning district. However, a single-family residence in which a minister may live is often located on the same property as a church. Therefore, if a church desired to build a house on the property containing the church, and the house was "incidental and subordinate in area" relative to the church, and would meet the other applicable provisions of this section, then the house may be regarded as an accessory use.

(c) Accessory Uses, Rules of Interpretation. For purposes of interpretation and application of this section:

(1) Prohibited uses listed in section 21-357 (Prohibited Uses) may not be established as an accessory use.

(2) Accessory uses shall not be constructed or established on a vacant lot.

(3) Accessory uses shall not be constructed or established on a lot until the principal use has either been constructed or established, or a development approval has been issued for the principal use.

(4) Where a principal use is permitted, such use shall include accessory uses subject to this section and such accessory uses may be carried on under the umbrella of the development approval issued for the principal use.

(5) A use may be regarded as "incidental" or "insubstantial" if it is incidental or insubstantial in and of itself or in relation to the principal use.

(6) It is not necessary for an accessory use to be connected with the principal use, but only that the association of the accessory use with the principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(7) Unless specified elsewhere in this section, and with the exception of accessory off-street parking and loading spaces, accessory uses shall not occupy more than 25% of the total land area of the lot on which it is located, or gross floor area of the building containing the principal use.

(d) Specified Residential Accessory Uses. Without limiting the generality of Paragraphs (b) and (c) above, the following activities are specifically regarded as accessory to residential principal uses, provided they satisfy the general criteria set forth above:

(1) *Accessory Apartment.*

a. *How Permitted.* Accessory to single-family detached dwelling units located on individual lots.

b. *Where Permitted.* Accessory apartments are allowed in the R-1 district; however, a special use permit is required where the property is located in the HPO.

c. *Limitation on Use with Other Accessory Dwellings.* An accessory apartment shall not be permitted on a lot containing another accessory apartment or accessory dwelling unit in a detached building.

d. *Watershed Overlay District Standards.* When located in a watershed overlay district, any property on which an accessory apartment is proposed will be treated as "all other residential" and may be subject to built-upon area and other applicable restrictions found in Section 21-383 (Watershed Overlay District Standards) of Division 5 (Development Standards).

e. *Number Permitted Per Lot.* One.

f. *Floor Area, Maximum.* 35% of the principal dwelling unit's total floor area. This restriction applies only to the portion of the principal dwelling unit constituting the living area for the accessory apartment.

g. *Parking.* One space in addition to those required for the principal dwelling unit.

h. *Utilities.* The accessory apartment shall be connected to the principal dwelling's water and sewer system.

(2) *Accessory Buildings/Structures, Detached.*

a. *Restrictions on Use.* Detached accessory buildings/structures shall not be used for residential or commercial use unless allowed by this chapter.

b. *Location.*

Lot Type/Size		Location
Residential	Two Acres or Less	Rear yard only
	Greater Than Two Acres	Side & rear yards
Non-residential		Side & rear yards

c. *Lot Coverage; Maximum.* 50% of total area of required side and rear yard areas.

d. *Floor Area; Maximum.* 60% of principal use's gross floor area not to exceed 2,500 square feet.

e. *Setbacks in Residential Districts.*

Height	Required Setback
15 feet or less	5 feet side and rear yard; required principal building front yard (where allowed in front yard)
Over 15 feet	Required principal building yards

f. *Height; Maximum.* The height of the principle building or 15 feet when located within a required yard.

(3) *Accessory Dwelling Unit (ADU), Detached.*

a. *How Permitted.* Accessory to single-family detached dwelling units located on individual lots.

b. *Where Permitted:* ADUs are allowed in the R-1 district; however, a special use permit is required where the property is located in the HPO.

c. *Limitation on Use with Other Accessory Dwellings.* An ADU shall not be permitted on a lot with a single-family detached dwelling containing an accessory apartment or another ADU.

d. *Watershed Overlay District Standards.* When located in a watershed overlay district, any property on which an ADU is proposed or located will be treated as "all other residential" and may be subject to built-upon area and other applicable restrictions found in Section 21-383 (Watershed Overlay District Standards) of Division 5 (Development Standards).

e. *Number Permitted Per Lot.* One.

f. *Location on Lot.* An ADU may be a separate, individual building or be created as a second story within a detached garage.

g. *Building Construction Requirement.* ADUs shall be constructed to meet North Carolina Building Code requirements. Manufactured or mobile homes are not permitted as an ADU.

h. *Building Footprint; Maximum.* 40% of the principal dwelling's footprint. The "building footprint" includes patios but not porches.

i. *Floor Area; Maximum.* 800 square feet.

j. *Building Height; Maximum.* Two stories or height of the principal dwelling unit, whichever is less. If within a detached garage, the height of the building shall not exceed the principal residential dwelling's height.

k. *Bedrooms; Number Allowed.* Two.

l. *Parking.* One per ADU. Parking spaces shall be located in the rear yard and behind the principal residential dwelling.

m. *Utilities.* The ADU shall not be connected to the water and sewer system of the principal dwelling and must have its own separate meter.

(4) *Family Child Care Home.*

a. *Street Access.* The lot shall have direct frontage on a public street.

b. *Driveways and Drop-off Areas.* Driveways and off-street drop-off areas shall be provided so vehicles entering and exiting the property will not stack or overflow onto public streets, or park on the shoulders of streets.

c. *Outdoor Play Areas; Location.* Outdoor play areas shall be located to the rear of the principal residential dwelling.

(5) *Home Occupation.*

a. *Accessory Structures.* A home occupation may be operated in a permitted accessory structure.

b. *Floor Area; Maximum.* 25% of the total floor area of the principal residential structure or accessory structure.

c. *Residential Character.* The business shall not change the essential residential character of the dwelling and/or lot.

d. *Employees.* No more than one person who is not a resident of the dwelling shall be employed on the premises.

e. *Hours of Operation.* The business shall not operate outside the hours of 7:00 AM to 7:00 PM.

f. *Equipment.* No mechanical, electrical or other equipment that produces excessive noise, electrical or magnetic interference, vibration, heat, glare or other nuisances outside of the dwelling or accessory structure shall be used in the operation of the business.

g. *Outdoor Storage.* Outdoor storage of equipment, except for equipment of a type that could be reasonably associated with a residential use, is prohibited.

h. *Commercial Vehicles.* Only one commercial vehicle is allowed in connection with the conduct of the business.

i. *Signs.* One wall sign with a maximum area of one square foot is permitted.

j. *Prohibited Uses.* The following uses are prohibited as a home occupation:

1. Uses in the following land use categories: Heavy Industrial, Indoor Entertainment, Light Industrial, Outdoor Entertainment, and Vehicle Sales and Service;

2. Furniture refinishing;

3. Gymnastics facilities;

4. Medical offices;

5. Animal services;

6. Athletic studios or outdoor recreation;

7. Sales-oriented uses where inventory is present on site and the customer needs to come to the property to make a purchase;

8. Mortuaries;

9. Body piercing and/or tattooing;

10. Therapy with more than one client at a time; and

11. Any use that draws more than one client or customer to the dwelling at the same time on a regular basis.

(6) *Non-commercial Activities.* Hobbies or recreational activities of a non-commercial nature.

(7) *Room Rental in Single-family Homes.* The renting out of one or two rooms within a single-family dwelling (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.

(8) *Child Day Care.* Child day care arrangements for no more than two children who do not reside with the provider.

(9) *Amateur Radio Antennas/Towers.* Towers/antennas intended for the personal and non-commercial use of the residents of the property where located provided:

a. the tower/antenna is installed in the side or rear yard with the tower base being set back from street rights-of-way and property lines a distance that is not less than the maximum height of the tower/antenna,

b. no more than one tower/antenna is installed on the lot, and

c. the owner demonstrates compliance with Federal Communications Commission regulations, 47 C.F.R. Part 97, Sub-part 97.15, Sections (a) through (e), inclusive.

(10) *Solar Arrays and Panels.* Solar arrays, solar panels and solar water heaters providing energy for the principal use on the property provided:

a. Ground-mounted solar arrays shall not exceed two per lot, 15 feet in height measured from finished grade to the top of the device, and meet applicable principal building yards and setbacks.

b. Roof-mounted solar panels shall be single-tier installations. Stacked or multi-tier installations are not permitted. The top of any roof-mounted panel shall not exceed the maximum building height for the district in which the property is located or, when located on a detached accessory building, the maximum allowed accessory building height.

c. All solar arrays and solar panels shall be positioned and oriented so concentrated solar radiation or glare is not directed onto nearby properties or street rights-of-way, or otherwise create a safety hazard.

(11) *Temporary Family Health Care Structures.* Temporary family health care structures in accordance with NCGS 160D-915.

Sec. 21-360. - Permitted Uses Not Requiring Permits

No zoning or special use permit is required for the following uses:

(1) Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

(2) Neighborhood utility facilities located within a public right-of-way with the permission of the owner of the right-of-way, so long as such facilities do not exceed five feet in height, five feet in width, or five feet in depth. Construction plans for such uses shall be submitted to and approved by the public works director before construction of such facilities may begin.

Sec. 21-361. - Change in Use

(a) "Change in Use" Defined. A substantial "change in use" of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(1) The change involves a change from one principal use to another.

(2) If the original use is a combination use or planned development use, the relative proportion of space devoted to the individual principal uses comprising the combination use or planned development use changes to such an extent that the parking requirements for the overall use are altered.

(3) If the original use is a combination use or planned development use, the mixture of types of individual principal uses that comprise the combination use or planned development use changes.

(b) Change in Occupancy Status Not Change in Use. A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 12 consecutive calendar months.

(c) Change In Ownership Not Change in Use. A mere change in ownership of a business or enterprise shall not constitute a change in use.

Sec. 21-362. - Combination Uses

(a) Permit Requirements. When a combination use comprises two or more principal uses requiring different types of permits (zoning or special use), then the permit authorizing the combination use shall be:

(1) A special use permit if any of the principal uses combined requires a special use permit.

(2) A zoning permit in all other cases.

(b) Residential Combinations. When a combination use consists of a residential subdivision and a multi-family development, the total density permissible on the development tract shall be determined by having the developer indicate on the plans the portion of the total tract that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

(c) Residential and Non-residential Combinations. When a residential use is combined with a non-residential use in a business district, the lot must have at least the minimum square footage required for the residential use alone.

Sec. 21-363. -Temporary Uses

(a) Applicability. Authorized temporary commercial uses, including permitted locations, duration and number per year, and whether a zoning permit is required, are set forth in table 4-2 (Temporary Uses).

Table 4-2
Temporary Uses

Activity	Where Allowed	Duration[1]	Maximum Number Per Year for Lot[1]	Permit Required?	Standards
Auctions	All	3 days	1	No	
Christmas Tree Sales	A-R, RC & all non-residential zoning districts	60 days	1	Yes	
Office in Model Home	All	6 months, renewable for additional 6-month periods	N/A	Yes	
Fireworks Stand	B-2	30 days	1	Yes	
Outdoor Retail Sales (no itinerant sales)	B-1, B-2 & B-3	10 days	4	Yes, unless expressly shown on development plan	
Produce Stand or Farmers' Market	A-R & RC	90 days	N/A	No	
Public Assembly	B-1, B-2, I-1 & I-2	10 days	N/A	Yes	§21-363(c)
Yard/Garage Sale	A-R, R-1 & R-2	2 consecutive days, limited to daylight hours	3 times per year	No	§21-363(d)
Estate Sale	A-R, R-1 & R-2	2 consecutive days, limited to daylight hours	1	No	§21-363€
[1]Days, months & years shall be calculated as calendar days, months & years.					

(b) Construction-related Uses. Temporary buildings, structures and construction dumpsters are permitted in connection with any building, land development or redevelopment. Temporary construction buildings or structures may include offices, construction trailers, construction dumpsters, storage buildings and signs.

(c) Public Assembly Uses. Temporary buildings, structures or tents proposed to be used for a period of 10 calendar days or less, or those to be used as accessory structures in areas zoned for commercial and industrial uses, may be used for public assembly (including carnivals, circuses and similar events) in any district subject to issuance of a zoning permit, provided:

(1) No such building, structure or tent shall remain on site for a consecutive period exceeding 10 calendar days.

(2) Such facility shall not be used between the hours of 10:00 PM and 10:00 AM.

(3) No exterior amplifiers, speakers or other similar equipment is permitted outside of the temporary building, structure or tent.

(d) Yard/Garage Sales. Limited temporary outdoor sales are permitted in all residential zoning districts subject to the following requirements:

(1) Items purchased elsewhere expressly for resale are prohibited.

(2) Goods intended for sale shall not be stored or displayed in the front or side yards except on the day or days of the sale.

(3) Commercial outdoor sales activities are prohibited.

(e) Estate Sales. Estate sales shall only be held on the property generating the need for the sale. Items shall not be sold off-site unless at an auction house.

Table 4-3
Table of Permitted Uses

"P" = Permitted; "L" = Permitted with Limitations; "S" = Permitted with Special Use Permit; "-" = Not Permitted ***"P*" or "L*" = Permitted with Special Use Permit in GWO District***														
Use Category	**Specific Use**	**Zoning District**												**Use-specific Standards**
		AR	**R1**	**R2**	**OI**	**B1**	**B2**	**B3**	**LC**	**MA**	**I1**	**I2**	**RC**	
Agricultural & Residential														
Agricultural & Animal Related	Agriculture	P	P	-	-	-	-	-	-	-	-	-	P	
	Agriculture, Intensive	S	-	-	-	-	-	-	-	-	-	-	-	§ 21-365(a)
	Animal Production & Support (exc. Intensive Agriculture)	L	-	-	-	-	-	-	-	-	-	-	-	§ 21-364(b)
	Auction Sales-Livestock Only	P	-	-	-	-	-	-	-	-	-	-	-	
	Crop Production	P	P	P	P	-	-	-	-	-	-	-	-	
	Farmers Market	L	-	-	-	L	P	-	-	-	-	-	P	§ 21-364(i)
	Nursery/Greenhouse	P	-	-	-	-	P	-	-	-	-	-	-	
	Pet Care Service (with Outdoor Kennels)	S	-	-	S	-	S	-	-	-	-	-	-	§ 21-365(h)
	Pet Care Service (without Outdoor Kennels)	P	-	-	P*	P	P	-	-	-	P	P	-	
	Veterinary Office or Hospital, Large Animal	L	-	-	-	P	-	-	-	-	-	-	-	§ 21-364(y)
	Veterinary Office or Hospital, Small Animal	L	-	-	P*	-	P	P	-	P	-	-	-	§ 21-364(z)
Household Living	Manufactured Home, Doublewide	P	-	-	-	-	-	-	-	-	-	-	-	
	Manufactured Home Park	S	-	-	-	-	-	-	-	-	-	-	-	§ 21-365(g)
	Multi-family	-	-	L	L	L	L	-	-	-	-	-	-	§ 21-364(o)
	Single-family, Attached	-	-	L	L	L	-	-	-	-	-	-	-	§ 21-364(v)
	Single-family, Detached	P	P	P	P	-	-	-	P	-	-	-	-	
Group Living	Family Care Home	P	P	P	P	-	-	-	P	-	-	-	-	
	Fraternity/Sorority House	-	S	S	S	-	-	-	-	-	-	-	-	
	Group Home	-	-	P	-	-	-	-	-	P	-	-	-	

Table 4-3
Table of Permitted Uses (continued)

"P" = Permitted; "L" = Permitted with Limitations; "S" = Permitted with Special Use Permit; "-" = Not Permitted
"P*" or "L*" = Permitted with Special Use Permit in GWO District

Use Category	Specific Use	Zoning District												Use-specific Standards
		AR	R1	R2	OI	B1	B2	B3	LC	MA	I1	I2	RC	
Agricultural & Residential (continued)														
Group Living (continued)	Residential Care Facility	P	P	-	-	-	-	-	-	P	-	-	-	
	All Other Group Living Uses	P	-	-	-	-	-	-	-	P	-	-	-	
Institutional & Civic														
Community Amenities	All Community Amenities	-	-	-	L	P	P	L	-	-	-	-	-	§ 21-364(f)
Day Care	All Day Care Uses	L	L	L	L	L	P	P	-	P	L	-	-	§ 21-364(g)
Educational Facilities	School, Public or Private; Elementary or Secondary	P	P	P	P	-	P	P	P	-	-	-	-	
	School, Technical or Trade	P	-	-	P	-	P	-	P	-	-	-	-	
	University or College	-	-	-	P	-	-	-	P	-	-	-	-	
	All Other Educational Facilities	-	-	-	P	P	P	-	P	-	-	-	-	
Government Facilities	Correctional Institution	S	-	-	-	-	-	-	-	-	S	S	-	
	EMS Facility	P	P	P	P	P	P	P	P	P	P	P		
	All Other Government Facilities	S	S	S	P	P	P	P	-	P	P	P	-	
Medical Facilities	Medical or Dentist Office	-	-	-	P	P	P	P	-	P	-	-	-	
	Medical Lab	-	-	-	-	-	P	-	-	P	-	-	-	
	All Other Medical Facilities	-	-	-	P	P	P	-	-	P	-	-	-	
Parks & Open Space	Campground	S	-	-	-	-	-	-	-	-	-	-	S	§ 21-365(c)
	Cemetery	P	S	-	-	-	P	S	-	-	-		-	§ 21-365(d)
	Country Club	S	S	S	-	-	-	-	-	-	-	-	-	
	Zoo	S	-	-	-	-	S	-	-	-	-	-	-	
	All Other Parks & Open Space Uses	P	P	P	P	P	P	P	P	P	P	P	P	
Passenger Terminals	Airport	S	-	-	-	-	-	-	-	-	S	S	-	
	Park & Ride Facility/Transit Terminal	P	-	-	-	-	P	-	P	-	P	P	-	
	All Other Passenger Terminals	-	-	-	P	-	P	P	P	-	P	P	-	

Table 4-3
Table of Permitted Uses (continued)

"P" = Permitted; "L" = Permitted with Limitations; "S" = Permitted with Special Use Permit; "-" = Not Permitted ***"P*" or "L*" = Permitted with Special Use Permit in GWO District***													
Use Category	**Specific Use**	**Zoning District**											**Use-specific Standards**
		AR	**R1**	**R2**	**OI**	**B1**	**B2**	**B3**	**LC**	**MA**	**I1**	**I2**	**RC**	
Institutional & Civic (continued)														
Public Assembly	Club, Private	S	S	S	-	-	P	P	-	-	-	-	-	
	Convention Center/Visitors Bureau	-	-	-	-	P	P	P	-	-	-	-	-	
	Religious Institution	P	S	S	L	-	P	L	P	-	-	-	-	§ 21-364(r)
	Reception Facility	P	-	-	L	-	P	-	-	-	-	-	-	§ 21-364(q)
	All Other Public Assembly Uses	S	S	S	L	P	P	P	P	-	-	-	-	§ 21-364(p)
Social Services	Homeless Shelter	-	-	-	-	-	-	-	-	S	-	-	-	
	All Social Service Uses	-	-	-	S	P	P	S	-	-	-	-	-	
Utilities	Utilities	P	P	P	P	P	P	P	P	P	P	P	P	
	Utilities, Regional	S	S	S	S	S	S	S	S	S	P	P	P	
	Solar Farm	S	S	S	S	-	S	-	-	-	L	L	-	§ 21-364(o)
	Wireless Telecommunications Tower	S	S	S	S	S	S	S	S	-	S	S	-	§ 21-365(q)
Commercial														
Entertainment, Indoor	Adult Use Establishment	-	-	-	-	-	L	-	-	-	-	-	-	§ 21-364(a)
	Amusement Arcade	-	-	-	-	-	P	-	-	-	-	-	-	
	Bar, Dance Hall, Night Club, Pub or Tavern (Not Including Adult Use Establishments)	-	-	-	-	P	P	-	-	-	-	-	-	
	Bingo Parlor	-	-	-	-	-	P	-	-	-	-	-	-	
	Brew Pub, Microbrewery, Micro-winery, Micro-distillery, Micro-cidery	P	-	-	-	P	P	-	-	-	P	-	-	
	Electronic Gaming Operation	-	-	-	-	-	L	-	-	-	-	-	-	§ 21-364(h)
	Fortune Telling/Palm Reading	-	-	-	-	-	P	-	-	-	-	-	-	
	Health Clubs & Fitness Centers	-	-	-	P	-	P	-	-	P	-	-	-	
	All Other Indoor Entertainment Uses	-	-	-	-	P	P	-	-	-	-	-	-	

Table 4-3
Table of Permitted Uses (continued)

"P" = Permitted; "L" = Permitted with Limitations; "S" = Permitted with Special Use Permit; "-" = Not Permitted
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Use Category	Specific Use	Zoning District												Use-specific Standards
		AR	R1	R2	OI	B1	B2	B3	LC	MA	I1	I2	RC	
Commercial (continued)														
Entertainment, Outdoor	Amusement Park	S	-	-	-	-	P	-	-	-	-	-	-	
	Shooting Range, Sport	S	-	-	-	-	-	-	-	-	-	-	-	§ 21-365(p)
	Sports & Recreation Instruction/Camps	P	-	-	-	-	-	-	-	-	-	-	P	
	All Other Outdoor Entertainment	S	-	-	-	-	S	-	-	-	-	-	P	
Lodging, Over Night	Bed & Breakfast	L	L*	L	L	L	L	L	-	-	-	-	-	§ 21-364(e)
	Short-term Rental	-	-	-	-	S	-	-	S	-	-	-	-	§ 21-365(n)
	All Other Overnight Lodging	-	-	-	-	P	P	-	-	-	-	-	-	
Office	Contractor's Office (with Outdoor Storage)	L	-	-	-	-	L	-	-	-	P	P	-	§ 21-378
	Contractor' Office (without Outdoor Storage)	P	-	-	P	P	P	P	-	-	P	P	-	
	Financial Institution	-	-	-	P	P	P	P	P	-	-	-	-	§ 21-364(j)
	All Other Office Uses	-	-	-	P	P	P	P	P	P	P	P	-	
Parking, Commercial	Truck, Tractor Trailer or Bus Storage (Not Including Inoperable Vehicles)	-	-	-	-	-	-	-	-	-	P	P	-	
	All Other Commercial Parking Uses	-	-	-	P	S	P	-	P	S	P	P	-	
Retail, Sales & Service	Firearms & Ammunition Sales	P	-	-	-	P	P	-	-	-	-	-	-	
	Funeral Home &/or Crematorium	-	-	-	P	S	P	-	-	-	P	P	-	
	Lawn & Garden Sales (with Outdoor Storage)	L	-	-	-	-	L	-	-	-	-	-	-	§ 21-378
	Lawn & Garden Sales (without Outdoor Storage)	P	-	-	-	-	P	-	-	-	-	-	-	
	Liquor Sales (ABC Store)	-	-	-	-	-	P	-	-	-	-	-	-	
	Outdoor Markets, Including Flea Markets	-	-	-	-	-	S	-	-	-	-	-	-	

Table 4-3
Table of Permitted Uses (continued)

"P" = Permitted; "L" = Permitted with Limitations; "S" = Permitted with Special Use Permit; "-" = Not Permitted
"P*" or "L*" = Permitted with Special Use Permit in GWO District

Use Category	Specific Use	Zoning District												Use-specific Standards
		AR	R1	R2	OI	B1	B2	B3	LC	MA	I1	I2	RC	
Commercial (continued)														
Retail, Sales & Service (continued)	Pawn Shop	-	-	-	-	-	P	-	-	-	-	-	-	
	Shopping Center	-	-	-	-	-	L	-	-	-	-	-	-	§ 21-364(u)
	All Other Retail Sales & Service Uses	-	-	-	-	P	P	P	-	-	-	-	-	
Restaurant	Restaurant, Limited Service (Delivery, Carryout & Drive-thru)	-	-	-	-	S	P	-	-	-	P	P	-	§ 21-364(s)
	All Other Restaurant Uses	-	-	-	-	P	P	P	P	-	P	-	-	
Vehicle Sales & Service	Automobile Repair, Major	-	-	-	-	-	L*	-	-	-	-	-	-	§ 21-364(d)
	Automobile Repair, Minor	-	-	-	-	-	L*	-	-	-	-	-	-	§ 21-364(d)
	Automobile Towing & Temporary Storage	-	-	-	-	-	S	-	-	-	-	P	-	§ 21-365(b)
	Car Wash	-	-	-	-	-	P*	-	-	-	-	-	-	
	Fuel Sales	-	-	-	-	S	L*	S	-	-	L	L	-	§ 21-364(k)
	Manufactured/Modular Home & Storage Building Sales	-	-	-	-	-	L*	-	-	-	-	-	-	§ 21-364(m)
	Truck Stop/Travel Plaza	-	-	-	-	-	S	-	-	-	-	-	-	
	Vehicle Sales & Rental	-	-	-	-	-	L*	-	-	-	-	-	-	§ 21-364(x)
	All Other Vehicle Sales & Service Uses	-	-	-	-	-	P*	-	-	-	-	-	-	
Industrial														
Industrial, Heavy	Asphalt or Concrete Mixing Plants	-	-	-	-	-	-	-	-	-	-	-	L	§ 21-364(c)
	Fertilizer Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	
	All Other Heavy Industrial Uses	-	-	-	-	-	-	-	-	-	-	-	P	
Industrial, Light	Manufacturing, Small Scale	P	-	-	-	-	P	-	-	-	P	P	-	
	Micro-manufacturing	-	-	-	-	L	L	-	-	-	P	P	-	§ 21-364(n)
	Scientific Research & Development Services	-	-	-	-	S	-	-	P	P	P	P	-	

Table 4-3
Table of Permitted Uses (continued)

"P" = Permitted; "L" = Permitted with Limitations; "S" = Permitted with Special Use Permit; "-" = Not Permitted ***"P*" or "L*" = Permitted with Special Use Permit in GWO District***														
Use Category	**Specific Use**	**Zoning District**												**Use-specific Standards**
		AR	**R1**	**R2**	**OI**	**B1**	**B2**	**B3**	**LC**	**MA**	**I1**	**I2**	**RC**	
Industrial (continued)														
Industrial, Light (continued)	All Other Light Industrial Uses	-	-	-	-	-	-	-	-	-	P	P		
Resource Extraction	All Resource Extraction Uses	S	-	-	-	-	-	-	-	-	-	P	-	§ 21-365(k)
Self-service Storage	All Self-service Storage Uses	-	-	-	-	-	L*	-	L	-	-	-	-	§ 21-364(t)
Transportation	Heliport	S	-	-	-	-	-	-	-	L	P	P	-	§ 21-364(l)
Warehousing & Storage	Outdoor Storage	-	-	-	-	-	-	-	-	-	P	P	-	§ 21-378
	All Other Warehousing & Storage Uses	-	-	-	-	-	P	-	-	-	P	P	-	
Waste-related Services	Landfill	-	-	-	-	-	-	-	-	-	-	S	-	
	Salvage Yard (Including Vehicles)	-	-	-	-	-	-	-	-	-	-	S	-	§ 21-365(m)
	All Other Waste Related Services	-	-	-	-	-	-	-	-	-	-	S	-	
Wholesale Trade	Building Material Supply (with Outdoor Storage)	-	-	-	-	-	L	-	-	-	-	P	-	§ 21-378
	Building Material Supply (without Outdoor Storage)	-	-	-	-	-	P	-	-	-	-	P	-	
	Farm Product Sales, Bulk	-	-	-	-	-	P	-	-	-	-	-	-	
	Farm Supply Product Sales (with Outdoor Storage)	-	-	-	-	-	L	-	-	-	-	-	-	§ 21-378
	Farm Supply Product Sales (without Outdoor Storage)	-	-	-	-	-	P	-	-	-	-	-	-	
	Florist & Nursery Supply (with Outdoor Storage)	-	-	-	-	-	L	-	-	-	-	-	-	§ 21-378
	Florist & Nursery Supply (without Outdoor Storage)	-	-	-	-	-	P	-	-	-	-	-	-	
	All Other Wholesale Trade	-	-	-	-	P	P	-	-	-	P	P	-	

Sec. 21-364. – Limited Use Standards

The standards in this section apply to specified land uses identified by an "L" in Table 4-3 (Table of Permitted Uses).

(a) Adult Use Establishment.

(1) *Separation Requirements.*

Use	Separation Requirement	Measurements Taken From:
Other Adult Use Establishments	500 feet	Straight line from building edge to building edge
A-R & residential districts, HPO district, residential land uses & any federally designated historic district	1,000 feet	Property line to property line
Religious institution, educational facility, day care use, park or playground.	1,500 feet	

(2) *Fencing Required.* A six-foot tall wall or privacy fence shall be installed along non-street-side property lines. Buffer yard plantings required by Section 21-373 (Buffer Yards) shall be installed on the outward-facing side of the wall or fence.

(3) *Posting of Property.* Notices shall be posted at all public entrances stating the material offered for sale or rental, or activities conducted within the building, may be offensive and that persons under the age of 18 are not permitted.

(4) *Exterior Advertising.* No advertisements, sexually explicit pictures or graphics, displays or promotional material shall be visible to the public from adjacent streets, pedestrian areas, public parking or adjacent properties. No signs or advertising shall include lewd or offensive language.

(5) *Construction Standards.*

a. *Square Footage; Maximum.* 3,000 square feet of gross floor area including all appurtenant uses.

b. *Windows.* Buildings shall be designed to restrict views of the building interior from outside the building.

c. *Prohibited Uses within Building.* Sleeping and screening rooms, or viewing booths are prohibited.

(b) Animal Production and Support (Excluding Intensive Agriculture).

(1) *Minimum Lot Size.* Two acres.

(2) *Setback from Adjacent Residences.* Buildings and structures, excluding fences, used to house livestock shall be no less than 150 feet to any off-site residential dwelling unit.

(3) *Animal Unit Limits:* 6,000 square feet of land area is required for each animal unit kept, maintained or stabled on the property.

(c) Asphalt or Concrete Mixing Plants.

(1) *Truck Routing Plan Required.* A plan showing truck routes to and from the site shall be submitted with the zoning permit application. Routes shall be designed to minimize impacts on residential areas, schools or other uses negatively affected by truck traffic. The planned routes shall be adhered to and violations of the plan deemed a violation of the development approval issued for the use.

(2) *Access.* Access roads leading to any part of the operation shall be:

a. constructed with a gravel, asphalt, concrete or other paved surface, and maintained in a dust-free manner, and

b. located no closer than 15 feet to any property line other than a railroad right-of-way line.

(3) *Setbacks.*

Asphalt Plants		**Concrete Plants**	
From:	Setback:	From:	Setback:
Property Lines	500 feet	Residential or business-zoned Property	200 feet
Existing residential use, educational facility, religious institution or non-industrial use (not on the same property)	1,500 feet	Industrial-zoned Property	100 feet
Perennial streams identified on USGS maps	100 feet	Perennial streams identified on USGS maps	100 feet

(4) *Storage Area Surfacing.* All storage areas shall be constructed of gravel, asphalt, concrete or other paved surface and maintained in a manner that minimizes dust from adversely impacting adjacent properties.

(5) *Fencing.* An eight-foot-tall security fence shall be provided around the perimeter of the operation. Buffer yard plantings required by Section 21-373 (Buffer Yards) shall be installed on the outward-facing side of the security fence.

(6) *Rehabilitation of Site.* Within one year after permanent cessation of production:

a. All equipment and stock piles incidental to the operation shall be dismantled and removed by, and at the expense of, the owner, and

b. The site shall be drained to prevent accumulation of standing water. Channelization of drainage shall be designed and controlled so it will not cause erosion or silting of neighboring properties or public drainage ways, appreciably increase the turbidity of any natural water course, or occlude any existing drainage course.

Failure to comply with the site rehabilitation requirements shall be deemed a violation of the development approval issued for the use.

(d) Automobile Repair, Major or Minor.

a. *Setbacks; Buildings and Structures.* Buildings, structures, canopies, fuel pumps and storage tanks shall not be located within 25 feet of a residential zoning district.

b. *Setbacks and Location Requirements; Specified Activities.* The following activities and equipment are permitted only in the rear yard and at least 50 feet from a residential zoning district or use:

a. storage of vehicle parts and refuse,

b. temporary storage of vehicles during repair and pending delivery to the customer, and

c. vacuuming and cleaning.

c. *Service/Repair Activity Locations.* Subject to Paragraph (4) (Activities/Equipment Requiring Operation within Enclosed Building) below, all automobile servicing and repair activities must either be:

a. carried on within an enclosed building, or

b. screened with a Type C buffer yard as provided in Section 21-373 (Buffer Yards) along any property line abutting a residential zoning district or use.

(4) *Activities/Equipment Requiring Operation within Enclosed Building.* The following activities and equipment shall be operated, used and stored within a fully enclosed building:

a. lubrication equipment,

b. motor vehicle washing equipment,

c. hydraulic hoists and pits,

d. body work and painting, and

e. storage of motorized vehicles not in safe operating condition.

(5) *Limitation on Outside Storage of Vehicles.* Outside storage or parking of any untitled, disabled, wrecked or partially dismantled vehicle is not permitted for a period exceeding 10 calendar days during any 30 calendar-day period.

(e) Bed and Breakfast.

(1) *Building Size; Minimum.* Bed and Breakfasts shall be converted single-family, detached residential dwellings containing at least 3,000 square feet of gross floor area.

(2) *Floor Area; Maximum.* 50% of the building's gross floor may be used for lodging.

(3) *Number of Guest Bedrooms; Maximum.* Five

(4) *Operator to Live in Residence.* The building shall be the operator's primary residence, but the operator is not required to be the property owner.

(5) *Limit of Stay; Maximum.* Seven consecutive calendar days.

(f) Community Amenities, All.

(1) *Location Requirements.* Community Amenities are permitted on corner lots only.

(2) *Floor Area; Maximum.* The structure housing a Community Amenity shall not exceed 6,000 square feet in gross floor area.

(g) Day Care Uses, All.

(1) *Lot Area Per Enrollee; Minimum.* In the A-R, R-1 and R-2 districts, a minimum of 1,040 square feet of lot area shall be provided per enrollee.

(h) Electronic Gaming Operation.

(1) *Separation Requirements.*

a. *Other Electronic Gaming Operations.* 1,000-foot radius of another electronic gaming operation. Measurements shall be straight lines from building edge to building edge.

b. *Sensitive Land Uses.* 500 feet from any residential use, religious institution, educational facility, day care, park or playground. Measurements shall be taken from property lines.

(2) *Number of Machines; Maximum.* A maximum of 100 machines are allowed per principal operation. Two or fewer machines are classified as an accessory use and shall not be bound by the standards of this subsection.

(3) *Security Clearance.* A security clearance from the Town of Louisburg Police Department shall be obtained prior to the issuance of a certificate of compliance for the business.

(4) *Posting of Property.* Notices shall be posted at all public entrances stating that unaccompanied persons under the age of 18 are prohibitted from entering the premises.

(5) *Hours of Operation.* Hours of operation shall be limited to Sunday through Thursday 9:00 a.m. to 1:00 a.m., and Friday and Saturday 9:00 a.m. to 2:00 a.m.

(i) Farmer's Market.

(1) *Inventory Requirements.* A minimum of 75% of the displayed inventory of the products sold shall be farm products or value-added farm products.

(2) *Power Supply and Limitations.* The site must be supplied with electrical power at secured, in-ground stations for access by temporary users. Generators are prohibited.

(j) Financial Institution.

(1) *Drive-through Windows.* Drive-through windows shall not be located on major thoroughfare-facing building facades within the GWO district. Any secondary views from highways shall be screened from view with evergreen plantings.

(k) Fuel Sales.

(1) *Definitions.*

a. *Canopy.* Any structural protective cover not enclosed on any of its four sides providing a service area designated for dispensing or installation of gasoline, electricity, oil, antifreeze, headlights, wiper blades and similar products.

b. *Fuel Pump.* Any device that dispenses automotive fuel, kerosene or, in the case of charging stations, electricity. They may contain multiple hoses or cables capable of serving more than one fueling position simultaneously.

c. *Pump Island.* A concrete platform measuring a minimum of six-inches in height from the paved surface on which fuel pumps are located.

(2) *Site Design.*

a. *Curb Cuts.* Curb cuts shall not begin:

1. closer than 20 feet to the intersecting street right-of-way, and

2. six feet to abutting property lines.

b. *Driveway Width; Maximum.* 32 feet at the curb line.

c. *Setbacks; Fuel Pumps and Pump Islands.* 15 feet from all property lines and street rights-of-way.

d. *Setbacks; Product Displays.* Display of products, cars or trailers shall be at least 25 feet from street rights-of-way.

e. *Screening from Adjacent Residential Uses and Zones.* A masonry wall shall be constructed and maintained along all property lines abutting a residential zoning district or use. The minimum and maximum height of the wall shall be as follows:

Location	Minimum Height (feet)	Maximum Height (feet)
Front 25 feet (i.e., an area extending from the property line to a point 25 feet interior to the lot)	3	5
Balance of property line	5	10

Buffer yard plantings required by Section 21-373 (Buffer Yards) shall be installed on the outward-facing side of the wall.

(3) *Building Design.*

a. *Square Footage for Principal Building; Maximum.*

Zoning District	Maximum Square Footage; Principal Building
B-2, I-1 & I-2	No maximum
All other districts	2,000 square feet of leasable area

b. *Orientation.* Principal buildings shall be oriented to the street. Service bay doors shall not face any zoning district that allows residential uses.

c. *Building Materials; Exterior; GWO District.* Permitted materials for exterior building façades and canopies include brick, stone and stucco. Cinder block, unfinished poured concrete, unfaced concrete block, plastic or vinyl are prohibited.

(4) *Canopy Requirements.*

a. *Height; Maximum.* 16 feet or the height of the principal building, whichever is less.

b. *Architectural Integration.* Canopies shall be architecturally integrated with the principal building and all other accessory structures through use of the same or compatible materials, colors and roof pitch.

c. *Lighting.* Lighting fixtures or sources of light that are part of the underside of the canopy shall be recessed and not protruded more than two inches below the canopy ceiling surface.

(5) *Hours of Operation Limits.* Hours of operation for sales, deliveries and services are limited from 8:00 AM to 9:00 PM when the project is located within 500 feet of a residential use.

(6) *Product and Operable Vehicle Displays.* The display and storage of trailers, operable motor vehicles and car-top carriers for rental purposes only are permitted as an accessory use subject to the following limitations:

Lot Area (square feet)	**Maximum Number Items Allowed for Display/Storage**	**Maximum Number of Operable Motor Vehicles Allowed for Display/Storage**
Less than 10,000	6	3 of the 6 Items
10,000 – 20,000	10	5 of the 10 Items
Greater than 20,000	10	7 of the 10 Items

(l) Heliport.

(1) *Setbacks.* Landing pads for on-grade heliports shall be set back a minimum of

a. 100 feet from any property line, and

b. 400 feet from buildings used for residential purposes, educational facilities, medical facilities or parks.

These requirements may be reduced one foot for each one foot of elevation above ground level for elevated helistops.

(2) *Surfacing Material.* Landing areas shall be constructed of material free of dust and loose particles that may be blown about by the down blast of the helicopter rotor.

(3) *Security Fencing.* On-ground heliports shall be surrounded by a fence or other barrier prohibiting access to the facility. Buffer yard plantings required by Section 21-373 (Buffer Yards) shall be installed on the outward-facing side of the fence.

(4) *Lighting.* Lighting shall be provided according to federal aviation administration requirements and be oriented as much as possible away from adjacent uses.

(5) *Hours of Operation.* 6:00 AM to 10:00 PM for non-emergency use (i.e., uses other than for public safety or medical purposes).

(m) Manufactured/Modular Home and Storage Building Sales.

(1) *Setbacks.* All display pads shall be located at least 30 feet from any property line or public street right-of-way line.

(2) *Paving Requirements.* All travel lanes, access lanes, sidewalks and parking spaces shall be paved with asphalt or concrete. Storage, repair areas and display pads may be gravel.

(3) *Storage and Repair Areas.* Storage and repair activities shall be completely screened from off-site views. Buildings not for immediate sale, or replacement or discarded parts and accessories, shall also be screened from off-site views.

(4) *Display Pad Separation Requirements.*

Product Being Displayed	Display Pad Separation Requirement (feet)
Manufactured or Modular Home	10
Storage Buildings	5

(5) *Display Home Set-up.* Display homes shall be level and blocked. Display homes visible off-site shall be provided with some type of material (skirting, low fence or landscaping) around the base that prevents open views underneath the home.

(6) *Landscaping Requirements; Manufactured/Modular Home Sales.* In addition to the landscaping requirements in Section 21-379 (Parking and Loading), display areas for manufactured and modular home sales shall include installation of one ornamental or shade tree, two medium shrubs and six small shrubs per display pad. Portions of any display area not included in individual display pads shall be grassed or mulched and suitably landscaped.

(n) Micro-manufacturing.

(1) *Gross Floor Area; Maximum.* The maximum gross floor area of a micro-manufacturing facility shall be as follows:

Zoning District	Maximum Gross Floor Area (square feet)
B-1	2,000
All other districts where allowed	10,000

(2) *Outdoor Storage.* No outdoor storage is permitted.

(o) Multi-family.

(1) *Open Space and Recreation Space Requirements.* The following open and recreation space requirements shall be met outside of the B-1 zoning district. The Zoning Administrator may waive up to 50% of the open space and recreation space acreage requirements if all units are located within 1,000 feet of a public park as measured along a public sidewalk.

a. *Open Space Acreage; Minimum.* 15% of the development tract's gross acreage.

b. *Open Space Width; Minimum.* 30 feet across its narrowest dimension.

c. *Recreation Space; Minimum.* 50% of the open space acreage shall be developed for active recreational purposes.

(2) *Residential Building Separation; Minimum.*

Building Walls	**Separation Distance Between Buildings (feet)**
With window & door openings	50
With only window or door openings	25

(3) *Courtyard Access.* Any group of buildings forming a courtyard shall have at least 25% of the perimeter of such courtyard open for access by emergency vehicles.

(4) *Pedestrian Facilities.* Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to, parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways, and on-site amenities, such as recreation areas.

(5) *Multi-family Dwellings in B-1 District.* For new construction or rehabilitation of existing buildings, the first floor shall be limited to 25% of the building's gross floor area and shall not access the street frontage. Access for first floor dwellings shall be in the rear or in an alley.

(p) Public Assembly Uses, All Other.

(1) *Seating/Occupancy Capacity; Maximum.* 350 seats or persons.

(2) *Gross Floor Area; Maximum.* 3,000 square feet.

(3) *On-Street Parking.* Prohibited.

(4) *Street Access.* The property shall front on a collector or arterial street.

(q) Reception Facility.

(1) *Lot Size; Minimum.* 5 acres.

(2) *Street Access.* The property shall front on a collector or arterial street.

(3) *Structural Alterations.* A residential structure used for a reception facility shall not be altered in any way that changes its general residential appearance.

(4) *Off-street Parking; Temporary.* Temporary parking shall be on grass and not visible from the street.

(5) *On-street Parking.* Prohibited.

(6) *Room Rental.* Reception facilities with guest room rental shall comply with the applicable requirements of Section 21-365 (Special Use Standards), Subsection (n), (Short-term Rental).

(7) *Meals.* Other than to members of reception party, no meals shall be served to the general public.

(r) Religious Institution.

(1) *Seating/Occupancy Capacity; Maximum.* 350 seats or persons.

(2) *Gross Floor Area; Maximum.* 3,000 square feet.

(3) *On-Street Parking.* Prohibited.

(4) *Street Access.* The property shall front on a collector or arterial street.

(s) Restaurant, Limited-Service (Delivery, Carryout and Drive-thru).

(1) *Drive-through Windows.* Drive-through windows shall not be located on major-thoroughfare-facing building facades within the GWO district. Any secondary views from highways shall be screened from view with evergreen plantings.

(t) Self-service Storage Uses, All.

(1) *Lot Size; Minimum and Maximum.* 2-acre minimum; 5-acre maximum.

(2) *Lot Coverage; Maximum.* 50%.

(3) *Interior Travel Lanes.* Interior travel lanes shall have a minimum width of 12 feet for one-way, and 24 feet for two-way, travel.

(4) *Outside Storage.* Storage of boats and recreational vehicles are permitted on-site provided designated storage areas are provided for such use.

(5) *Prohibited Activities.* The following activities are prohibited on-site:

a. Storage of hazardous, toxic or explosive substances including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or used oil.

b. Business or commercial activity of any kind other than the rental of storage units. However, sales of customary equipment and supplies such as hand trucks, straps, tape, packaging materials, boxes, etc. are permitted through the main office only.

c. Use of any units as a temporary or permanent dwelling unit.

d. Use of required parking spaces for storage of vehicles.

(6) *On-site Manager or Security System Required.* No self-service storage facility shall be used or maintained in the absence of an on-site manager. One dwelling unit is permitted on the same lot for use as a caretaker dwelling. This requirement does not apply to facilities where a security system is to be installed.

(u) Shopping Center.

(1) *Lot Size; Minimum.* 2 acres.

(2) *Setbacks; Minimum.* 50 feet from street rights-of-way and 25 feet from other property line.

(3) *Lot Coverage; Maximum.* No more than 30% of the total lot area may be covered by principal and accessory buildings, and any roofed areas.

(4) *Gross Floor Area; Maximums.* The maximum gross floor area for any single structure in the B-2 district shall be 135,000, and 80,000 square feet in the GWO district.

(v) Single-family, Attached.

(1) *B-1 District.* Residential uses are limited to 25% of the gross floor area of the first floor with access restricted to the rear of the building or an alley.

(2) *Zoning Districts Except B-1.*

a. *Lot Size; Minimum.* The minimum lot size requirement of the zoning in which the development is to be located will be used to calculate the total number of dwelling units allowable on a development tract. For example, in the R-2 district, a 10,000 square foot minimum lot size is required for a single-family

dwelling unit. Therefore, a maximum of 44 dwelling units would be allowed on a 10-acre tract to be developed for attached single-family dwellings.

b. *Lot Frontage Width; Minimum.* 15 feet for the portion of the lot on which the unit is to be constructed. This dimension supersedes any lot width or frontage dimension required by the zoning district in which the lot is located.

c. *Unit Grouping; Maximum.* 10 units with a maximum building length span of 150 feet.

d. *Setbacks and Yards.*

1. Front Setback: 0 feet; however, 200 square feet of contiguous open area between the building and front property line is required where buildings don't abut front property lines. "Contiguous open areas" may consist of lawns, landscaped areas, a sidewalk or parkway. Parking, driveways or other impervious surfaces shall not be permitted in the open area.

2. Side Yards: 0-foot interior; 10-foot exterior.

3. Rear Yard: 12 feet; 0 feet with alley/driveway access having a minimum 12-foot right-of-way width. Lots backing on common open areas shall have a 20-foot setback.

e. *Driveways.* Alley access is preferred. Driveways and other paved surfaces shall not comprise more than 50% of the front yard. Driveways that enter more than one garage shall be separated by a grass or landscaped strip extending at least 75% of the driveway length and at least three feet in width.

f. *Parking.* Off-street parking areas may be grouped in bays, either adjacent to streets or in the interior of the lot. Off-street parking areas shall not be located in front yards.

(w) Solar Farm.

(1) *Financial Security Required.* The applicant shall provide a performance guarantee in the amount of 125% of the estimated decommissioning cost minus the salvageable value, or $50,000.00, whichever is greater. Estimates shall be determined by a North Carolina licensed engineer or a licensed contractor. The following types of performance guarantees are permitted:

a. *Bond.* A surety or performance bond that renews automatically, includes a minimum six-day notice to the town prior to cancellation, is approved by the Zoning Administrator, and is from a company on the U.S. Department of Treasury's List of Certified Companies. A bond certificate must be submitted to the town each year verifying the bond has been properly renewed.

b. *Certified Check.* A certified check deposited with the Town of Louisburg Finance Director, as escrow agent, who will deposit the check in an interest-bearing account of the town with all interest accruing to the applicant.

c. *Letter of Credit.* A no-contest irrevocable bond letter of credit from a banking corporation licensed to do business in North Carolina. The terms of the letter must include the absolute right of the Town of Louisburg Finance Director to withdraw funds from the bank upon certification by the Zoning Administrator that the terms and conditions of the performance guarantee have been breached. The letter must be valid up to 12 months from the date the letter of credit was approved.

The full amount of the financial security must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed. The land owner or tenant must notify the town when the site is abandoned for the financial surety instrument to be considered released and no longer held by the town. Any financial security held by the town will be returned when the solar farm is decommissioned and any necessary site restoration is completed.

(2) *Decommissioning Plan and Site Restoration.* Each approved solar farm must have a decommissioning plan submitted by the applicant ensuring the following:

a. *Plan Requirements.* The application must include a detailed plan describing the anticipated life of the solar farm, estimated decommissioning costs in current dollars, method for ensuring funds will be available for decommissioning and site restoration, and anticipated manner in which the solar farm project will be decommissioned and the site restored.

b. *Time Requirement.* Following a continuous six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components and any other associated facilities below grade as described in the approved decommissioning plan.

(3) *Authorization from Local Utility Company.* The applicant must provide written authorization from the local utility company stating the facility will be accepted into its energy grid.

(4) *Installed Improvements Maintenance Standards.* Buffer yards, erosion control measures, ground cover, security fences, gates and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site.

(5) *Fire Safety.* A “kill switch” sufficient to take each series of panels out of service and accessible by fire safety personnel at any time shall be installed. Fire safety personnel shall receive a briefing on the mechanism’s operation prior to activation.

(6) *Fencing.* A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight feet along all exterior sides of the solar farm. Buffer yard plantings required by Section 21-373 (Buffer Yards) shall be installed on the outward-facing side of the fence.

(7) *Underground Lines.* Power transmission lines must be located underground to the extent practical.

(8) *Voltage Warning Signs.* A warning sign concerning voltage and the name and telephone number of the solar farm operator must be placed at the main gate of the required security fence.

(9) *Glare.* All solar panels must be constructed to minimize glare or reflection onto adjacent properties and roadways, and must not interfere with traffic or create a safety hazard.

(10) *Setbacks; Minimum.* 50 feet measured from all street rights-of-way and property lines. Security fencing may be located in required setbacks.

(x) Vehicle Sales and Rental.

(1) *Location Limitations.* Vehicle Sales or Rental establishments, including those for sale by individual owners, shall not be permitted in, or as part of, shopping centers or multi-tenant facilities.

(2) *Display Area Standards.*

a. *Surface Area.* The outdoor vehicle display area shall not exceed 60,000 square feet of continuous paved surface. For purposes of this subsection, a "paved surface" shall not be considered "continuous" if it is separated by a Type A buffer yard along the boundary between the display areas (see Section 21-373 (Buffer Yards) of Division 5 (Uses)). The buffer yard may be penetrated by a driveway. The driveway must be at least 12 feet, but no more than 18 feet, in width for every 150 feet in buffer yard length.

b. *Vehicle Display or Storage.* Vehicles shall not be displayed or stored within required buffer yards.

c. *Pavement Markings.* Paved areas reserved for storage or display of vehicles for sale are not required to be striped as parking spaces.

(y) Veterinary Office or Hospital, Large Animal.

(1) *Lot Size; Minimum.* 10 acres.

(2) *Street Access.* The lot shall front on an arterial or collector street.

(3) *Pasturing of Animals.* If animals will be pastured, one acre of pasture land is required for each animal.

(z) Veterinary Office or Hospital, Small Animal. All kennels shall be enclosed with no outdoor pens.

Sec. 21-365. – Special Use Standards

The standards in this section apply to specified land uses identified by an "S" in Table 4-3 (Table of Permitted Uses).

(a) Agriculture, Intensive. Barns and other structures housing animals or fowl, and associated wastewater and composting facilities, shall be located at least:

(1) 500 feet from any residential zoning district boundary or residential use; and

(2) 200 feet from all property lines.

(b) Automobile Towing and Temporary Storage. Storage yards shall be enclosed by either a non-climbable fence or wall at least six feet in height. Buffer yard plantings required by Section 21-373 (Buffer Yards) shall be installed on the outward-facing side of the fence or wall.

(c) Campground.

(1) *Campsite Area and Width; Minimum.* 1,250 square feet in area and 25 feet in width.

(2) *Campsite Spacing; Minimum.*

Between Sites	10 feet
Interior Roadways	8 feet
Exterior Roadways	50 feet
Property Lines	15 feet

(3) *Parking and Roadway Paving.* Parking spaces and interior roadways shall be paved with asphalt, concrete or crushed stone.

(4) *Utilities.* Campgrounds shall be served by an approved community or public water and sewer service.

(5) *Walkways.* Walkways to concentrated activity areas (such as a laundry room, restrooms, etc.) shall be at least four feet wide and constructed of gravel, crushed stone or mulch. When gravel or mulch is used, a border shall be provided to prevent walkway material from washing out.

(6) *Landscaping.* One tree of a native species shall be provided for each two camping spaces and planted in front of the campsite spaces.

(7) *No Permanent Residences.* Campgrounds shall not be used as permanent residences except for one owner or manager and up to three permanent maintenance personnel.

(8) *Towed Vehicles.* Towed vehicles within campgrounds shall not exceed eight feet in width.

(9) *Tenure of Residency.* No person, other than the owner, manager, and permanent maintenance personnel, shall stay in any campground more than 90 days per calendar year.

(d) Cemetery. Gravesites shall be at least 25 feet from any exterior property line adjacent to a residentially-zoned or used property.

(e) Fuel Sales.

(1) Refer to the standards found in Section 21-364 (Limited Use Standards).

(f) Heliport.

(1) Refer to the standards found in Section 21-364 (Limited Use Standards).

(g) Manufactured Home Park.

(1) *Tract Size; Minimum.* Two acres.

(2) *Density; Maximum.* Seven units per gross tract acre.

(3) *Number of Spaces; Minimum Required.* Ten spaces are required for establishment of a manufactured home park.

(4) *Manufactured Home Types Permitted.* Doublewide and Singlewide Manufactured Homes.

(5) *Space Requirements.*

a. *Space Width and Area; Minimum.* 25 feet wide and 1,000 square feet in area.

b. *Direct Access to Public Streets Prohibited.* Manufactured home spaces shall not have direct vehicular access to a public street. Spaces must be accessed via internal streets.

c. *Marking of Spaces.* Manufactured home spaces shall be permanently marked by markers or monuments.

d. *Setbacks.* Manufactured home spaces shall meet the following setbacks:

	Manufactured Home Setbacks (Feet)	
Public Street Right-of-Way	30	
Park Boundary	10	
Other Stands	Entry Sides	10
	All Other Sides	5
Accessory Structures, Detached	3	
Driveway Edges	8	

e. *Number of Homes Per Space.* No more than one manufactured home may be parked on a space.

(6) *Driveway and Parking Space Construction.* Driveways and parking spaces shall be paved with crushed stone, asphalt or concrete.

(7) *Utilities.* Manufactured home parks shall be served by an approved community or public water and sewer service. Provision shall be made for plugging sewer pipes when a manufactured home does not occupy a space.

(8) *Fire Hydrants.* Standard fire hydrants, in workable condition, shall be located within 500 feet of each manufactured home. All fire hydrants shall be connected to at least a six-inch diameter water line.

(9) *Solid Waste Disposal.* Operators of manufactured home parks shall provide solid waste and recycling containers for resident use. Individual roll-out containers and/or large dumpsters may be used. Dumpsters shall be located at least 40 feet from any manufactured home space and at least 10 feet away from internal streets.

(10) *Streets.*

a. *Public Street Connections.* Internal manufactured home park streets shall be accessed directly from a publicly-maintained street.

b. *Paving.* Two-way streets shall be paved with crushed stone, asphalt, concrete or similar material to a width of 30 feet. One-way streets shall be similarly paved to a width of 18 feet. The figures for street widths are exclusive of on-street parking allowances.

c. *Dead Ends.* Closed ends of dead-end streets shall be provided with a vehicular turning circle at least 80 feet in diameter, measured on the center line of the street. Closed ends or dead-end drives or streets shall not exceed 400 feet in length.

(11) *Street Lights.* All streets shall be illuminated from sunset to sunrise. Street lights shall be spaced at intervals of no more than 300 feet.

(12) *Recreation Areas.* No less than 8% of the gross tract area shall be devoted to recreation areas. Recreation areas shall consist of one or more playgrounds containing a minimum of 20% of the total manufactured home park area. Playgrounds shall be at least 5,000 square feet in area.

(13) *Non-residential Uses Allowed.* Non-residential uses may be permitted in manufactured home parks under the following conditions:

a. It shall be unlawful to commercially sell manufactured homes within a manufactured home park. However, an individual manufactured home owner may sell a manufactured home in which he or she maintains occupancy.

b. Convenience establishments of a commercial nature shall be limited to food stores and personal care businesses such as, but not limited to, coin operated laundries, beauty parlors and barber shops. These may be permitted provided they:

1. are subordinate to the residential use and character of the park,

2. present no visible evidence of their commercial character from any portion of any residential district outside the park, and

3. are designed to serve the trade and service needs of park residents only.

(h) Pet Care Service (with Outdoor Kennels).

(1) *Distance from Residential Uses and Zoning Districts; Minimum.* Buildings used for animal boarding shall be located at least 200 feet from any residential use or residential zoning district boundary. Measurements shall be taken from property lines.

(2) *Sound-proofing.* Where the lot is adjacent to a residential use or residential zoning district boundary, all buildings used for the care or boarding of animals shall be fully enclosed and sound-proofed so animal noises will not be audible from any property line.

(3) *Hours for Outdoor Runs and Exercise Areas.* Where the lot is adjacent to a residential use or residential zoning district boundary, outdoor dog runs or exercising of animals shall not occur between the hours of 9:00 PM and 8:00 AM.

(4) *Front Yard Maintenance.* The front yard area shall not be used for outdoor dog runs or animal exercise.

(5) *Animal Waste Removal.* All yards shall be cleared daily of any animal waste.

(6) *Screening; Outdoor Runs and Exercise Areas.* Any outdoor dog runs or animal exercise areas visible from a public right-of-way, adjacent residential use or residential zoning district boundary, shall be enclosed by a solid masonry or concrete wall, or an opaque fence having a minimum height of five feet. Buffer yard plantings required by Section 21-373 (Buffer Yards) shall be installed on the outward-facing side of the fence or wall.

(i) Public Assembly Uses, All Other.

(1) Refer to the standards found in Section 21-364 (Limited Use Standards).

(j) Religious Institution.

(1) Refer to the standards found in Section 21-364 (Limited Use Standards).

(k) Resource Extraction Uses, All.

(1) *"Adjoining Property" Defined.* As used in this subsection, property shall be considered "adjoining" if it is separated from the area where overburden is deposited by a street right-of-way 100 feet wide or less.

(2) *Screening from Adjoining Properties.* Except for properties in an I-2 district, overburden storage areas shall be screened from adjoining properties not owned or leased by the operator. Screening shall be provided by walls, closed fences, berms or any combination equal to or greater in height than the height of the overburden. Planted or existing vegetation containing the following characteristics may also be used:

a. *Plant Varieties Required.* Loblolly pine, Japanese cryptomeria 'Yoshino' and 'Nellie Stevens' holly.

b. *Plant Spacing.* Pine trees shall be planted double-filed in a staggard configuration with 20-foot spacing. Yoshino and Nellie Stevens shall be installed in the middle of the tree plantings with at least 25% of each variety being planted.

c. *Plant Height at Installation.* Pine trees shall be at least six feet tall. Yoshino and Nellie Stevens shall be at least four feet tall.

d. *Existing Woodland Vegetation.* Existing vegetation of at least 25 feet in width may be used in whole, or in part, to meet screening requirements. Existing vegetation used must meet or exceed the screening characteristics of the planted material requirement

(3) *Overburden Height Limit.* 70 feet.

(4) *Overburden Stabilization.* Overburden deposits shall be covered with grass or other ground cover upon completion of the deposit.

(5) *Hours of Operation.* The following hours of operation shall be observed:

Type of Operation	Days of Week	Hours
Blasting	Monday – Friday[1]	9 AM – 5 PM
Crushing Equipment Operation	Monday - Saturday	6 AM – 9 PM
	Sunday	1 PM – 9 PM
Overburden Deposit or Grading	Monday - Saturday	7 AM – 6 PM
[1]Blasting is allowed in cases of emergency. No blasting is allowed on the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.		

(6) *Crusher Setback.* The primary crusher shall not be located closer than 300 feet to any outer property line and no closer than 600 feet to any residential zoning district. In lieu of meeting these distances, the primary crusher may be located in any area of an excavation pit that is 50 feet or more below the then current surface grade level so the wall of the excavation pit will function as a noise baffle.

(l) Restaurant, Limited Service (Delivery, Carryout and Drive-thru).

(1) Refer to the standards found in Section 21-364 (Limited Use Standards).

(m) Salvage Yard (Including Vehicles).

(1) *Specific Purpose.* This subsection establishes regulations for junkyards and automobile graveyards to ensure neighborhoods and economic development opportunities are protected, consistent with state law.

(2) *Separation Requirement; Residential.* Salvage yards shall be located at least 500 feet from any residential dwelling unit or residential zoning district.

(3) *Lot Size; Minimum and Maximum.* The minimum lot size for establishment of a salvage yard shall be two acres. No salvage yard shall be located on a lot larger than four acres.

(4) *Area Used for Outdoor Storage of Materials; Maximum.* 60% of the lot area.

(5) *Fencing Required; Outdoor Storage Area.* The entire outdoor storage area of the site shall be enclosed by an eight-foot tall, fully opaque fence meeting all required setbacks applicable to the zoning district in which the salvage yard is located. Buffer yard plantings required by Section 21-373 (Buffer Yards) shall be installed on the outward-facing side of the wall or fence. No loading or unloading of materials shall occur outside the fenced area.

(6) *Stacking of Materials.* Materials shall not be vertically stacked as to be visible from a public right-of-way.

(7) *Tires.* All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six feet in height.

(8) *Waste.* No garbage or other putrescent waste likely to attract vermin shall be kept on the property.

(9) *Hazardous Materials.* Gasoline, oil or other hazardous materials removed from scrapped vehicles or parts of vehicles kept on the premises, shall be disposed of in accordance with applicable federal, state and local regulations.

(10) *Other Regulations Applicable.* All other regulations of the state, county and town such as, but not limited to, building codes, fire codes, weed regulations and health regulations shall apply to the operation of such uses.

(n) Short-term Rental. Short-term rentals are divided into two categories: "Homestay Lodging" and "Whole-house lodging" subject to the following requirements as applicable:

(1) *Homestay Lodging.*

a. *Property Owner to be Operator.* Only the owner of the property on which the dwelling unit is located may operate a homestay lodging use. The property owner does not have to live on the property.

b. *Homestay Host to Live in Residence.* The use shall only be allowed in a dwelling unit serving as the principal residence of the homestay host. The homestay host does not have to be the property owner.

c. *Guest Rooms; Maximum.* One less than the total number of bedrooms in the dwelling unit, not to exceed three guest rooms.

d. *Guest Parking.*

1. No more than three motor vehicles owned or operated by guests shall be parked on-site at any time.

2. Guest parking shall be paved with asphalt, concrete or gravel.

3. The homestay host shall issue a parking placard to each guest parking on site.

e. *Food Preparation/Cooking Restrictions.* Preparation and service of food by property owners or homestay hosts shall be prohibited. No cooking shall be permitted in individual bedrooms.

f. *Property Owner/Homestay Host Responsibilities.* The property owner, as well as any homestay host shall have the following responsibilities:

1. ensuring compliance with all federal, state and local laws including, but not limited to, tax code, building code, fire code and environmental health regulations for the level of occupancy of the lodging;

2. not allowing any party, event, classes, weddings, receptions or other large gatherings on the premises at any time;

3. keeping in full force and effect, during all times the unit is used for homestay lodging, commercial general liability insurance. The total limit shall not be

less than $500,000.00 for each occurrence for bodily injury and property damage;

4. conspicuously posting written notice inside each homestay lodging unit setting forth the following information:

   i. name and telephone number of the homestay host and property owner;

   ii. address of the lodging, maximum number of overnight occupants, and the day(s) established for garbage collection;

   iii. non-emergency phone number of the Town of Louisburg Police Department; and

   iv. that parties, events, classes, weddings, receptions and other large gatherings are not permitted on premises at any time.

5. The property owner and homestay host shall ensure that all refuse is stored in appropriate containers, set out for collection on applicable collection day(s), and the carts removed from the street or alley on the scheduled collection day, all in accordance with Section 30 of the Town of Louisburg Code of Ordinances.

g. *Record Maintenance Requirement.* The property owner and homestay host shall maintain records demonstrating that:

   1. the home is the homestay host's primary residence,

   2. the dates of rental for the previous 365 days, and

   3. the number of renters.

   All records shall be made available to the Zoning Administrator upon request.

(2) *Whole-house Lodging.*

a. *Local Operator Required.* A local operator, available 24 hours a day, must live within 25 miles of the subject property.

b. *Guest Parking.* One off-street parking space per bedroom is required. The parking spaces shall be constructed of an all-weather surface such as gravel, concrete or asphalt.

c. *Food Preparation/Cooking Restrictions.* Preparation and service of food by property owners or operators shall be prohibited. No cooking shall be permitted in individual bedrooms.

d. *Property Owner/Operator Responsibilities.* The property owner, as well as any local operator, shall have the responsibilities specified in Subsection (n)(1)(e) above.

(o) Solar Farm.

(1) Refer to the standards found in Section 21-364 (Limited Use Standards).

(p) Sport Shooting Range.

(1) *Design Requirements.* Shooting ranges shall be designed and constructed according to guidelines published in the most recent edition of the NRA (National Rifle Association) Range Source Book. A certificate signed by a licensed design professional attesting these guidelines have been followed in plan preparation must be provided with applications for Sport Shooting Ranges.

(2) *Minimum Distance from Existing, Occupied Dwellings.* 1,000 feet. This requirement does not apply to any dwelling unit located on the site of the range that is occupied by the owner, range manager or caretaker.

(3) *Setbacks.* 300 feet between outdoor ranges and closest property line.

(4) *Shot Fall Zone.* 900 feet of unencumbered space shall be required.

(5) *Security Fencing.* Security fencing shall be provided to prevent an individual from crossing the property down range.

(6) *Warning Signage.* Warning signs meeting NRA guidelines for shooting ranges shall be posted at 100-foot intervals along all exterior fencing.

(7) *Access Control.* Access shall be controlled to prevent unregulated entrance to the firing area.

(8) *Hours of Operation.* Shooting ranges may operate between 8:00 AM and sunset, Monday through Saturday. Hours of operation on Sundays shall be between 11:30 AM and 6:00 PM. Hours of operation may be extended after sunset for purposes of subdued lighting certification for law enforcement officers and military personnel. The range operator shall notify the Town of Louisburg Police Department and Franklin County Sheriff's Office 24 hours prior to holding extended range hours.

(q) Wireless Telecommunications Tower. The purpose of this subsection is to regulate wireless telecommunications towers with the exception of amateur radio antenna.

(1) *Tower Types Permitted.* All towers shall be monopole in construction except those designed for TV or radio broadcasting.

(2) *Location Limitations; Building-mounted Towers.* Towers mounted to buildings or structures are only allowed within the B-1, B-2, I-1 and I-2 districts.

(3) *Tower Separation.* No tower may be constructed within a 1,500-foot radius of any other tower. Concealed towers are exempt from this requirement.

(4) *Tower Height; Maximum.* 450 feet. When located on a building or structure, the maximum height of both the tower and building or structure, combined, shall not exceed 450 feet.

(5) *Setbacks.*

a. *Residentially-zoned Areas.* Maximum height of the tower.

b. *Business/Industrial-zoned Areas.* 50 feet or one-foot for each two feet of tower height, whichever is greater.

(6) *Lighting.* Lighting shall meet or exceed FAA (Federal Aviation Administration) standards if lighting is required. To the extent allowed by the FAA, strobes shall not be used for night time lighting. Lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.

(7) *Aesthetics.*

a. *Tower.* Towers shall either maintain a galvanized steel finish, be painted a neutral color, incorporated into the architectural design of a structure, or camouflaged by other means. Telecommunication towers and associated equipment totally concealed within a building or structure so that they are architecturally indiscernible shall not be considered towers.

b. *Accessory Buildings.* Within residential zoning districts, the exterior appearance of all buildings and structures shall resemble those commonly associated with residential buildings including, without limitation, pitched roofs and frame or brick veneer construction.

(8) *Fencing.* The tower base shall be enclosed with a 10-foot-tall chain link fence located a minimum of 10 feet from the base of the tower.

(9) *Buffer Yard.* A 25-foot-wide planted buffer yard shall be installed around the perimeter of the tower compound to shield all structures, including guy wires or anchors from view. The buffer shall meet the following standards:

a. *Planting Species.* Evergreen trees planted 20 feet on center that will attain a mature height of 25 feet.

b. *Additional Plantings.* The inner fringe of the buffer shall be planted with evergreen shrubs three feet in height at installation that will reach a mature height of six feet.

(10) *Co-location Required.* Co-location on existing towers is required, where available, before additional ground build towers will be permitted.

(11) *Radio and TV Disturbance.* Radio, television or similar reception for adjoining residentially-zoned properties shall not be disturbed or diminished.

(12) *Application Materials.* The following materials shall be submitted with any application for a wireless communication tower:

a. *Application Form.* A completed application form as prescribed by the Zoning Administrator.

b. *Statement of Effect on Property Values.* A written report prepared by a licensed real estate appraiser or broker expressing their professional opinion regarding the effect the telecommunications tower will have on surrounding neighborhood property values.

c. *Statement Regarding Electromagnetic Interference.* A written report by a qualified professional providing documentation indicating that power density levels will not exceed the stricter of either federally approved levels or ANSI (American National Standards Institute) standards.

d. *Statement of Financial Responsibility; Obsolescence.* For towers greater than 75 feet in height, a statement of financial responsibility ensuring:

1. tower removal in the event its use is discontinued for any reason for a period of six months or more;

2. removal will be conducted by the tower owner at their sole expense; and

3. removal will occur within 90 days of the Zoning Administrator's written notification of the need for removal.

e. *Statement Regarding Co-location.* Documentation indicating 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 to be investigated include other towers, buildings and structures.

f. *Statement of Structural Integrity.* Documentation shall be provided by a registered engineer and endorsed by the tower owner that:

1. The tower has sufficient structural integrity to accommodate three times the capacity (carriers) of its intended use in order that secondary users can lease the balance of the tower capacity.

2. Applicants will not be denied space on the 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 shall not be required to take into consideration rent being paid by a current co-locator under a swapping arrangement.

g. *Photographs.* Photo imagery of the proposed tower superimposed onto the existing site where the tower is to be located.

(13) *Post-approval Documentation.* The applicant shall submit the following materials before a certificate of compliance will be issued:

a. *Construction Certification.* Engineer and tower owner certification that the tower has been constructed and will be operated in full compliance with all applicable local, state and federal laws and ordinances including, but not limited to, all FCC and FAA rules and guidelines.

b. *Lighting Certification.* If tower lighting is required, documentation from the FAA that tower lighting is the minimum required by the FAA.

(14) *Post-approval Construction Certification.*

a. *Two-year Reports.* Every two years from the date of certificate of compliance issuance, the tower owner shall submit a statement, signed and sealed by their engineer, as to the structural soundness of the tower.

b. *Six-year Reports.* Every six years from the date of certificate of compliance issuance, the tower owner shall submit a statement, signed and sealed by their engineer and an outside, independent, registered and licensed engineer, as to the structural soundness of the tower. If the tower is determined not to be structurally sound, the tower owner shall have the burden of any repairs. Required repairs shall be completed within 60 calendar days of the date the report is received.

(15) *Tower Replacement.*

a. *Conforming Towers.* To reduce the need for additional tower construction, the Zoning Administrator may approve replacement of an existing, conforming tower provided the replacement tower:

1. is designed to support more co-locations than the existing tower, and

2. will not exceed 199 feet or 115% of the height of the existing tower, whichever is less.

b. *Nonconforming Towers.* Replacement of nonconforming towers, regardless of location, requires issuance of a special use permit.

Secs. 21-366 - 21-370. – Reserved.

DIVISION 5. – DEVELOPMENT STANDARDS

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Sec. 21-371. – Specific Purposes

The purpose of this division is to protect the public health, safety and welfare through the establishment of development standards applicable to land uses throughout the town's planning jurisdiction. Unless the Zoning Administrator deems a standard not applicable, the standards in this division apply to all development approvals.

Sec. 21-372. -Access and Driveways

(a) Applicability. This section applies to all driveways except those for single-family dwellings and manufactured homes located on individual lots.

(1) *Lots of Record.* One access point is allowed for a lot of record. If the lot of record is a corner lot, then the access point shall be located on the street of lower classification and placed 125 feet, or the greatest possible distance, from the street intersection. However, in no case will an access point be required to be placed immediately adjacent to, or abutting, a property line.

(2) *Corner Lots.* Corner lots are allowed one access point from each street. However, the access shall be 125 feet, or the greatest possible distance, from the street intersection. However, in no case will an access point be required to be placed immediately adjacent to, or abutting, a property line.

(3) *Non-residential, Multi-family or Mixed-Use Developments.* Lots developed for non-residential, multi-family or mixed-use development are permitted vehicular access from a collector or higher-order street subject to this section. The number of access points shall not exceed one for every 200 feet of lot frontage.

(4) *Cross Access.*

a. *Generally.* All lots in commercial or mixed-use developments fronting on an arterial or collector street shall provide an access connection to abutting parking areas that is at least 24 feet in width. The applicant may grant a common access easement across the lot, or recorded deed covenant providing common access across the lot with the adjacent lot(s).

b. *Adjacent Vacant Properties.* Where connections to abutting non-residential or mixed-use lots are possible, but the adjacent property is undeveloped, the lot proposed for development shall include a stub-out of driving aisles at a location allowing for two-way vehicular connection to the abutting lot.

(5) *Access Points; Location.* The location of access points shall be based on the following criteria:

a. The access point shall not conflict with vehicle turning movements; and

b. The access point shall be located at least 50 feet from an intersection.

c. On collector or higher-order streets in business zoning districts, driveway approaches shall be located a distance of at least 90% of the lot frontage length, or 125 feet, whichever distance is less.

(6) *Access Points; Alignment.*

a. *Opposing Driveways.* Access points shall align with opposing driveway approaches, if any, or be offset by at least 50 feet unless access is to an arterial or collector street; in which case the offset shall be 100 feet. The Zoning Administrator may waive this requirement if the applicant provides a cross access as provided in Paragraph (4) (Cross Access) above.

b. *Median Openings.* Access points shall align with existing median openings. No cuts through the left turn reservoir of a median are permitted.

Sec. 21-373. -Buffer Yards

(a) Specific Purposes. Buffer yards provide a transitional zone between zoning districts and/or uses that may differ in development intensity and density, and provide a minimum buffer between uses of similar intensity and density. These landscaped planting yards are intended to ensure that a natural area of appropriate size and planting density are preserved between zoning districts and/or land uses.

(b) Applicability. This section applies to any of the following unless exempted by Subsection (c) (Exemptions) below:

(1) The construction or erection of any new building or structure;

(2) Any enlargement exceeding 1,000 square feet or 10% in area, whichever is greater, of the exterior dimensions of an existing building; and/or

(3) Any construction of a new parking lot or expansion of an existing parking lot by more than 2,000 square feet or 20% in area, whichever is greater.

(c) Exemptions. This section does not apply to the following situations:

(1) Single-family dwellings and individual manufactured homes to be located on existing lots;

(2) Agricultural uses;

(3) Non-residential uses abutting other non-residential uses of the same zoning classification;

(4) Interior finish work or remodeling in a portion of an existing building, unless the work results in an increase in the paving area of the parking lot or an enlargement of the exterior dimensions of the building meeting the thresholds in Subsection (b) (Applicability) above;

(5) Any use, building or structure for which only a change of use is requested, and which use does not increase the building's square footage meeting the thresholds in Subsection (b) (Applicability) above;

(6) Lots, under common ownership, on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines; or

(7) Lots separated by a public street right-of-way greater than 30 feet in width or a railroad right-of-way.

(d) Buffer Yard Zoning/Land Use Classes. There are five different classes of zoning districts and land uses for purposes of determining the buffer yard type required. Land use classes

are based on the specific zoning district, land use or use category, or specific land use to be developed. The groupings of zoning districts, land use categories and specific land uses are shown in Table 5-1 (Buffer Yard Zoning/Land Use Classes).

Table 5-1
Buffer Yard Zoning/Land Use Classes

Buffer Yard Class	Zoning District/Land Use Category/Specific Land Use
1	A-R
	R-1
	RC
	Single- & two-family uses outside of the A-R, R-1 & R-2 districts
2	R-2
	Group Living uses outside of the R-2 district
	Multi-family uses outside of the R-2 district
3	O/I
	B-3
	LC
	MA
	Office uses outside of the O/I, B-3, LC & MA districts
	Institutional & Civic uses outside of the O/I, B-3, LC & MA districts
4	B-1
	B-2
	Retail Sales & Service uses located outside of the B-1 & B-2 districts
	Wholesale Trade uses located outside the B-1 & B-2 districts
5	I-1
	I-2
	Passenger Terminal uses located outside the I-1 & I-2 districts
	Light Industrial uses located outside the I-1 & I-2 districts
	Warehousing & Storage uses located outside the I-1 & I-2 districts
	Utilities uses outside the I-1 & I-2 districts

(e) Buffer Yard Standards.

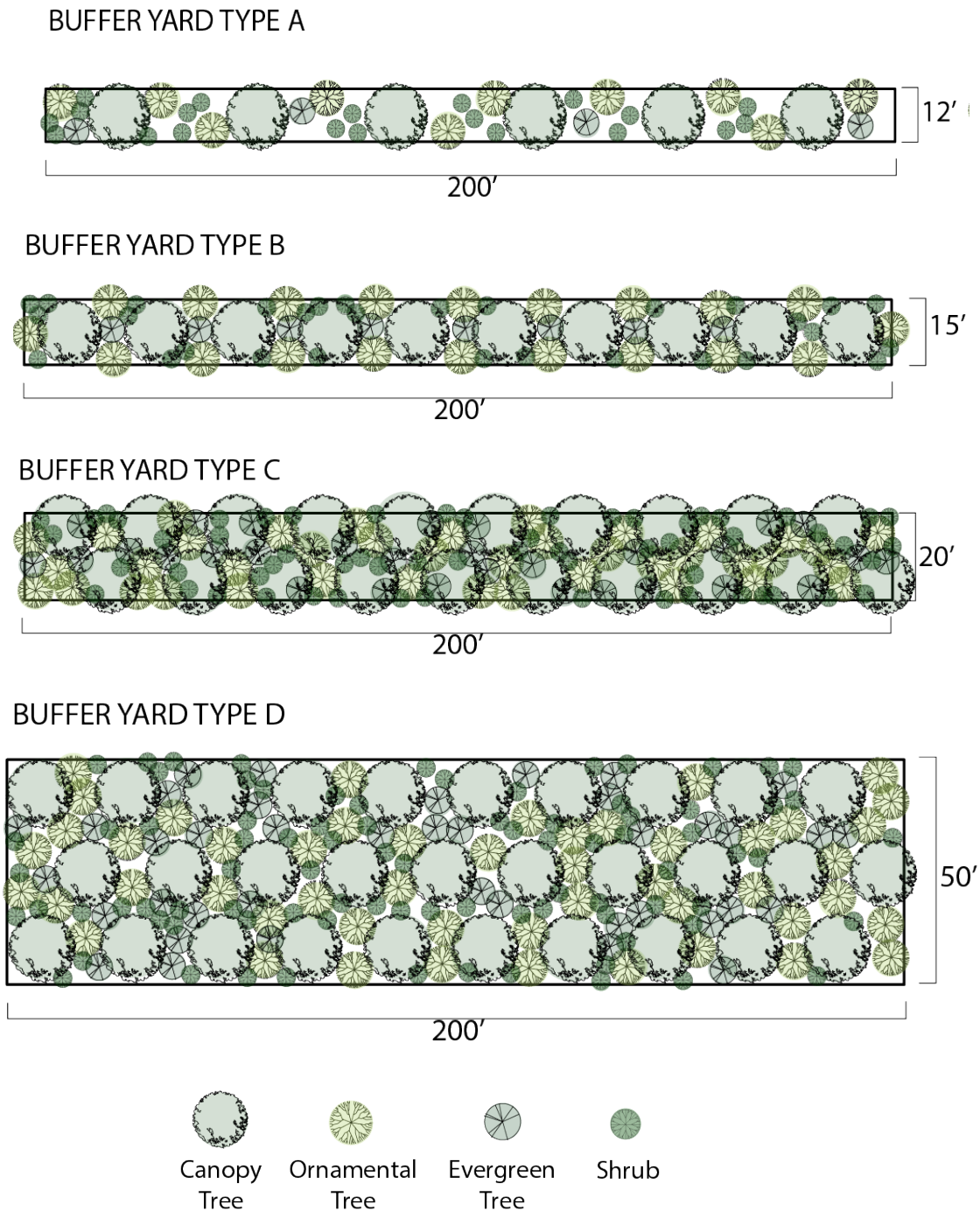
(1) *Generally.* Table 5-2 (Buffer Yard Standards by Type) details each of the four buffer yard types, including required plantings and dimensions.

Table 5-2
Buffer Yard Standards by Type

Buffer Yard Type	Width (feet)	Canopy Trees (per 100 linear feet)	Ornamental Trees (per 100 linear feet)	Evergreen Trees (per 100 linear feet)[1]	Evergreen Shrubs (per 100 linear feet)
A	12	3	5	2	10
B	15	5	10	4	15
C	20[2]	10	20	15	30
D	50[3]	15	25	20	40

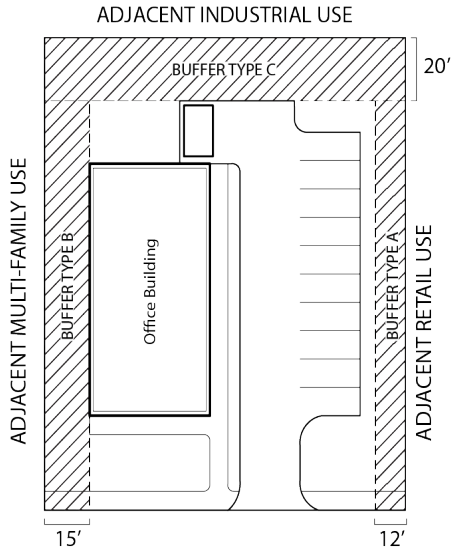
[1] Evergreen trees shall be interspersed with other required plantings on a regular interval.
[2] May be reduced to 15 feet if a six-foot tall berm, fence or wall is used.
[3] May be reduced to 25 feet if a six-foot tall berm, fence or wall is used.

Figure 5-1
Buffer Yard Planting Types[1]



[1]*See Table 5-2 for numeric planting standards.*

Figure 5-2
Example of Buffer Yard Requirements for Adjacent Uses[1]



[1]Seee Table 5-1 for Buffer Yard Type applicability for different uses and zoning districts.

(2) *Application Toward Setback Requirement.* Buffer yard areas shall be counted towards required building setbacks.

(3) *Width Measurement.* Buffer yard widths shall be measured horizontally from property lines, except where buffer yards are permitted to straddle property lines as allowed under Paragraph (15) (Buffer Yard on Property Line) below.

(4) *Length Measurement at Property Corners.* Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

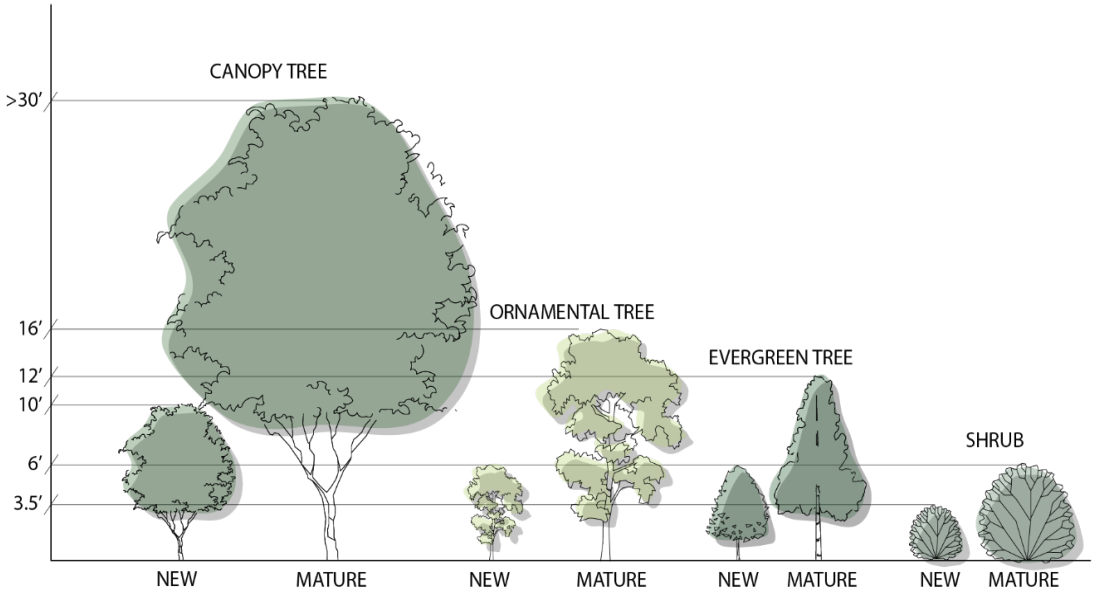
(5) *Size and Type of Plant Material*. Plant material shall meet the standards of Table 5-3 (Minimum Planting Specifications) at time of installation. Invasive, non-native species as listed by the North Carolina Invasive Plant Species for the Piedmont are prohibited. Substitutions are permitted based on the recommendation of a qualified landscape professional.

Table 5-3
Minimum Planting Specifications

Plant Type	Size or Variety, Minimum (at time of planting)	Height, Minimum (feet at time of planting)
Canopy Trees	2-inch caliper[1]	10
Ornamental Trees	1½-inch caliper[1]	6
Evergreen Tree	-	6
Evergreen Shrubs	3-gallon container	3½ [2]

[1] Caliper is measured six-inches above grade.
[2] Measured from grade to the top horizontal plane of the shrub. Shrubs must reach a mature height within five growing seasons.

Figure 5-3
Illustration of Minimum Planting Specifications (see also Table 5-3)



(6) *Existing Vegetation.* Existing, healthy vegetation may be counted toward required buffer yard plantings. In order to do so, the landscape plan submitted with the application for development approval must indicate the type, number and size of existing plants that are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this section are required to be listed.

(7) *Fences and Walls.* Fences and walls, where used to meet buffer yard requirements, must be at least six feet in height, solid and 100% opaque. Fences must be constructed of wood that is at least ½-inches thick. Corrugated and galvanized steel or metal sheets are not permitted. Support posts must be placed on and faced toward the inside of the developing property so that the fence surface is smooth on the abutting property side.

(8) *Berms.* A berm used as part of a buffer yard, where used to meet buffer yard requirements, shall have a minimum downward slope of 5% and maximum upward slope of 25%. In order to accommodate a berm, the buffer yard may need to be wider than required. For example, a Type C buffer yard would have to be over 48 feet in width to accommodate a berm, but will only require the amount of plantings required for a Type C buffer yard. The surface of the berm not planted with trees and shrubs must be covered with grass, perennial ground cover, or vines and woody and herbaceous perennials with mulch. Grass or other coverings must be maintained for the life of the buffer yard.

(9) *Required Buffer Yard for Development.*

a. *Development in All Districts Except B-1.* Table 5-4 (Required Buffer Yard for Development in All Districts Except B-1) identifies the buffer yard type required for proposed development in all districts except B-1.

b. *Development in the B-1 District.* Table 5-5 (Required Buffer Yard for Development in B-1 District) identifies the buffer yard type required for proposed development in the B-1district.

c. *Interpretation of Tables.* The rows indicate the buffer yard class, as described in Table 5-1 (Buffer Yard Zoning/Land Use Classes) above, of the proposed development. The columns indicate the buffer yard class of existing, adjacent development. A dash (-) indicates no buffer yard is required.

d. *"Visual Separation" Defined.* Where complete visual separation is required, it shall be accomplished through the use of landscaping which provides year-round opaque screening. In addition, to provide complete visual separation within three years of planting, when and if needed, landscaping may be combined with earthen berms, fences or masonry walls meeting the requirements of this section to accomplish the required visual separation.

Table 5-4
Required Buffer Yard for Development in All Districts Except B-1

Buffer Yard Types for Adjacent Zoning District/Land Use Categories					
Land Use Class/Zoning District *Proposed*[1]	**Land Use Class/Zoning District *Existing***				
	1	2	3	4	5
1	A	-	-	-	-
2	A	A	B	C	D
3	B[2]	B[2]	A	A	C
4	C[2]	C[2]	B[2]	A	B
5	D[2]	D[2]	C[2]	B[1]	B

[1] All approved development projects consisting of a primary structure/user & outparcels shall maintain that the primary user shall provide the buffer yards for all external boundaries. All outparcels shall be required to maintain a buffer yard between it & the primary user. The primary user is not responsible for an additional buffer yard between it & outparcels.
[2] Complete visual separation required through use of densely planted landscaping that will provide complete visual separation within three years of planting. See definition of "Visual Separation" in Paragraph (9) (Required Buffer Yard for Development).

Table 5-5
Required Buffer Yard for Development in B-1 District

Buffer Yard Types for Adjacent Zoning District/Land Use Categories[1]					
Land Use Class/Zoning District *Proposed*[2]	**Land Use Class/Zoning District *Existing***				
	1	2	3	4	5
1	-	-	-	-	-
2	A	-	B	B	C
3	A[3]	A[3]	-	A	B
4	B[3]	B[3]	A[3]	-	A
5	C[3]	C[3]	B[3]	A[3]	-

[1] See Paragraph 10 (Buffer Yard Reduction Allowances in B-1 District).
[2] Complete visual separation required through use of densely planted landscaping that will provide complete visual separation within three years of planting. See definition of "Visual Separation" in Paragraph (9) (Required Buffer Yard for Development).
[3] All approved development projects consisting of a primary structure/user & outparcels shall maintain that the primary user shall provide the buffer yards for all external boundaries. All outparcels shall be required to maintain a buffer yard between it & the primary user. The primary user is not responsible for an additional buffer yard between it & outparcels.

(10) *Buffer Yard Reduction Allowances in B-1 District.* Required buffer yards applicable to the B-1 district may be reduced by 40% in width and required planting material where insufficient land area exists to provide the full buffer yard, or existing buildings or paved areas make providing buffer yards impossible in those areas. Fractions shall be rounded to the nearest whole number when the allowed percentage results in a fractional number. This provision may be used in place of, or in conjunction with, the allowances found in Paragraph (13) (Reduction in Required Buffer Yard) below.

(11) *Prohibited Uses and Structures.* The following uses and structures are prohibited in buffer yards:

a. *Buildings and Equipment.* Construction of any structure or placement of any mechanical equipment except for equipment necessary for the provision of utilities.

b. *Signs.* Signs, other than subdivision entrance signs.

c. *Recreational Uses.* Active recreational uses, such as playfields, swimming pools, racquetball and tennis courts or other active, structured recreational uses.

d. *Vehicle Use Areas.* Vehicle use areas, off-street parking and circulation drives.

(12) *Permitted Uses.* The following uses may be permitted in buffer yards provided none of the required plant material is eliminated, intended screening is accomplished, total buffer yard width is maintained, and all other requirements of this section are met:

a. Passive recreation, sculptures, outdoor furniture, picnic areas, and pedestrian, bike or equestrian trails.

b. Stormwater control measures.

c. Parks and open space.

(13) *Reduction in Required Buffer Yard.* Where a dedicated buffer yard exists on an abutting property, the Zoning Administrator may eliminate the buffer yard requirement for the property to be developed subject to either of the following:

a. *Written Agreement Between Property Owners.*

1. The adjoining property owners have provided a written agreement recorded with the Franklin County Register of Deeds office restricting use of the dedicated buffer yard to uses provided for in this section, and

2. The written agreement includes maintenance responsibilities of the existing buffer yard consistent with the requirements of this section.

b. *Net Buffer Yard.* The "net" buffer yard satisfies the minimum requirements for both properties. The net buffer yard shall include the cumulative total for both required buffer yards.

(14) *Designation of Buffer Yards on Site Plans and Plats.* Buffer yards shall be designated as landscaped areas on site plans submitted with applications for development approval, and as landscape easements when shown on subdivision plats. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.

(15) *Buffer Yard on Property Line.* When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.

(16) *Maintenance.* All buffer yards shall be maintained in their natural state and not be excessively pruned or trimmed except as necessary to maintain compliance with all other town regulations, such as those prohibiting obstruction of roadway sight distances or obstruction of the free use of public sidewalks or streets. Infectious, invasive, exotic, and dead or damaged trees may be removed if no damage is done to other vegetation

Sec. 21-374. -Building Height Standards

(a) Compliance with District Regulations. The height of all buildings must comply with the applicable district maximum building height standards found in Division 3 (Districts) and any other applicable section of this chapter.

(b) Building Height; Measurement. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

(c) Exceptions to Maximum Height Requirements. Zoning district height limits do not apply to:

(1) belfries, cupolas, spires, domes,

(2) monuments,

(3) airway beacons,

(4) structures for essential services including hospitals,

(5) windmills,

(6) flagpoles,

(7) chimneys or chimney flues,

(8) bulkheads,

(9) elevator shafts,

(10) water tanks,

(11) telecommunications towers, or

(12) any similar structure or necessary mechanical appurtenance extending above the roof if the structure occupies no more than 33% of the roof area.

(d) Allowances to Exceed Maximum Height Limits. Multi-family, non-residential and mixed-use buildings may be allowed to exceed maximum building height requirements if building setbacks are increased one foot for each one foot of height above the maximum permitted height.

Sec. 21-375. –Gateway Overlay District Standards

(a) Specific Purposes. The requirements in this section are designed to provide adequate public infrastructure to serve properties located in the GWO district.

(b) Electric Service Installation. Underground electric power lines shall be installed underground. Subject to Subsection (e) (Payment In-lieu of Improvements) below, the town may authorize payment-in-lieu of underground electric installation where evidence is presented that underground installation is not feasible.

(c) Sidewalks Required. Sidewalks shall be installed along all property street frontages. Required sidewalks shall be five feet wide and meet the standards found in the town's Standard Specifications and Details Manual. Subject to Sub-section (e) (Payment In-lieu of Improvements) below, the town may authorize payment-in-lieu of sidewalk construction if a required sidewalk is proposed to be, or is being, built on the opposite side of the street on which the subject property has direct frontage.

(d) Utility Extensions and Connections Required. All new development within 500 feet of public water and/or sewer shall connect to the system. Extensions shall be made at the sole expense of the owner unless they are made by the town under its assessment policies. All applicable fees are due at the time of connection. No water or sewer service shall be provided to any property outside of the town's corporate limits unless the property is annexed. 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 a future date when the town determines it is in the town's best interest and that services can be provided. The agreement shall include a provision for the town to terminate water and/or sewer service if the property owner fails to fulfill all requirements to annex.

(e) Payment In-lieu of Improvements. Any owner required to install or construct improvements specified in this section (i.e., sidewalks or underground electric lines) may, with the approval of Town Council upon their finding such improvements are unnecessary or undesirable at the time but are needed in the future, make a payment in-lieu of such improvements or part thereof. The payment shall be 150% of the 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 irrevocable letter of credit with the town in the total estimated amount prior to the issuance of any development approval required for the development. Full payment shall be made before issuance of any certificates of compliance related to the development.

Sec. 21-376. -Lot Standards

(a) Specific Purposes. These standards are designed to ensure all lots have adequate access and conform to the applicable provisions of this chapter.

(b) Compliance with District Regulations. The size, width, depth, shape and orientation of lots must comply with the applicable district dimensional standards found in Division 3 (Districts) and any other applicable section of this chapter.

(c) Access. Every lot must front on or have a means of access to a public street. Access must be sufficient to afford ingress and egress for emergency vehicles and those likely to need or desire to access the lot in its intended use.

(d) Buildings To Be on Lot. Every building must be located on a lot meeting the standards in this chapter and the applicable Town of Louisburg Subdivision Regulations standards.

(e) Number of Buildings Per Lot. No more than one principal building is permitted on a residentially-zoned lot unless otherwise provided elsewhere in this chapter.

(f) Subdivision of Lots. A lot may be subdivided, provided all resulting lots and buildings thereon comply with all applicable provisions of this chapter and the applicable provisions of the Town of Louisburg Subdivision Regulations. However, if such lot contains a nonconforming building, it may be subdivided, provided the subdivision does not create a new non-conformity or increase the degree of non-conformity of the building.

Sec. 21-377. -Outdoor Display

(a) Applicability. This section applies to the display of retail goods in parking areas, sidewalks and other locations outside an enclosed building. It does not apply to farmers' markets or produce stands, where permitted by the applicable zoning district.

(b) Standards.

(1) *Where Permitted.* Outdoor display of retail goods, wares and merchandise are permitted accessory uses in all non-residential zoning districts where expressly permitted pursuant to a zoning or special use permit. Plans submitted in support of the permit must show the location, area and boundaries of outdoor display areas.

(2) *Relationship to Principal Use.* Only the business or entity occupying the principal use or structure shall sell merchandise in the outdoor display areas.

(3) *Outdoor Display Areas Considered Floor Area for Required Parking.* Outdoor display areas will be considered part of the floor area of the principal use or structure for purposes of computing the minimum number of required parking spaces.

(4) *Prohibited Locations.* Merchandise shall not be placed or located where it will interfere with:

a. pedestrian or building access or egress;

b. required parking spaces, handicapped parking spaces, drive aisles, or access or egress points;

c. loading space parking or access;

d. public or private utilities, services or drainage systems; or

e. fire lanes, alarms, hydrants, standpipes or other fire protection equipment or emergency access or egress.

(5) *Outdoor Displays on Sidewalks.* Retail goods, wares, and merchandise may be displayed on public sidewalks where:

a. The display does not extend more than three feet from the building facade, and does not impede or limit the use of sidewalks to pedestrian movement; and

b. An unobstructed clearance of at least four feet in width is maintained from the edge of the display to the outer edge of the sidewalk.

(6) *Surfacing of Display Areas.* Outdoor display areas shall be constructed of non-aggregate stone, concrete or asphalt.

(7) *Yards and Setbacks.* Outdoor display areas are permitted in any yard, subject to a minimum 10-foot setback from adjoining property lines.

(8) *Height of Displays; Maximum.* The height of displayed merchandise shall not exceed the height of any screening or six feet, whichever is less.

(9) *Screening from Residential Districts and Uses.* Outdoor display areas shall be screened from view along property lines abutting a residential zoning district or use by a Type C buffer that conforms to Section 21-373 (Buffer Yards). To the extent that buildings on the premises are located in order to screen views, such buildings may be considered as part of the required screening in lieu of landscaping, fences, walls and enclosures.

Sec. 21-378. -Outdoor Storage in Non-residential Districts

(a) Specific Purposes. This section establishes regulations for the keeping, in an unroofed area, any goods, junk, material or merchandise not considered as "outdoor display" in the same place for more than 24 hours.

(b) Exception to Applicability. The provisions of this section do not apply to nursery stock and open storage associated with agricultural uses.

(c) Location Restrictions. Outdoor storage areas are prohibited:

(1) within 50 feet of any public right-of-way;

(2) within 500 feet of residential uses and/or districts; and

(3) in required front yard areas.

(d) Screening. Outdoor storage areas shall be screened in accordance with Article 21-380 (Screening) of this division. Fences of chain link, sheet metal and barbed or razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient materials to screen outdoor storage areas or operations.

Sec. 21-379. -Parking and Loading

(a) Specific Purposes. This section sets minimum standards for off-street parking associated with new construction and expansion of, or changes to existing uses. Its purpose is to:

(1) ensure uses have a minimum level of off-street parking;

(2) avoid congestion on surrounding streets;

(3) avoid driving up the cost of development; and

(4) avoid excessive levels of traffic congestion that creates increases in flooding and non-point source pollution.

On-street parking is encouraged in some locations to provide a buffer zone between pedestrians and vehicular traffic.

(b) Applicability. Permanent off-street parking in compliance with this section shall be required:

(1) as part of new construction or at the time of initial building occupancy;

(2) whenever a principal building is enlarged, or capacity increased, by adding dwelling units, guest rooms, seats, or floor area, by a factor equal to or greater than 10% of the existing floor area; or

(3) prior to changes in use(s) or occupancy of existing buildings requiring evaluation of parking requirements.

(c) Location. Except for allowances for off-site parking as established in Subsection (k) (Design Standards) below, a required off-street parking area shall be located on the same lot as the building, use or structure it serves.

(d) Multiple Uses. In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum parking, loading and stacking standards shall apply to each use or structure, resulting in a total parking, loading or stacking requirement when summed, except as exempted by this section.

(e) Moving Other Vehicles Not Required. Except where valet or tandem parking is used, all required parking shall be designed so vehicles enter or leave a parking space without the need to move other vehicles.

(f) Maneuvering Space. Parking and loading areas shall be designed so vehicles are not required to maneuver into a public street right-of-way, or overhang into an adjacent property under separate ownership or pedestrian crossing area in order to park, load, unload or stack, except:

(1) When the use is a single- or two-family dwelling where backing onto the public right-of-way is permitted; or

(2) Where a cross access easement is in place.

(g) Dedication of Spaces. Parking and loading spaces shall not interfere with one another or be used to meet another use's requirements.

(h) Insufficient Parking. The Zoning Administrator may require additional off-street parking spaces even if the number of spaces provided meets the minimum requirement for the established use, if customers, employees or delivery vehicles are consistently required to park or unload on the street where on-street loading is prohibited or on other properties due to a lack of available vehicular use area.

(i) Overflow Parking. Turf shall be used for overflow or event parking areas, and/or low-traffic storage yards. "Overflow parking" is off-street parking in excess of the minimum required by Subsection (j) (Parking Spaces; Minimum Required) below, designed to be used no more than 10 times per year. "Low-traffic storage yard" is a storage area generating less than 30 average daily trips).

(j) Parking Spaces; Minimum Required.

(1) *Generally.* A site shall provided with the minimum number of required parking spaces based on the use as listed in Table 5-7 (Minimum Required Parking Spaces). Accessible parking spaces required by the Americans with Disabilities Act count toward the required number of spaces.

(2) *Exceptions to Required Parking Space Minimums.*

a. *B-1 District.* The minimum parking requirements shall not apply to non-residential uses in the B-1 district.

b. *Parking Structures.* For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included as part of the gross floor area of the building.

c. *Residential Parking.* An area on a residential lot is considered a parking space if the area:

1. is at least nine feet wide, 18 feet deep and not part of an access drive to a private garage or carport;

2. has an improved hard surface;

3. does not encroach upon a public sidewalk; and

4. is accessible from the street or alley.

d. *Stand-alone Parking.* Parking areas constituting the principal use of a lot shall comply with all provisions of this section except the minimum number of required spaces.

(3) *Rounding.* If the final calculated number of required parking spaces includes a fractional space, then the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction (e.g. a calculated fractional space of 9.1 is rounded up to 10 spaces).

(4) *Shared Parking.* The Zoning Administrator may approve a decrease in the required number of parking spaces for developments containing a mix of uses on a single lot as provided in Table 5-6 (Shared Parking by Land Use) below. The following method shall be used in making the calculation:

a. Calculate the minimum parking requirements for each land use as if it were a separate use.

b. Multiply each amount by the corresponding percentages for each of the five time periods.

c. Calculate the total for each time period.

d. Select the column with the highest total and use that number for the required minimum number of parking spaces.

Table 5-6
Shared Parking by Land Use

Use Category	Weekday		Weekend		Night
	(6 AM to 6 PM)	(6 PM to 12 AM)	(6 AM to 6 PM)	(6 PM to 12 AM)	(12 AM to 6 AM)
Household & Group Living	60%	90%	80%	90%	100%
Office, Heavy Industrial, Light Industrial, Warehousing & Storage, Waste-related, & Wholesale Trade	100%	10%	10%	5%	5%
Retail, Sales & Service	60%	90%	100%	70%	5%
Overnight Lodging	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment, Indoor; Entertainment, Outdoor; or Adult Use Establishment	40%	100%	80%	100%	10%
All Other Uses	100%	100%	100%	100%	100%

(5) *Off-site Parking.* Off-site parking may be used in non-residential districts where the off-site spaces are within 500 feet of the building using the spaces. A written agreement between the owner and lessee must be executed and recorded with the Franklin County Register of Deeds. The agreement shall be for a period of no less than 10 years. If the agreement expires or is otherwise terminated, the use for which the off-site parking was provided shall be considered to contain nonconforming site improvements as defined in Division 7 (Nonconforming Situations). Future expansion of the use will be prohibited unless the use is brought into compliance with the parking requirements of this section.

(6) *Request to Reduce Required Parking.* A special study as described in Paragraph (7) (Special Study) below, may be submitted to the Zoning Administrator to support a request to reduce the number of required parking spaces required for any use to less than that set out in Table 5-7 (Minimum Required Parking Spaces).

(7) *Special Study.* Some land uses have widely varying parking demand characteristics, making it difficult to specify a single off-street parking standard. As noted in Table 5-7 (Minimum Required Parking Spaces) below, some uses require a special study to determine how much parking is required. The Zoning Administrator may rely on a special study to establish off-street parking requirements for the proposed development.

a. *Special Study Requirements.* Special studies shall be conducted by a qualified transportation planner or traffic engineer, at the applicant's expense, and include all the following:

1. estimates of parking demand based on recommendations of the ITE (Institute of Traffic Engineers) or other acceptable professional estimates;

2. other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity and location; and

3. documentation of data sources used to develop the recommendations.

(8) *Compact Parking Spaces.* No more than 20% of the required off-street parking spaces may be designed as compact spaces. Compact spaces shall be clearly marked or signed on site as "Compact Cars Only."

(9) *Electric Vehicle Charging Stations.* Each off-street electric vehicle charging station with a rating of 240 volts or higher shall count as 1.5 off-street parking spaces toward satisfaction of the minimum required off-street parking requirements, for a maximum credit of 10% of required spaces.

Table 5-7
Minimum Required Parking Spaces

Use Category	Specific Use	Minimum Required Parking Spaces
Agricultural & Residential		
Agricultural & Animal Related	Agriculture	N/A
	Agriculture, Intensive	1 per 1,000 SF GFA
	Animal Production & Support (exc. Intensive Agriculture)	1 per 1,000 SF GFA
	Auction Sales-Livestock Only	1 per 1,000 SF GFA
	Crop Production	1 per 1,000 SF GFA
	Farmers Market	1 per 600 SF of Market Area
	Nursery/Greenhouse	1.5 per 375 SF GFA of Sales or Service Building Area
	Pet Care Service (with or without Outdoor Kennels)	1 per 600 SF GFA
	Veterinary Office or Hospital, Large Animal	1 per 1,000 SF GFA
	Veterinary Office or Hospital, Small Animal	1 per 500 SF GFA
Household Living	Manufactured Home, Doublewide	2 per Unit
	Manufactured Home Park	2 per Pad
	Multi-family	1.5 per Unit
	Single-family, Attached	1.5 per Unit
	Single-family, Detached	2 per Unit
	Two-family Dwelling	2 per Unit
Group Living	Family Care Home	2 per Unit
	Fraternity/Sorority House	1 per 3 Residents
	Group Home	0.3 per Room
	Homeless Shelter	1 per 1,000 SF GFA
	Residential Care Facility	0.3 per Room
	All Other Group Living Uses	0.3 per Room
Institutional & Civic		
Community Amenities	All Community Amenities	1 per 1,000 SF GFA
Day Care	All Day Care Uses	1 per 375 SF GFA
Educational Facilities	School, Public or Private; Elementary or Secondary	1 per Classroom
	School, Technical or Trade	1 per 200 SF GFA
	University or College	1 per 4 students
	All Other Educational Facilities	1 per 4 students
Government Facilities	Correctional Institution	1 per 1,000 SF GFA
	EMS Facility	1 per Employee + 1 per 3 Volunteers on Shift + 1 per 200 SF Useable Office Space

Table 5-7
Minimum Required Parking Spaces (continued)

Use Category	Specific Use	Minimum Required Parking Spaces
Institutional & Civic (continued)		
Government Facilities	All Other Government Facilities	1 per 300 SF GFA
Medical Facilities	Medical or Dentist Office	1 per 300 SF GFA
	Medical Lab	1 per employee
	All Other Medical Facilities	1 per 400 SF GFA
Parks & Open Space	Campground	1 per 6 Camp Sites + 4 per Laundry & Shower
	Cemetery	See §§(j)(7) Special Study
	Country Club	1 per 3 Seats + 1 per 300 SF of Retail Area
	Golf Course	4 per Hole
	Miniature Golf Course	1 per Hole
	Zoo	See §§(j)(7) Special Study
	All Other Park & Open Space Uses	1 per 4 Seats
Passenger Terminals	Airport	1 per Employee + Spaces Required to Satisfy Projected Peak Parking Demand
	Park & Ride Facility/Transit Terminal	N/A
	All Other Passenger Terminals	1 per Employee + Spaces Required to Satisfy Projected Peak Parking Demand
Public Assembly	Club, Private	1 per 250 SF GFA
	Convention Center/Visitors Bureau	1 per 250 SF GFA
	Religious Institution	1 per 8 Seats
	Reception Facility	1 per 250 SF GFA
	All Other Public Assembly Uses	1 per 6 Seats or 1 per 50 SF GFA, If No Seats
Social Services	All Social Service Uses	See §§(j)(7) Special Study
Utilities	Utilities	N/A
	Utilities, Regional	1 per Employee at Peak Shift + 1 per Company Vehicle at Peak Shift
	Solar Farm	N/A
	Wireless Telecommunications Tower	N/A
Commercial		
Entertainment, Indoor	Adult Use Establishment	See §§(j)(7) Special Study
	Amusement Arcade	1 per Game Table, Video Game or Other Amusement Device
	Bar, Dance Hall, Night Club, Pub or Tavern (Not Including Adult Establishments)	1 per 6 Seats
	Bingo Parlor	1 per 3 Seats

Table 5-7
Minimum Required Parking Spaces (continued)

Use Category	Specific Use	Minimum Required Parking Spaces
Commercial (continued)		
Entertainment, Indoor	Brew Pub, Microbrewery, Micro-winery, Micro-distillery, Micro-cidery	1 per 200 SF of Dining or Seating Area
	Electronic Gaming Operation	1 per Game Table, Video Game or Other Amusement Device
	Fortune Telling/Palm Reading	1 per 500 SF GFA
	Health Clubs & Fitness Centers	1.5 per 1,000 SF GFA
	Movie Theater	1 per 6 Seats
	All Other Indoor Entertainment Uses	1 per 3 Seats
Entertainment, Outdoor	Amusement Park	1 per 600 SF of Outdoor Recreation Area
	Golf Driving Range	1 per 2 Tees
	Shooting Range, Sport	1 per Employee + 1 for Every 2 Participants at Full Capacity
	Sports & Recreation Instruction/Camps	1 per 600 SF of Outdoor Recreation Area
	Theater, Drive-in	1 per Viewing Space
	All Other Outdoor Entertainment	1 per 600 SF of Outdoor Recreation Area
Lodging, Overnight	Bed & Breakfast	1 per Guest Bedroom + 1 for Owner/Operator
	Short-term Rental	1 per Guest Bedroom + 1 for Owner/Operator
	All Other Overnight Lodging	1 per Room + 1 per 800 SF of Public Meeting Area & Restaurant Space
Office	Contractor's Office (with or without Outdoor Storage)	1 per 600 SF GFA
	Financial Institution (with Drive-up Window)	1 per 200 SF GFA + 6 Stacking Spaces per Drive-up Window
	Financial Institution (without Drive-up Window)	1 per 250 SF GFA
	All Other Office Uses	1 per 300 SF GFA
Parking, Commercial	Truck, Tractor Trailer or Bus Storage (Not Including Inoperable Vehicles)	N/A
	All Other Commercial Parking Uses	N/A
Retail, Sales & Service	Convenience Store	6 per 1,000 SF GFA + Stacking Area for 2 Vehicles per Each Side of Each Pump Island

Table 5-7
Minimum Required Parking Spaces (continued)

Use Category	Specific Use	Minimum Required Parking Spaces
Commercial (Continued)		
Retail, Sales & Service	Dry Cleaner	1 per 500 SF GFA
	Firearms & Ammunition Sales	1 per 300 SF GFA
	Funeral Home &/or Crematorium	1 per 4 Seats
	Hair, Nail & Skin Care Service	1 per 500 SF GFA
	Lawn & Garden Sales (with or without Outdoor Storage)	1.5 per 375 SF GFA of Sales or Service Building Area
	Liquor Sales (ABC Store)	1 per 300 SF GFA
	Outdoor Markets, Including Flea Markets	1 per 2,000 SF Sales Area
	Pawn Shop	1 per 300 SF GFA
	Shopping Center (25,000 – 400,000 SF GFA)	1 per 250 SF GFA
	Shopping Center (401,000 – 600,000 SF GFA)	1 per 225 SF GFA
	Shopping Center (>600,000 SF GFA)	1 per 200 SF GFA
	All Other Retail, Sales & Service Uses	1 per 300 SF GFA
Restaurant	Restaurant, Limited-Service (Delivery, Carryout & Drive-thru)	1 per Every 3 Seating Spaces + 6 Stacking Spaces per Drive-thru Lane
	All Other Restaurant Uses	1 per Every 3 Seating Spaces
Vehicle Sales & Service	Automobile Repair, Major & Minor	1 per 500 SF GFA + 1 per Employee
	Automobile Towing & Temporary Storage	1 per Employee + 1 per 15,000 SF of Salvage Area
	Car Wash	1 per 500 SF GFA Including Wash Bays/Tunnels
	Fuel Sales	6 per 1,000 SF GFA + Stacking Area for 2 Vehicles per Each Side of Each Pump Island
	Manufactured/Modular Home & Storage Building Sales	1 per 100 SF GFA of Office Area + 1 per Every 2 Employees
	Truck Stop/Travel Plaza	1 per 500 SF GFA Including Wash Bays/Tunnels
	Vehicle Sales & Rental	1.5 per 375 SF GFA of Sales Area + 1 per Employee
	All Other Vehicle Sales & Service Uses	See §§(j)(7) Special Study

Table 5-7
Minimum Required Parking Spaces (continued)

Use Category	Specific Use	Minimum Required Parking Spaces
Industrial		
Industrial, Heavy	Asphalt & Concrete Mixing Plants	1 per Employee
	Fertilizer Manufacturing	2 per 3 Employees at Peak Shift + 1 per Each Company Vehicle at Peak Shift
	All Other Heavy Industrial Uses	2 per 3 Employees at Peak Shift + 1 per Each Company Vehicle at Peak Shift
Industrial, Light	Manufacturing, Small Scale	2 per 3 Employees at Peak Shift + 1 per Each Company Vehicle at Peak Shift
	Micro-manufacturing	2 per 3 Employees at Peak Shift + 1 per Each Company Vehicle at Peak Shift
	Scientific Research & Development Services	1 per 1,000 SF GFA
	All Other Light Industrial Uses	2 per 3 Employees at Peak Shift + 1 per Each Company Vehicle at Peak Shift
Resource Extraction	All Resource Extraction Uses	1 per Employee at Peak Shift + 1 per Company Vehicle at Peak Shift
Self-service Storage	All Self-service Storage Uses	1 for Every 200 Rental Spaces
Transportation	Heliport	1 per Each 4 Seats for Waiting Passengers + 2 for Each 3 Employees + 1 for Each Vehicle Used in the Operation
Warehousing & Storage	Outdoor Storage	1 per Employee; None if no Employees
	All Other Warehousing & Storage Uses	1 per 400 SF GFA of Sales & Office Area + 1 per Each Company Vehicle at Peak Shift, or 2 per 3 Employees at Peak Shift + 1 per Each Company Vehicle at Peak Shift (Greater Standard Applies)
Waste-related Services	Landfill	1 per Employee
	Salvage Yard (Including Vehicles)	1 per 2 Employees at Peak Shift + 1 per 5,000 SF of Land Area Devoted to Material Storage + 1 for Each Company Vehicle at Peak Shift
	All Other Waste Related Services	2 per 3 Employees at Peak Shift + 1 per Each Company Vehicle at Peak Shift
Wholesale Trade	Building Material Supply (with or without Outdoor Storage)	1.5 per 375 SF GFA of Sales or Service Building Area
	Farm Product Sales, Bulk	1 per 500 SF GFA
	Farm Supply Product Sales (with or without Outdoor Storage)	1 per 500 SF GFA

Table 5-7
Minimum Required Parking Spaces (continued)

Use Category	Specific Use	Minimum Required Parking Spaces
Industrial (continued)		
Wholesale Trade	Florist & Nursery Supply (with or without Outdoor Storage)	1 per 1,500 SF of Retail Area
	All Other Wholesale Trade	1 per 400 SF GFA of Sales & Office Area + 1 per Each Company Vehicle at Peak Shift, or 2 per 3 Employees at Peak Shift + 1 per Each Company Vehicle at Peak Shift (Greater Standard Applies)

(k) Design Standards.

(1) *Applicability.* This subsection applies to parking areas for both residential and non-residential land uses in any zoning district. Attached and detached single-family residential land uses are exempt from the requirements.

(2) *Access.* All off-street parking must have direct access to a public street through an alley, driveway or permanent access easement.

(3) *Street Classifications.* Entries for off-street parking areas shall be placed along a collector street, where the ability to do so exists.

(4) *Surfacing.* Paved surfacing is required for all minimum parking spaces, at all entrances from the road to the required accessible parking spaces, and at loading docks as follows:

a. *Three or Fewer Spaces.* Non-aggregate stone (e.g., pavers) or similar material must be used. Curbing is not required. Accessible spaces and pathways must be paved with asphalt, concrete or similar material.

b. *Four or More Spaces.* Asphalt, concrete or similar material with curbing.

c. *Public Assembly and Outdoor Entertainment Uses.* Paving of parking areas and access ways for Public Assembly and Outdoor Entertainment uses may be waived if the applicant presents evidence to the Zoning Administrator that the spaces will not be used regularly on a daily basis, or at least five times per week. Parking areas for which paving is waived shall maintain a turf surface, but shall also meet the minimum requirements of Volumes I-C and V of the North Carolina State Building Code for Accessibility and Fire Prevention.

(5) *Striping.* Parking spaces paved with asphalt, concrete or similar material shall be permanently and clearly identified through the use of paint or thermoplastic. Parking

spaces for Household Living uses or building types located within private garages, carports or individual driveways do not have to be marked.

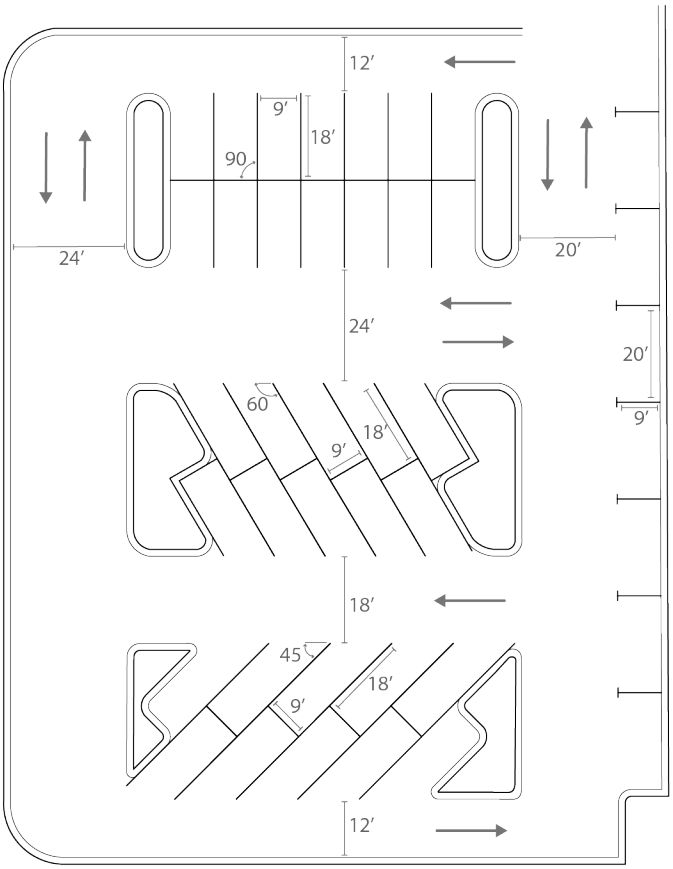
(6) *Dead-End Aisles.* Dead-end aisles are not permitted unless turnaround is provided. In addition, any parking row not providing two means of vehicular egress must provide, at the closed end, a space designated as a turn-around area. This space must be located at the end of a parking row, be designed with a minimum dimension of 10 feet in width by 10 feet in depth, and include a "No Parking" sign.

(7) *Dimensions.* Parking spaces shall have the following dimensions:

Table 5-8
Parking Space Dimensional Requirements

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Drive Aisle Width (feet)	
Standard-size Vehicles				
45º	9	18	1-way	12
60º	9	18	1-way	18
90º	9	18	2-way	24
Parallel	9	20	1-way	12
			2-way	20
Compact Vehicles				
45º	8	16	1-way	12
60º	8	16	1-way	18
90º	8	16	2-way	24
Parallel	8	20	1-way	12
			2-way	20

Figure 5-4
Illustration of Dimensional Standards for Parking Areas[1]



[1]*See Table 5-8 for numeric parking dimensions.*

(8) *Landscaping.*

a. *Location and Measurement.* Landscaping shall be provided around and within parking lots. Perimeter parking lot yard widths shall be measured from property lines and street rights-of-way as follows:

Table 5-9
Perimeter Parking Lot Yard Width Requirements

Number of Spaces in Parking Lot	Parking Lot Yard Width, Required (feet)
Less than 5	-
5 to 20	5
21 to 50	10
50+	15

b. *Interior Landscaping Area.* Parking lots in the B-2 and B-3 districts shall contain a minimum 10% net area of landscaping. Parking lots for multi-family developments and uses in the OI, B-2, PD, PD-R and GWO districts shall contain a minimum 20% net area of landscaping. Landscaping shall be provided on the interior and exterior of the parking lot.

c. *Plantings.* One shade tree, two ornamental trees and eight small shrubs shall be required for each 10 parking spaces. The perimeter of all vehicular use areas adjacent to streets and residentially-zoned or used properties shall be screened as follows:

1. Opaque, evergreen plantings that will reach a mature height of at least three feet within one year of planting. A minimum two-foot, eight-inch clearance shall be provided between the planting area and pavement or wheel stop;

2. A solid wall of at least three feet in height. Evergreen vegetation that will reach a mature height of at least three feet within one year of planting shall be planted between the wall and adjacent properties or streets. A minimum four feet of clearance shall be provided between the wall and the pavement or wheel stop;

3. A four-foot-tall berm measured from the toe of the slope to the top of the berm. The width of the top of the berm shall be equal to at least one-half of its height. Maximum berm slope shall be 2:1. Berms may be used in combination with planting to meet height requirements; or

4. Topography that will functionally screen the parking.

d. *Planting Islands.* Planting islands shall be no less than 10 feet in width and shall include a minimum of 150 square feet of open planting area for ornamental trees and 300 square feet for shade trees. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

e. *Tree Location.* Trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators or between rows of parking spaces so no parking space is located more than 60 feet from a tree.

(l) *Loading; Off-street.* Off-street loading, unloading and maneuvering space meeting the standards of this subsection shall be provided for all new or substantially altered non-residential buildings or uses unless the applicant provides documentation that off-street loading is not required for the use.

(1) *Relation to Required Off-street Parking Spaces.* Loading and unloading spaces shall not be used or counted as off-street parking spaces for the use. The areas shall be separate and distinct from off-street parking spaces and maneuvering areas.

(2) *Location.* Loading and unloading spaces and associated docks shall be located on the same lot as the principal use.

(3) *Placement.* Loading and unloading spaces and associated docks shall be placed to the rear of the structure.

(4) *Screening.* All loading areas shall be screened from adjacent streets and residentially- zoned or used properties in one of the following manners:

a. Enclosed by a roofed or unroofed wall between the principal building and the property boundary lines. The walls of the enclosure shall be tall enough to completely screen delivery vehicles. The walls must be designed and constructed to complement the primary exterior finish materials or design of the principal building.

b. Screened along its length by a buffer yard containing an eight-foot-tall masonry wall designed and constructed to complement the primary exterior finish materials or design of the principal building.

(5) *Surfacing.* Loading and unloading spaces shall be surfaced with asphalt, concrete or similar material. Gravel is not permitted.

(6) *Size of Spaces; Minimum.* 12 feet by 25 feet.

(7) *Number of Spaces Required.* The following land uses are required to provide off-street loading/unloading spaces in the following quantities:

Table 5-10
Loading Space Requirements

Land Use Classification	Number Spaces Per Gross Leasable Area (square feet)
Retail, Sales & Service	1 per 20,000 square feet rounded to the nearest 20,000 square feet
Office & Overnight Lodging Uses (Over 50,000 Square Feet in Area)	1 per 50,000 square feet rounded to the nearest 50,000 square feet.
Industrial & Wholesale Trade	See Table 5-14 (Loading Space Requirements: Industrial and Wholesale Trade Uses)

Table 5-11
Loading Space Requirements: Industrial and Wholesale Trade Uses

Gross Leasable Area (square feet)	Required Number of Spaces; Minimum
Up to 50,000	1
51,000 – 120,000	2
121, 000 – 220,000	3
221,000 – 350,000	4
351,000 – 550,000	5
551,000 – 850,000	6
Each Additional 400,000 above 850,000	1 Additional Space

Sec. 21-380. -Screening

Outdoor storage areas must be screened from all public streets. Screening shall be a minimum of six feet in height or a height sufficient to obscure the area or equipment requiring the screening, whichever is less. The screening may be provided by plants, a solid screen fence or wall, or a combination of walls and plants. The height of plants will be based on reaching their size at maturity within one year.

Sec. 21-381. -Setback and Yard Standards

(a) Compliance with District Regulations. All buildings and structures located on a lot shall comply with the applicable zoning district setback and yard requirements found in Division 3 (Districts) and any other applicable provisions and allowances of this section and chapter.

(b) Corner Lots. Corner lots shall have two front setbacks and two side yards. The side having the shortest street frontage is considered the front for setback purposes. The Zoning Administrator may waive this requirement and determine the front yard to be on the street front that is in line with the prevailing pattern of front yards on the street in order to be consistent with the established pattern of the street.

(c) Setback and Yard Encroachments. All buildings and structures must be located at or behind required setbacks, except as listed below. Underground structures covered by the ground may encroach into a required setback or yard.

Table 5-12
Setback and Yard Encroachment Allowances[1]

Structure	Permitted Location (yards)	Setback (feet)	Setback Encroachment (feet)	Square Footage, Min.	Height, Max. (feet)
Ancillary equipment in non-residential districts	Interior side or rear	4	-	-	-
Arbor	Any	-	-	80	12
Balconies (covered but not enclosed)	Any	3	6	-	-
Bay windows, oriels, vestibules & similar features less than 10 feet wide	Any	3	4	-	-
Building eaves, roof overhangs, awnings & light shelves	Any	3	5	-	-
Chimneys or flues	Any	3	4	-	-
Cornices, belt courses, sills, buttresses or other similar architectural features	Any	-	1.5	-	-
Decks & patios, covered	Rear	10	-	-	-
Decks & patios, uncovered, not closer than 20 feet from a dwelling unit on an abutting lot	Side or rear	-	-	-	-
Fences & walls	Any	-	-	-	-
Fire escapes or stairways, unenclosed	Side or rear	5	4	-	-

[1] The stricter standard applies where a setback & setback encroachment is indicated.

Table 5-12
Setback and Yard Encroachment Allowances[1] (continued)

Structure	Permitted Location (yards)	Setback (feet)	Setback Encroachment (feet)	Square Footage, Min.	Height, Max. (feet)
Garages, attached or detached & loaded from alleys	Side or rear	5	-	-	15
Handicap ramps	Any	-	-	-	12
Mechanical equipment for residential uses except permanent generators	Side or rear	3	-	-	-
Outdoor seating associated with a Restaurant use category	Any	-	5	-	-
Overhangs over doorways	Any	-	3	-	-
Pools (open), screened or enclosed pools, spas & associated uncovered decks or patios not closer than 20 feet from a dwelling unit on an abutting lot	Side or rear	5	-	-	3
Porch, stoop, awning, roof overhang, unenclosed	Front	5	8	-	-
Sidewalks	Any	0	-	-	-

[1]The stricter standard applies where a setback & setback encroachment is indicated.

Sec. 21-382. -Solid Waste Containment Areas

All commercial solid waste containment areas for trash and recyclables shall meet the following standards:

(1) *Location.* Side or rear yards behind buildings and away from sidewalks or pedestrian circulation.

(2) *Access.* Accessible to service vehicles.

(3) *Surfacing Requirements.* Compactors and dumpsters shall be placed on a concrete pad large enough to provide adequate support and allow for positive drainage. A concrete apron the same width as the concrete pad shall extend from the pad for support of solid waste collection vehicles.

(4) *Enclosure Requirements.* Solid waste and recycling containers shall be enclosed to contain windblown litter. The enclosure shall meet the following design standards:

a. be at least as tall as the tallest point of the compactor or dumpster;

b. be made of a material that is opaque at the time of installation.

(5) Screening. All containment enclosures must be screened from all public and private streets, sidewalks or other public ways, and buildings on the lot. Screening plantings must be an evergreen plant species reaching a mature height of six feet. The height of plants will be based on reaching their size at maturity within one year.

Figure 5-5
Solid Waste Collection Area Screening

Sec. 21-383. –Watershed Overlay District Standards

(a) Specific Purposes. The requirements in this section are designed to:

(1) minimize stormwater runoff volume and pollutant loads;

(2) limit built-upon area and impervious cover;

(3) establish vegetative buffers along waterways; and

(4) establish stormwater controls.

(b) Public Health; Generally. Activities, situations, structures or land uses posing a threat to water quality or the public health, safety and welfare shall not be allowed in the watershed overlay districts.

(c) Applicability. The requirements of this section apply to all properties located within the WCO (Watershed Critical Area) and WPO (Watershed Protected Area Overlay) districts. However, the requirements do not apply to the following:

(1) Existing development.

(2) Expansion of existing single-family residential development that is not part of common plan of development.

(3) Single-family residential development on nonconforming existing lots where the lots are not contiguous to any other lot under the same ownership.

(d) Definitions. Words used in this section are those having a special meaning relative to this section's purpose.

Best Management Practices (BMP). Structural and non-structural, management-based practices, used singularly or in combination to reduce nonpoint source inputs to receiving waters to achieve water quality protection goals.

Buffer. Areas of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so it does not become channelized; and that provide for the infiltration of runoff and filtering of pollutants. Buffers are measured landward from the normal pool elevation of impounded structures and from banks along each side of streams or rivers.

Building. Any structure having a roof supported by columns or walls 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 open structure, with or without a roof, shall not be deemed to make them one building.

Built-upon Area. That portion of a development project covered by impervious or partially impervious (meaning it does not allow water to infiltrate from surface to

subsurface) cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. Wooden slatted decks and the water area of swimming pools are considered pervious.

Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in project design including minimizing stormwater runoff impacts. This term includes non-residential, single-family residential, multi-family residential, mixed and planned developments.

Common Plan of Development. A site where multiple, separate and distinct development activities may be taking place at different times or different schedules but governed by a single development plan regardless of ownership of parcels.

Development. Any land disturbing activity adding to or changing the amount of impervious or partially impervious cover on a land area, or otherwise decreasing the infiltration of precipitation into the soil.

Existing Development. Projects built or, at a minimum, having established a vested right under North Carolina zoning law as of the effective date of this chapter, including subsequent amendments, based on at least one of the following criteria:

(1) substantial expenditures of resources (time, labor, money) based on good faith reliance on having received a valid town approval to proceed with the project;

(2) having an outstanding valid building permit as authorized by NCGS 160D-102; or

(3) having an approved site-specific or phased development plan as authorized by NCGS 160D-102.

Lot. A parcel of land that can be transferred separate from other parcels of land.

Nonconforming Existing Lot. A lot described by plat or deed recorded prior to October 1, 1993, that does not meet the minimum lot size or other development requirements of this section.

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

Perennial Waterbody. A natural or man-made basin, including lakes, ponds and reservoirs, that stores surface water permanently at depths sufficient to preclude the growth of non-hydrophilic rooted plants.

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

Qualified Individual. A person certified to perform stream determinations by completing and passing the SWITC (Surface Water Identification Training and Certification) course

offered by the North Carolina Division of Water Resources at North Carolina State University.

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 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.

Stormwater Control Measure (SCM). A permanent structural device designed, constructed and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapotranspiration, post-filtration discharge, reuse of stormwater or combination thereof.

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

Surface Waters. All waters of the State as defined in NCGS 143-212 except underground waters.

Water Dependent Structure. Any structure for which the use requires access to, 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, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

(e) Density and Built-Upon Limits.

(1) *Project Density.* The following allowable project densities and minimum lot sizes apply to projects according to the watershed overlay district in which it is located, its project density and type of development:

Table 5-13
Watershed Overlay Density and Built-upon Area Limits

Watershed Overlay District	Maximum Allowable Project Density or Minimum Lot Size	
	Single-family Residential; Detached	***Non-residential & All Other Residential***
WCO	22,000 square feet	24% built-upon area
WPO	22,000 square feet with curb & gutter	24% built-upon area with curb & gutter streets
	15,000 square feet without curb & gutter	36% built-upon area without curb and gutter streets

(2) *Calculation of Project Density.* The following requirements apply to calculation of project density:

a. *Calculation.* Project density is calculated as the total built-upon area divided by the total project area. Areas below the normal high-water line shall be excluded from total project area.

b. *Common Plan of Development.* Projects under a common plan of development shall be considered as a single project for purposes of density calculation.

c. *Projects Containing Existing Development.* Projects containing existing development may use the calculation method in Sub-paragraph (a) (Calculation) above, or as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

d. *Expansion of Existing Development.* Subject to Subsection (c) (Applicability) above, expansions to existing development shall be subject to the density and built-upon area requirements of this subsection.

e. *Net Increase of Built-upon Area.* Where there is a net increase of built-upon area, only the area of net increase shall be subject to the density and built-upon area requirements.

f. *Replacement of Existing Built-upon Area.* Where existing development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to these requirements.

(f) Vegetated Conveyances. Stormwater runoff from projects shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether this criterion has been met, the Zoning Administrator shall take into account site-specific factors such as topography and site layout, as well as protection of water quality. Vegetated conveyances shall be maintained in perpetuity to ensure they function as designed. Vegetated conveyances meeting the following criteria shall be deemed to satisfy the requirements of this subsection:

(1) Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated that soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and

(2) The conveyance shall be designed so it will not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

(g) *Curb Outlet Systems.* Instead of using vegetated conveyances, project developers have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems are as follows:

(1) Curb outlets shall be located so the swale or vegetated area can carry the peak flow from the 10-year storm at a non-erosive velocity.

(2) Longitudinal slopes of swales or vegetated areas shall not exceed 5% except where not practical due to physical constraints. Devices slowing the rate of runoff and encouraging infiltration to reduce pollutant delivery shall be provided.

(3) Swale cross sections shall be trapezoidal with a minimum bottom width of two feet.

(4) Side slopes of swales or vegetated areas shall be no steeper than 3:1 (horizontal to vertical).

(5) Swales or vegetated areas shall not exceed 100 feet in length.

(6) Treatment swales designed in accordance with 15A NCAC 02H .1061 may be used instead of the methods specified in (1) through (5) above.

(h) *Cluster Development.* Cluster development is allowed under the following conditions:

(1) *Lot Size; Density; Built-upon Area.* 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. Project density or built-upon area shall not exceed that allowed for the applicable watershed overlay district.

(2) *Development Area Location.* Areas of concentrated density development shall be located in upland areas and away from surface waters and drainageways to the maximum extent practicable.

(3) *Remainder of Tract to be Open Space.* The remainder of the tract shall remain in a vegetated or natural state. Title to open space areas shall be conveyed to an incorporated property owners' association for management; to the town or county for preservation as a park or open space; or a conservation organization for preservation in a permanent easement. A maintenance agreement shall be filed with the property deeds where a property owners' association is not incorporated.

(4) *Design of Built-upon Area.* Built-upon areas shall be designed and located to minimize stormwater runoff impact to receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

(5) *Stormwater Runoff Transport.* Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.

(i) *Vegetative Buffers Required.*

(1) *Where Required.* Along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.

(2) *Width; Minimum.* 30 feet measured from the most landward limit of the top of bank or normal water level.

(3) *Permitted Uses.*

a. Desirable artificial streambank or shoreline stabilization.

b. Water-dependent structures.

c. Flag poles, signs and security lighting resulting in only diminutive increases in impervious area.

d. 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 surface waters and maximize use of stormwater Best Management Practices.

Secs. 21-384 – 21-386. – Reserved.

DIVISION 6. – SIGNS

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Sec. 21-387. – Specific Purposes

The regulations in this division are designed to:

(1) encourage the effective use of signs as a means of communication while preserving the rights of free speech under the First Amendment to the United States Constitution;

(2) maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth;

(3) improve pedestrian and traffic safety;

(4) minimize potential adverse effects of signs on nearby public and private property; and

(5) enable the fair and consistent enforcement of these regulations.

Sec. 21-388. -Applicability

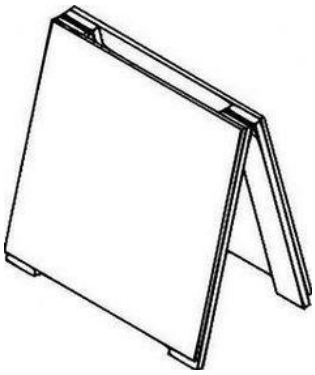
Unless expressly exempted, the sign regulations of this division shall be applied to every building owner, every lessee and every person responsible for or who causes the construction, repair, relocation or alteration of any sign within the jurisdiction of the Town of Louisburg. Signs may be erected, placed, established, painted, repaired and maintained only in conformance with the provisions of this section.

Sec. 21-389. -Definitions

Words contained in this section are those having a special meaning relative to the purposes of this division.

A-frame Sign. A portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

Figure 6-1
A-frame Sign



Animation. The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion.

Awning. An architectural projection providing weather protection, identity and/or decoration that is wholly supported by the building to which its attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which a cover is attached.

Back-lighted Illumination. Illumination provided from a source located outside and behind the sign to provide a glowing/shadow appearance.

Balloon. A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

Banner. A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic or like kind of malleable material with or without a frame. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, including any light with one or more beams that rotate or move.

Billboard Sign. See "Off-site Sign" and "Outdoor Advertising (Billboard) Sign."

Building Façade. That exterior side of a building that faces, and is most nearly parallel to, a public or private street. The façade includes the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Business or Building Identification Sign. A pedestrian-oriented sign attached to a building, that bears only the name, number(s) and/or logo of the building and/or the tenant.

Canopy. A protective cover over a door, entrance, window or outdoor service area which may or may not be attached to or cantilevered from a building. Permanent marquees and porticoes designed as continuous or integral parts of the structure shall not be considered canopies.

Canopy Sign. A sign suspended from, attached to, supported from, applied to or constructed as part of a canopy or awning.

Figure 6-2
Canopy Sign

Source: 2021 International Zoning Code

Changeable Copy Sign. A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols and other similar characters of changeable pictorial panels. Also known as a reader-board sign.

Commercial Message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Dynamic Sign. See “Electronic Message Board.”

Electronic Message Board. Also known as “dynamic” signs. Any sign displaying messages, in alternating light cycles, using any technology including, but not limited to, digital or analog technologies, and electronic changeable copy signs (i.e., a sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of LEDs, fiber optics, light bulbs or other illumination devices within the display area.

Exterior Wall. A wall, bearing or nonbearing, used as an enclosing wall for a building, other than a party wall or fire wall.

Façade. The entire building walls including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Facsimile Sign. A three-dimensional object, such as a chicken bucket, automobile (or automobile part) or a human figure, either of which may or may not contain advertising matter, and may or may not contain information about products sold on the property, and is located, designed and/or embellished in such a manner as to attract attention.

Farm. Any property that is used for a bona fide farm purpose as provided in NCGS 106-581.1.

Farm sign. A sign that advertises a farm, products grown, raised, or produced on a farm, or services provided on a farm; or that provides customers with directions to a farm.

Fence Sign. A sign mounted on, attached to or constructed as part of a fence or similar structure.

Festoon Lighting. A string of outdoor lights suspended between two or more points.

Flag. Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

Gasoline Pump Signs. Signs attached to gasoline and motor vehicle fuel pumps that display material incidental to the operation of the pumps, such as price, fuel type and self-service instructions.

Government Sign. Any temporary or permanent sign erected and maintained for any government purpose.

Grand Opening. A singular event of no more than 10 consecutive calendar days designed and intended to attract public attention to a recently established office, commercial, industrial or multi-family land use. The following are not considered a grand opening event:

(a) Expansion of an existing principal use.

(b) Addition of an accessory use.

(c) A temporary use.

Holiday Decorations. Displays erected on a seasonal basis in observance of religious, national or state holidays that are not intended to be permanent in nature, and that contain no advertising material or commercial message.

Identification Sign. Signs displaying only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the property.

Incidental Sign. Signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through window menu boards, and signs on automatic teller machines, gas pumps, vending machines or newspaper delivery boxes.

Indirect Illumination. Illumination that reflects light from an artificial light source intentionally directed upon a surface including silhouettes of letters or symbols placed before a background of reflected light.

Internal Illumination. Illumination provided from a source located inside or with the face of the sign.

Inflatable Sign. A three-dimensional object filled with air or gas located in such a manner as to attract attention.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.

Memorial Sign or Plaque. A sign commemorating the erection and/or dedication of a building including the building name, date of erection and other information such as architect, contractor or others involved in a building's creation, cut into or attached to a building surface.

Monument Sign. A type of freestanding sign consisting of lettering mounted on, or carved or structurally-integrated into a low-profile, non-load-bearing, detached decorative wall.

Non-commercial Message. Any sign, wording or other representation that expresses an idea, theory or fact not relating directly or indirectly to business.

Non-conforming Sign. Any sign not conforming to the requirements of this section.

Off-site Sign. A sign identifying, advertising and/or directing the public to a business, merchandise, service, institution, residential area or entertainment that is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which the sign is located. This definition includes "Outdoor Advertising" or "Billboard" signs.

On-site Instructional Sign. An on-site sign designed to guide vehicular and/or pedestrian traffic using words such as "Entrance," "Exit," "Parking," "One-way" or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may be included on the sign.

On-site Sign. A sign or display identifying or communicating a message related to the activity conducted, service offered, or commodity sold on the property where the sign is located.

Outdoor Advertising (Billboard) Sign. A permanently installed sign identifying, advertising and/or directing the public to a business, merchandise, service, institution, residential area or entertainment that is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which the sign is located.

Panel. The primary surface of a sign that carries the identifying or advertising message.

Parapet. A low wall or barrier built above the cornice of a building, whether built with a sloped or flat roof.

Pennant. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Pole Sign. See "Pylon (Pole) Sign."

Political Sign. Any sign that advocates for political action. The term does not include a commercial sign.

Portable Sign. Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs include signs on wheels or portable structures such as trailers, tent signs, A-frame or T-shaped signs, and normal advertising placed on motor vehicles not used regularly and placed in such a manner as to attract attention.

Portico. A colonnade or covered, sheltered entrance to a building.

Projecting Sign. A sign projecting from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and mounted usually, but not always, at right angles to the building.

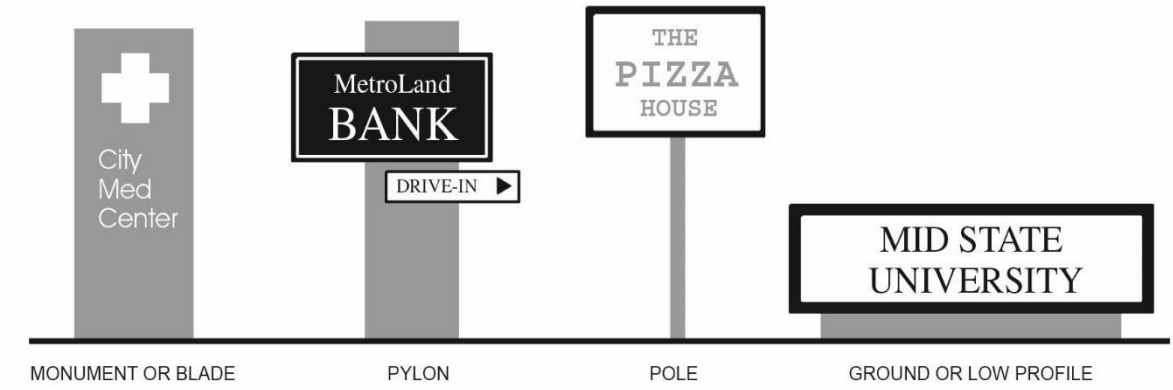
Figure 6-3
Projecting Sign

Source: 2021 International Zoning Code

Public Interest Sign. Signs on private property displaying information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Pylon (Pole) Sign. A sign principally supported by one or more posts, columns, poles or braces placed in or on the ground that is independent and detached from any building or other structure.

Figure 6-4
Examples of Pylon Signs

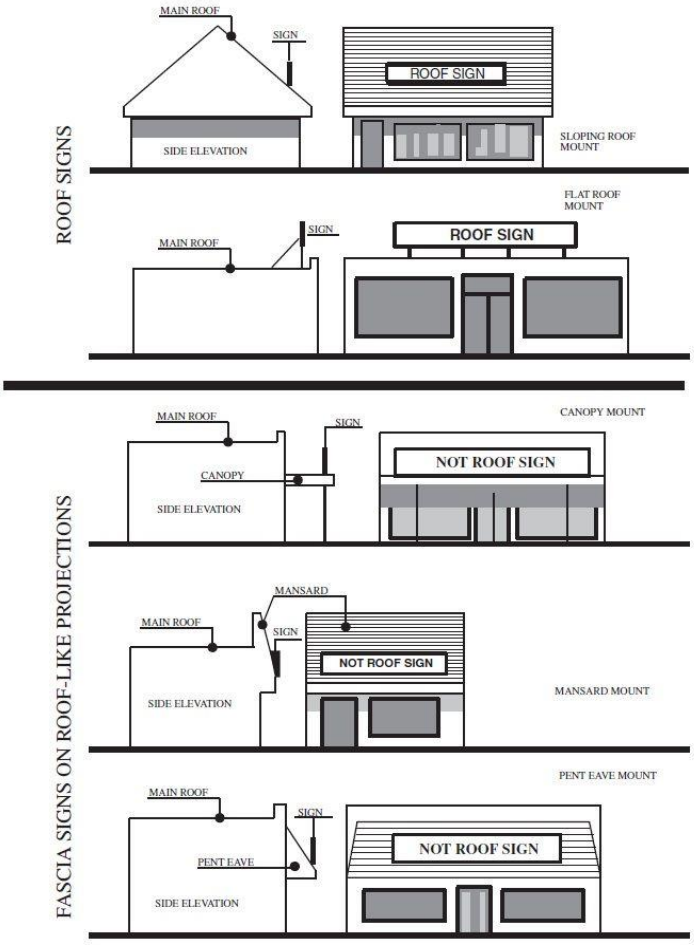


Source: 2021 International Zoning Code

Reader-board Sign. See "Changeable Copy Sign."

Roof Sign. Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

Figure 6-5
Examples of Roof Signs



Source: 2015 International Zoning Code

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.

Sign. Any object, device, display, structure, placard, identification, description, animation, illustration or part thereof used to advertise, to identify the purpose of a person or entity, to display, direct or attract attention to an object, person, institution, organization, business, product, service, event, individual, or to communicate information of any kind to the public including, but not limited to, words, letters, logos, symbols, trademarks, trade names, insignia, numerals, figures, designs, symbols, fixtures, colors, illuminations, projected images or any other attention-diverting device(s).

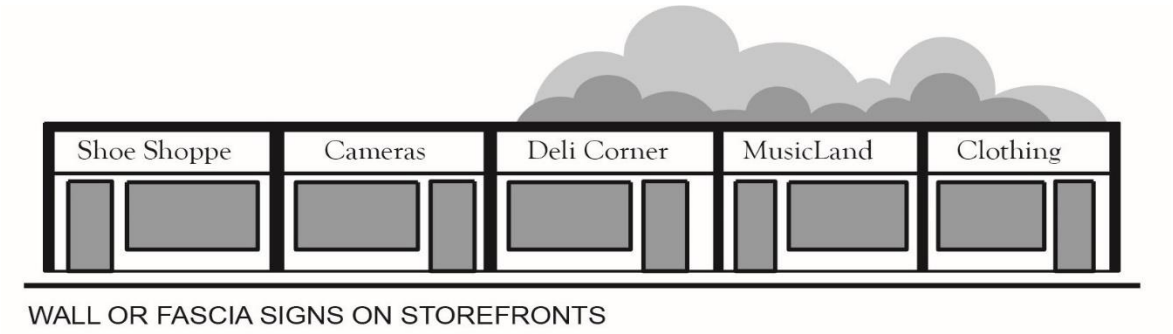
Spinner. A wind activated, propeller-type device that may or may not be attached to advertising copy.

T-shaped Sign. A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

Temporary Sign. A sign advertising a special event and not intended to be displayed on a permanent basis.

Wall Sign. A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

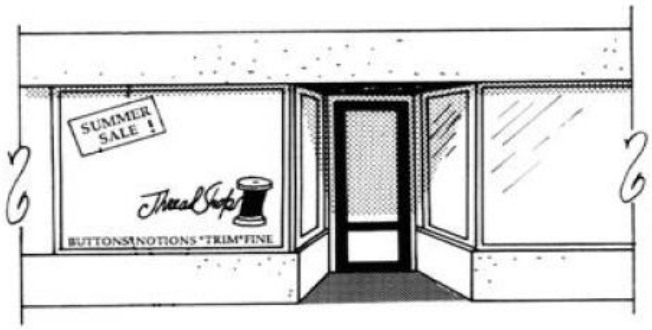
Figure 6-6
Wall Signs



Source: 2021 International Zoning Code

Window Sign. A sign applied to building glass areas and located so the identifying/advertising message, symbol, insignia, visual representation, logo, type or any other form communicating information, can be read from off the property.

Figure 6-7
Window Signs



Source: City of Goodyear, Arizona Zoning Ordinance

Sec. 21-390. -Prohibited Signs

The following signs are expressly prohibited within the Town of Louisburg and its extraterritorial jurisdiction:

(1) Signs approximating official highway or warning signs, or regulatory devices.

(2) “Wrap-around” signs or other continuous wall signs extending around building corners or radii.

(3) Facsimile signs.

(4) Vertically-displayed banner signs.

(5) Signs placed within any required sight triangle.

(6) Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches and refuse containers.

(7) Roof signs.

(8) Signs placed in or extending into town and state-maintained street rights-of-way, except signs placed by a government body or are expressly permitted to be placed within a right-of-way by this section or the North Carolina general statutes.

(9) Signs containing language and/or pictures obscene to the general public in accordance with NCGS 14-190.1.

(10) Indirect illumination for signs, such as floodlights, placed in such a manner as to cause glare that impairs driver vision on streets or roadways, pilot vision approaching or departing airport runways, or that causes a nuisance to adjoining property.

(11) Signs obstructing fire escapes, windows, doors or other openings used as means of egress or required legal ventilation.

(12) Signs containing or consisting of ribbons, streamers, festoon lighting, balloons, inflatable signs or spinners.

(13) Signs that do not conform to the provisions of these regulations, except as otherwise provided in this section.

Sec. 21-391. -Exempt Signs

Zoning permits are not required for the following signs if they are not prohibited by this division and comply with required standards. Signs permitted in this section are not considered in determining total allowed sign area. However, a sign that exceeds the size limitations or that does not comply with these requirements is subject to all other provisions of this division.

(1) Any sign required by state or federal law.

(2) Government signs.

(3) Memorial signs, plaques or grave markers that are non-commercial in nature and erected in established cemeteries or memorial parks.

(4) Fence wraps displaying signage when affixed to perimeter fencing at construction sites. The exemption shall be in effect until:

a. a certificate of compliance is issued for the final portion of any construction on-site, or

b. 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not complete at the end of 24 months, the town may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing.

Fence wraps may only display advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required. (NCGS 160D-908)

(5) Flags attached to a pole of up to 30 feet in height located in residential districts.

(6) Public interest signs.

(7) Address and postbox numerals.

(8) Signs inside a building, not attached to a window or door and not designed to attract attention from outside the building.

(9) On-site instructional signs not exceeding four square feet in area each.

(10) Identification signs not exceeding three square feet in area and only one per lot.

(11) Incidental Signs.

(12) Traffic directional devices erected by a governmental agency.

Sec. 21-392. -Alteration of Conforming Signs

The replacement of sign faces, lettering or other sign features that conforms in every manner to the provisions of this section shall be considered maintenance and not require a zoning permit. No alteration that modifies the area, height or illumination of a sign, or alters its location, shall be permitted.

Sec. 21-393. -Signs on Public Property Forfeited

Signs installed or placed on public property or public rights-of-way, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies, the Zoning Administrator has the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

Sec. 21-394. -Sign Permitting

(a) Zoning Permit Required. All persons proposing to display a sign shall obtain a zoning permit, in accordance with the general procedure established for the issuance of zoning permits in Division 2 (Development Approval Procedures). A zoning permit shall be required for the following signs prior to their display:

(1) Awning signs;

(2) Canopy signs;

(3) Flag displays, permanent (non-residential uses only);

(4) Monument signs;

(5) Off-site (Billboard) signs;

(6) Projecting signs;

(7) Pylon signs;

(8) Wall signs; and

(9) Window signs.

(b) Signage Plan Required. A signage plan must be submitted where an owner proposes to erect one or more signs associated with a multi-tenant development. The plan shall include the following information:

(1) A plot plan of the lot showing the location of buildings, parking lots, driveways, landscaped areas, and the location of each present and future sign of any type, whether requiring a permit or not; and

(2) A computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of signs of each type allowed on the lot(s).

(c) Planned Development, Planned Development-Residential and Special Use Signage. Permanent signs for planned developments, planned development-residential developments and special uses shall be reviewed as part of the specific project.

Sec. 21-395. -Sign Area and Height Computation

The following standards control the computation of sign area and sign height:

(a) Computation of Sign Face Area.

(1) *Single-faced Signs.* The area of a single-faced sign shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Supporting framework, bracing or decorative fencing or walls that are clearly incidental to the display itself shall not be included in calculating sign area.

(2) *Multi-faced Signs.* The area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. Supporting framework, bracing or decorative fencing or walls that are clearly incidental to the display itself shall not be included in calculating sign area.

(b) Computation of Sign Height. The height of a freestanding sign shall be computed as the vertical distance from the point of the sign that is level with the highest paved portion of the street right-of-way or recorded access easement to the top of the highest attached component of the sign. The highest paved portion of the street right-of-way or recorded access easement shall be measured along the frontage of the property where the sign will be located and at the point nearest the sign location. It will be the responsibility of the applicant to provide a document prepared by a licensed surveyor demonstrating the grade from which the height of the sign will be measured. The design, colors and/or materials of the base or supports of any sign that is below the paved portion of the street right-of-way or recorded access easement shall be consistent with, or complimentary to, the portions of the sign above that point.

Sec. 21-396. -Clear Sight Distance Required

Clear sight distance at street intersections is required. Signs shall be located outside of the required sight triangle as detailed in Table 6-1 (Sight Triangle Leg Measurement). Site triangles are required in every zoning district except the B-1 district. Sight triangles must be shown on all submitted plans depicting the location of signage for sign permit applications.

Table 6-1
Sight Triangle Leg Measurement

Right-of-Way Width (feet)	Length (feet)
50	25
60	30
70	35
80	40
90	45
100 or greater	50

Sec. 21-397. -Sign Construction Requirements

All signs shall be designed, constructed and maintained in accordance with all applicable provisions of the state building code, electrical codes and this section at all times. All electric power sources shall be hard wired. Except for flags and certain temporary and window signs, all signs shall be constructed of rigid, all-weather materials, be permanently attached to the ground, or a building or structure, by direct attachment to a rigid wall, frame or structure.

Sec. 21-398. -Nonconforming Signs

(a) Generally. In the interest of encouraging eventual removal of signs not meeting standards of this division, the following standards are established to require the removal of nonconforming signs under certain circumstances. These provisions shall apply only to permanent signs lawfully established prior to the adoption of this chapter including subsequent amendments. Signs not lawfully established or that are prohibited in Section 21-390 (Prohibited Signs) shall be subject to immediate discontinuance and removal.

(b) Alteration of Nonconforming Signs. Nonconforming signs shall not be altered in any manner unless the alteration brings the sign into full compliance with the standards of this section. Replacement of sign faces or panels, and normal maintenance or repair are not considered alterations.

(c) Removal or Damage. Nonconforming signs that are voluntarily removed, or that are damaged to an extent greater than or equal to 50% of their replacement value, shall not be re-established or repaired except in full conformance with the current standards of this section.

Sec. 21-399. –Specific Sign Standards

(a) Awning Signs.

(1) *Where Permitted.* Non-residential uses located in any zoning district.

(2) *Permitted Locations.* Customer entrances.

(3) *Number Permitted.* One per customer entrance.

(4) *Valance Height and Copy Size; Maximum.* Valance height shall not exceed 12-inches. Individual letters or symbols shall not exceed nine inches in height.

(5) *Permitted Area.* 80% of awning valance width.

(6) *Lighting.* Not permitted.

(7) *Multi-tenant Developments.* Each tenant space shall use either awning signs exclusively or a combination of awning and wall signs, provided each tenant space or building uses the same sign type or combination.

(8) *Awning Signs on Historic Buildings.* Awning signs shall not be permitted on historic buildings where no evidence exists of their use when the building was originally constructed and occupied.

(b) Canopy Signs

(1) *Where Permitted.* Non-residential uses in any zoning district.

(2) *Permitted Location.* Any freestanding or attached canopy covering a vehicular use area, such as an automobile fueling area or passenger drop-off area.

(3) *Number Permitted.* One per canopy side.

(4) *Permitted Area.* 10% of the canopy valance width; 24 square foot maximum

(5) *Lighting.* Internal or external.

(6) *Changeable Copy.* Not permitted.

(c) Flag Displays; Permanent; Non-residential Uses Only.

(1) *Where Permitted.* All zoning districts.

(2) *Permitted Location.* Freestanding pole-mounted or wall-mounted.

(3) *Number Permitted.* Three per individual lot or building within a multi-tenant development.

(4) *Permitted Area.*

a. *Building-mounted Flags.* Flags shall not exceed the maximum permitted wall sign area for the building wall.

b. *Pole-mounted Flags.* 100 square feet in total area with no single flag exceeding 60 square feet in area.

(5) *Pole Height; Maximum.*

a. *Building-mounted Poles.* Poles shall not extend above the top of the building wall to which they are attached.

b. *Freestanding Poles.* 30 feet in residential districts; 50 feet in non-residential districts. Measurements shall be taken from adjacent grade.

(d) Monument Signs.

(1) *Where Permitted.* All zoning districts.

(2) *Permitted Location.* Primary entrances to residential and non-residential developments. Monument signs shall not encroach into a street right-of-way or required sight triangle.

(3) *Number Permitted.*

a. *Non-residential Uses on Individual Lots.* One per street frontage. Where multiple street frontages are involved, monument signs may not be placed within 100 feet of each other as measured in a straight line.

b. *Non-residential Uses in Combined Developments.* One per entrance drive. Monument signs shall not be placed closer than 500 feet from each other when located on the same street frontage.

(4) *Permitted Height.* Three feet.

(5) *Permitted Area.* 10 square feet.

(6) *Design and Mounting Requirements.* Walls on which the sign copy is located shall be constructed on a solid base with no visibly exposed structural supports.

(7) *Changeable Copy.* Not permitted.

(8) *Lighting.* Internal or external permitted except in districts where single-family dwellings are permitted, in which case only external lighting is allowed.

(e) Off-site (Billboard) Signs.

(1) *Where Permitted.* B-2 districts located outside of the GWO and I-2 districts.

(2) *Permitted Area.* 300 square feet.

(3) *Setbacks.* 30 feet from public rights-of-way and private access roads. Prohibited in front setbacks.

(4) *Height; Maximum.* 35 feet.

(5) *Number of Faces.* One face per sign side. "Double-decker" signs with signs erected one over or above the other, and side-by-side signs with signs erected one next to the other, are prohibited.

(6) *Lighting.* External only. Lighting shall be top-mounted and angled down toward the sign face. Electronic and LED reader boards are prohibited.

(7) *Separation Requirements.*

Table 6-2
Off-site (Billboard) Sign Separation Requirements

Use	Separation Requirement (feet)	Measurements Taken Radially From:
Residential districts or residentially-developed property	1,100	Nearest point of proposed sign to nearest point of residential district or property.
Other off-site outdoor advertising sign on same or opposite side of street		Nearest point of proposed sign to nearest point of existing sign location.
Existing buildings, structures and off-street parking areas		Nearest point of sign to nearest point of building, structure or off-street parking area.

(8) *Vegetation Clearing.* No vegetation in the public right-of-way shall be cut for the purpose of increasing or permitting sign visibility unless approved by the authority having jurisdiction over such right-of-way.

(f) Projecting Signs.

(1) *Where Permitted.* O/I, B-1, B-3, LC, MA and PD districts.

(2) *Permitted Location.* Any building wall where a wall sign is permitted to be displayed, including the intersection (corner) of two building walls.

(3) *Number Permitted.* One per building wall. Where displayed on the corner of a building, no other projecting sign may be displayed on either intersecting building wall.

(4) *Permitted Area.* Sixteen square feet in the O/I, B-3, LC, MA and PD districts. Twelve square feet in the B-1 district.

(5) *Design and Mounting Requirements.* Projecting signs shall be designed so each sign face is parallel to the other face. When mounted at a location other than the corner of a building, sign faces shall be aligned so they are perpendicular to the building wall.

(6) *Multi-Tenant Buildings.* Projecting signs may not be displayed at any single-tenant space in a multi-tenant building that provides separate exterior entrances to each tenant space unless each tenant space displays a projecting sign. This shall not apply to tenant spaces larger than 25,000 square feet.

(7) *Clearance Requirement.* Seven feet of clearance above pedestrian walkways.

(8) *Projection; Maximum.* Projecting signs shall not project greater than five feet from the building wall to which they are attached. They shall be installed so the edge of the sign closest to the building wall is no greater than 12 inches from the wall. Where signs will encroach into a public right-of-way, an encroachment agreement shall be secured with the appropriate agency having authority over the right-of-way.

(9) *Lighting.* Internal or external. When externally illuminated, the light source shall be mounted directly to the sign.

(10) *Changeable Copy.* Prohibited.

(g) Pylon (Pole) Signs.

(1) *Where Permitted.* Principal non-residential uses in all zoning districts, group living uses, manufactured home parks, multi-family developments and single-family residential subdivisions.

(2) *Permitted Location.* Twenty-five feet from other on- or off-site pylon signs unless the signs are separated by a street right-of-way. Pylon signs shall not encroach into a street right-of-way or required sight triangle.

(3) *Number Permitted.*

a. *Non-residential Uses on Individual Lots.* One per street frontage. Where multiple street frontages are involved, pylon signs may not be placed within 100 feet of each other as measured in a straight line.

b. *Non-residential Uses in Combined Developments.* One per entrance drive. Pylon signs shall not be placed closer than 500 feet from each other when located on the same street frontage.

(4) *Permitted Height and Area.* Permitted maximum area and height for pylon signs shall be as detailed in Table 6-17 (Pylon Sign Height and Area Requirements).

Table 6-3
Pylon Sign Height and Area Requirements

Zoning District	Permitted Area; Maximum (square feet)		Permitted Height; Maximum (feet)
A-R, R-1, R-2 & RC	Group Living Uses	32	8
	Institutional & Civic Uses	32	8
	Manufactured Home Parks & Multi-family	32	8
	Non-residential Uses	16	8
	Single-family developments	32	8
B-1	Building/combination of buildings on same lot ≤5,000 GFA	16	12
	8 additional sq. ft. allowed for each additional 5,000 sq. ft. GFA		
B-3	Building/combination of buildings on same lot ≤5,000 GFA	32	20
	8 additional sq. ft. allowed for each additional 5,000 sq. ft. GFA		
O/I, LC & MA	Building/combination of buildings on same lot ≤10,000 GFA	32	20
	8 additional sq. ft. allowed for each additional 10,000 sq. ft. GFA	64	
B-2, I-1 & I-2	Building/combination of buildings on same lot ≤50,000 GFA	50	35
	10 additional sq. ft. allowed for each additional 10,000 sq. ft. GFA	100	35
PD & PD-R	Governed by the approved comprehensive sign package for the development.		

(5) *Changeable Copy.*

a. *Manual/Analog Changeable Copy.* Manual or analog changeable copy is permitted. The area devoted to changeable copy shall be limited to 70% of the total sign face area in the B-2, I-1 and I-2 districts. In all other districts, the maximum changeable copy shall be limited to 50% of the total sign face area.

b. *Electronic Changeable Copy (Digital Reader Boards).* Electronic changeable copy area is permitted on any conforming pylon sign in the O/I, B-2, I-1 and I-2 districts. The Zoning Administrator may also approve electronic changeable copy for elementary and secondary schools in A-R, R-1 and R-2 districts if they are located on a North Carolina or United States highway. In all cases, the area devoted to electronic changeable copy shall be limited to 70% of the total area of the sign face. All signs including an electronic changeable copy feature shall meet the minimum North Carolina Department of Transportation requirements for lighting and message duration contained in NCAC 2E.0203(3a through c and 4a (I through iii)).

(6) *Lighting.* Internal or external permitted except in districts where single-family dwellings are permitted, in which case only external lighting is allowed.

(h) Temporary Signs.

(1) *Prohibitions on Temporary Signs.* Temporary signs shall not be:

a. illuminated by any electric service;

b. placed within public or private street rights-of-way, including medians, unless specifically allowed by this subsection or NCGS 136-32;

c. attached to building walls (other than permitted temporary window signs) in a way that obstructs any window, door, fire department sprinkler connection or street number sign;

d. affixed to a permanent sign or its supporting structure, including both building-mounted and freestanding permanent signs;

e. placed in a manner that obstructs clear site distance (within the required sight triangle) for motorists at street intersections or driveways;

f. placed on any sidewalk or other pedestrian walkway unless allowed by this subsection;

g. placed on the roof of a building, affixed to a tree, utility pole, street sign or parked motor vehicle, unless the vehicle is registered and parked in an established parking space; or

h. affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through use of concrete foundations or similar anchoring techniques.

(2) *Display Period Limitations.* Where temporary signs are limited in the duration of their display and total number of displays per calendar year, any required period of

separation between displays shall carry through to the following calendar year and be observed prior to initiating the first allowed display during the new calendar year.

(3) *Temporary Signs Not Requiring a Permit.*

a. Construction/contractor's and subdivision project signs meeting the following requirements:

1. Maximum Size. 32 square feet in residential districts; 64 square feet in all other districts.

2. Maximum Height. Six feet.

3. Display Period. Date of project approval with sign removal no later than seven days after construction is complete.

b. Political signs meeting the following requirements:

1. Location Restriction. In addition to the locations specified in Paragraph (1), (Prohibitions on Temporary Signs) above, political signs may not be placed on any property owned by the Town of Louisburg or other governmental entity.

2. Maximum Size. 32 square feet.

3. Maximum Height. Six feet.

4. Display Period. As allowed under NCGS 136-32.

c. Real estate signs advertising a property for sale or lease meeting the following requirements:

1. Location Restriction. One per street frontage of the property that is for sale. Off-site "open house" signs are permitted.

2. Maximum Size: 12 square feet in residential districts; 32 square feet in all other districts.

3. Maximum Height: Six feet.

4. Display Period. Removed no later than seven days after the sale or lease of the property. Off-site signs advertising an open house may be erected no more than three days prior to the open house. Open house signs must be removed at the end of the open house.

d. Farm signs meeting the following requirements:

    1. Location Restriction. Except as allowed under NCGS 136-32, farm signs shall only be allowed on farm properties in the A-R zoning district. One sign per street frontage and one off-site sign are permitted.

    2. Maximum Size. 32 square feet for on-site signs; four square feet for any off-site sign.

    3. Maximum Height. Six feet.

    4. Display Period. Permitted only during the harvest season of the particular product and removed when the season is over.

e. Special event signs and banners for religious, charitable, civic, fraternal or similar non-profit organizations meeting the following requirements:

    1. Location Restriction. One per street frontage of the subject property.

    2. Setback; Minimum. Five feet from any public right-of-way or required sight triangle.

    3. Maximum Size. 32 square feet.

    4. Maximum Height. Six feet.

    5. Display Period. Erected no sooner than 10 days prior to the event and removed no later than two days after the event.

f. Yard sale signs meeting the following requirements:

    1. Location Restriction. On or off the property where the sale is to occur.

    2. Maximum Size. Four square feet.

    3. Maximum Height. Six feet.

    4. Display Period. Limited to three per sale, may remain in place for only three days in any 30-day period, and be removed after the sale is over.

g. Temporary signs, banners, lighting and displays as part of a customary holiday decoration or annual civic event, provided they meet the following requirements:

    1. Display Period. Removal required within seven days after the passing of the holiday or event.

h. Governmental message signs.

i. Overhead banners erected by federal, state, county or municipal government, or for city sponsored events within a street right-of-way for the purpose of guiding the public. Such signs shall meet the following requirements:

1. Construction Requirement. Double-faced and constructed of vinyl or other weather-resistant material at least 18 ounces in weight.

2. Maximum Size. 90 square feet.

3. Display Period. No more than 15 consecutive calendar days.

j. A-frame signs provided they meet the following requirements:

1. Construction Requirement. Wood or metal when located in the HPO district.

2. Location Restriction. Outside the clear pedestrian path when located on a public sidewalk or walkway.

3. Maximum Number. One per lot. If a single business establishment occupies more than one parcel or is located on a corner lot, it may have one sign per street frontage.

4. Maximum Size. Six square feet per side.

5. Maximum Height. Four feet.

6. Display Period. During open hours of the business and removed when the business is closed.

(4) *Temporary Signs Requiring a Permit.* A zoning permit is required for the following types of temporary signs; however, no fee will be charged for the permit:

a. *Banners.* Temporary banners, pennants, streamers, small balloons, posters and other advertising devices advertising a sale, grand opening or other special event are allowed subject to the following restrictions:

1. Display Restriction. Grand opening events shall commence no later than 60 days following any occupancy for use to qualify for a grand opening sign.

2. Material Allowed. Cloth, plastic or paper.

3. Number Allowed. One per property.

4. Location Restriction. Must be located on the property where the event is occurring and tied, posted or mounted tightly flat against an existing building.

5. Maximum Size. 32 square feet; no maximum for grand opening event signs.

6. Display Period. Fourteen days for a total of 90 days in any calendar year.

b. *Special Event Off-site Signs for Non-Profit Organizations.* Off-site special event signs for religious, charitable, civic, fraternal or similar non-profit organizations are allowed subject to the following restrictions:

1. Display Restriction. Allowed for a maximum of four events per year.

2. Number Allowed. Ten signs limited to one per street frontage.

3. Location Restriction. Must be located on the property where the event is occurring and tied, posted or mounted tightly flat against an existing building.

4. Setback; Minimum. Five feet from any public right-of-way or required sight triangle.

5. Maximum Size. 32 square feet.

6. Maximum Height. Six feet.

7. Display Period. Seven days prior to the event and removed no later than two days after the event.

(i) Wall Signs.

(1) *Where Permitted.* Non-residential uses in any zoning district.

(2) *Location.* Any building wall containing a customer or public entrance that either:

a. faces a parking area containing 25% or more of the spaces provided for the building or use, or

b. is located within 100 feet of a public or private street right-of-way, or internal drive that is fully separated from customer parking areas.

(3) *Number Permitted.*

a. *Single-tenant Buildings.* One per building wall.

b. *Multi-tenant Buildings with Individual Exterior Doors.* One per tenant space.

(4) *Area.* Wall sign surface area permitted on any building wall, shall be determined as follows:

a. 0.5 square feet of sign surface area per linear foot of building wall, or

b. 32 square feet of sign surface area per building wall,

whichever is greater.

The length of the building wall shall be measured along its entire width, or width of the tenant space. Areas of projection or other change in wall plane along a building wall that are not parallel to the primary (longest) wall plane shall not be included in the calculation.

(5) *Additional Wall Signage.* Additional wall signage may be displayed subject to the following conditions:

a. *Single-tenant Buildings.* Two secondary wall signs may be displayed on building walls exceeding 50 feet in length. One additional secondary wall sign is permitted for each additional 50 feet of building wall length, up to a maximum of four total secondary wall signs. The maximum area of each permitted secondary wall sign shall not exceed 50% of the permitted area of the primary wall sign and each sign shall be separated by a minimum of 10 horizontal feet as measured from the closest point of each sign to each other sign displayed on the building wall.

b. *Multi-tenant Buildings.* Two secondary wall signs may be displayed on building walls enclosing each separate tenant space provided with an individual entrance exceeding 100 feet in length. One additional secondary wall sign is permitted for each additional 50 feet of tenant building wall length, up to a maximum of four total secondary wall signs per tenant space. The maximum area of each permitted secondary wall sign shall not exceed 50% of the permitted area of the tenant's primary wall sign and each sign shall be separated by a minimum of 10 horizontal feet as measured from the closest point of each sign to each other sign displayed on the building wall.

(6) *Changeable Copy.* Prohibited except on signs displayed on buildings designed for, and in use as, places of assembly such as churches, theaters, event centers and similar uses.

(7) *Lighting.* Internal or external with the exception of zoning districts where single-family residences are a by right permitted use, in which case only external lighting is permitted.

(8) *Mounting Requirements.* Wall signs may not project more than 12 inches from the building wall to which they are mounted, and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

(9) *Wall Signs on Historic Buildings.* Wall signs on historic buildings shall be placed within the sign frieze, or distinct place within which a wall sign was intended to be located, if the building was designed for such. If a sign frieze is present, a wall sign placed within the frieze shall be permitted to exceed the maximum permitted sign area. No wall sign shall extend beyond such space. If there is no sign frieze, the wall sign shall be placed below the typical second floor window area. The design and coloration of such signs shall be compatible with the character of the building.

(j) Window Signs.

(1) *Where Permitted.* Permitted for all uses allowed to display a wall sign, and only displayed on first floor windows and doors of each building frontage.

(2) *Permitted Area.*

a. *Calculation Requirements and Exceptions.* Signs applied to the glazing of recessed doors and windows shall count toward the calculation of window sign area. Address and hours of operation shall not count in the calculation of window sign area.

b. *B-1 District:* 20% of the glazed area of the first-floor building frontage on which they are located.

c. *All Other Districts.* An area equal to the permitted area of wall signage allowed on each building frontage. Where both window and wall signage are displayed on the same building frontage, the combined area of all window and wall signs displayed on that frontage shall not exceed the maximum square footage allowed by Subsection (i), (Wall Signs) above.

Sec. 21-400. – Reserved.

DIVISION 7. – NONCONFORMING SITUATIONS

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Sec. 21-401. – Specific Purposes

The purpose of this division is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, lots, sites, structures or uses established prior to adoption of this chapter that otherwise render such lots, sites, structures or uses unlawful. Nothing in this division prohibits voluntary compliance with any future ordinance, regulation or incentive.

Sec. 21-402. - Applicability

(a) Categories of Nonconformities. This division applies to the following four categories of nonconformities. Nonconforming signs are addressed in Division 6 (Signs) of this chapter.

(1) Nonconforming Lots of Record;

(2) Nonconforming Sites;

(3) Nonconforming Structures; and

(4) Nonconforming Uses.

(b) Effect on Existing Special Use Permits. Existing uses, sites or structures subject to a previously issued special use permit are deemed conforming uses. A new special use permit or modification of an existing special use permit, as applicable, is required for any expansion, enlargement, replacement or modification of the use, site or structure.

(c) Effect on Previously Approved Master Land Use Plans. Development subject to a previously-approved special use permit with a master land use plan within the GWO district shall not be considered nonconforming. Such developments may continue to develop subject to the previously-approved special use permit and master land use plan. Changes or modifications to the permit or plan shall be reviewed in the same manner as those for a special use permit as detailed in Division 2 (Development Approval Procedures).

Sec. 21-403. – Definitions

Words contained in this section are those having a special meaning relative to the purpose of this division.

Abandonment. The discontinuance of a nonconformity voluntarily for a period of 12 months with an intent to abandon, or the commission of an overt act of substantial discontinuance for a period of 12 months with or without voluntary intent.

Nonconforming Lot of Record. An individual, lawfully created parcel of land existing on or before January 1, 1990, that fails to meet the minimum size, width, depth and/or access requirements of the zoning district in which it is located. Noncompliance may be due to a change in the applicable zoning district regulations, condemnation of a portion of the lot or other governmental action or court order.

Nonconforming Site. A lawfully established development site that does not comply with all applicable design and development standards of this chapter.

Nonconforming Situation. A situation occurring when, on the effective date of this chapter, any existing lot, site, structure or use of an existing lot or structure, does not conform to one or more of the regulations applicable to the district in which the lot, site, structure or use is located. Among other possibilities, a nonconforming situation may arise because:

(a) an individual lot of record does not meet minimum size, width or access requirements;

(b) structures exceed maximum height limitations;

(c) the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter; or

(e) land or buildings are used for purposes made unlawful by this chapter.

Nonconforming Structure. A lawfully erected building or structure that no longer complies with all applicable regulations of the zoning district in which it is located.

Nonconforming Use. A nonconforming situation occurring when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located (e.g., an office building in a residential district). The term also refers to the activity constituting the use made of the property (e.g., all activities associated with running a bakery in a residentially-zoned area is a nonconforming use).

Nonconformity. Any nonconforming use, sign, lot, parcel, building, site or structure.

Undeveloped. When used in reference to a nonconforming lot of record, “undeveloped” means the lot has no substantial structures located on it.

Sec. 21-404. – Continuation of Nonconforming Situations

(a) Existing Nonconformities Not in Violation. Nonconforming lots of record, sites, structures or uses established prior to adoption of this chapter may continue to exist or operate under the regulations under which they were established, provided they remain in compliance with those regulations, notwithstanding the adoption of this chapter.

(b) Right to Continue; Determination. For purposes of determining whether a right to continue a nonconformity is lost pursuant to this division, all the structures, activities and operations maintained on a lot are to be considered as a whole.

> ***Example:*** Failure to rent one apartment unit in a nonconforming apartment building for 12 consecutive calendar months does not result in a loss of the right to rent that apartment unit thereafter, provided the apartment building as a whole is continuously maintained. But, if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for the required period terminates the right to maintain it thereafter. So, if a manufactured home is used as a nonconforming use on a residential lot where a conforming residential structure is also located, removal of the manufactured home for 12 consecutive calendar months determines the right to replace it.

Sec. 21-405. - Nonconforming Situations; Categories

(a) Nonconforming Lots of Record. This subsection applies to individual, undeveloped nonconforming lots of record.

(1) *Permitted Use Restrictions; Nonconforming Lot of Record.* Nonconforming lots of record may be used for any use allowed in the zoning district in which they are located. However, no use requiring a greater lot size or width than the established minimums required for a particular zone is allowed on a nonconforming lot of record.

(2) *Combination of Nonconforming Lots of Record.* Two or more nonconforming lots of record, or portions thereof, held in single ownership, shall be considered one lot for the purposes of development under this chapter, even though the resultant lot remains nonconforming.

(3) *Land Added to Individual Nonconforming Lot of Record.* Nothing in this subsection prohibits an individual nonconforming lot of record from having additional land added to it, even though the resultant lot will remain nonconforming to one or more of the dimensional standards of this chapter.

(4) *Setbacks and Yards; Nonconforming Lots of Record in Residential Districts.* Deviations of up to 75% of any applicable setback or yard requirement are allowed for any individual nonconforming residential lot of record held in single ownership. This provision shall not apply when the provisions of Paragraph (2) (Combination of Nonconforming Lots of Record) above, is involved.

(b) Nonconforming Sites. This chapter establishes various site design standards in Division 5 (Development Standards). Consequently, many existing development sites do not meet current requirements for such items as parking, buffer yards, landscaping and other design specifications. This subsection requires such nonconforming sites be brought into compliance with current design standards as follows:

(1) *Expansion or Enlargement of Nonconforming Sites.*

a. *Conforming Use on Nonconforming Site.* Subject to the remaining provisions of this paragraph, a conforming use located on a nonconforming site may not be expanded or enlarged until the site is brought into conformance with all applicable provisions of this chapter. However, detached single-family residential structures located on a legally nonconforming sites with respect to required yards, areas or height may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms with the provisions of this chapter.

b. *Correction of Nonconforming Site.* Nonconforming site features that can reasonably be corrected will be addressed during review of any new development approval application, including modifications of such applications. Compliance may not reasonably be possible when it cannot be achieved without adding additional land to the lot, moving a substantial structure that is on a permanent

foundation or other significant site work. The cost of eliminating nonconforming characteristics in relation to the total project cost and the benefit to the community may be considered when determining what improvements are reasonable.

(2) *Relocation.* No structure may be relocated to a nonconforming site until the site is brought into conformance with all applicable provisions of this chapter.

(3) *Change in Use of Nonconforming Sites.* No existing structure or use located on a nonconforming site may be changed to another use until the site is brought into conformance with the applicable provisions of this chapter.

(c) Nonconforming Structures. Nonconforming structures may be occupied, operated and maintained in a state of good repair subject to all limitations in this chapter and the following provisions this subsection.

(1) *Extension, Enlargement or Expansion of Nonconforming Structures.* A nonconforming structure in which only permitted uses are operated may be extended, enlarged or expanded provided the extension, enlargement or expansion can be made in compliance with all provisions of this chapter established for structures in the zoning district in which it is located. However, additions may be made to existing nonconforming structures that encroach upon a required setback if:

a. The proposed encroachment results from an addition to, or extension of an existing structure that is already nonconforming with respect to the setback; and

b. The proposed addition or extension does not encroach upon any setback to a greater extent than the existing structure on the lot.

(2) *Repairs and Alterations.* Repairs to both structural and non-structural parts, or incidental alterations, may be made in a structure substantially occupied by a nonconforming use, or in connection with a permitted change or extension of a nonconforming use.

(3) *Structural Alterations.* No structural alterations may be made to a nonconforming structure except when made:

a. in order to comply with requirements by law;

b. in order to accommodate a conforming use;

c. in order to conform to applicable district regulations;

d. in the course of enlargement permitted under Sub-paragraph (1) (Extension, Enlargement or Expansion of Nonconforming Structures) above; or

e. except as set forth in Division 6 (Signs), Section 21-398 (Nonconforming Signs).

(4) *Exception for Repairs Pursuant to Public Order.* Nothing in this subsection will be deemed to prevent the strengthening or restoration of structures to a safe condition in accordance with an order of a public official charged with protecting the public safety, provided the restoration is not otherwise in violation of the various provisions of this division prohibiting the repair or restoration of partially damaged or destroyed structures.

(5) *Termination of Nonconforming Structures.* The right to operate and maintain a nonconforming structure terminates and ceases to exist whenever the structure:

a. is damaged in any manner and from any cause, and where the cost of repairing the damage exceeds 50% of the replacement cost of the structure on the date of the damage; or

b. becomes obsolete or substandard under any applicable town ordinance as determined by the proper town official, and where the cost of placing the structure in compliance exceeds 50% of the replacement cost of the structure on the date of the determination.

The cost of land or any other factors other than the nonconforming structure itself will not be included in determining the replacement cost. Rental, lease and/or tax payments will not be considered as evidence of continued use. Disconnection of utilities will be considered as evidence of the commencement of abandonment of the use.

(d) Nonconforming Uses. Lawfully established uses of land or structures no longer complying with the applicable use regulations of the zoning district in which they're located are subject to the following provisions:

(1) *Abandonment or Discontinuance.* When a nonconforming use is abandoned or discontinued for a period 12 or more consecutive calendar months, the property may thereafter only be used for conforming purposes, except as provided in Paragraph 6 (Change of Use) below.

(2) *Enlargement of Conforming Structure Housing a Nonconforming Use.* Conforming structures in which a nonconforming use is operated may not be extended, enlarged or expanded except as required by law or this chapter.

(3) *Extension of Nonconforming Use Within Building.* A nonconforming use may be extended throughout any portion of a completed, existing structure manifestly designed or arranged to accommodate the use when the use was made nonconforming. A nonconforming use may not be extended or expanded to additional structures or land outside the original structure.

(4) *Change in Degree of Activity.* The volume, intensity or frequency of use of the property where a nonconforming use exists may be increased, and the equipment or

processes used at the location may be changed, if these or similar changes amount only to changes in the degree of activity rather than changes in kind, and no other violations of this chapter occur.

(5) *Expansion of Open Use of Land.* Nonconforming uses of open land may not be extended, expanded or enlarged to cover more land than was occupied by the use when it became nonconforming. However, a use involving removal of natural materials from a lot (e.g., a sand pit) may be extended to the boundaries of the lot where the use was established at the time it became nonconforming if 10% or more of the natural materials had already been removed from the lot as of the effective date of this chapter.

(6) *Change of Use.* A change in property use where a nonconforming situation exists that is sufficiently substantial to require a new development approval may not be made except in accordance with this subsection. However, this requirement shall not apply if only a zoning permit for a sign is needed.

a. *Nonconforming Use to Conforming Use; Chapter Requirements Met.* If the change in use is to a principal use allowed in the district where it is located, and all other requirements of this chapter applicable to that use can be complied with, then the applicable development approval required to make the change must be obtained in the same manner as to make initial use of a vacant lot. Once conformity with this chapter is achieved, the property may not revert to its nonconforming status.

b. *Nonconforming Use to Conforming Use; Chapter Requirements Not Met.* If the change in use is to a principal use allowed in the district where the property is located, but all requirements of this chapter applicable to the use cannot reasonably be complied with, then the change is permissible if the entity authorized to issue the development approval for the use issues a development approval authorizing the change. The development approval may be issued if the entity authorized to issue it finds, in addition to any other required findings, that:

1. The change does not result in a violation of other provisions of this division, and

2. All applicable requirements of this chapter that can reasonably be complied with will be complied with. Compliance is not reasonably possible if, among other reasons, compliance cannot be achieved without adding additional land to the lot or moving a substantial structure that is on a permanent foundation. Financial hardship caused by the cost of meeting such requirement as paved parking does not constitute grounds for finding compliance is not reasonably possible. However, the entity authorized to issue the development approval may conclude that compliance is not reasonably possible if the cost of compliance, financial and otherwise, is substantially disproportional to the benefits of eliminating a nonconformity. In no case may an applicant be given

permission to construct a building, or add to an existing building, if additional nonconformities would be created.

c. *Nonconforming Use to Nonconforming Use.* If the change in use is to a principal use that is also nonconforming in the district, then the Zoning Administrator may issue a zoning permit authorizing the change in use upon a finding that:

1. The use is one that is permissible in some zoning district with either a zoning permit or special use permit; and

2. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the development approval is applied for.

Sec. 21-406 – 21-410. - Reserved.

DIVISION 8. – ENFORCEMENT

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Sec. 21-411. – Specific Purposes

This division establishes procedures the town may use to enforce the provisions of this chapter, and penalties for use in its enforcement.

Sec. 21-412. – Applicability

This division applies to any matter deemed a violation of this chapter.

Sec. 21-413. – Violations

Each of the following is a violation of this chapter and subject to the remedies and penalties provided by this division and state law:

(1) *Development without Development Approval.* Engaging in any development, use, construction, remodeling or other activity of any nature regulated by this chapter without first obtaining all required development approvals or other forms of authorization required by this chapter.

(2) *Development Inconsistent with Development Approval.* Engaging in any development, use, construction, remodeling, alteration of a site or landscape features, or other activity of any nature in any way inconsistent with any approved development approval or other form of authorization granted for such activity. This includes non-performance of routine and regular maintenance that does not sustain an approved development to the standards set forth in the development approval.

(3) *Violation by Act or Omission.* Violation by act or omission of any term, variance, modification, condition or qualification placed by the Town Council, its agent boards or staff upon any required development approval or other form of authorization for the use, development or other activity upon land or improvements thereon.

(4) *Use in Violation.* The conversion, maintenance or use of any building, structure or land in violation or contravention of this chapter, or any other regulation made under this chapter.

(5) *Violations of Conditions of Approval.* Violation of any conditions attached to a variance, special use permit, certificate of appropriateness, planned development conditional zoning district, or planned development-residential conditional zoning district.

(6) *Continue a Violation.* Continuing any of the above violations is a separate and distinct offense. Each day that a violation continues constitutes a new and separate violation.

Sec. 21-414. – Responsible Persons

The owner, tenant or occupant of any land or structure, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent or other person participating in, assisting, directing, creating or maintaining (actively or passively) any situation contrary to the requirements of this chapter may be held responsible for the violation and subject to the penalties provided herein.

Sec. 21-415. – Inspections and Investigations

(a) Inspections. The Zoning Administrator may, upon presentation of proper credentials, or administrative search warrant if necessary, enter onto any public or private property or premises within the town's planning jurisdiction at any reasonable hour for purposes of inspection, determination of plan compliance, investigation of any complaints or violations, or other enforcement action. No person may obstruct, hamper or interfere with the Zoning Administrator while they carry out their duties.

(b) Supporting Documentation. The Zoning Administrator may require written statements, certificates, certifications or the filing of reports with respect to pertinent questions relating to complaints or alleged violations.

(c) Failure to Comply. The Zoning Administrator's failure to observe or recognize conditions that violate this chapter does not relieve the responsible person(s) from responsibility for the resulting conditions or damages, if any, and does not result in Zoning Administrator liability for such conditions or damages.

Sec. 21-416. – Enforcement Procedure

(a) Enforcement Procedure. The Zoning Administrator, after inspecting or investigating an alleged violation and determining a violation exists, will notify the responsible person(s) of the violation.

(b) Notice of Violation. The Zoning Administrator will give the responsible person(s) written notice by either certified or registered mail, first class mail, personal delivery, electronic delivery, or posting a notice conspicuously on the property, of the following:

(1) that the land, building, structure, sign or use is in violation of this chapter;

(2) the nature of the violation including citation of the chapter provision or development approval condition violated;

(3) necessary measures required to correct the violation;

(4) the date on which the violation must be corrected;

(5) that penalties may be assessed or other corrective remedies pursued; and

(6) that the responsible person(s) has the right to appeal the notice to the Board of Adjustment as specified in Division 2 (Development Approval Procedures), Section 21-327 (Appeal).

(c) Sufficiency of Notice. If notice by first class mail is not returned within 10 days of its mailing, and the registered or certified mail is returned, refused or unclaimed, service by first class mail shall be deemed sufficient.

(d) Failure to Comply with Notice. Responsible persons failing to comply with a notice of violation where no appeal was taken, or the Zoning Administrator's final decision following an appeal is upheld, are subject to remedies and penalties provided by state law and Section 21-417 (Remedies) of this division.

Sec. 21-417. – Remedies

(a) Cumulative. All available remedies for violations of this chapter are cumulative. To the extent North Carolina law may limit the availability of a particular remedy for a certain violation, that remedy remains available for other violations or parts of the same violation.

(b) Repeat Violations. Responsible person(s) who repeat the same violation within a two-year period from the initial violation date will be considered in continued violation of the initial violation and subject to additional penalties and remedies.

(c) Referral to Town Attorney. In addition to other remedies provided by law, whenever the Zoning Administrator has reasonable cause to believe any person is violating this chapter, the matter may be referred to the Town Attorney.

(d) Available Remedies. Any or all the following penalties and remedies may be used in enforcing this chapter.

(1) *Injunction or Other Relief.* Violations of this chapter or any development approval, condition, order, requirement or remedy adopted pursuant to this chapter may be restrained, corrected, abated, mandated or enjoined by other appropriate proceeding pursuant to North Carolina law. Institution of an action for injunctive relief does not relieve any party to such proceedings from issuance of civil penalties.

(2) *Civil Penalties.* Responsible persons violating any provision of this chapter may be subject to the assessment of a civil penalty in accordance with Section 21-418 (Civil Penalty Assessment) of this division.

(3) *Conditional Permit or Temporary Certificate.* The Zoning Administrator may condition the authorization of any development approval upon the correction of the deficiency, payment of civil penalties within a specified time or the posting of a compliance security.

(4) *Stop Work Order.* Whenever a building, structure, sign or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Zoning Administrator may order the work to be immediately stopped. The stop work order must be directed to the owner, occupant or person doing the work and state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which work may be resumed. Delivery shall be by personal delivery, electronic delivery or first-class mail.

(5) *Revocation of Development Approvals.*

a. *Administrative Development Approvals.* The Zoning Administrator may revoke and require the return of any administratively-issued development approval by notifying the permit holder in writing stating the reason for the revocation. Administratively-issued development approvals may be revoked for any

substantial departure from the approved application, plans or specifications, refusal or failure to comply with the requirements of state or local laws, or false statements or misrepresentations made in securing the approval. Any administratively-issued development approval mistakenly issued in violation of an applicable state or local law may also be revoked.

b. *Special Use Permits.* Before a special use permit may be revoked, all the notice, hearing and other applicable requirements of Division 2 (Development Approval Procedures), Section 21-331 (Special Use Permit), shall be complied with. The notice shall inform the permit recipient of the alleged grounds for revocation. In hearing cases involving special use permit revocation:

1. The burden of presenting evidence sufficient to authorize the Board of Adjustment to conclude a special use permit should be revoked shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

2. A motion to revoke a special use permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact supporting the motion.

(6) *Denial of Development Approvals.* The Zoning Administrator may deny issuance of an administrative development approval or refuse to sign off on a certificate of compliance relative to property on which a violation exists. Additionally, the Zoning Administrator may recommend denial of any development approval sought from the Town Council, or other town-appointed board charged with issuing development approvals by this chapter, if there are ongoing violations on the property for which such development approval is sought.

(7) *Abatement.*

a. The Zoning Administrator is authorized to summarily abate any violation that continues to exist after the expiration of the correction period provided in Section 21-418 (Civil Penalty Assessment) of this division.

b. The expense of the action shall be paid by the responsible person(s) in default.

c. If the expense is not paid, it is a lien on the land or premises where the abatement action occurred. The lien shall have the same priority and be collected as unpaid ad valorem taxes.

d. The expense of the action is also a lien on any other real property within the town's planning jurisdiction owned by the responsible person(s) in default, except for the responsible person's primary residence. This secondary lien is inferior to all prior liens and shall be collected as a money judgment.

e. The provisions of this paragraph do not apply if the responsible person(s) in default can show that the violation was created solely by the actions of another.

(8) *State and Common Law Remedies.* In addition to other enforcement provisions contained in this section, the town may exercise all enforcement powers granted to it by state or common law.

(9) *Previous Enforcement.* Nothing in this division prohibits continuation of previous enforcement actions begun under the previous zoning ordinance.

Sec. 21-418. – Civil Penalty Assessment

(a) Notice. Civil penalties may not be assessed until the responsible person(s) alleged to be in violation has been notified in accordance with Section 21-416 (Enforcement Procedure), Subsection (b) (Notice of Violation). If the responsible person(s) fails to take corrective action or file an appeal after receiving notice, then a civil penalty may be imposed in the form of a citation. The citation shall be served in the same manner as a notice of violation. The citation shall state the nature of the violation, the civil penalty to be imposed and direct the responsible person(s) to pay the civil penalty within 15 days of the citation's issuance date.

(b) Continuing Violations. The responsible person(s) will be guilty of an additional and separate offense, and subject to an additional civil penalty, for each day the violation remains uncorrected.

(c) Penalty Amounts. Table 8-1 (Civil Penalty Amounts) contains the schedule for civil penalty assessments that may be levied for violations of this chapter.

Table 8-1
Civil Penalty Amounts

Notice	Civil Penalty Amount
1st Violation	$250.00
2nd Violation	$350.00
3rd Violation	$425.00
4th & Subsequent Violations	$500.00

(d) Demand for Payment.

(1) *Notice.* The Zoning Administrator will determine the civil penalty amount to be assessed and make written demand for payment upon the responsible person(s). The demand must include a description of the violation. Separate notices must be provided for the first, second, third and fourth violation. Penalties may be assessed and accrue daily, without further notice to the responsible person(s), after the fourth notice is sent.

(2) *Adjustment.* The Zoning Administrator may reduce the assessed penalties based on criteria set forth in Paragraph (3) (Factors to Consider in Assessing Civil Penalties). Modification of penalties is at the sole discretion of the Zoning Administrator.

(3) *Factors to Consider in Assessing Penalties.* Civil penalties shall be assessed where new and continuing violations of this chapter exist. Adjustments may be granted when requested in writing by the responsible person(s) outlining the justifications of such adjustments. Situations involving adjustments may include performance-based progress made on violations. No adjustments shall be issued for a lack of timely action by responsible person(s).

(4) *Nonpayment; Referral to Town Attorney.* If payment is not received within 30 days after written demand for payment is made, the Zoning Administrator may refer the matter to the Town Attorney who is authorized to institute a civil action in the name of the town in the appropriate division of the general court of justice for recovery of the penalty.

Sec. 21-419. – Prevention of Demolition by Neglect

(a) Specific Purpose. The purpose of this section is to permit the town, through its Historic Preservation Commission and Planning and Zoning Department, to protect the town's historic architectural resources by intervening when a significant resource is undergoing demolition by neglect.

(b) Definitions. The following definitions are used specifically in this section:

(1) *Demolition by Neglect.* Demolition by neglect occurs when the condition of an improved property located in the Historic Preservation Overlay district is deteriorating in such a way as to threaten the structural integrity or the relevant, significant architectural detail of the structure such that the structure or its character may be lost to current and future generations.

(2) *Significant Resource.* Any property, structure or architectural resource designated as an historic landmark or designated as "contributing" in the Town of Louisburg Historic Preservation Overlay district's nomination to the National Register of Historic Places.

(3) *Undue Economic Hardship.* A property owner's financial inability to make repairs specified in an order to repair issued by the Zoning Administrator pursuant to the requirements of this section.

(c) Maintenance Standards. The exterior features of the building or structure found to have significance shall be preserved by the owner, or such other person as may have legal possession, custody and control thereof, against decay and deterioration and kept free from structural defects. The owner or other person having such legal possession, custody and control shall, upon written request by the town, stabilize or repair the exterior features of a significant building or structure if they are found to be deteriorating, or if their condition is contributing to deterioration of the property or the district. The following conditions are examples of (by way of illustration, but not limitation) defects that may constitute or result in a finding of demolition by neglect:

(1) Deterioration of exterior walls, foundations or other vertical support which results in leaning, sagging, splitting, listing or buckling.

(2) Deterioration of flooring or floor supports, roofs or other horizontal members that results in leaning, sagging, splitting, listing or buckling.

(3) Deterioration of external chimneys that results in leaning, sagging, splitting, listing or buckling of the chimney.

(4) Deterioration or crumbling of exterior plasters or mortars where there is evidence that such condition exposes structural elements to decay.

(5) Ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors or broken or malfunctioning gutters.

(6) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(7) Rotting, holes and other forms of decay where there is evidence that such condition has exposed structural elements.

(8) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(9) Deterioration of contributing accessory structures.

(10) Overgrown plants/landscaping features that threaten the structural integrity or relevant, significant architectural detail of a structure.

(d) Methods of Service; Notices and Orders. Notices and orders issued pursuant to this section shall be transmitted by first class mail to the owner of the property as listed in the Franklin County tax office and the occupant of the property at the property's mailing address. All notices and orders shall be presumed to be received by the addressees five days from the date of mailing.

(e) Enforcement Procedure; Demolition by Neglect

(1) *Written Complaint.* Any citizen believing demolition by neglect is occurring with respect to any particular property in the Historic Preservation Overlay district may make a written complaint to the Zoning Administrator. The Zoning Administrator may also initiate this enforcement process by filing a written complaint. The complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.

(2) *Preliminary Investigation.* The Zoning Administrator will conduct a preliminary investigation and may inspect the entire property. The investigation shall not be limited to the specific conditions identified in the original complaint. The Zoning Administrator may consult with professionals including, but not limited to, architects, landscape architects, engineers, building inspectors and historic preservationists during the investigation. If the preliminary investigation does not substantiate the complaint, the complaint will be considered resolved and no further action taken.

(3) *Written Report Prepared.* The Zoning Administrator shall make a written report of the preliminary investigation where the complaint is substantiated.

(4) *Notice of Historic Preservation Commission Review*. The Zoning Administrator will provide written notice to the property owner regarding review of the matter by the Historic Preservation Commission. The notice shall include all the following:

a. a copy of the Zoning Administrator's preliminary investigation report concerning the structure,

b. a description of the demolition by neglect review process,

c. how the property owner can resolve the issue immediately,

d. a list of financial resources which may be available to assist the owner, and

e. that the matter will be brought before the Historic Preservation Commission at a meeting to be held no less than 30 days nor more than 60 days from the date of the notice.

(5) *Historic Preservation Commission Review.* The Historic Preservation Commission will review the complaint and report at a regular meeting. If the commission finds the structure may be undergoing demolition by neglect, it shall file an order directing the Zoning Administrator to conduct an administrative hearing to determine whether the subject property is undergoing demolition by neglect. The order shall describe the demolition by neglect found during the Zoning Administrator's preliminary investigation of the property.

(6) *Notice of Order and Administrative Hearing.* A copy of the Historic Preservation Commission's order and a notice that an administrative hearing will be held on the matter shall be mailed to the property owner or other person as may have legal possession, custody or control of the property. A copy of the notice will also be delivered to the Historic Preservation Commission. The notice shall contain the following information:

a. that the Historic Preservation Commission has reason to believe the property is undergoing demolition by neglect, identifying the specific condition(s) at the property that have led to this determination,

b. advisement that an administrative hearing will be held before the Zoning Administrator at a place within the town,

c. that the hearing will be held no less than 30 nor more than 45 days from the date of the notice, and

d. that the owner and/or parties in interest have the right to answer and give testimony at the hearing.

(7) *Administrative Hearing.* The purpose of the administrative hearing is to receive evidence concerning the preliminary finding of demolition by neglect and to ascertain whether the owner and/or other parties in interest wish to file a claim of economic hardship with the Historic Preservation Commission. The rules of evidence prevailing in courts of law or equity shall not be controlling in administrative hearings before the Zoning Administrator.

(8) *Order to Repair*. If the Zoning Administrator determines the structure is undergoing demolition by neglect because it is affected by one or more of the conditions set out in Subsection (c) (Maintenance Standards), then the Zoning Administrator shall state in writing the findings of fact in support of such determination and issue an order to repair. The order shall describe those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated and that serve as the basis of the determination. A copy of the order shall be delivered to the property owner and/or responsible persons.

(9) *Claim of Undue Economic Hardship.* The property owner and/or other responsible person shall have 10 working days from their receipt of the order to repair to file a written petition for a claim of undue economic hardship pursuant to the procedures of Subsection (f) (Safeguards from Undue Economic Hardship) below. Upon filing, the order to repair shall be stayed until after the Historic Preservation Commission's determination in accordance with the procedures of this section, except as provided in Subsection (g) (Other Town Powers) below.

(10) The commencement and prosecution of work pursuant to the order to repair shall stay further enforcement activity under this subsection and division.

(f) Safeguards from Undue Economic Hardship. A claim of undue economic hardship must be made by filing a written request with the Zoning Administrator. The determination of undue economic hardship will be made by the Historic Preservation Commission on a case-by-case basis.

(1) *Procedure.*

a. *Notice to Historic Preservation Commission.* The Zoning Administrator shall notify the Historic Preservation Commission of the filing of a claim of undue economic hardship within five working days following the Zoning Administrator's receipt of the request.

b. *Hearing.* The Historic Preservation Commission shall schedule a hearing at its next available meeting. The property owner and/or the responsible person shall present the information required by Sub-paragraph (c) (Evidence of Undue Economic Hardship) below, to the Historic Preservation Commission at least 10 days before the date of the hearing. The commission may require an owner and/or parties in interest furnish such additional information as the commission may reasonably conclude is relevant to its determination of undue economic hardship,

and may, in its sole discretion, hold the hearing open or close the hearing and allow the owner or party in interest additional time to furnish the requested additional information. The commission may direct the Zoning Administrator to furnish additional information as the commission believes is relevant. The commission shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event any of the required information is not reasonably available to the owner and/or parties in interest, and cannot be obtained by the owner, then the owner shall describe the reasons why such information cannot be obtained.

c. *Evidence of Undue Economic Hardship.* The property owner and/or responsible person claiming undue economic hardship bears the burden of presenting sufficient evidence to allow the Historic Preservation Commission to determine undue economic hardship exists. Such evidence shall include at least the following:

1. For All Properties.

i. Nature of property ownership (individual, business or nonprofit) or other legal possession, custody or control;

ii. A description of the structures involved;

iii. Petitioner's financial resources;

iv. Cost of required repairs or other corrective measures;

v. Assessed value of the land and improvements;

vi. Real estate taxes for the previous two years;

vii. Amount paid for the property;

viii. Date of purchase;

ix. Party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;

x. Annual debt service, if any, for the previous two years;

xi. Any listing of the property for sale or rent, price asked and offers received, if any; and

xii. Any potential grants or funding sources available to help improve the property.

2. For Income-Producing Properties.

i. All items required under Sub-paragraph (c) (Evidence of Undue Economic Hardship), Item (1) (For All Properties);

ii. The annual gross income from the property for the previous two years; and

iii. Annual cash flow, if any, for the previous two years.

d. *Historic Preservation Commission's Decision on Claims of Undue Economic Hardship.*

1. Within 60 days following the Historic Preservation Commission's hearing on the claim of undue economic hardship, the commission shall make a determination whether undue economic hardship exists and shall enter the reasons for such determination into the record. In the event of a finding of no undue economic hardship, the commission shall report such finding to the Zoning Administrator who shall cause to be issued an order to repair the property within a specified time.

2. In the event of a determination that undue economic hardship exists, the finding shall be accompanied by recommended options that may be available to the property owner to relieve the economic hardship. This plan may include, but is not limited to:

i. property tax relief as may be allowed under North Carolina law;

ii. loans or grants from the town, county or other public, private or nonprofit sources;

iii. acquisition by purchase or eminent domain;

iv. building code modifications;

v. changes in applicable zoning regulations; or

vi. relaxation of the provisions of this section to mitigate the undue economic hardship.

The commission shall report such finding and plan to the Zoning Administrator who shall cause to be issued an order to repair the property within a specified time.

e. *Appeals.* Determinations made by the Zoning Administrator in the enforcement of this section shall be made to the Board of Adjustment as outlined in Division 2 (Development Approval Procedures), Section 21-327 (Appeal). Determinations made by the Historic Preservation Commission may be appealed to Franklin County superior court as outlined in Division 2 (Development Approval Procedures), Section 21-328 (Certificate of Appropriateness), Subsection (m) (Appeal).

(g) Other Town Powers. Nothing contained in this section shall diminish the town's power to declare a building unsafe or a violation of the town's housing code.

(h) Penalties and Remedies. Enforcement of this section may be by any one or more of the methods provided in Section 21-417 (Remedies), above.

Sec. 21-420. - Reserved.

DIVISION 9. – DEFINITIONS

Contents

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Sec. 21-421. – Rules of Construction

(a) Building and Structure. The word "building" includes the word "structure."

(b) Conjunctions.

(1) *And.* The word "and" shall be construed to include all connected items in a series or set of conditions or provisions.

(2) *Or.* The word "or" shall be construed to include one or more of the items in a series or set of conditions or provisions, unless the context clearly indicates otherwise.

(c) Customary Usage. Definitions not expressly prescribed in this chapter are to be construed in accordance with customary usage in municipal planning, engineering and architectural practices.

(d) Days. All references to "days" are deemed calendar days unless expressly indicated otherwise. The time in which an act shall be completed is computed by excluding the first day and including the last day. In computing working days, if applicable, Saturdays, Sundays or holidays observed by the town are excluded. A day concludes at the close of business for the Planning and Zoning Department, and any materials received after that time will be deemed to have been received the following day.

(e) Defined and Undefined Terms. Terms defined in Section 21-422 (Definitions and Acronyms) or elsewhere in this chapter are those having a meaning relative to the purposes of this chapter. All words not defined in Section 21-422 (Definitions and Acronyms) shall be given their usual and customary meanings, according to the Zoning Administrator, unless the context clearly indicates otherwise.

(f) District. The word "district" means zoning district, and may also refer to any overly or conditional zoning district, depending on the context in which it is used.

(g) Illustrations, Tables and Text.

(1) *Text.* The text material of this chapter controls over tables and illustrations in cases of inconsistency. Likewise, tables control over illustrations.

(2) *Graphics.* Illustrations and photographs in this chapter are provided for illustrative purposes only and shall not be considered regulations. Illustrations and photographs

added to this chapter after its adoption shall not be considered amendments to this chapter.

(h) Lists. The use of terms such as "including," "such as" or similar language are intended to provide examples, not to be exhaustive lists of all possibilities, unless the context clearly indicates otherwise.

(i) Most Recent Version. All references to other county, state or federal regulations in this chapter refer to the most current version and citation for those regulations, unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, then requirements for compliance are no longer in effect.

(j) Rounding. If any other regulatory formula in this chapter results in a non-whole number of an indivisible object or feature (for example, a buffer yard requiring 6.33 trees), then the non-whole number shall be rounded up to the next highest whole number (in this case, 7).

(k) "Shall," "Will," "Should," "May" and "Must."

(1) *"Shall," "Must" and "Will."* The words "shall," "must" and "will" are always mandatory.

(2) *"Should" and "May."* The words "should" and "may" are discretionary.

(l) Tense and Number. Words in the present tense include the future tense and vice-versa. Words in the singular number include the plural number and vice-versa.

(m) Town. The word "town" means the Town of Louisburg.

Sec. 21-422. -Definitions and Acronyms

Abut or Abutting. Having property lines in common.

Accessible Space. A parking space for the use of a person who has a loss or reduction, of functional ability and activity, a person in a wheelchair or a person with a sensory/visual disability.

Accessory Apartment. A separate habitable living unit with a full kitchen, sleeping and bathroom facilities commonly found in a single-family dwelling. An accessory apartment is located within, or substantially attached to, a principal dwelling and is accessory, supplementary and secondary to the principal dwelling.

Accessory Building. A subordinate building customarily incidental to and located on the same lot as the principal use or building.

Accessory Dwelling Unit (ADU). A detached, separate habitable living unit with a full kitchen, sleeping and bathroom facilities commonly found in a single-family dwelling. The principal dwelling and ADU together are located on a single lot. An ADU must be permanently affixed to the land and function as a wholly self-sustaining unit.

Accessory Structure. A structure not defined as an "accessory building." Examples of accessory structures are fences, decks, gazebos, arbors, retaining walls, barbecue pits, detached chimneys, playground equipment, yard art, docks, piers, etc.

Accessory Use. A subordinate use customarily incidental to and located on the same lot with the principle use or building. See further guidance in Division 4 (Uses).

Adjacent. Two properties, lots or parcels are "adjacent" where they abut, or where they are separated by a roadway or street right-of-way, railroad line, or any stream, river, canal, lake or other body of water.

Administrative Decision. Decisions made in the implementation, administration or enforcement of this chapter involving the determination of facts and the application of objective standards set forth in this chapter. These are sometimes referred to as ministerial decisions or administrative determinations. A zoning permit is an example of a type of administrative decision.

ADU. Acronym for "Accessory Dwelling Unit."

Adult Bookstore. A bookstore that:

(a) receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital or other imaging medium) that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or

(b) having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital or other imaging medium) that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

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

Adult Care Home. A state-licensed assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. As distinguished from a nursing home, an adult care home means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the residents' needs may be provided under the direct supervision of a physician, nurse or home health agency. Adult care homes are to be distinguished from nursing homes. Includes any "Adult Care Home" as defined by NCGS 131D-2, NCGS 131D-20, NCGS 131E-76 and 131E-101 including any "combination home."

Adult Live Entertainment. Any performance of or involving the actual presence of real people exhibiting specified sexual activities or specified anatomical areas.

Adult Live Entertainment Business. Any establishment or business wherein adult live entertainment is shown for observation by patrons such as Adult Cabaret, as defined herein, and establishments featuring female mud wrestling, wet t-shirt contests and similar activities. This definition does 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.

Adult Mini Motion Picture Theatre. An enclosed building with viewing booths designed to hold patrons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

Adult Motion Picture Theatre. An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as

defined in this section, for observation by patrons therein. Adult Motion Picture Theatre does not include any Adult Mini Motion Picture Theatre.

Adult Retail Store. Retail establishments (other than bookstores) specializing 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.

Adult Use Establishment. An adult bookstore, adult cabaret, adult motion picture theatre, adult mini motion picture theatre or adult live entertainment business

Aggrieved or Adversely Affected Party. Any person who will suffer an adverse effect to an interest protected or furthered by this chapter. The adverse interest may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, the town, developer or applicant for development approval.

Agricultural. Refer to NCGS 106-581.1.

Agricultural and Animal-related. A land use category containing uses related to the commercial production, storage, processing, marketing, distribution or export of any agronomic, floricultural, horticultural, viticultural, silvicultural or aquacultural crop including, but not limited to: farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products. Uses in this land use category include: Animal Production and Support; Auction Sales - Livestock Only; Crop Production; Farmers Market; Intensive Agriculture; Pet Care Services, with or without Kennels; Veterinary Offices and Hospitals, with or without Kennels; and similar uses.

Agricultural Use. For purposes of the watershed protection overlay districts, the use of waters for stock watering, irrigation and other farm purposes.

Airport. Any area of land or water, either publicly or privately owned, designed and set aside for landing and taking off of aircraft, including all contiguous property that is held or used for airport purposes. The use includes flight training schools.

Alley. A privately- or publicly-owned minor right-of-way used primarily for service access.

Alteration. Generally, as applied to a building or structure, a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amusement Arcade. A primarily indoor structure, open to the public, containing coin-operated games, rides, shows and similar entertainment facilities and devices that do not contain the devices listed in the definitions for Adult Use Establishment or Electronic Gaming Operation.

Amusement Park. A primarily outdoor or open facility that may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Animal Production and Support. The raising of animals on pasture land or production of animal products on an agricultural or commercial basis. Animal Production and Support does not include uses defined as Intensive Agriculture. slaughterhouses or butcheries.

Animal Unit. A unit of measurement developed by the United States Environmental Protection Agency used to compare different types of animal operations.

Annexation. The addition of unincorporated territory to an incorporated area pursuant to NCGS Article 4A.

Arterial Street. High-volume streets carrying over 3,000 vehicle trips per day and connecting communities and activity centers to major state and interstate highways.

Artist. A practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

Asphalt or Concrete Mixing Plant. The whole set of equipment used for the quantity production of asphalt or concrete.

Assisted Living Residence. Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. Assisted Living Residence includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted Living Residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults) and Multi-unit Assisted Housing with Services.

Attached Single-family. More than one single-family dwelling unit that is attached to one or more single-family dwelling units. This definition includes condominiums, townhomes, and other unit-ownership arrangements.

Auction Sale – Livestock Only. A public sale in which livestock is sold to the highest bidder. Operations include public sales by direct auction, consignment auction or online auction, using methods for ensuring each sale is conducted in an open, fair and competitive manner.

Auditorium. A room, hall or building that is a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also Place of Public Assembly.

Automobile Towing and Temporary Storage. A lot or building used for the storage of damaged, wrecked or impounded motor vehicles for a limited period of time, usually awaiting insurance adjustment, transport to a repair shop or recovery by the owner operator.

Bar (including Pub, Lounge and Tavern). A commercial establishment operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted as accessory to the principal use.

Basement. That portion of any structure located partly below the average adjoining lot grade.

Bed and Breakfast. A dwelling in which lodging, with or without meals, is provided for overnight guests for a fee. See also Short-term Rental.

Bedroom. See Sleeping Room.

Boarding School. An elementary, middle, junior high or high school providing lodging or dwelling for students or faculty on the same property.

Bona Fide Farm Purposes. Agricultural activities as set forth in NCGS 160D-903(a).

Brewpub/Microbrewery, Micro-winery, Micro-distillery, Micro-cidery. An eating or drinking establishment that produces malted, fermented or distilled beverages.

Buffer Yard. The portion of a yard where special plantings are required to separate and screen two adjacent land uses that are ordinarily incompatible by virtue of their use.

Building. A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. For the purpose of this definition, "roof" shall include an awning or other similar coverings, whether or not they are permanent in nature. Without limiting the generality of the foregoing, the following shall be considered a "building": a house, barn, church, hotel, warehouse or a similar structure, or an historically related complex, such as a courthouse and a jail or a house and a barn.

Building Height. See building height standards found in Division 5 (Development Standards) of this chapter.

Building Material Supply. A retail establishment specializing in the storage of materials, tools, and hardware customarily used in the construction of buildings and other structures. Outdoor storage may be involved in zoning districts specifying that outdoor storage is allowed as part of the use.

Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building or structure and the street right-of-way line, or lot line, when measured perpendicular thereto.

Campground. A plot, parcel or tract of land on which two or more Campsites are located, established or maintained for occupancy by Camping Units as temporary living quarters for recreation, education or vacation purposes. A Campground includes any summer camp or any other land area consistent with this definition. A Therapeutic Camp is not considered a Campground.

Camping Unit. Any tent, trailer, cabin, lean-to, Recreational Vehicle or similar structure established or maintained and operated in a Campground as temporary living quarters for recreation, education or vacation purposes.

Campsite. Any plot, parcel or tract, or portion thereof, intended for exclusive occupancy by a Camping Unit.

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

Canopy Tree. Either a medium or large deciduous tree with a mature height of more than 25 feet at maturity.

Car Wash. An establishment providing washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one or more attendants or by self-service facilities.

Cemetery. Any one, or combination of more than one, of the following in a place used or to be used and dedicated or designated for cemetery purposes:

(a) A burial park for earth interment.

(b) A mausoleum.

(c) A columbarium.

Certificate of Compliance. A certificate issued by the Zoning Administrator stating that a lot, building, structure or use complies with this chapter and that the same may be used for the purposes stated therein.

Child Care. A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis at least once per week for more than four, but less than 24, hours per day from persons other than their guardians or full-time custodians, or persons not related to them by birth, marriage or adoption. Child Care does not include the following:

(a) Arrangements operated in the home of any child receiving care if all the children in care are related to each other and no more than two additional children are in care;

(b) Recreational programs operated for less than four consecutive months in a year;

(c) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups or boys' and girls' clubs;

(d) Drop-in or short-term care provided while parents participate in non-employment-related activities and where parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels or churches;

(e) Public schools;

(f) Non-public schools described in Part 2 of Article 39 of Chapter 115C of the North Carolina General Statutes that are accredited by the Southern Association of Colleges and Schools, and operate a Child Care Center as defined in this section for less than six and one-half hours per day either on, or off, the school site;

(g) Bible schools conducted during vacation periods;

(h) Care provided by facilities licensed under NCGS Article 2 of Chapter 122C;

(i) Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and

(j) Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

Child Care Center. An arrangement where, at any one time, three or more preschool-age children or nine or more school-age children, receive care. For purposes of this definition, "pre-school-age child" means any child who is at least three years old and not meeting the definition of "school-age child." "School-age child" means any child who is attending or has attended a public or private grade school or kindergarten and meets age requirements as specified in NCGS 115C-364.

Collector Street. A principal traffic artery within residential or commercial areas that carries relatively high traffic volumes (1,000 to 3,000 vehicle trips per day) and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic.

Commercial Parking. A land use category that provides parking as a primary use, for which a fee may or may not be charged. Uses in this category include: Parking Lot or Structure, Commercial; Parking Lot or Structure, Off-site; Truck, Tractor Trailer or Bus Storage; and other uses meeting the definition of Commercial Parking.

Community Amenities. A land use of a public, nonprofit or charitable nature providing ongoing education, training or counseling to the general public on a regular basis, without a residential component. Uses include: Art Gallery; Library; Museum; Performing Arts Company; Artists; Senior or Youth Center; and other similar uses.

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

Comprehensive Plan. The "Louisburg 2030 Comprehensive Plan" or any subsequent plan adopted pursuant to NCGS 160D-501.

Conditional Zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. See Table 3-2 (Conditional Districts) in Division 3 (Districts) of this chapter.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Contiguous. Land abutting other land for at least 100 feet that is not separated by streets, rights-of-way or land owned by other persons.

Contractor's Office. Any land, building or structure used as the permanent place of business for a general contractor or tradesman, including the incidental storage of construction equipment and materials, and company vehicles.

Convenience Store. A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast-food items, and whose business is mostly dependent on quick stops by its customers. A convenience store may also include self-service gasoline and other fuel sales.

Conventional Zoning District. Any of the zoning districts established pursuant to Table 3-1 (Tier System: Plan and Zoning District Correspondence) in Division 3 (Districts) of this chapter. Conventional zoning districts contain a variety of permitted uses allowed by right or with a special use permit.

Convention Center/Visitors Bureau. A facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

Corner Lot. A lot bounded entirely by streets, or a lot adjoining the point of intersection of two or more streets in which the interior angle formed by the intersection with lot lines forms an angle of 135^{o} or less. In the event any street line is a curve at its point of intersection with a lot line, the tangent to the curve at that point shall be considered the direction of the lot line.

Correctional Institution. Publicly or privately operated facilities housing persons awaiting trial or serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities and facilities for the production of goods or materials produced for sale.

Country Club. A private club providing one or more of the following: indoor and/or outdoor golf, tennis or swimming facilities, indoor exercise or recreational rooms and equipment, and that may include a clubhouse with dining and banquet facilities operated on a private membership basis and restricted to use by members and their guests.

Court or Courtyard. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

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.

Crop Production. The growing and harvesting of crops such as grains, vegetables, fruits, trees, flowers and other ornamental horticulture. Crop production does not include marijuana production.

Curb Cut. A lowered or cut-away curb for purposes of ingress or egress to property abutting a public street.

Day Care. A land use category containing uses providing care, protection and supervision for three or more children or adults for more than four hours a day on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than eight hours each day, although the facility may be open 24 hours each day. Uses in this category include: Adult Care Center, Child Care Center or other uses meeting the definition of Day Care. Family Care Homes and Family Child Care Homes are not included within this definition.

Demolition Landfill. A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes approved by the Director of the North Carolina Division of Solid Waste Management or authorized representative.

Density. An objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

Detached Single-family. A single-family dwelling unit that is not attached to any other dwelling unit by any means and is surrounded by yards.

Determination. A written, final and binding order, requirement or determination regarding an administrative decision.

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

Development. Any of the following:

(a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site or demolition of any structure.

(b) The excavation, grading, filling, clearing or alteration of land.

(c) The subdivision of land as defined in NCGS 160D-802.

(d) The initiation or substantial change in the use of land or the intensity of use of land.

(e) Any land disturbing activity adding to, or changing the amount of impervious or partially impervious cover on a land area, or that otherwise decreases infiltration of precipitation into the soil.

Development Approval. An administrative or quasi-judicial approval made pursuant to this chapter that is written and required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances and certificates of appropriateness. The term also includes all other approvals required by this chapter.

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.

Discontinuance. See the definition of "Abandonment" in Division 7 (Nonconforming Situations) of this chapter.

Dormitory. A building used as group quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar institutional use.

Doublewide Manufactured Home. A manufactured home constructed after July 1, 1976, meeting or exceeding standards established by the United States Department of Housing and Urban Development in effect at the time of construction. The home is transported to the building site on an attached chassis and axles(s), and satisfies the following appearance standards once completed:

(a) The home's length does not exceed four times its width.

(b) The roof pitch has a minimum vertical rise of one-foot for each five feet of horizontal run, and is finished with shingles or other material commonly used in standard residential construction.

(c) Exterior siding consists of wood, hardboard, aluminum or vinyl comparable in composition, appearance and durability to exterior siding commonly used in standard residential construction. Paint shall not exceed the reflectivity of gloss white paint.

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

(e) The tongue, axles and transporting lights are removed before occupancy.

Down-zoning. A zoning change affecting an area of land by either:

(a) decreasing the development density to be less dense than allowed under its previous usage; or

(b) reducing the permitted uses of the land to fewer uses than allowed under its previous usage.

Driveway. Entrance to and exit from premises where it is possible to park completely off the street, and that is not open for vehicular traffic except by permission of the property owner.

Driveway Approach. A way or place, including paving and curb returns, between the street travel lanes and property, providing vehicular access between the road and property.

Dwelling. Any building, structure, manufactured home, mobile home, or part thereof, used and occupied for human habitation or intended to be so used, including any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Educational Facilities. A land use category containing public and private schools at the elementary, middle or high school level that provide basic academic education. The category also includes colleges and other institutions of higher learning offering courses of general or specialized study leading to a degree and usually in a campus setting. Uses in this category include: Boarding School; Business, Computer and Management School; Charter School; Fine Arts School, Public or Private Elementary or Secondary School; Technical and Trade School; University or College; and other uses meeting the definition of Educational Facilities.

Electronic Gaming Operation. Any business enterprise, whether as a principal or an accessory use, where persons use electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such

distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

EMS (Emergency Medical Service) Facility. A building used as the base of operations for ambulance or paramedic services.

Enlarge or Enlargement. An addition to the floor area of an existing building, an increase in the size of any other structure, or an expansion of an existing use, including any accessory uses, to an open portion of a lot not previously used for such use. To "enlarge" is to make an enlargement.

ETJ. The acronym for "Extraterritorial Jurisdiction."

Evergreen Shrub. A shrub that holds green leaves, either broadleaf or needle-shaped, throughout the year.

Evergreen Tree. A tree that holds green leaves, either broadleaf or needle-shaped, throughout the year.

Extend or Extension. An increase in the amount of existing floor area used for an existing use within an existing building or other structure. To "extend" is to make an extension.

Extended Stay Lodging Facility. Any building containing six or more units intended or designed to be used, rented or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas and/or restaurants.

Exterior Features. The architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, exterior features mean the style, material, size and location of all such signs. Such exterior features may include historic signs, color, and significant landscape, archaeological and natural features of the area.

Extraterritorial Jurisdiction. The territory outside of the town limits where the town may exercise the powers conferred upon it by NCGS 160D-202.

Evidentiary Hearing. A hearing to gather competent, material and substantial evidence in order to make findings for a quasi-judicial decision required to issue a special use permit, certificate of appropriateness, variance, watershed variance or to decide an appeal from a decision of the Zoning Administrator.

Familial Relationship. A spouse, parent, child, brother, sister, grandparent or grandchild, including step, half and in-law relationships.

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.

Family Care Home. A home with support and supervisory personnel providing room and board, personal care and habilitation services in a family environment for no more than six resident persons with disabilities. For the purposes of this definition, "person with disabilities" means a person with temporary or permanent physical, emotional or mental disabilities including, but not limited to, intellectual or other developmental disabilities, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including persons with a mental illness who are dangerous to others as defined in NCGS 122C-3(11)b.

Family Child Care Home. A state-licensed child care arrangement located in the residence where the operator lives and where, at any one time, three to eight children receive care. For purposes of this definition, "operator" means the owner, director or other person responsible for operating the family child care home.

Farm Supply Product Sales. Businesses that principally provide supplies for agricultural or equestrian use including feed and seed stores, tack and equestrian product shops, and farm equipment sales and service.

Farmers Market. Any common facility or area where fruits, vegetables, meats, other local farm or consumable products, etc., are sold directly to consumers by producers, growers and sellers at more than one stand operated by different persons. A farmers market differs from a farm or produce stand in that there may be more than one seller per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site.

Farming. Refer to NCGS 106-581.1.

Feed Lot. A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feed lot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feed lots.

Financial Institution. Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company or other business association that is chartered under federal or state law, solicits, receives or accepts money or its equivalent on deposit, and loans money as a regular business.

Firearms and Ammunition Sales. A business selling firearms and ammunition as a primary business. This term does not apply to home occupations that allow for the sale of firearms as permitted and regulated by the United States Bureau of Alcohol, Tobacco and Firearms.

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.

Floor Area. The sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two structures. Floor area includes the area of roofed porches having more than one wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

Florist and Nursery Supply. A place where plants are raised, acquired and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes such as soil, rock, bark, mulch and other materials considered landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

Fortune Telling/Palm Reading. An establishment for a business that offers the services of predicting someone's future.

Fraternity/Sorority House. A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college, university or professional school students who are affiliated with a social, honorary or professional organization.

Frontage. The distance where a property line is common with a street right-of-way line.

Front Lot Line. A lot line adjoining the street right-of-way.

Front Setback. The distance between a building and the street right-of-way nearest to the building.

Front Yard. An open space on the same lot with a principal building between the front line of the building and the front property or street right-of-way line extending across the full width of the lot.

Fuel Sales. A place where vehicular fuel, stored only in underground tanks, is offered for sale to the public or where charging stations are made available for the charging of electric vehicles.

Funeral Home and/or Crematorium. An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funerals.

GFA. The acronym for "Gross Floor Area."

Government Facilities. A land use category containing offices, storage, maintenance and other facilities for the operation of local, state or federal government. Private facilities providing a service

identical to that of a government service (e.g., a private EMS Facility) may be included in this category. Uses in this category include: Correctional Institution; EMS Facilities; Government Building or Facility; Postal Service Facility; and other uses meeting the definition of Government Facilities.

Grade. The finished ground level adjoining the building or structure at all exterior walls.

Greenhouse. An enclosed, detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants.

Gross Floor Area. See "Floor Area."

Group Home. An adult care home having two to nine developmentally-disabled adult residents. Includes any "group home for developmentally disabled adults" as defined by NCGS 131D-2 or NCGS 131D-20.

Group Living. This land use category contains uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities. Uses in this category include: Adult Care Homes; Assisted Living Residences; Family Care Home; Group Homes; Intermediate Care Facility for the Mentally Challenged; Nursing Home; Residential Care Facilities; and other uses meeting the definition of Group Living.

Half Story. A story that 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 that does not contain an independent dwelling unit.

Halfway House. A residential facility differentiated from facilities providing on-site, supervised lodging for individuals who are required to reside at the facility as a term of parole or who are under mandatory supervision. Also called "rehab center" or "transitional home."

Handicapped Person. A person with a temporary or permanent physical, emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS 122-58.2(1)b.

Hazardous Material. Any substance listed as such in: SARA (Superfund Amendment and Reauthorization Act) Section 302, Extremely Hazardous Substances; CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) Hazardous Substances; or Section 311 of CWA (Clean Water Act) (oil and hazardous substances).

Health/Fitness Club. An establishment providing facilities for exercise activities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Heavy Industrial. A land use category containing uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have

characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare. Uses in this category include establishments that manufacture or process: Asphalt and Coal; Cement/Concrete (ready-mix) and Concrete Products; Chemicals; Clay and Brick; Concrete (dry mix); Food; Metals; Petroleum; Stucco and Synthetic Stone; Sawmills; and other uses meeting the definition of Heavy Industrial.

Heliport. An area providing for the take-off and landing of helicopters, and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance and repair of helicopters.

Historic Building. Any building 50 years old or more with distinctive architectural features characteristic of the period of history during which it was originally constructed.

Historic Structure. Any structure that is:

(a) listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) individually listed on a local inventory of historic landmarks in communities with a CLG (Certified Local Government) program"; or

(d) certified as contributing to the historical significance of a historic district designated by a community with a CLG program". CLG programs are approved by the United States Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Home Occupation. Any activity carried out for gain by a resident conducted within a portion of a main dwelling unit, that may also include use of an accessory building, and that does not adversely impact or change the residential character of the neighborhood.

Homeless Shelter. A building or group of buildings owned or operated by a non-profit organization used solely for temporary occupancy of homeless persons, with on-site supervision during all hours of operation, with or without board for the occupants and staff of the shelter.

Homestay Host. For the purpose of the short-term rental regulations of this chapter, a permanent, full-time resident of a property who rents bedrooms in the form of homestay lodging, that is present during the homestay term for the time lodgers are staying on the property.

Hospital. A hospital licensed, accredited or approved under the laws of any state and a hospital operated by the United States government, a state or its subdivision, although not required to be

licensed under state laws. The term "hospital" also includes a public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured, disabled or sick persons, or rehabilitation services for the rehabilitation of injured, disabled or sick persons. The term also includes all facilities licensed pursuant to NCGS 131E-77.

Hotel. A building containing rooms intended or designed to be used or that are used, rented or hired out to be occupied, or that are occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or in an accessory building.

Household Living. A land use category containing residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens. Uses in this category include: Multi-family; Single-Family Attached; Single-Family Detached; Manufactured Home, Doublewide; Manufactured Home Park; and other uses meeting the definition of Household Living.

Impervious Surface. A ground covering that limits the absorption of water into the groundwater system. Examples include buildings, asphalt, concrete, gravel and similar treatments.

Indoor Entertainment. A land use category containing uses varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Uses in this category include: Adult Use Establishment; Amusement Arcade; Bingo Parlor; Bowling Center; Brewpub/Microbrewery, Micro-winery, Micro-distillery or Micro-cidery; Electronic Gaming Operation; Health Clubs and Fitness Centers; Movie Theaters (excluding drive-in); Shooting Range/Archery Range, Indoor; and other uses meeting the definition of Indoor Entertainment.

Industrial Development. For purposes of the watershed protection overlay districts, any non-residential development requiring an NPDES (National Pollutant Discharge Elimination System) permit for an industrial discharge, and/or requiring the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Intensity. The degree to which land is occupied (There is no single measure of the intensity of land use. Rather, a land use is relatively more or less intense than another use. Generally, a particular use may be more intense due to one or more characteristics, such as traffic generated, amount of built-upon area or impervious surface, density, bulk of structures, number of employees or nuisance such as pollution, noise, light, etc.).

Intensive Agriculture. Land uses involving the raising of animals where they are tightly confined in buildings or outdoor enclosures with more than one animal unit per acre. Examples include dairy farms where cows are not pastured, feed lots and swine and poultry farms.

Interior Lot. A lot that isn't a corner lot or through lot.

Intermediate Care Facility for the Mentally Challenged. Facilities licensed pursuant to Article 2 of Chapter 122C of the North Carolina General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions.

Junk. Any worn-out, cast-off or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use. "Junk" does not include any article or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new.

Junk Yard. Any premises where junk, articles or materials, including junked, wrecked or inoperable vehicles that are ready for destruction or that have been collected are stored for salvage or conversion to some use. Also known as "Salvage Yard" and includes automobile graveyards.

Landfill. A disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

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

Landscaping. The requirements for vegetation and vegetated areas.

Large Animal Veterinary Office or Hospital. An animal hospital or clinic providing medical care for horses and other livestock.

Large-scale Rezoning. An official zoning map amendment involving 50 or more properties owned by at least 50 different property owners.

Lawn and Garden Sales. A facility for the sale of garden tools, equipment and supplies operated in conjunction with a nursery and/or tree farm where the plant materials sold are limited to those grown on the premises.

Legislative Decision. The adoption, amendment or repeal of a regulation under this chapter.

Legislative Hearing. A hearing to solicit public comment on a proposed legislative decision.

Light Industrial. A land use category containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Uses in this use category include establishments that manufacture or process: Abrasive Products; Apparel; Automobile Race Cars and Parts; Beverages and Tobacco; Brooms, Brushes and Mops; Burial Caskets; Candles and Potpourri; Cloth; Computers, Electronics and Appliances; Distilleries;

Fabricated Metal Products; Farm Products (Raw Material); Fasteners, Buttons, Needles and Pins; Furniture and Related Products; Gasket, Packing and Sealing Devices; Glass/Glass Products; Jewelry and Silverware; Mineral Wool/Fiberglass Insulation; Musical Instruments; Office Supplies (excluding Paper); Paper/Paper Products; Plastics and Rubber; Signs; Sporting and Athletic Goods; Toys, Dolls and Games; Transportation Equipment; Wood Products; and other uses meeting the definition of Light Industrial. Other uses in this category include: Dental Laboratories; Industrial Launderers; Micro-manufacturing; Printing and Related Support Activities; Publishing Industries; Scientific Research and Development Services; Textile Mills; Vending Machine Operators; and Winery or Cidery.

Liquor Sales (ABC Store). A store that sells or offers to sell alcoholic beverages as defined in NCGS 18B-101.

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.

Local Street. Any link not a higher-order urban system serving 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.

Lot. A tract of land that is designated by its owner at the time of applying for a development approval as one tract, all of which is to be used, developed or built-upon as a unit under single ownership or control. A lot may consist of:

(a) a single lot of record including any subsequent amendments to the lot;

(b) a portion or portions of a lot of record;

(c) a combination of two or more lots of record;

(d) a combination of complete lots of record and portions of lots of record; or

(e) a piece of property described by metes and bounds.

"Lot" May Not Coincide with "Lot of Record." A lot may, or may not, coincide with a lot of record.

Lot Coverage. That portion of the lot area, expressed as a percent, covered by impervious surfaces.

Lot Depth. The mean horizontal distance between the front lot line and rear lot line of a lot. In the case of a corner lot, lot depth is the greater of the mean horizontal distances between the front lot lines and the respective side lot line opposite each.

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

Lot of Record. Any lot shown on a plat or described by deed that complied with all applicable laws, ordinances and regulations at the time of its recordation with the register of deeds office.

Lot Size. The total area circumscribed by the boundaries of a lot but excluding any portion of the lot located within a street right-of-way. Where a street right-of-way can't be determined, the lot boundary line will be computed using a line running parallel to, and 30 feet from the center of the traveled portion of the street.

Lot Width. The width of a lot measured at the front setback line.

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.

Major Automobile Repair. An establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

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.

Major Variance. A variance from the watershed overlay district standards resulting in any one or more of the following:

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

(b) the relaxation by a factor greater than 10% of any management requirement.

Manufactured Home Park. A tract of land separated into two or more spaces rented, leased, or offered for rent or lease to persons for the installation of manufactured homes for use and occupancy as residences; provided the lease or rental agreement is for a term of less than 60 months and contains no purchase option.

Manufactured Home Space. A defined area of ground within a manufactured home park designed for and designated as the location for only one manufactured home and customary accessory uses.

Manufactured/Modular Home and Storage Building Sales. The sale of trailers or manufactured homes on a lot excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Manufacturing. The processing of raw products and materials into items for sale.

Massage Business. 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. Businesses not meeting this definition will be considered an Adult Establishment.

Medical or Dental Office. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not usually lodged overnight.

Medical Facilities. A land use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care. Uses in this category include: Acupuncture Clinic; Blood or Blood Plasma Center; Chiropractor; Drug, Alcohol or Psychiatric Treatment Center, Out-Patient; Hospital, Medical or Dental Office; Medical Lab; and other uses meeting the definition of Medical Facilities.

Medical Lab. A laboratory where tests are conducted on clinical specimens to obtain information about the health of a patient to aid in diagnosis, treatment and prevention of disease.

Micromanufacturing. The retail or business-to-business production of artisan goods produced in small quantities using small hand tools or light machinery including, but not limited to, 3-D printers or computer numerical control routers.

Mini-warehouse/Self-storage Leasing. Buildings composed of contiguous individual rooms rented to the public for the storage of personal property that have independent access and locks under the control of the tenant; excluding the storage of explosive, corrosive or noxious materials such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to humans, other organisms or properties; and further excluding any other use otherwise permitted in the zoning district in which the Mini-warehouse is located.

Minor Automobile Repair. An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales and alignment, but not including any operation specified under Major Automobile Repair.

Minor Auto Part Restoration. The process of restoration activities to used, salvaged or damaged automotive parts not requiring mechanical, chemical or manufacturing operations in the restoration process and requiring enclosed storage of all materials, products and supplies.

Minor Variance. A variance from the watershed overlay district standards not qualifying as a Major Variance.

Modular Home. A structure meeting all state building codes, transportable in one or more sections, transported to the building site by means not including an attached axle or chassis, placed upon a permanent foundation and connected to required utilities.

Motel. A building or group of detached, semidetached or attached buildings on a lot containing guest dwellings, each of which has a separate outside entrance leading directly to rooms, with a garage or parking space conveniently located with each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

Multi-family. A structure arranged, designed and intended to be the residence of more than one family with each family having independent cooking and bathing facilities. This includes duplexes, triplexes or units that are not on individual lots.

NCGS. The acronym for "North Carolina General Statutes."

Neighborhood Utility Facility. Utility facilities designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Nightclub. A commercial establishment in which music, dancing or live entertainment is conducted, having hours of operation generally limited to weeknights and weekends. The sale of alcoholic beverages and/or meals for on-site consumption may also be a component of the operation. The establishment may require cover charges or membership fees. Any entertainment or service satisfying any portion of the definition of "adult use establishment" either in this section or NCGS 14-202.10 shall be considered an "adult use establishment" for zoning and permitting purposes.

Nonconforming. See Division 7 (Nonconforming Situations) of this chapter.

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

Nursery. A place where plants are raised, acquired and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

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

Office. A land use category containing activities conducted in an office setting and generally focusing on business, professional or financial services. Uses in this category include offices or agencies for services or professions such as: Accounting and Tax Preparation; Advertising and Marketing; Architectural, Engineering and Related Professions; Finance and Insurance;

Broadcasting and Telecommunications; Debt Collection; Computer System Design; Data Processing and News Services; Employment/Personnel; Environmental Consulting; Industrial Design; Interior Design; Investigation and Security; Legal Services; Management and Marketing; Motion Picture and Sound Recording; Office Administrative Services; Other Business Support Services; Real Estate and Leasing; Travel Agent; and other uses meeting the definition of Office Use. Other uses in this use category include: Contractor's Office (with and without Outdoor Storage); Financial Institution; Credit Bureaus; Delivery/Courier Service; Janitorial Services; Management/Holding Company Offices; Telemarketing/Telephone Call Centers.

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

Open Space. An area intended to provide light and air and designed, depending upon the particular situation, for environmental, scenic or recreational purposes. Open space may include, but need not be limited to, lawns, decorative plantings, bikeways, walkways, outdoor recreation areas, wooded areas, greenways and water courses. The computation of open space shall not include driveways, parking lots or other surfaces designed or intended for motorized vehicular traffic, or to buildings. The term "open space" also includes any land, water or submerged land provided, preserved or used for park or recreational purposes; conservation of land or other natural resources; cultural, historic, or scenic purposes; or wetlands.

Ornamental Tree. A small to medium tree growing to a mature height of 15 to 40 feet.

Outdoor Display. The placing or placement of merchandise in outdoor areas on or immediately adjacent to a business for the purpose of the sale of such goods to the public in the ordinary course of business.

Outdoor Entertainment. A land use category containing uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting. Uses in this category include: Amusement Park; Golf Driving Range; Miniature Golf; Theater, Drive-in; Racetracks; Shooting Range, Sport; Sports and Recreation Instruction/Camps; and other uses meeting the definition of Outdoor Entertainment.

Outdoor Market. A marketplace, not confined to a building, with one or more individual stalls or vendors that sell products such as new or used goods, wares, merchandise, limited services, fresh food items, pre-packaged food items and flowers or plants.

Outdoor Storage. The keeping in an unroofed area of any goods, junk, material or merchandise in the same place for more than 24 hours.

Overlay Zoning District. A zoning district superimposed over one or more zoning districts, or parts of districts, that impose specified requirements in addition to those applicable in the underlying conventional or conditional zoning district. See Table 3-3 (Overlay Districts) in Division 3 (Districts) of this chapter.

Overnight Lodging. A land use category containing uses with bedroom and bathroom units

arranged for short-term stays of less than 30 days for rent or lease. Uses in this category include: Bed and Breakfast; Boarding House; Hotel, Motel; Extended Stay Lodging; Rooming House; Short-term Rental; and other uses meeting the definition of Overnight Lodging.

Owner. See "Landowner."

Park-and-Ride Facility/Transit Terminal. Specially designated parking areas where commuting motorists park their vehicles and ride with other commuters who have a common destination. Ridesharing from the lots may be done by car pool, van pool or public transit.

Parking Lot. Any lot, area or place for the parking or storing of motor and other vehicles, open to public use with or without charge or fee. This use includes all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment and associated appurtenances and facilities either on, above or under the ground, used or usable in connection with parking or storing of vehicles.

Parking Space. A graded and surfaced storage space for one automobile plus the necessary access space.

Parking Structure. A facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

Parks and Open Space. A land use category containing uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures. Uses in this category include: Botanical Gardens/Nature Preserve; Campground; Country Club; Game Preserve; Golf Course; Miniature Golf Course; Zoo; and other uses meeting the definition of Parks and Open Space.

Parkway. The area located within a public right-of-way between the outer curb line and the adjacent property line.

Passenger Terminal. A land use category containing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service. Uses in this use category include: Air Transportation and Support Facility; Charter Bus Service; Limousine Service; Taxi Service/Taxi Stand; Truck Transportation, Terminal and Support Facility; and other uses meeting the definition of Passenger Terminal.

Pawn Shop. The location at which, or premises in which, a pawnbroker as defined in NCGS 66-387 regularly conducts business.

Perennial Waterbody. A natural or man-made basin, including lakes, ponds and reservoirs that stores surface water permanently at depths sufficient to preclude the growth of non-hydrophilic rooted plants.

Person. An individual, proprietorship, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, club, board, public or private institution, utility, cooperative,

interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Pet Care Service (with Outdoor Kennels). The retail sale of pets and other animals (except livestock) and the provision of pet or animal care services, such as grooming, training, sitting, boarding and caretaking. Kennels related to the operation of the business may be located outside of the buildings used for the business. This definition includes pet and pet supply stores but does not include veterinary services.

Pet Care Service (without Outdoor Kennels). The retail sale of pets and other animals (except livestock) and the provision of pet or animal care services, such as grooming, training, sitting, boarding and caretaking. Kennels related to the operation of the business may not be located outside of any building or buildings used for the business. This definition includes pet and pet supply stores but does not include veterinary services.

Photovoltaic (PV). Technology that converts light directly into electricity.

Place of Public Assembly. A fairground, auditorium, stadium, church, theater or any other place where people assemble.

Planned Development (PD). A land development project planned as an entity by means of a unitary master site plan that permits flexibility in building site, mixtures in building types and land uses, open space and the preservation of significant natural features.

Planned Development-Residential (PD-R). A land development project planned as an entity by means of a unitary master site plan that permits flexibility in building sites, mixtures in dwelling types and specified non-residential land uses, open space and the preservation of significant natural features.

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

Premises. For the purpose of this definition the term “premises” shall be interchangeable with the term “lot” or “tract.”

Principal Building. A building or structure or, where the context so indicates, a group of buildings or structures, in which the primary or main use of a lot is conducted. This includes any buildings attached to the principal building by a covered structure. Also known as “principal structure.”

Principal Dwelling. A dwelling unit constituting the principal building or structure on a lot.

Principal Use. The primary or main use of land or structures, as distinguished from a secondary or accessory use.

Private Club. A building and related facilities owned and used on a regular or recurring basis for fraternal, social, educational, recreational or cultural enrichment of its members, and whose members meet certain prescribed qualifications for membership.

Private Road or Street. Any road or street not dedicated to the public and maintained by a private entity. A private road or street is also any open right-of-way that is labeled neither "public" or "private," shown on a subdivision plat recorded with the Frankling County Register of Deeds, and not accepted for maintenance by either the Town of Louisburg, Franklin County or the North Carolina Department of Transportation.

Professional Pharmacy. A business that 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 gifts, candy and cards; and health related convalescent aids such as wheelchairs and walkers.

Property. All real property subject to this chapter. The term includes any improvements or structures customarily regarded as a part of real property.

Protected Area. The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river, or ridgeline of the watershed.

Public Assembly. A land use category containing establishments where people assemble for religious, philosophical, fellowship or cultural purposes. Uses in this category include: Auditorium; Civic, Social or Fraternal Organization; Convention Center/Visitors Bureau; Private Club; Recreational Sports Club (Hunting Clubs, Fishing Clubs, etc.); Religious Institution; and other uses meeting the definition of Public Assembly. See also "Temporary Public Assembly."

Public or Community Sewage Disposal System. A state-approved sanitary sewage disposal system with 3,000 gallons or more design capacity and/or whose effluent is discharged to surface water.

Public or Community Water Supply System. A state-approved water supply system serving 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.

Quasi-judicial Decision. A decision involving the finding of facts regarding a specific application of this chapter and requiring the exercise of discretion when applying the standards of the chapter. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of determinations made by the Zoning Administrator in the enforcement of this chapter.

Racetrack. A facility consisting of a paved roadway used primarily for the sport of automobile racing. A race track may include seating, concession areas, suites and parking facilities, but does not include accessory offices, residences or retail facilities. This definition includes any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks

or other similar facilities), that does not include seating, concession areas or retail facilities for the general public.

Rear Lot Line. Any lot line except a front lot line, that is parallel or within 45^{o} of being parallel to, and not intersecting, a street right-of-way bounding such lot.

Rear Yard. An open space between the rear line of the principal building and the rear property line and extending the full width of the lot.

Reception Facility. A facility used to host gatherings of people, typically within large rooms, for meetings, parties or other events.

Recreational Vehicle. A vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed as temporary living quarters for recreational, camping, travel or seasonal use.

Recreation Space. Land area containing recreational facilities such as swimming pools, wading pools, tennis courts, badminton courts, play areas and clubhouses, all to be used exclusively by and for the benefit of dwelling owners, tenants and their guests in certain defined adjoining areas.

Religious Institution. A facility used primarily for religious assembly or worship and related religious activities.

Residential Care Facility. A building or facility used primarily to provide residential, social and personal care for children, the aged or others who suffer some limit on the ability for self-care but where medical care is not a major service. It includes such uses as adult day care facilities, homes for the aged and other like uses that are not otherwise specifically defined.

Residential Development. Buildings constructed for human habitation 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.

Residuals. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Resource Extraction. A land use category containing uses that undertake the on-site extraction of surface or sub-surface mineral products or other natural resources. Uses in this category include: Borrow Pit; Mining Operation; Quarry; Oil and Gas Extraction; Sand and Gravel Operation; and other uses meeting the definition of Resource Extraction.

Restaurant. A land use category containing uses serving food and beverages where all service takes place within an enclosed building, or accessory outdoor eating or food dispensing areas. Uses in this category include: Baked Goods or Snack Shop; Catering Establishment; Coffee Shop; Ice Cream

Shop; Restaurant, Full Service (dine-in only); Restaurant, Limited Service (delivery, carryout, drive-thru); and other uses meeting the definition of Restaurant.

Restaurant, Limited-Service (Delivery, Carryout and Drive-thru). A business establishment within which the primary use is prepared food offered for sale in disposable containers and packaged for carryout.

Retail, Sales and Service. A land use category containing establishments or individuals involved in the sale, lease or rental of new or used products, or providing personal or repair services to the general public. Uses in this category include: Art Dealer; Art Supply Store; Book, Periodical and Music Store; Carpet and Upholstery Cleaning Service; Cemetery Monument Dealer; Clothing and Clothing Accessories Store; Clothing Alterations/Repair Service; Dry Cleaner; Firearms and Ammunitions Sales; Footwear Repair; Consignment/Used Merchandise Store; Convenience Store; Electronic and Appliance Repair; Electronics and Appliance Rental; Electronics, Camera and Appliance Stores; Flea Markets; Florist; Formal Wear and Costume Rental; Funeral Home and/or Crematorium; Furniture Store; Party Supply/Sporting Goods Rental; General Merchandise Stores; Gift, Novelty and Souvenir Store; Grocery/Food Store; Hair, Nail and Skin Care Service; Hobby, Toy and Game Store; Jewelry, Luggage and Leather Goods Store; Lawn and Garden Sales (with or without Outdoor Storage); Liquor Sales (ABC Store); Musical Instrument and Supplies Store; Outdoor Markets; Pawn Shop; Personal and Household Goods Repair; Photocopy Services; Sports and Recreation Instruction; Shopping Center; and other uses meeting the definition of Retail, Sales and Service.

Salvage Yard. Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery. This definition includes Junk Yards and automobile graveyards

Sawmill. An operation or facility having as its predominant purpose the sawing or planing of logs or trees into rough slabs. A “sawmill” is sometimes referred to as a “planing mill.”

School (Public or Private; Elementary or Secondary). A public, private or parochial school offering instruction at the elementary, junior, middle or high school level in the branches of learning and study required to be taught in the public schools.

Scientific Research and Development Services. A business engaging in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

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

Self-service Storage. A land use category containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing

personal property. Uses in this category include: Boat Storage; Mini-warehousing/Self-storage Leasing; and other uses meeting the definition of Self-service Storage.

Setback. The distance from which a building or structure is separated from a designated reference point such as, but not limited to, a property line. Setbacks establish the minimum required yards and govern the placement of structures and uses on a lot.

Setback Line. The distance from which a building or structure is separated from a designated reference point, such as a property line.

Figure 9-1 Example Illustration of Setbacks

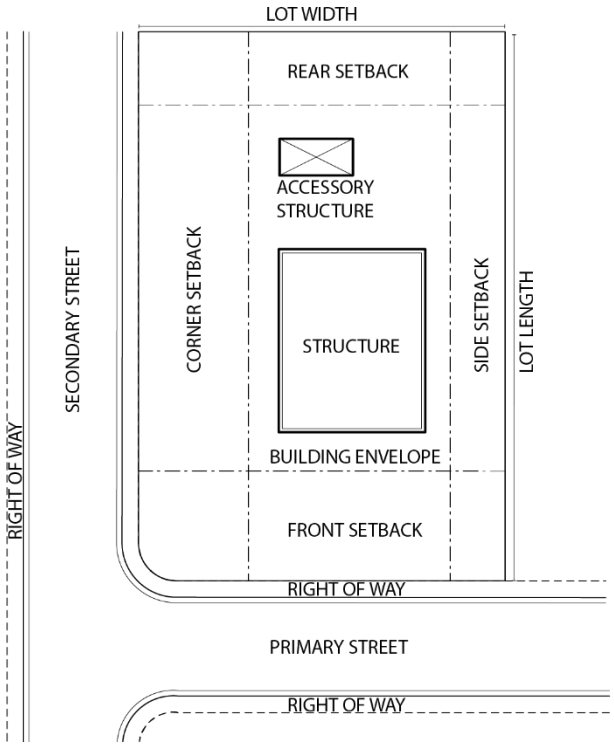


Illustration of setbacks and other site design definitions

Sexually Oriented Devices. Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but not meaning any contraceptive device.

SF. The acronym for "Square Feet."

Shopping Center. An integrated grouping of commercial activity, primarily of a retail and personal service nature, in a single building complex having the individual establishments joined by a common covered pedestrian mall.

Short-term Rental. A residential dwelling, or any part of such dwelling, offered, advertised or provided to short-term rental tenants (excluding family members) for a fee or any form of compensation for intervals of 29 days or less during a calendar year. This term does not include a hotel or motel, resort, boarding house or similar use defined elsewhere in this section. Short-term rental uses are divided into the following categories:

(a) *Homestay Lodging.* A business engaged in the rental of individual bedrooms within a dwelling unit that serves as a homestay host's principal residence and that does not serve food.

(b) *Whole-house Lodging.* A business engaged in the rental of an entire dwelling unit that does not include the serving of food.

Short-term Rental Host. Any person who is the owner of record of residential property, or any person who is a lessee of residential property pursuant to a written agreement for the lease of such property, that offers a residential dwelling, or portion of such dwelling, as a short-term rental.

Short-term Rental Tenant. Any person (excluding family members of the property owner of the short-term rental) who rents a short-term rental for a fee or any form of compensation for intervals of 29 days or less during a calendar year.

Shot Fall Zone. An area within which the shot or pellets contained in a shotgun shell typically fall.

Side Lot Line. Any lot line that is not a front or rear lot line.

Side Yard. An area extending the depth of a lot from the front yard to the rear yard between the side lot line and the nearest principal structure.

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.

Sign. See Division 6 (Signs) for definitions applicable to sign regulations.

Single-family Dwelling. A building designed for occupancy by one family. This definition includes modular homes, but not manufactured or mobile homes, or recreational vehicles.

Singlewide Manufactured Home. A manufactured home constructed after July 1, 1976, meeting or exceeding standards established by the U.S. Department of Housing and Urban Development in effect at the time of construction. The home is transported to the building site on an attached chassis and axles(s), but does not satisfy the criteria necessary to qualify the house as a Doublewide Manufactured Home.

Site Plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required regulations applicable to the project.

Site-specific Development Plan. A plan submitted to the town by a landowner describing with certainty the type and intensity of a use for a specific parcel or parcels of property.

Sleeping Room. A room designated as "sleeping" or "bedroom" on plans and permit applications.

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

Small Animal Veterinary Office or Hospital. An animal hospital or clinic providing medical care for household pets. This definition does not include medical care for wild animals or livestock.

Small-scale Manufacturing. Uses including, but not limited to, artisans, pottery makers, leather goods, bakeries, candle makers, butchers, florists, cheese makers, micro-breweries and bottle shops.

Social Service. A land use category containing uses that primarily provide treatment of those with psychiatric, alcohol or drug problems; transient housing related to social service programs; and housing for individuals legally confined. Uses in this category include: Domestic Abuse or Homeless Shelter; Drug, Alcohol or Psychiatric Treatment Center, In-Patient; Halfway House; Social Assistance (excluding Child Care Centers); Soup Kitchen; and other uses meeting the definition of Social Service.

Solar Array. A large scale, multiple paneled unit that produces power at higher values and is attached to the roof of a structure in an industrial district 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. Such arrays may vary in type and are most often, but not limited to, utility scale installations providing energy back onto an electric utility distribution system. Solar arrays shall always be treated as a principal use.

Solar Panel. A stationary, single-tier, non-stacked photovoltaic panel that converts light into electricity attached directly to a structure's roof.

Solar Power. The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system extending to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems and solar hot water systems.

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

Specified Anatomical Areas.

(a) Less than completely and opaquely covered:

(1) human genitals,

(2) pubic region,

(3) buttocks, or

(4) female breast below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse, or sodomy; or

(c) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

Sport Shooting Range. An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting.

Stormwater Control Measure (SCM). A permanent structural device designed, constructed and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapotranspiration, post-filtration discharge, reuse of stormwater or a combination thereof.

Story. 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.

Street or Road. A right-of-way providing a channel for vehicular circulation; is the principal means of vehicular access to abutting properties; and includes space for utilities, sidewalks, pedestrian walkways and drainage. Any such right-of-way is included in this definition, regardless of whether or not it is developed. It includes any vehicular way that is an existing state, county or town roadway; is shown on a plat approved pursuant to law or is approved by other official action; and includes the land between the street lines, whether improved or unimproved.

Street Line. The right-of-way line of a street.

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

Structure. Anything constructed or a combination of materials that form a construction for use, occupancy, or ornamentation, whether installed on, above or below the surface of land or water.

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.

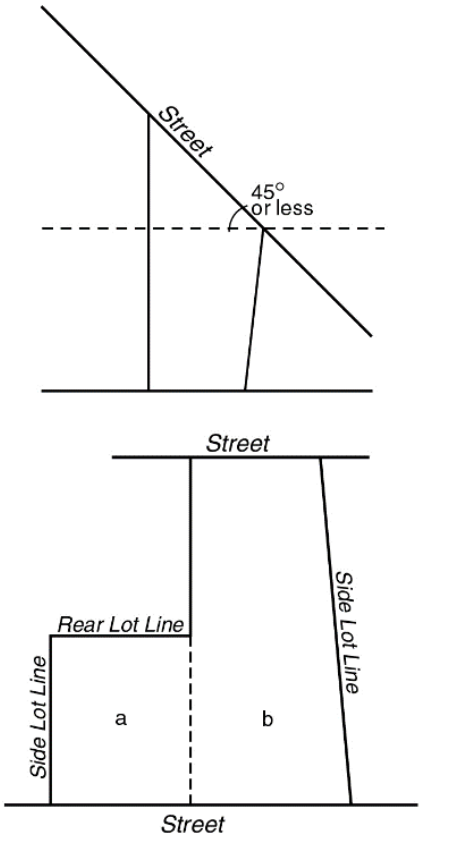
Technical or Trade School. A school, other than a college or university, that may be operated as a commercial venture providing part-time or full-time education beyond the high school level and not providing lodging or dwelling units for students or faculty. The definition includes cosmetology schools.

Temporary Public Assembly. Uses such as carnivals, circuses, festivals, shows, exhibits, outdoor dances, community fairs, concerts, or other enterprises of a similar nature.

Therapeutic Camp. A residential treatment facility provided in a camping environment designed to assist individuals develop behavioral control, coping skills, self-esteem and interpersonal skills.

Through Lot. A lot adjoining two streets opposite to each other and parallel, or within 45^{o} of being parallel, to each other. Any portion of a through lot that is not or could not be bounded by two such opposite streets and two straight lines intersecting such streets shall be subject to the regulations for an interior lot.

Figure 9-2
Through Lot



a - Portion of lot subject to *interior lot* regulations
b - Portion of lot subject to *through lot* regulations

Townhouse. A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and having a yard or public way on not less than two sides.

Toxic Substance. Any substance or combination of substances (including disease causing agents) that, 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 mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring, or other adverse health effects.

Tract. A unit, or contiguous units, of land under single-ownership.

Truck Stop/Travel Plaza. A facility providing services to the trucking industry including, but not limited to, the dispensing of fuel, repair shops, automated washes, restaurants, restrooms, scales and overnight parking facilities.

Truck, Tractor Trailer or Bus Storage. A parcel of land in which two or more spaces are designed, occupied or intended for occupancy by trucks, tractor trailers or busses and not for transient dwelling purposes.

Two-family Dwelling. A detached residential building designed for and occupied exclusively as the residence of not more than two families, each living as an independent housekeeping unit.

University or College. An institution providing full-time or part-time education beyond the high school level including any lodging rooms or housing for students or faculty.

US The acronym for "United States" including the "United States of America."

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

Utilities. A land use category containing major or minor infrastructure that serves a site, a development or the town at-large. Regional Utilities include public or private infrastructure serving the general community, county or larger area that may or may not be maintained or regulated by a public or municipal entity, and possibly having on-site personnel. Utilities include public or private infrastructure serving a limited area with no on-site personnel. Regional Utilities in this use category include: Electric or Gas Generation Plant; Solar Array; Water Tower; Wireless Telecommunications Tower; and other uses meeting the definition of Regional Utilities.

Variance. A request for permission to vary or depart from a requirement of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

Vehicle Sales and Service. A land use category containing establishments related to direct sales of, and service to, passenger vehicles; light, medium and heavy trucks and equipment; and other motor vehicles such as motorcycles, boats and recreational vehicles. Uses in this category include: Automobile Repair, Major; Automobile Repair, Minor; Automobile Towing and Temporary Storage; Car Wash; Fuel Sales; Car Wash; Manufactured/Modular Home and Storage Building Sales; Truck Stop/Travel Plaza; Vehicle Sales and Rental; and other uses meeting the definition of Vehicle Sales and Service.

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development or phased development plan.

Veterinary Office or Hospital. A facility or establishment rendering surgical and medical treatment to animals that may include overnight accommodations for purposes of recovery or boarding. Small animals shall be deemed to be ordinary household pets, excluding horses, donkeys or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinary office or hospital.

Warehousing and Storage. A land use category containing buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is

under the control of the building management, but excluding the warehousing and storage of explosive, corrosive or noxious materials such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties. Uses in this category include: Electronic Shopping and Mail-Order House; Farm Products, Warehousing and Storage; Lumber, Warehousing and Storage; General and Refrigerated Warehousing and Storage; Outdoor Storage; and other uses meeting the definition of Warehousing and Storage.

Waste-related Use. A land use category containing establishments that receive solid or liquid wastes from others for treatment or transfer to another location, and uses that manufacture or produce goods or energy from the large-scale composting of organic material. Uses in this category include: Landfill, Demolition; Solid Waste Collection and/or Disposal (Hazardous or Non-hazardous); Salvage Yard; and other uses meeting the definition of Waste-related Use.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake) or alternatively, the geographic region within which water drains to a particular river, stream or body of water. See Division 5 (Development Standards) for specific definitions related to watershed regulations.

Watershed Variance. A permission to develop or use property within a watershed overlay district by relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this chapter.

Whole-house Lodging. A business engaged in the rental of an entire dwelling unit that provides lodging for pay, for a maximum continuous period of 29 days and does not include the serving of food.

Wholesale Trade. A land use category containing establishments involved in the sale, lease or rent of products to industrial, institutional or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer. Uses in this category include: Alcoholic Beverage Supply; Auction House (General Merchandise); Building Material Supply (with no outdoor storage); Building Material Supply (with outdoor storage); Catering Services; Clothing, Piece Goods and Shoe Supply; Coal and Ore Supply (with outdoor storage); Electronic Equipment and Parts Supply; Equipment Rental and Leasing (with indoor storage); Equipment Rental and Leasing (with outdoor storage); Farm Supply Product Sales (with indoor storage); Farm Supply Product Sales (with outdoor storage); Florist and Nursery Supply (with indoor storage); Florist and Nursery Supply (with outdoor storage); Hardware, Plumbing and Heating Supply; Jewelry Supply; Lawn and Garden Supply (with no outdoor storage or display); Lawn and Garden Supply (with outdoor storage or display); Lumber and Construction Materials (with indoor storage); Lumber and Construction Materials (with outdoor storage); Metal and Pipe Supply (with indoor storage); Metal and Pipe Supply (with outdoor storage); Music and Musical Instrument Supply; Nurseries; Paint, Varnish and Paint Supplies; Paper/Paper Product Supply; Pharmaceutical and Drug Supply; Professional and Commercial Equipment Supply; Tobacco/Tobacco Product Sales; and other uses meeting the definition of Wholesale Trade.

Wireless Telecommunications Services. Licensed or unlicensed wireless telecommunication services including cellular, digital cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. This definition does not include services by non-commercial entities in the amateur radio service, public safety radio service, or licenses assigned to non-profit organizations such as the Red Cross, Civil Air Patrol or other military affiliated radio services that are licensed by the Federal Communications Commissions.

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

Yard/Garage Sale. A public sale at a residential dwelling where personal items belonging to the residents of the dwelling are sold. The term yard sale shall include attic sales, garage sales and patio sales.

Zoning Map Amendment or Rezoning. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of the town and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by the town, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

Zoning Permit. A development approval issued by the Zoning Administrator stating that the plans for a building, structure or use of land complies with the requirements of this chapter.

Zoo. A place where live animals are kept and exhibited to the public. The animals may also be studied, given medical treatment and bred. The term “zoo” does not include uses that sell live animals.