

Town of Pink Hill

Development Ordinance

**ADOPTED
10/14/08**

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Article 1 General Provisions

Section 1-1 Short Title

This ordinance shall be known as the "Town of Pink Hill Development Ordinance."

Section 1-2 Authority

In accordance with the General Statutes of North Carolina (160D-702), the Town of Pink Hill is given the authority to adopt and enforce this zoning ordinance.

In accordance with the General Statutes of North Carolina (160D-801), the Town of Pink Hill is given the authority to adopt and enforce the subdivision of land within its territorial jurisdiction.

In accordance with the General Statutes of North Carolina (160D-103), the Town of Pink Hill is given the authority to combine any of the ordinances authorized in this section into a unified ordinance.

Section 1-3 Purpose

The unique purpose of the "Town of Pink Hill Development Ordinance" is that it realizes the goal of promoting an orderly and efficient land use development pattern, which allows for a variety of land uses and is sensitive to environmental and social concerns.

North Carolina General Statutes (NCGS) state that the purpose of zoning ordinances shall be to promote the public health, safety, morals and general welfare; provide for the orderly development of towns; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The purpose of the subdivision regulations is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Pink Hill. It is further designed to provide for the orderly growth and development of the Town; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood Within the subdivision and of rights-or-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

Section 1-4 Jurisdiction

- (A) This ordinance shall apply to all lands within the Town of Pink Hill and its extraterritorial jurisdiction.
- (B) Bona fide farm uses within the extraterritorial jurisdiction are exempt from this ordinance per NCGS 160D-903(c).
- (C) For the extension of the extraterritorial jurisdiction, the Town must provide a mailed notice to affected property owners at least thirty (30) days prior to the date of the hearing.

Section 1-5 Adoption and Effective Date

The provisions of this ordinance were originally adopted and became effective on October 14, 2008.

Section 1-6 Land Use Plan

- (A) This ordinance is designed to assist the citizens, elected and appointed boards, and the administrative staff in guiding land development within the planning jurisdiction. It has been developed with a spirit of concern for both the individual rights of the land owners and the public responsibility to promote the systematic development of the community. These development guidelines were specifically designed to implement land use policies formulated by the Town of Pink Hill, in conjunction with the Land Use Plan.
- (B) The Land Use Plan shall be reasonably maintained.
- (C) Any Land Use Plan adoption or update shall be made as a legislative decision following the process specified in NCGS 160D-501(c).

Section 1-7 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notices and similar matters may be charged to applicants for various permits. The amount of the fees charged shall be established by the Town Commissioners. Fees shall be paid upon submission of a signed application or notice of appeal. Fees required by this ordinance shall only be used for the support, administration, and implementation of this ordinance and related programs.

Section 1-8 Zoning Impacts on Existing Regulations, Etc.

This ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or

permits previously adopted or issued pursuant to law. Whenever regulations imposed by this ordinance are less restrictive than regulations imposed by any governmental authority through regulations, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provisions, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulations.

Section 1-9 Miscellaneous

- (A) As used in this ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

Section 1-10 Conflicts of Interest Standards

- (A) Familial Relationship: For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
- (B) Governing Board and Appointed Boards: Members of these boards shall not vote on any legislative decision regarding a development regulation adopted pursuant to NCGS 160D 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 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.
- (C) Administrative Staff: No staff member shall make a final decision on an administrative decision required by NCGS 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under NCGS 160D unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town of Pink Hill, as determined by the Town.

- (D) Quasi-Judicial Decisions: A member of any board exercising quasi-judicial functions pursuant to NCGS 160D shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- (E) Resolution of Objection: If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

Section 1-11 Development Approvals in General

- (A) Any development approval shall be provided in writing.
- (B) An application for a development approval can only be made by a property owner, person with a contract to purchase the property in question, or an authorized agent.
- (C) Any development approval shall run with the land per NCGS 160D-104.
- (D) Revocation of any development approval shall follow the same process used for their approval.

Section 1-12 Site-Specific Vesting Plan

- (A) Description:
 - (1) An approved site-specific vesting plan prevents any action by the Town of Pink Hill that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan and in accordance with applicable limitations and exceptions.
 - (2) The following development approvals qualify as a site-specific vesting plan:
 - (a) Special use permit.
 - (3) A vested right established in accordance with this ordinance shall run for a period of two (2) years from the effective date of the approval of the underlying development application.

(B) Process:

- (1) Each site-specific vesting plan shall include the information required by the Town for the underlying type of development plan.
- (2) The applicant must indicate at the time of application that a vested right under NCGS 160D-108.1 is being sought.
- (3) Each site-specific vesting plan shall provide the notice and hearing required for the underlying type of development plan.
- (4) Each site plan or other document referring to a site-specific vesting plan must contain the following notation: "Approval of this plan establishes a zoning vested right under NCGS 160D-108.1. Unless terminated at an earlier date, the zoning vested right shall be valid until _____."
- (5) An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and Town in the same manner as required for the underlying type of development plan.
- (6) Upon following the same process as required for the original approval, the Town Board may extend the vesting of a site-specific development plan up to three (3) years (with the total length of vesting not to exceed five [5] years) upon finding all of the following:
 - (a) The permit has not yet expired;
 - (b) Conditions have not changed so substantially as to warrant a new application; and
 - (c) The extension is warranted in light of all other relevant circumstances - including, but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations.

(C) Limitations:

- (1) Nothing in this ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this ordinance. The development remains subject to subsequent review and approvals to ensure compliance with the terms and conditions of the original approval as provided for in the original approval or by applicable regulations.
- (2) The establishment of a vested right pursuant to this ordinance shall not preclude the application of overlay zoning that adds additional requirements but does not affect the allowable type or intensity of use, or

ordinances or regulations that are general in nature and apply to the entire planning and development jurisdiction of the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

- (3) New and amended zoning regulations that would be applicable to certain property but for the establishment of a vested right shall become effective upon the expiration or termination of the vested rights period provided for in this ordinance.
- (4) Upon issuance of a building permit, the expiration provisions of NCGS 160D-1111 and 160D-1115 apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.
- (5) Any vested rights for a site-specific vesting plan are subject to the exceptions specified at NCGS 160D-108.1.

Article 2 Administrative Structure

Planning Board

Section 2-1 Appointment and Terms of the Planning Board

- (A) There shall be a Planning Board consisting of 5 members appointed by the Town Board.
- (B) Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed.
- (C) Members may be appointed to successive terms without limitation.
- (D) Planning Board members may be removed by the Town Board any time for failure to attend three consecutive meetings within any 12-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Town Board shall hold a hearing on the removal before it becomes effective.
- (E) Extraterritorial Jurisdiction (ETJ) Membership Requirements
 - (1) An additional ETJ member shall be appointed to the Planning Board by the Lenoir County Commissioners to achieve proportional representation. Each member of the Planning Board, whether inside the corporate limits or in the ETJ, shall represent approximately the same number of people. For example, if each inside member represents 100 residents, there shall be an appointee for each 100 residents in the ETJ. The population estimates for this calculation shall be updated no less frequently than after each decennial census.
 - (2) Before the Lenoir County Commissioners make any appointments, they shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The board shall select appointees only from those who apply at or before the public hearing. The Lenoir County Commissioners shall make the appointments within forty-five (45) days following the public hearing.
 - (3) Once the Town of Pink Hill provides proportional representation, no power available to a town under G.S. 160-360 shall be ineffective in its extraterritorial areas solely because county appointments have not yet been made.

- (4) If there is an insufficient number of qualified residents of the area to meet membership requirements, the Lenoir County Commissioners may appoint as many other residents of the county as necessary to make the requisite number. If the Lenoir County Commissioners fail to make these appointments within 90 days after receiving a resolution, the Town Board may make them.
- (F) Each Planning Board member shall take an oath of office before starting their duties.

Section 2-2 Meetings of the Planning Board

- (A) The Planning Board shall meet as needed.
- (B) Since the Planning Board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles 4, 5 and 6. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
- (C) Minutes shall be kept of all board proceedings by an elected member of the Planning Board or a town employee assigned by the Town Board.
- (D) All board meetings shall be open to the public, and, whenever feasible, the agenda for each board meeting shall be made available in advance of the meeting.
- (E) All proposed amendments to this ordinance or zoning map shall be submitted to the Planning Board for review and comment. The Planning Board shall advise and comment whether a proposed zoning amendment is consistent with the adopted Land Use Plan and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters deemed appropriate by the Planning Board. A comment by the Planning Board that a proposed zoning amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the governing board. Whenever the Planning Board is called upon to make recommendations concerning a special use permit request or a zoning amendment proposal, the Administrator shall post on or near the property under consideration one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to interested persons of the matter that will appear on the board's agenda at a specified date and time. Such notice(s) shall be posted at least 7 days prior to the meeting at which the matter is to be considered.
- (F) All major subdivision plats shall be submitted to the Planning Board for review.

- (G) All meetings of the Planning Board shall be open to the public and a notice of the meeting shall be posted at Town Hall at least 48 hours prior to the meeting.

Section 2-3 Quorums and Voting

- (A) A quorum for the Planning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the board to take official action.
- (B) All actions of the Planning Board shall be taken by majority vote provided a quorum is present.
- (C) A roll call vote shall be taken upon the request of any member.
- (D) Members of the Planning Board shall abide by the conflicts of interest standards in Section 1-10 of this ordinance and NCGS 160D-109. Members shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter under consideration is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 2-4 Planning Board Officers

- (A) At its first meeting in January of each year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice chairman. They shall serve in these capacities for one year. A secretary shall be selected among the membership or assigned by the Town Commissioners. The secretary, if assigned by the Town Board shall serve at the pleasure of the Board of Commissioners. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
- (B) The chairman and vice-chairman may take part in all deliberations and vote on issues.

Section 2-5 Powers and Duties of Planning Board

- (A) The Planning Board may:
 - (1) Make studies of the area within its jurisdiction and surrounding areas.
 - (2) Determine objectives to be sought in the development of the study area.
 - (3) Prepare and adopt plans for achieving these objectives.

- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 - (5) Advise the Town Commissioners concerning the use and amendment of the means for carrying out plans.
 - (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Commissioners may direct.
 - (7) The Planning Board shall work and coordinate with other boards and advisory groups as directed by the Town Commissioners.
 - (8) Perform any other related duties that the Town Commissioners may direct.
- (B) The Planning Board may adopt rules and regulations governing its procedure and operations not inconsistent with the provisions of the ordinance. If adopted, these rules and regulations shall be maintained by the Town Clerk and publicly available on the Town of Pink Hill website.

Board of Adjustment

Section 2-6 Delegation of the Functions of the Board of Adjustment

- (A) All the functions, powers, duties and responsibilities of the Board of Adjustment as contained in this Section 2 shall be delegated and assigned to the Pink Hill Planning Board.
- (B) The Board of Adjustment is subject to proportional representation of extraterritorial jurisdiction residents. An additional ETJ member shall be appointed to the Board of Adjustment by the Lenoir County Commissioners to achieve proportional representation. Each member of the Board of Adjustment, whether inside the corporate limits or in the ETJ, shall represent approximately the same number of people. For example, if each inside member represents 100 residents, there shall be an appointee for each 100 residents in the ETJ. Procedures for choosing extraterritorial jurisdiction members are the same as the procedures outlined in Section 2-1 (E)(2) through (E)(4).
- (C) Each Board of Adjustment member shall take an oath of office before starting their duties.

Section 2-7 Meetings of the Board of Adjustment

- (A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 5-4 (Applications to be Processed Expeditiously).

- (B) The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles 4, 5, and 6.
- (C) All meetings of the Board of Adjustment shall be open to the public, and whenever feasible the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.

Section 2-8 Quorums

- (A) A quorum for the Board of Adjustment shall consist of a majority of the actual membership of the Board. A quorum is necessary for the Board of Adjustment to take official action.
- (B) A member who has withdrawn from the meeting without being excused as provided in Section 2-9 below shall be counted as present for purposes of determining whether a quorum is present.

Section 2-9 Voting

- (A) The concurring vote of four-fifths of the regular Board of Adjustment membership (excluding vacant seats) shall be necessary to grant any variance or to grant an appeal, order, requirement, decision, or determination of the Administrator. Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority. All other actions of the Board of Adjustment shall be taken by majority vote.
- (B) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 2-9 (C) or has been allowed to withdraw from the meeting in accordance with Subsection 2-9 (D).
- (C) Members shall abide by the conflicts of interest standards in Section 1-10 of this ordinance and NCGS 160D-109. A member of the board or any other body exercising the functions of a Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.
- (D) If an objection is raised to a member's participation and that member does not recuse him/herself, the remaining members shall by majority vote rule on the objection.
- (E) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the other 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.

- (F) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

Section 2-10 Board of Adjustment Officers

- (A) At its first regular meeting in January of each year the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. The Board of Adjustment shall appoint a secretary. Any elected person shall serve in these capacities for terms of one year. Any appointed secretary shall serve at the pleasure of the Board of Adjustment. Vacancies among the elected officials may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.
- (C) The chairman and vice-chairman may take part in all deliberations and vote on all issues.

Section 2-11 Powers and Duties of Board of Adjustment

- (A) The Board of Adjustment shall hear and decide:
 - (1) Appeals from any order, decision, requirement, or interpretation made by the Administrator as provided in Article 5;
 - (2) Applications for variances as provided in Article 5;
 - (3) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Article 5;
 - (4) Any other matter it is required to act upon by any other ordinance.
- (B) The Board of Adjustment may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.
- (C) Minutes shall be kept of all board proceedings by an elected member of the Board of Adjustment or a town employee assigned by the Town Board.

Land Use Administrator

Section 2-12 Duties of the Land Use Administrator

- (A) Primary responsibility for administering and enforcing this ordinance may be assigned by the Pink Hill Town Board to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "Land Use Administrator" or "Administrator".
- (B) The Administrator is authorized by the Town Board to administer and enforce the provisions of this ordinance. Duties shall include: (1) processing applications; (2) inspecting premises; (3) issuing compliance permits; and, (4) reviewing site plans.
- (C) The Administrator shall have all necessary authority to administer and enforce this ordinance, including: (1) mailing warnings and notices of any condition found in violation of this ordinance; or (2) bringing legal action, including injunction, abatement; or the appropriate action proceeding.
- (D) The Administrator does not have the authority to take final action on applications, nor matters involving variances, or final actions reserved to the Town Board, Board of Adjustment, or the Planning Board.
- (E) Inspections: The Administrator may conduct inspections in conformance with NCGS 160D-403(e). Any inspection must occur during reasonable hours. The Administrator must present credentials. In order to inspect an area not open to the public, the Administrator must either have appropriate consent or obtain an administrative search warrant.
- (F) Determinations: The Administrator shall make determinations under this ordinance. Determinations include, but are not limited to, notices of violation.
 - (1) The Administrator shall give written notice to the property owner and party who sought the determination, if different from the property owner.
 - (2) The written notice shall be delivered by personal delivery, email, or first-class mail.
 - (3) The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.
- (G) Conflicts of Interest: The Administrator shall abide by the conflicts of interest standards in Section 1-10 of this ordinance and NCGS 160D-109.

Town Board

Section 2-13 Powers and Duties of the Town Board

- (A) The Town Board shall hear and decide applications for special use permits as provided in Article 4 in addition to the powers and duties contained in Section 2-11.
- (B) In considering proposed changes in the text of this ordinance or in the zoning map, the Town Board acts in its legislative capacity and must proceed in accordance with the requirements of Article 9.
- (C) Members shall abide by the conflicts of interest standards in Section 1-10 of this ordinance and NCGS 160D-109. A town board member shall not vote on any zoning map or text amendment where the outcome of the matter under consideration is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

Article 3 Definitions

Accessory Use: A use that is secondary to a principal use.

Administrative Decision: Decision made by the Administrator or a board in the implementation, administration, or enforcement of this ordinance that involve the determination of facts and the application of objective standards set forth in NCGS 160D or this ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrator: Land Use Administrator appointed by the Pink Hill Town Board to implement the zoning ordinance.

Antenna: Equipment designed to transmit or receive electronic signals..

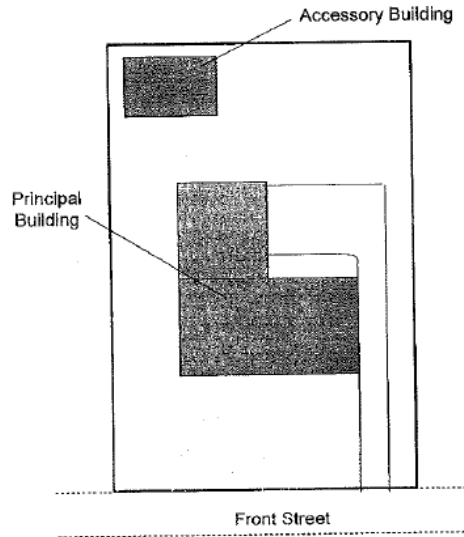
Bed and Breakfast: An owner-occupied or manager-occupied residential structure providing rooms for overnight lodging or lodging and meals.

Block: A parcel of land, which is entirely surrounded by public streets, highways, railroad rights-of-way, parks, or green strips, rural land or drainage channels, or a combination thereof.

Building: A structure designed to be used as a place of occupancy, storage, or shelter.

Building, Accessory: A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

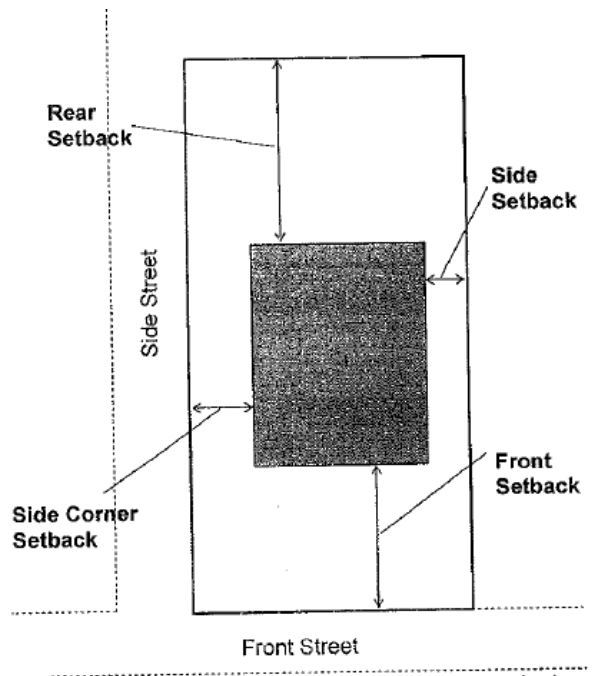
Building, Principal: The primary building on a lot or a building that houses a principal use.



Buffer Strip: A strip of land between land uses reserved for plant material, berms, walls or fencing used to separate and screen incompatible land uses from each other.

Building Setback line: A line establishing the minimum allowable distance between the principal building and the road right-of-way line and/or the property line in which no structure shall be built.

1. *Front Setback:* Any setback from a street or road.
2. *Interior Setback:* A setback from any property line not alongside a street or road.
3. *Rear Setback:* A setback from an interior property line lying on the opposite side of the lot from the front street or road setback.
4. *Side Setback:* Any interior property line setback other than a rear setback.
5. *Side corner setback:* A street or road setback on a corner lot other than a front setback. For purposes of this ordinance, the administrator shall determine which setback is the front setback.



Day Care Center (adult or child): Any adult/child care arrangement that provides day care on a regular basis for more than four hours per day for more than five adult/or children of preschool age.

Dedication: A gift by a property owner to another bring received for the transfer. The dedication is made by written instrument and is completed with written acceptance.

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: Per NCGS 160D-102, this includes any of the following:

1. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
2. The excavation, grading, filling, clearing, or alteration of land.
3. The subdivision of land as defined in NCGS 160D-802.
4. The initiation or substantial change in the use of land or the intensity of use of land.

Development Approval: An administrative or quasi-judicial approval made pursuant to NCGS 160D that is written and that is required prior to commencing development or

undertaking a specific activity, project, or development proposal. They include, but are not limited to, zoning permits, special use permits, and variances. The term also includes all other regulatory approvals required by regulations adopted pursuant to NCGS 160D, including building permits issued.

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, that is used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of NCGS 160D, regarding minimum housing codes, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose. A Dwelling consists of one or more Dwelling Units.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons (a housekeeping unit), including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit, Two-family Conversion: The division of a large single-family dwelling into two apartments provided the development criteria specified in Article 12 is met.

Dwelling Unit, Two-family: A single structure divided into two permanent residences where each side contains sleeping, kitchen, living and bathroom facilities.

Easement: A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation or a person of a strip of land for specific purposes.

1. *Access Easement:* An easement which grants the right to cross property.
2. *Drainage Easement:* An easement which grants the right of water drainage to pass in open channels or enclosed structures.
3. *Sight Distance Easement:* An easement which grants to the entity responsible for road maintenance the right to maintain unobstructed view across property located at a road intersection
4. *Utility Easement:* An easement which grants to the Board of Commissioners or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television system.

Event Venue: A facility used for the hosting of weddings, wedding receptions, galas, birthday parties, and other similar events of a limited duration. The indoor Event Venue may also include the outdoor use of an attached deck or area adjacent to the building. An event venue shall not be open to the public outside a scheduled event and shall not have a permanent bar. Outdoor activities shall not take place between 2:00 AM and 6:00 AM.

Evidentiary Hearing: A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under NCGS 160D.

Extraterritorial Jurisdiction (ETJ): That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality.

Family: One or more persons living together as a single housekeeping unit.

Family Care Home: A residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Person residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

Flea Market: An occasional or periodic market held in an open area or structure where groups or individual sellers offer goods for sale to the public. They are regularly scheduled such as weekends or holidays and most are held outdoors or under sheds.

Governing Body: Pink Hill Town Board of Commissioners, also known as "Town Board" in this ordinance.

Home Occupation: A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Intensive Livestock Operations: Any enclosure, pen, feedlot, building or group of buildings intended to be used or actually used to feed, confine, maintain or stable cattle, horses, sheep, turkeys, chickens or swine where their dietary needs are met primarily by means other than grazing, or any combination thereof with at any time sufficient numbers of animals on site to equal or exceed the following threshold levels.

- 100 head of cattle
- 75 horses
- 250 swine
- 1,000 sheep or goats
- 30,000 birds (with a liquid waste system)

Kennel: A commercial operation that: (I) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or be associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

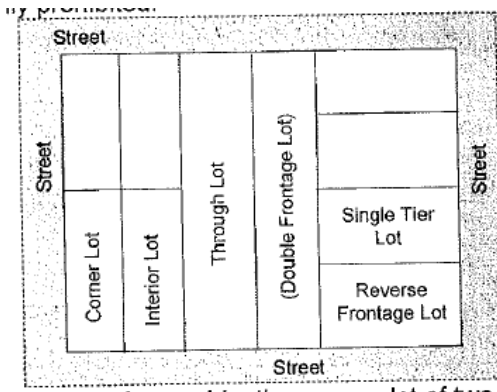
Legislative Decision: The adoption, amendment, or repeal of a regulation under NCGS 160D.

Legislative Hearing: A hearing to solicit public comment on a proposed legislative decision.

Lot: A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. In determining the area and dimensions of a lot, no part of the right-of-way of a street or road may be included. The word lot also includes the words "plot" and "parcel".

1. *Interior lot:* A lot other than a corner lot with only one frontage on a street.
2. *Corner lot:* A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meeting at an interior angle of less than 135 degrees.
3. *Through lot:* A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred as a double frontage lots.
4. *Double frontage lot:* A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.
5. *Lot area:* The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and (ii) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.
6. *Lot coverage:* That portion of a lot occupied by a structure, either at ground level or equivalent thereto when a structure is elevated on pilings.
7. *Lot depth:* The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
8. *Lot width:* The distance between the side lot lines as measured at the rear of the required front yard, except for lots on the running circle of cul-de-sacs which shall be at least 80 percent of the required lot width and maintain an average lot width between the front and rear property lines of a least the minimum lot width for the zoning district in which the lots are located.

9. *Lot frontage*: That portion of a lot abutting a street.
10. *Lot of Record*: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
11. *Reversed frontage lot*: A lot on which frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135 degrees) to the general pattern in the area). It may also be a reverse frontage lot, an interior lot or a through lot.
12. *Single Tier lot*: A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.



Mixed Use: A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first and thus a mixed use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a mixed use).

Manufactured Home: A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the State Building Code applicable to stick-built homes, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds 40 feet in length and eight feet in width.

Manufactured Home, Temporary: Manufactured homes used for a specific time period of time as permitted in Article 11 which meets the development criteria specified in Article 13.

Manufactured Home, Class A: A double-wide manufactured home constructed on or after June 15, 1976, that meets or exceeds the construction standards promulgated by

the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the appearance criteria in Article 13.

Manufactured Home, Class B: A single-wide manufactured home constructed on or after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and meets the appearance criteria in Article 13.

Manufactured Home, Class C: Any manufactured home that was constructed prior to June 15, 1976 and does not meet the appearance criteria of a Class A or Class B Manufactured Home.

Manufactured Home Park: A residential use in which more than one manufactured home is located on a single lot.

Modular Home: A dwelling unit constructed in accordance with the standards set forth in the State Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home or a series of panels or room sections transported on a truck and erected or joined together on the site.

Nonconforming Lot: A lot existing at the effective date of this ordinance that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming Project: Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Use: A nonconforming situation that occurs 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. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

Open Space: An area (land and/or water) generally lacking in structures and reserved for enjoyment.

Parcel: See lot.

Parking Space: A portion of the vehicle accommodation area set aside for the parking of one vehicle.

Parking Space, Handicap: Parking spaces designed and assigned to handicap drivers or passengers.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Unit Development (PUD): A development constructed on a tract of land under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land

Plat: Includes a map, plan, plat, replat, replot; a map or plan of a tract or parcel of land which is to be or which has been subdivided.

1. *Preliminary plat:* A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.
2. *Final Plat:* A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land required by this ordinance.

Private Easement: A right of access, at least 30 feet wide, to six lots or less that does not front directly on a public or private road as applied to these regulations.

Private Road: A roadway serving two (2) or fewer lots, building sites or other division of land not intended to be public ingress or egress.

Private Street: An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

Public Sewer: A system which provides for collections and or treatment of wastewater from one or more property and is owned and operated by a government organization or sanitary district.

Public Water: A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.

Quasi-Judicial Decision: A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. This term includes, but is not limited to, decisions involving variances and appeals of administrative determinations. Every quasi-judicial decision requires an evidentiary hearing.

Residence, Single-Family Detached, One Dwelling Unit Per Lot: A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Right-of-Way: The legal right of public passage, especially vehicular, over land.

Roads: A dedicated and accepted public right-of-way for vehicular traffic. Road classifications applicable to the Town of Pink Hill:

1. *Principal Arterial:* A rural road in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of Interstate routes and other routes designated as principal arterials.
2. *Minor Arterial:* A rural road in a network joining cities and larger towns and providing interstate and intercounty service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.
3. *Major Collector:* A road which serves major intercounty travel corridors and traffic generators and provides access to the arterial system.
4. *Minor Collector:* A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland.
5. *Local Road:* A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.
6. *Cul-de-sac:* A cul-de-sac is a road having but one end open to traffic and the other end being permanently terminated and a vehicular turn around provided.
7. *Frontage Road:* A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Shopping Centers: A type of planned business development involving two or more businesses clustered in a unified project constructed on a tract of land under single ownership, planned and developed as an integral unit.

Sign: Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition; and (ii) is designed to attract the attention of such persons or to communicate information to them.

Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is also a freestanding sign.

Sign, Nonconforming: A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in Article 14, Signs.

Sign, Off-Premises: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Permit: A permit issued by the land-use administrator that authorizes the recipient to erect, more, enlarge, or substantially alter a sign.

Sign, Temporary: A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Sketch Development Plan: An initial subdivision proposal prepared by the subdivider and reviewed by the political jurisdiction. No formal action is taken, but the process allows an informal exchange of information between the subdivider and the local reviewing body.

Special Events: Circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than one day but not longer than two weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Use Permit: A permit issued by the Town Commissioners that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the Board.

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future). The following are exempt from the definition of "subdivision:"

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in these subdivision regulations.
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in a single ownership whose entire area is no greater than two acres into not more than three-lots, where no street right-

of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality.

There are three types of subdivisions:

1. *Major Subdivision:* All other subdivisions not classified as minor or expedited. Major subdivisions shall be approved, approved conditionally, or disapproved by the Town Board of Pink Hill as specified in these regulations.
2. *Minor Subdivision:* The subdivision of land into three (3) lots or less, not involving development or extension of a new public or private road with all lots having access to an existing state maintained road. Minor subdivisions shall be approved or disapproved by the Administrator.
3. *Expedited Subdivision:* The subdivision of land subject to an expedited review process that only requires approval by the Administrator if criteria specified by Section 22-1(C) are met.

Tower: Any structure whose principal function is to support an antenna.

Town Board: Pink Hill Town Board (see also Governing Body).

Use: The activity or function that actually takes place or is intended to take place on a lot.

Use-by-Right: A use-by-right, or use permitted by right, is designated in the Table of Uses by Districts in Article 11 by the letter "P", and, because of its nature and impact, is allowed within a designated use district with the issuance of a zoning permit.

Use, Principal: A use listed in the Table of Permissible Uses.

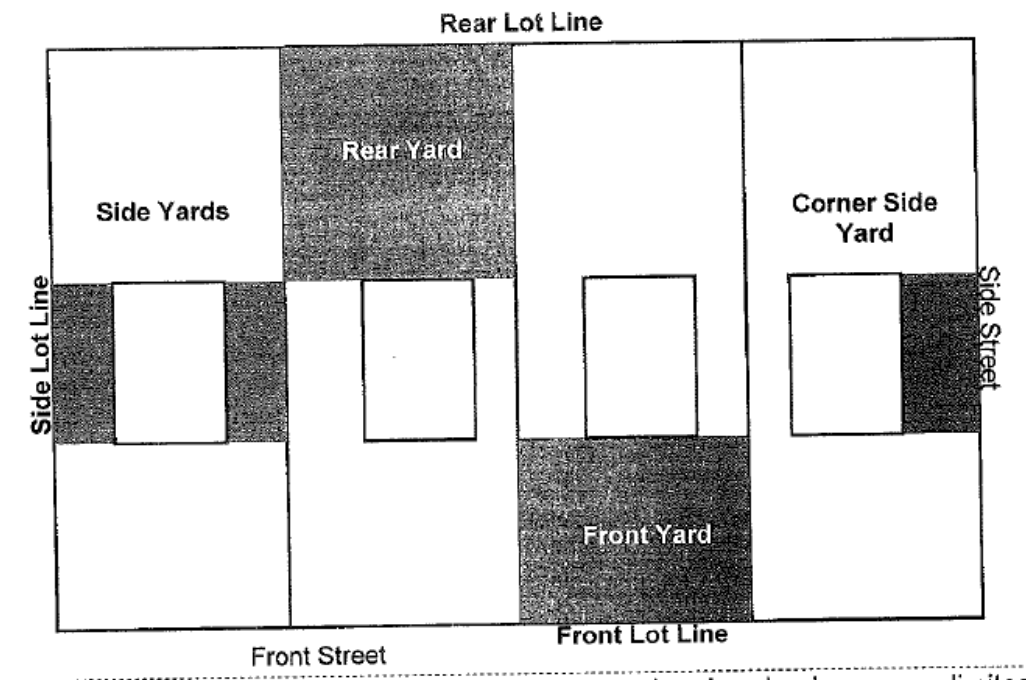
Utility Facilities: Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by [the appropriate provision of state law] and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Variance: A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

Vested Rights: The right to undertake and complete the development and use of real property which, when completed, will be in conflict with the provisions of this ordinance at its effective date, or any amendments.

Yard: An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except where encroachments and accessory buildings are expressly permitted.

1. *Yard, Front:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building, projected to the side line of the lot. On all corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
2. *Yard, Rear:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the front yard.
3. *Yard, Side:* An open, unoccupied space on the same lot with the principal building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the lot and extending from the rear line of the front yard to the front line of the rear yard. On all corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.



Yard Sale: The sale of household goods at a home, church or business on a limited basis. Although items are sold this activity is secondary to other permanent uses of the property and limited to one or two times per year. Any site where materials are stored on a continuous basis and sales conducted periodically throughout a year shall be classified as a business use like any other retail sales activity. (see also Flea Market)

Zoning Permit: A permit issued by the Administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Article 4 Permits

Section 4-1 Permits Required

No person shall undertake any development activity or use of land that is subject to this ordinance without a permit.

Section 4-2 General Requirements

- (A) All applications for permits shall be submitted by the owner of the property or his authorized agent. The Administrator may require reasonable proof of ownership from any person submitting an application.
- (B) An application for any permit shall be submitted in such form, number of copies and format as prescribed in this ordinance.
- (C) The Administrator may waive submission of required elements of information when in his opinion such information is otherwise available or is not necessary. He may return any application that is not complete.
- (D) All applications for permits shall be submitted, reviewed and processed in accordance with the requirements specified in this ordinance.
- (E) A copy of required permits, along with any plans submitted, shall be returned to the applicant after the review process marked approved or disapproved. A similarly marked copy shall be retained in the town hall.
- (F) A permit shall expire one (1) year after issuance if work authorized by the permit has not substantially commenced. If work has substantially commenced, a permit shall expire if work is discontinued for a period of twenty-four (24) consecutive months. Written notice shall be given by the Administrator.

Section 4-3 Zoning Permit

- (A) No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be started until a zoning permit has been issued by the Administrator.
- (B) A zoning permit form, specifying the required information, shall be obtained from Pink Hill Town Hall and submitted to the Administrator for action.
- (C) If the use is listed in the Table of Permitted Uses and complies with all the development standards in this ordinance, the Administrator shall issue a zoning permit. However, if the Administrator determines the use:

- (1) Is not a permitted use in a particular district, the applicant may appeal his interpretation to the Board of Adjustment or seek a zoning amendment from the Town Board; or
- (2) Cannot comply with all dimensional requirements the applicant may appeal to the Board of Adjustment for a variance; or
- (3) Is indicated in the Table of Uses by districts (see Article 11) as a special use it shall be submitted to the Town Board for action.

Section 4-4 Special Use Permit

- (A) The development and execution of this ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for that use in that particular location.
- (B) The Town Board shall hear and decide special use permits. No vote greater than a majority vote shall be required to issue such permit.
- (C) The procedure for obtaining a permit is as follows:
 - (1) A special use permit shall be required for any use listed as a special use in the Table of Permitted Uses.
 - (2) Applications for a permit approval shall be addressed to the Town Board and presented to the Administrator. Each application shall contain or be accompanied by a site plan as specified in Appendix A. Copies of the application along with any administrative materials shall be provided to the Town Board at an evidentiary hearing.
 - (3) The Town Board shall issue a special use permit, if after an evidentiary hearing the use:
 - (a) Is listed among the special uses in the district for which application is made;
 - (b) Is essential or desirable to the public convenience or welfare;
 - (c) Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;

- (d) Will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the community;
 - (e) Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and
 - (f) Will have ingress and egress designed to minimize traffic congestion in the public streets.
- (D) Granting a special use permit does not exempt applicants from complying with other requirements of this ordinance. In any case where the conditions of a permit have not been or are not being met, the Administrator shall give the grantee notice of intention to revoke approval. Revocation of a special use permit shall follow the same process used for their approval.
- (E) Conditions: The Town Board may impose reasonable and appropriate conditions and safeguards upon a special use permit. The Town Board shall not impose conditions on special use permits that the Town does not have statutory authority to impose. The applicant shall provide written consent to these conditions before the permit is effective.
- (F) A special use permit becomes effective upon filing of the written decision to the clerk of the Town Board per Section 6-6 of this ordinance.

Section 4-5 Temporary Use Permit

The Town Board shall issue temporary use permits on a case-by-case basis. Specific time limits shall be stated for each use. Specific activities that are allowed are indicated in the Table of Uses. Temporary permits may be renewed by the Board of Adjustment. Activities are permitted as specified in Article 11.

Section 4-6 Certification of Zoning Compliance

No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use changed until a zoning permit is issued by the Administrator. This certificate shall state that the building and/or site comply with the provisions of this ordinance.

Section 4-7 Permit Choice and Application Completeness

- (A) Permit Choice: An applicant for a development approval (development permit) shall have the right to permit choice as detailed in NCGS 160D-108(b) and 143-755 once a complete application is submitted to Town staff. The Administrator shall determine if an application is complete.

(B) Application Completeness: An application is determined to be complete if the following are provided:

- (1) Any relevant information necessary to determine if a proposed development and/or use meets the requirements of this ordinance. This could include, but is not limited to, property identification (valid street address and/or property identification number), a clear description of the proposed development and/or use, and specification of relevant dimensions.
- (2) A dated signature by the applicant.
- (3) Payment of any required application fee.

Article 5 Appeals, Variances, Interpretations

Section 5-1 Appeals

- (A) An appeal from any final order or decision of the Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrator and the Board of Adjustment a written notice of appeal specifying the grounds. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Administrator.
- (B) The owner or other party has 30 days from receipt of the written notice of the determination to file an appeal. In the absence of evidence to the contrary, notice given pursuant to NCGS 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal.

- (C) Whenever an appeal is filed, the Administrator shall transmit to the Board of Adjustment all the materials of the case.
- (D) An appeal stays all actions, including fines, by the Administrator enforcing the requirements of this ordinance.
- (E) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its option ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

Section 5-2 Variances

- (A) An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator.
- (B) A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
 - (1) If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property;

- (2) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
- (3) The hardship relates to the applicant's land, rather than personal circumstances;
- (4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
- (5) The hardship is not the result of the applicant's own actions; and,
- (6) The variance will neither result in the extension of a nonconforming situation in violation of Article 8 nor authorize the initiation of a nonconforming use of land.

When considering Items 2, 3, and 4, 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.

- (C) A variance may be issued for an indefinite duration or for a specified duration only.

Section 5-3 Interpretations

- (A) The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Administrator, they shall be handled as provided in Section 5-1.
- (B) An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. The application shall contain sufficient information to enable the Board to make the necessary interpretation.
- (C) Where uncertainty exists as to the boundaries as shown on the Town of Pink Hill Official Zoning Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - (2) Boundaries indicated as approximately following lot lines, town limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

- (3) Boundaries indicated as following shorelines shall be constructed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines; and,
- (4) Where a district boundary divides a lot or where distances are not specifically indicated, the boundary shall be determined by measurements from the Official Town of Pink Hill Zoning Map.

Section 5-4 Requests to be Heard Expediently

The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, and obtain the necessary information to make sound decisions.

Section 5-5 Burden of Proof in Appeals and Variances

- (A) When an appeal is taken to the Board of Adjustment in accordance with Section 5-1, the Administrator shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. If the Administrator who made the decision is no longer employed by the Town, their successor shall appear as a witness. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- (B) The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions on those issues remains with the applicant seeking the variance.

Section 5-6 Board Action on Appeals and Variances

- (A) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion.
- (B) Before granting a variance, the Board of Adjustment must take a separate vote and vote affirmatively (by a four-fifths majority) on each of the required findings stated. A motion to make an affirmative finding on each of the requirements set forth in Section 4-2 (B) and shall include a statement of the specific reasons or findings of fact supporting such motion.

Article 6 Evidentiary Hearing Procedures for Quasi-Judicial Decisions

This article describes the hearing procedures for quasi-judicial decisions related to appeals of administrative decisions, special use permit applications, and variance applications. Procedures of the Hearing Board shall follow requirements provided in NCGS 160D-406.

Section 6-1 Hearing Required

- (A) Before making a decision on an appeal or an application for a variance, special use permit, or petition from the Administrator to revoke a special use permit, the Hearing Board shall hold a hearing on the appeal or application.
- (B) The hearing shall be open to the public. The applicant, the Town, and any person who would have standing to appeal the decision under NCGS 160D-1402(c) shall have the right to participate as a party at the hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Hearing Board.
- (C) The Hearing Board may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- (D) The Hearing Board may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

Section 6-2 Notice of Hearing

- (A) Notice shall be given to the appellant or applicant, the owner of the property that is the subject of the hearing if the owner did not initiate the hearing, and any other person who makes a written request for such notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.
- (B) Notice shall be given to neighboring property owners by mailing a written notice to those persons who have listed for taxation real property, any portion of which, is located within 100 feet of the lot that is the subject of the application or appeal. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Notice shall also be given by posting a sign in the vicinity of the property that is the subject of the proposed action. Such sign shall be posted within the same time period as the mailed notice.

- (C) The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

Section 6-3 Evidence

- (A) The provisions of this section apply to all evidentiary hearings.
- (B) All testimony at the hearing shall be under oath.
- (C) Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.
- (D) Objections may be made to the board regarding jurisdictional or evidentiary issues. The board chair shall rule on any objection. The chair's ruling may be appealed to the full board.

Section 6-4 Modification of Application at Hearing

- (A) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Board or Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- (B) Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Administrator.

Section 6-5 Record

- (A) A tape recording should be made of all evidentiary hearings and such recordings shall be kept for at least 30 days. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- (B) Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept for at least two years.

Section 6-6 Written Decision

- (A) Any decision made by the Board of Adjustment regarding an appeal or variance shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.

- (B) Any decision made by Town Board regarding a special use permit shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
- (C) In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusions as well as supporting reasons or facts, whenever this ordinance requires the same as a prerequisite to taking action.
- (D) A quasi-judicial decision is effective upon filing the written decision with the clerk to the Board. The written decision must be signed by the Board chair.

Article 7 Enforcement and Review

Section 7-1 General

In addition to those remedies in G.S. 14-4 and 160A-175, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land and water, or on the erection or removal alteration of a structure, a failure to comply with such provisions shall constitute a violation of this ordinance.

Section 7-2 Complaints Regarding Violators

Whenever the Administrator receives a written, signed complaint alleging a violation of this ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the violator in writing what actions have been or will be taken.

Section 7-3 Liability

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 7-4 Procedures upon Discovery of Violation

- (A) Initial Warning: If the Administrator finds that a provision of this ordinance is being violated, he shall send a written warning to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written warnings may be sent at the Administrator's discretion.
- (B) Notice of Violation: If the violation is not corrected, the Administrator shall issue a written notice of violation. The written notice of violation shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 5-1.
 - (1) Written notice of violation shall be provided to the person responsible for such violation, the landowner, and holder of the development approval (if different).
 - (2) Delivery shall be by first-class mail, electronic delivery, or personal delivery.

- (3) The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
- (C) In cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 7-5.

Section 7-5 Penalties and Remedies for Violation of the Ordinance

- (A) Criminal prosecution: Violations of the provisions of this ordinance or failure to comply with any of these requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a fine of up to \$50, or a maximum 30 days imprisonment, or both. Each day that a violation continues to exist shall be considered a separate offense, provided the violation was not corrected with 30 days after the notice of the violation has been given.
- (B) Civil Penalties: Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay within 10 days after being cited for a violation, this penalty may be recovered by the jurisdiction in a civil action in the nature of debt. Each day that a violation continues to exist after being cited shall constitute a separate and distinct offense without multiple citations being issued. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 6-4 and did not take an appeal to the Board of Adjustment within the prescribed time.
- (C) This ordinance may also be enforced by any appropriate equitable action.
- (D) Each day that any violation continues after notification by the Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 7-6 Permit Revocation

- (A) A zoning permit shall be revoked by the Administrator if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed.

- (B) A special use permit shall be revoked by the Town Board if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed.

Before a special use permit may be revoked, all of the notice and hearing and other requirements of Article 6 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

- (1) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- (2) Before a permit may be revoked, the Administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permitted a written statement of the decision and the reasons therefore.
- (3) No persons may continue to make use of land or buildings in the manner authorized by any special use permit after such permit has been revoked in accordance with this section.

Section 7-7 Judicial Review

- (A) Every decision of the Board of Adjustment shall be subject to review by the Superior Court of Lenoir County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Lenoir County Clerk of Court within 30 days after a written copy of the board's decision has been send to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

Article 8 Nonconforming Uses and Buildings

Section 8-1 General

Any parcel of land, use of land, building or structure existing at the time of the adoption of this ordinance, or any amendment, that does not conform to the use or dimensional requirements of the district in which it is located, may be continued and maintained subject to the following categories of nonconforming uses.

Section 8-2 Nonconforming Vacant Lots

Nonconforming vacant lots are lots that have been platted and recorded in the Office of the Register of Deeds of Lenoir County, which at the time of adoption of this ordinance fail to comply with the minimum area and/or width requirements of the districts where they are located. Any such nonconforming lot may be used for any of the uses permitted in the district where it is located provided that:

- (1) Where the lot area is below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.
- (2) Whenever two or more adjoining vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district where such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district where such lots are located.

Section 8-3 Nonconforming Occupied Lots

Nonconforming occupied lots are lots occupied by buildings or structures at the time of the adoption of this ordinance that fail to comply with the minimum requirements for area, width, yard and setbacks for the district where they are located. These lots may continue to be used without complying with the specific requirements for use or dimensional requirements.

Section 8-4 Nonconforming Open Uses of Land

Nonconforming open uses of land are lots used for storage yards, used car sales, auto wrecking, junkyards, and similar open spaces where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it

is located. A legally established nonconforming open use of land may be continued except as follows:

- (1) When a nonconforming open use of land has been changed to conforming use, it shall not thereafter revert to any nonconforming use;
- (2) Nonconforming open use of land shall be changed only to conforming use;
- (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming; and,
- (4) When any nonconforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district where the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Section 8-5 Nonconforming Uses of Structures

Nonconforming uses of structures are uses used at the time of enactment of this ordinance for purposes or uses not permitted in the district in which they are located. Such uses may be continued as follows:

- (1) An existing nonconforming use may be changed to another nonconforming use of the same or higher classification, provided that the other conditions in this Article are met. For the purpose of this ordinance, the rank order of uses from higher to lower shall be: 1) residential, 2) public, 3) commercial, and 4) industrial (for example, a nonconforming barber shop may be changed to another barber shop or a nonconforming residential dwelling, but not a manufacturing facility);
- (2) When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use;
- (3) A nonconforming use may not be extended or enlarged, nor shall a structure containing a nonconforming use be altered except:
 - (a) Structural alterations as required by law or ordinance to secure the safety of the structure; or
 - (b) Maintenance and repair necessary to keep a structure in sound condition; or
 - (c) Expansion of a nonconforming use of building or structure into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use.

- (4) When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not hereafter be used except in conformance with the regulations of the district where it located.

Section 8-6 Reconstruction of Damaged Buildings or Structures

Any nonconforming use, except manufactured dwelling units, (see Section 7-7 below) which has been damaged by fire, wind, flood or other causes, may be repaired and used as before provided:

- (1) The damage to the building does not exceed 50% of its assessed value;
- (2) Repairs are initiated within 12 months and completed within two years of such damage;
- (3) The total amount of space devoted to a nonconforming use may not be increased; and
- (4) Reconstructed buildings may not be more nonconforming with respect to dimensional restrictions.

Section 8-7 Nonconforming Manufactured Homes

Any nonconforming manufactured home may be used indefinitely. Existing manufactured units may be replaced if the present unit is damaged or destroyed. However, if a lot where a nonconforming manufactured home is located is subsequently abandoned for more than 180 days, the reestablishment of a manufactured home on the lot shall not be permitted.

Article 9 Amendments

Section 9-1 Amendments In General

- (A) Amendments to the text of this ordinance or to the zoning map may be made in accordance with the provisions of this Article.
- (B) Down-zoning: Third-party down-zoning is prohibited per NCGS 160D-601(d). Down-zoning is allowed if either:
 - (1) It is initiated by the Town, or
 - (2) Written consent of all affected property owners has been obtained.

Section 9-2 Initiation of Amendments

- (A) Whenever a request to amend this ordinance is initiated by the Administrator, the Planning Board, the Board of Adjustment, or the Town Board, the town attorney in consultation with the Administrator shall draft an appropriate ordinance and present that ordinance to the Town Board so that a date for a legislative hearing may be set.
- (B) Any other person may also petition the Town Board to amend this ordinance. The petition shall be filed with the Administrator and shall include the following information, along with the information deemed relevant by the Administrator:
 - (1) The name, address, and phone number of the applicant;
 - (2) A description of the land affected by the amendment if a change in zoning district classification is proposed; and
 - (3) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this ordinance.
- (C) Upon receipt of a petition as provided in Section 9-2(B) the Administrator shall either:
 - (1) Treat the proposed amendment as one initiated by the administration and proceed in accordance with Section 9-2 (A) if he believes that the proposed amendment has significant merit and would benefit the general public; or
 - (2) Forward the petition to the Town Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set.

- (D) Upon receipt of a proposed amendment as provided in Section 9-2 (A), the Town Board may establish a date for a legislative hearing on it. Upon receipt of a petition for an ordinance amendment as provided in Section 9-2 (B), the Town Board may summarily deny the petition or set a date for a legislative hearing on the requested amendment and order the attorney, in consultation with the Administrator, to draft an appropriate ordinance.

Section 9-3 Planning Board Consideration of Proposed Amendments

- (A) All proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. The Planning Board's duty to review and comment shall not be assigned to the Town Board.
- (B) The Planning Board shall submit its recommendation to the Town Board at or before the legislative hearing on the amendment, along with a statement describing whether its action is consistent with the adopted Land Use Plan and any other plans adopted according to NCGS 160D-501.
- (C) If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the governing board may proceed in its consideration of the amendment without the Planning Board report. The governing board is not bound by the recommendations, if any, of the Planning Board.
- (D) No ordinance that amends any of the provisions of this ordinance may be adopted until a legislative hearing has been held on such ordinance.
- (E) The Administrator shall publish a notice of the legislative hearing on any amendments to this ordinance once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 days or more than 25 days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.
- (F) With respect to map amendments, the Administrator shall mail written notice of the legislative hearing to the recorded owners for tax purposes of all properties whose zoning classification are changed by the proposed amendment as well as the owners of all abutting properties and properties which are within 150 feet of the property rezoned by the amendment. Properties are considered abutting even if separated by a street, railroad, or other transportation corridor. This notice shall be mailed within the same time period as the published notice.
- (G) When a zoning map amendment is proposed, the Administrator shall prominently post a notice of the legislative hearing on the site proposed for rezoning, or on an adjacent public street, or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required. However, the city shall post sufficient notices to provide

reasonable notice to interested persons. This notice shall be posted within the same time period as the published notice.

- (H) The notice required or authorized by this section shall:
 - (1) State the date, time, and place of the legislative hearing;
 - (2) Summarize the nature and character of the proposed change;
 - (3) Reasonably identify the property whose classification would be affected by the amendment, if the proposed amendment involves a change in zoning district classification;
 - (4) State the full text of the amendment can be obtained from the town clerk; and
 - (5) State that substantial changes in the proposed amendment may be made following the legislative hearing.

Section 9-4 Board Action on Amendments

- (A) At the conclusion of the legislative hearing on a proposed amendment, the Town Board may proceed to vote on the proposed ordinance, refer it for further study, or take any other action consistent with its usual rules of procedure.
- (B) The Town Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (C) An amendment to this ordinance is adopted on first reading by simple majority.
- (D) Plan Consistency Statement Requirement: Prior to adopting or rejecting any zoning amendment, the Town Board of Commissioners shall adopt a statement describing whether its action is consistent with the adopted Land Use Plan and any other plans adopted according to NCGS 160D-501. That statement is not subject to judicial review.
- (E) Additional Statement of Reasonableness Requirement for Map Amendment (Rezoning): Included along with the plan consistency statement above, the Town Board shall provide a statement specifying the reasonableness of a map amendment that can include, but are not limited, to the following factors:
 - (1) Size, physical conditions, and other attributes of the area proposed to be rezoned.
 - (2) Benefits and detriments to landowners, neighbors, and larger community.

- (3) Relationship between the current actual and permissible development on the property and adjoining areas and 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.
- (F) Single Statement: The plan consistency statement and statement of reasonableness may be approved together as a single, combined statement.
- (G) Effect on Future Land Use Map: If the Town Board adopts a zoning map amendment that is also deemed inconsistent with the future land use map in the adopted Land Use Plan, then this future land use map is also amended. This amendment shall be noted on the future land use map. The Town shall not require a separate application or fee for this amendment to the Land Use Plan.

Section 9-5 Ultimate Issue before Town Board on Amendments

- (A) The Town Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Town Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (B) The Town Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 9-6 Citizen Comments

- (A) If any resident or property owner in the Town's planning jurisdiction submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation within this ordinance to the clerk to the Town Board at least two business days prior to the proposed vote on such change, the clerk shall deliver such written statement to the Town Board.
- (B) If the proposed change is the subject of a quasi-judicial proceeding, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

Article 10 Zoning Districts and Zoning Map

Zoning Districts

Section 10-1 Residential Districts Established

(A) The Town of Pink Hill is hereby divided into the following zoning districts. All districts are general-use districts. The petitioner may refer, either in his petition or at any hearings related to the petition, to the use intended for his property. However, the board shall consider the full range of uses within that particular zoning district when approving or disapproving the petition. If approved, the rezoned property may be used for any of the uses permitted in the applicable general-use district.

(B) The following residential districts are hereby established:

RA
R10
RM

(C) **RA Residential Agriculture District**

The RA Residential Agriculture District describes areas at the fringes of the planning area (but not to exceed the one mile extraterritorial planning area) where the predominate land uses are scattered single-family dwellings on rural lots and agriculture production (both livestock and crops). Low impact farming such as the raising of crops shall not be regulated. However, intensive livestock operations as defined herein shall be excluded from any area within the Pink Hill Planning Jurisdiction. Because of the rural character of these areas, residents accept a wider variety of single-family residential units on large lots that usually do not have complete public services (water and sewer). Site-built (including modular) as well as Manufactured units may continue to be used indefinitely. As demand for more residential subdivisions, business and industrial sites occur, areas within this district can be rezoned to a category more consistent with the development occurring inside the Town of Pink Hill.

(D) **R-10 Residential District**

The R-10 Residential district describes developed areas, as well as areas planned for residential development within Pink Hill, where single family subdivisions on individual lots are the primary land use. Public water and sewer are generally expected for all developed lots in this district. Manufactured home parks, as well as Class A, B and C manufactured homes, are excluded because they are inconsistent with development patterns promoted by the community.

(E) **RM Residential Mixed District**

The RM Residential Mixed District describes residential areas where a wider choice of single family residential units are permitted than in the R-10 District. Because a pattern of mixed site built and manufactured housing already exists, manufactured housing units shall be permitted provided they meet the same development requirements for a site built or modular unit.

Section 10-2 Commercial Districts Established

(A) The following commercial districts are hereby established:

**DC
HC**

(B) **DC Downtown Commercial District**

The DC Downtown Commercial District describes areas within the town designated to accommodate the type of commercial development that has characterized the central downtown area of Pink Hill. Structures generally cover most of their lot with no setbacks. Uses often share common walls with the adjoining business, and are located on the property line. Parking is provided directly on the street or to the side or rear. Most businesses are small and do not generate large amounts of traffic at any one time. Future development here shall be consistent with the pattern that has already occurred in order to enhance the small town, pedestrian scale that characterizes the core area of Pink Hill. Only low impact uses that are compatible with the goal of preserving the small town character of Pink Hill should be allowed.

(C) **HC Highway Commercial District**

The HC Highway Commercial District describes areas within the town as well as in the extraterritorial planning area established for high impact commercial activities that cater to the traveling public in cars, vans, or trucks. Because these areas are generally not in the core or downtown area of the community, high impact commercial activities can be permitted. Uses are in separate structures with setbacks from property lines and the road right-of-way. Parking is provided on site, usually directly in front of the building(s). Uses in this area should compliment the businesses in the downtown area. Light manufacturing is allowed. New commercial activities should be designed to minimize signage, access points, promote clustering and avoid excessive strip development.

Zoning Map

Section 10-3 Official Zoning Map

(A) There shall be a map known and designated as the Official Town of Pink Hill Zoning Map, which shall show the boundaries of all zoning districts within the

town's planning jurisdiction. This map shall be created using geographic information system (GIS) software and saved in electronic format from which prints can be made, shall be dated, and shall be kept in the Town of Pink Hill Town Hall where it shall be available for public inspection.

- (B) Should the Official Town of Pink Hill Zoning Map be lost, destroyed, or damaged, the Administrator may have a new map created from which prints can be made. No further authorization or action by the Town Board is required so long as no district boundaries are changed in this process.

Section 10-4 Amendments to Official Zoning Map

- (A) Amendments to the Official Town of Pink Hill Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance.
- (B) The Administrator shall update the Official Town of Pink Hill Zoning Map as soon as possible after amendments to it are adopted by the Town Board. Upon entering any such amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.
- (C) No unauthorized person may alter or modify the Official Town of Pink Hill Zoning Map.
- (D) The Administrator shall keep copies of superseded prints of the zoning map for historical reference.
- (E) Prior zoning maps shall be available for public inspection.

Article 11 Uses by Zoning Districts

Section 11-1 Permissible Uses and Specific Exclusions

- (A) Because the list of permissible uses set forth in the Table of Uses by Districts cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed ones.
- (B) Uses that are not listed in the Table of Uses by Districts, even with the liberal interpretation mandated by subsection 11-1.(A), are prohibited.
- (C) The following uses are prohibited as specified below:
 - (1) Salvage yards (SIC 5015) are not allowed inside the planning area.
 - (2) Intensive Livestock Operations are prohibited from the Town corporate limits.

Section 11-2 Accessory Uses

- (A) The Table of Uses by Districts classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.
- (B) The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
 - (1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;
 - (2) Hobbies or recreational activities of a noncommercial nature; and,
 - (3) The renting out of one or two rooms within a single-family residence to not more than two persons who are not part of the family that resides in the single-family dwelling.

Section 11-3 Permissible Uses Not Requiring Permits

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

- (1) Roads
- (2) Electric power, telephone, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- (3) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.

Section 11-4 Table of Uses by Districts

Uses					
P = Permitted By Right; S = Special Use Permit	RA	R-10	RM	DC	HC
Accessory Uses and Structures					
Accessory Uses and Buildings	P	P	P	P	P
Home Occupations	P	P	P	P	P
Yard Sales (See Temporary Uses)	P	P	P	P	P
Agriculture Uses					
Agriculture Production-Crops	P	P	P		P
Agriculture Production-Livestock (excluding Intensive livestock operations)	P				
Horticulture (including limited nursery operations) and Forestry	P	P			
Education/Institutional					
Cemeteries	P	P	P		
Churches	P	P	P	P	P
Clubs (non-profit organizations such as Moose lodges, VFW, or Ruritans)	P	P	P	P	P
Day Care Homes, Adult (5 or less)	P	P	P	S	S
Day Care Centers, Adult (6 or more)	S	S	S	S	S
Day Care Homes, Children (5 or less)	P	P	P	S	S
Day Care Centers, Children (6 or more)	S	S	S	S	S
Government Offices (Town Hall)				P	
Nursing Homes/Convalescent Centers/Retirement Facilities	S				S
Post Office				P	
Public safety facilities, including fire, police	P	P		P	P
School, public or Private	P	P		S	S
Manufacturing					
Apparel and other finished products from fabrics, leather, and similar materials					P
Bakery products				P	P

Uses					
P = Permitted By Right; S = Special Use Permit	RA	R-10	RM	DC	HC
Beverages				P	P
Bottling and canning soft drinks and carbonated water				P	P
Chemicals and allied products (plastics, drugs, detergents, acids, paints and varnishes, wood chemicals, and agricultural chemicals)					P
Cotton Gins					P
Electrical machinery, equipment and supplies					P
Fabricated metal products – machinery (engines, office machines, transportation equipment, metal working machinery and equipment, etc.)					P
Food and kindred products (meat products, dairy, seafood products, grain mill products)					P
Furniture				P	P
Instruments (electrical and mechanical)					P
Lumber and wood products (sawmills, planing mills, millworks, veneer and plywood, wooden containers)					P
Oil and gas products and storage, provided such uses are located no closer than 300 feet from a residential district.					P
Paperboard containers and boxes and other converted paper and paperboard products					P
Peanut process facility					P
Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks				P	P
Stone, clay, and glass products (flat glass, glass and glassware's, cement, structural clay products, concrete products, gypsum products, pottery, and cut stone products)				P	P
Warehouse facilities					P
Recreation Uses					
Community centers	P	P	P		P
Public Parks (town)	P	P	P	P	P
Swimming Pools (Public or non-profits operations where they are the principal use of a lot, not accessory to a residential use)	P	P	P		
Residential					
Bed and breakfast dwellings	P	P	P		
Dwellings, Multi-family	P				P

Uses					
P = Permitted By Right; S = Special Use Permit	RA	R-10	RM	DC	HC
Dwellings, Single Family, Detached (site built and modular unit only)	P	P	P	P	P
Dwelling, Single-Family, Manufactured Home	P		P		
Dwelling, Two-family Conversion	S	S	S		
Dwelling, Two-family (duplex)	P		P		P
Home Occupations	S	S	S		
Planned Unit Developments (PUD)	S	S	S		
Mixed Uses				S	S
Retail Sales/Services					
ABC Stores				P	P
Accounting and Bookkeeping				P	P
Agricultural sales					P
Appliance Store, Sales and Services				P	P
Apparel and Accessory Stores				P	P
Art Galleries				P	P
Antique Stores				P	P
Auction Sales (see flea markets)				P	P
Auto parts, new only				P	P
Auto Repair Shops (garage)					P
Auto Sales					P
Auto Service Stations				P	P
Auto Towing Shops					P
Bakeries				P	P
Banks				P	P
Beauty shops/Barber Shops/Stylists				P	P
Bookstores				P	P
Building Supply Store					P
Cabinet, Woodworking, and Upholstery Shops				P	P
Car Washes					P
Craft/Curio Shops				P	P
Convenience Stores with Gas Pumps				P	P
Drug Stores				P	P
Event Venues				P	P
Flea Markets				P	
Florist without greenhouses				P	P
Florist with greenhouses					P
Funeral homes					P
Furniture stores				P	P
Food stores				P	P
General merchandise stores, including the sale of fishing equipment and supplies				P	P

Uses					
P = Permitted By Right; S = Special Use Permit	RA	R-10	RM	DC	HC
Gift shops				P	P
Home Occupations (see Residential above)					
Hotels/Motels					P
Insurance agencies				P	P
Jewelry stores including watch repair				P	P
Restaurants, with drive-thru					P
Restaurants, without drive-thru				P	P
Medical offices and clinics				P	P
Planned business developments				S	S
Professional offices (including, but not limited to lawyers, surveyors, engineering, etc.)				P	P
Real estate, sales and rental offices				P	P
Temporary Uses/Events					
Manufactured home, Class A or B	S		S		
Temporary Construction, Storage, or Office	P	P	P	P	P
Yard Sales	P	P	P	P	P
Transportation and Utilities					
Communication (cellular) towers	S	S	S	S	S
Utility lines and related structures	P	P	P	P	P
Utility substations, transformer stations, telephone exchanges, pump and lift stations	P	P	P	P	P
Wastewater treatment plant	S				

Article 12 Dimensional Requirements Summary Table

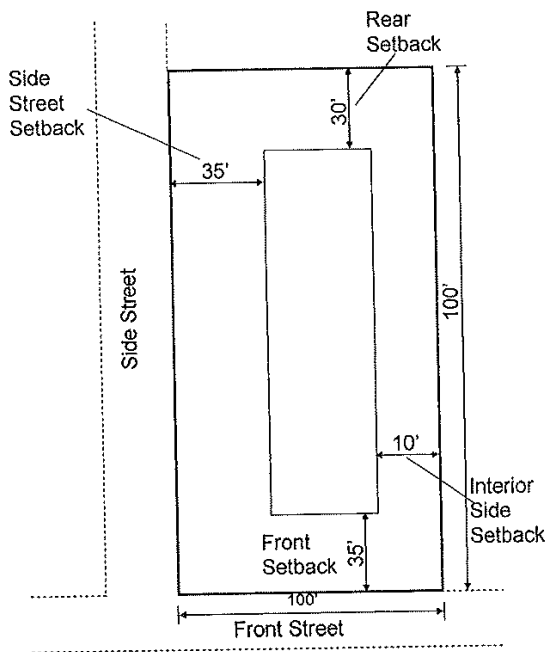
Districts	Minimum Lot Area ¹ sq ft	Minimum Zoning Lot Width and Depth (feet)		Minimum Setbacks (feet)					Maximum Height of Structures (Feet) ³
		Width at front line	Depth	Front ²	Rear Interior	Rear Street	Side Interior	Side Street	
RA All residential and nonresidential uses	20,000	100	100	35	30	30	10	35	35
R-10									
Single-family Dwellings	10,000	75	150	30	25	30	10	35	35
Two-family Dwellings (Duplex)	18,000	100	150	30	25	25	10	35	35
Nonresidential	40,000	150	200	30	25	30	10	35	35
RM									
Single Family Dwellings	7,500	50	100	20	20	20	10	20	35
Two-family Dwellings (Duplex)	18,000	100	150	30	30	30	15	30	35
Nonresidential	20,000	80	150	30	30	30	30	30	35
DC		50	50	-	-	-	-	-	-
HC	20,000	100	100	30	25	30	10	30	-

(1) When public sewer is not available, the Lenoir County Health Department may require larger lots.

(2) Front setback is measured from the right-of-way line. If not known, measure from the edge of the roadway.

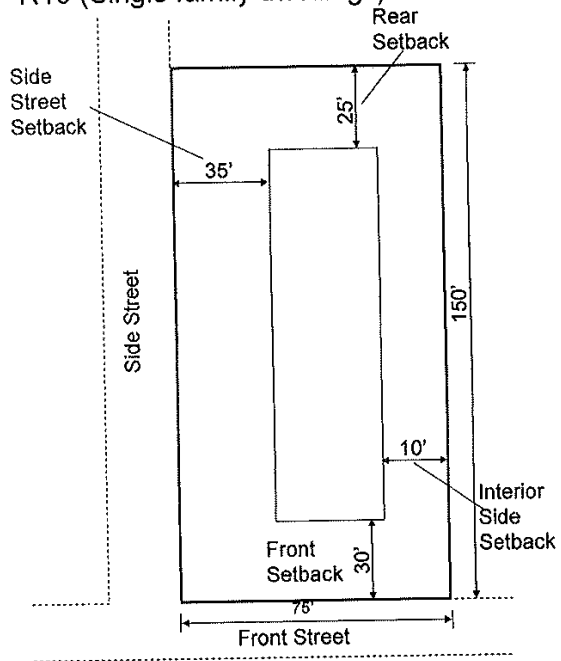
(3) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building. When measuring heights, the following features are exempt from the district height limitations: chimneys, water tanks, church spires, elevator shafts, or similar structural appendages not intended as places of occupancy or storage; flagpoles; heating and air conditioning equipment, solar collectors, and similar equipment.

RA District –

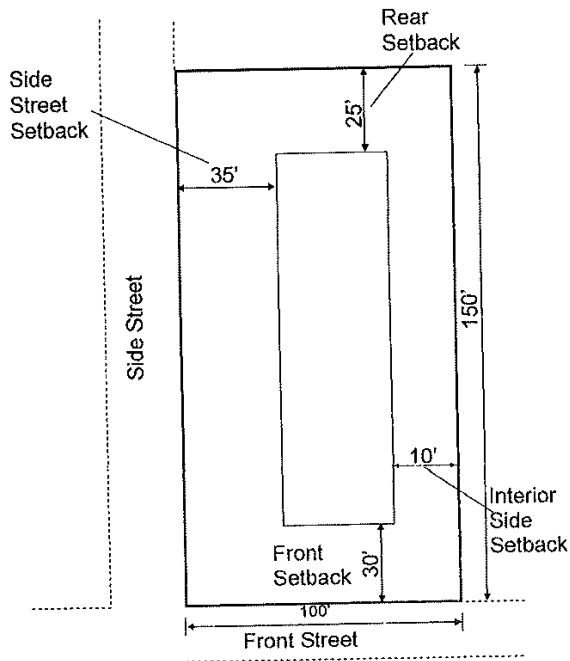


R10 District –

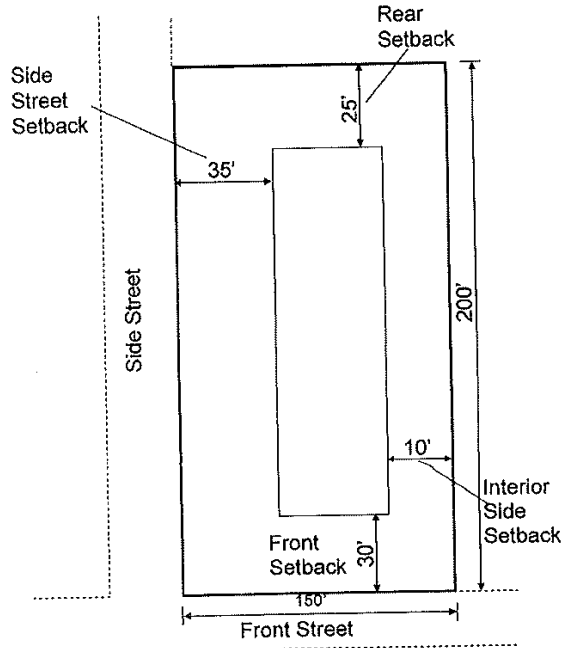
R10 (Single family dwellings)



R10 (Duplexes)

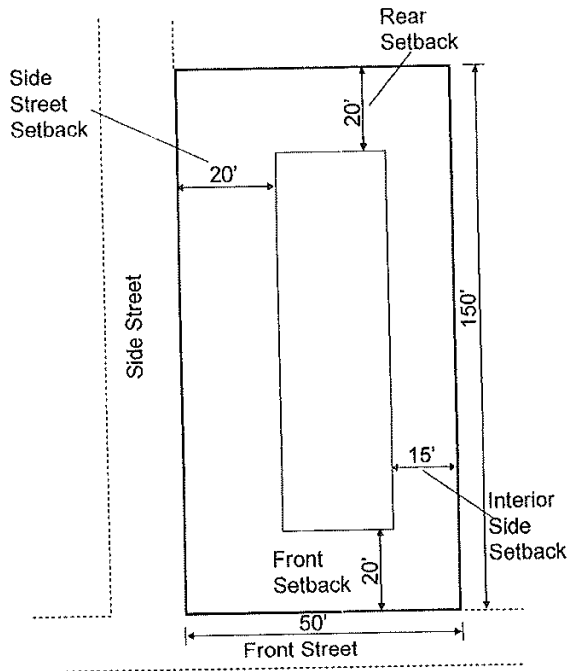


R10 (Nonresidential)

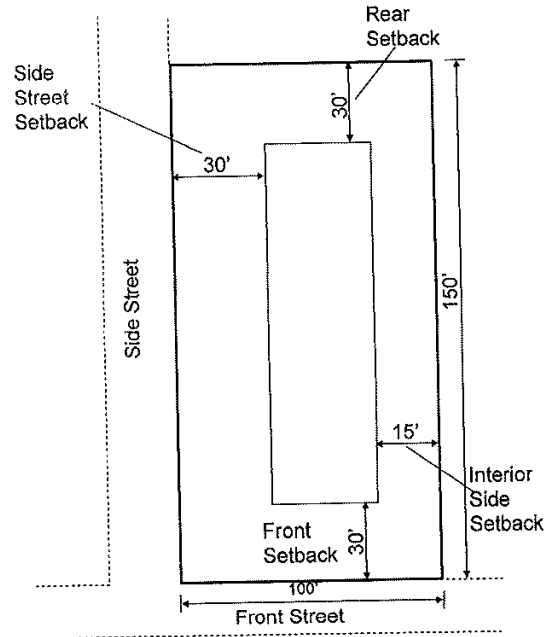


RM District

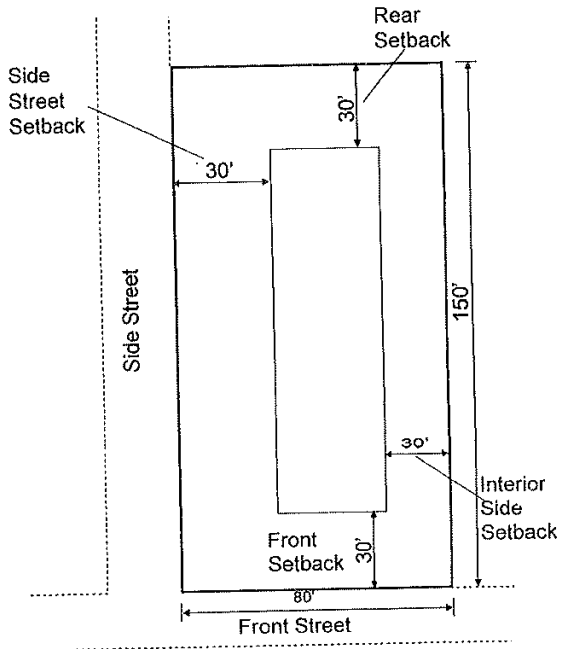
RM District (Single family dwellings)



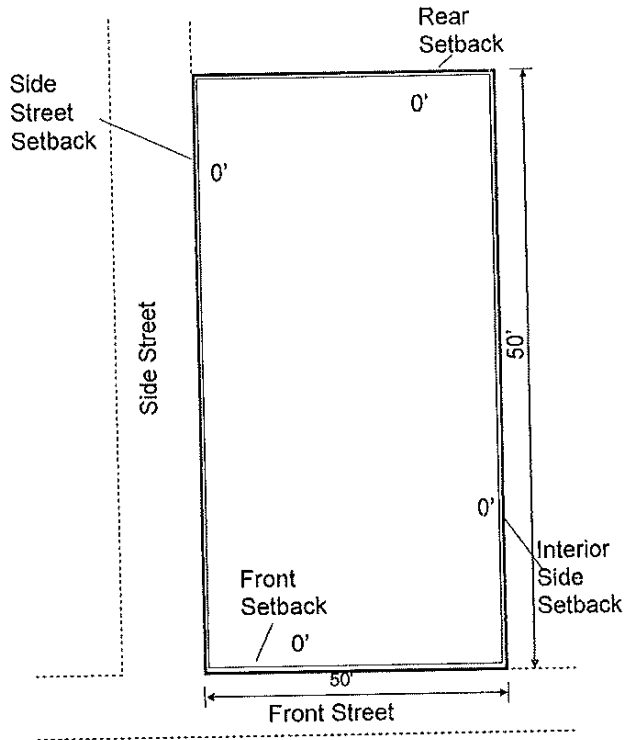
RM District (Duplexes)



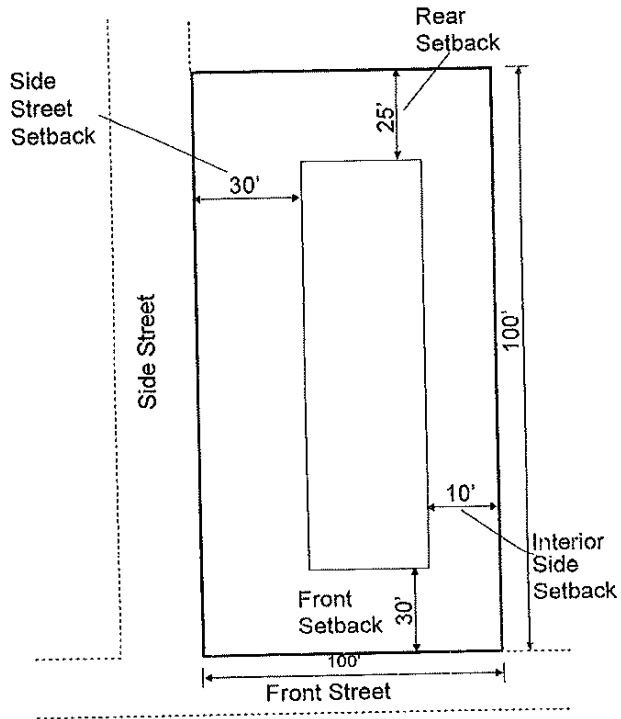
RM District (Nonresidential)



DC District



HC District



Article 13 Development Standards for Specific Uses

The development standards listed herein are in addition to the requirements listed elsewhere in this ordinance. The development standards listed below are use specific and apply only to their uses designated in the Table Uses by Districts. In addition, uses requiring a special use permit shall meet these standards as minimum permit conditions.

Section 13-1 Accessory Buildings

- (A) Numbers: No more than 2 accessory buildings may be placed on any residential lot as an accessory use.
- (B) Location: The accessory building or use shall be placed in the rear yard in corner lots and in the rear and side yard of all other lots.
- (C) Separation: No separate accessory building or use shall be erected within 10 feet of any other building, or within 5 feet from any property line; and
- (D) Area: The square footage of each accessory building or use may not exceed 40% of the permitted principal use, and the total of all non-farm accessory uses shall not exceed 75% of the permitted principal use.

Section 13-2 Bed and Breakfast Dwellings

- (A) Resident Operators: The facility is operated by someone who resides full time in the house.
- (B) Dwelling Only: The use shall be located in a structure which was originally constructed as a dwelling.
- (C) Food: Meals served on the premise shall only be for guests.
- (D) Public Health Rules: All facilities shall comply with the rules governing the Sanitation of Bed and Breakfasts as specified in 15A NCAC 18A.2200; and
- (E) Signs: Signage shall be limited to one home occupation sign not to exceed two square feet in area, which shall be mounted on the building or freestanding.

Section 13-3 Communication (Cellular) Tower

- (A) Impact on communication signals: Radio or television or similar reception for adjoining properties will not be disturbed or diminished.
- (B) Height: The height of the tower shall not exceed 500 feet.

- (C) Lighting: The lighting of the tower does not exceed the minimum standards of the FAA for red obstruction lighting system contained in Advisory Circular No. 70/7460-IF dated September 27, 1978, as amended.
- (D) Setbacks: In nonresidential districts the minimum setback from the outside dimensions of the tower to any adjoining lot or public right of way is the same as any other principal uses permitted in that district. In any residential district the minimum setback shall be 150 percent of the height of the structure. The measure is from the structure, not from any guy wire on the lot. All guy wires shall be located on the same lot as the tower.
- (E) Screening: A fence or wall shall surround the base of the tower and each guy anchor at least eight feet in height, unless the tower and all guy anchors are mounted entirely on a building more than 8 feet in height. Except entrance ways, all fences and walls shall be screened with plant material so that no more than 2/3 of the wall or fence is visible within 3 years after erection of the structure from a public street or an adjoining lot which contains a dwelling or is zoned for residential use.
- (F) Separation: Any new tower shall be no closer than 1,000 feet from an existing one.
- (G) Appearance: Any associated buildings located in a residential district shall be designed to blend into the neighborhood.
- (H) Located on existing buildings: Any tower located on an existing building shall not exceed 30% of the building height.
- (I) Co-location: If determined by the town that the tower would benefit the town's communication system, it shall accommodate additional telecommunication equipment.

Section 13-4 Day Care Centers. Child or Adult

- (A) Licensing: All day care centers shall be licensed by the State of North Carolina.

Section 13-5 Day Care Homes, Child or Adult

- (A) Licensing: All day care homes shall be licensed by the State of North Carolina.

Section 13-6 Dwellings, Two-family Conversion

- (A) Number: No more than 2 apartments shall be created within an existing structure on the date of adoption of this ordinance.

- (B) Interior Conversion: The new dwelling units shall be created through the internal conversion of the structure except the Town Board may approve exterior structural alternations which it finds is in keeping with the design and character of the original single family structure.
- (C) Entrances: Access to each unit shall be provided in accordance with the North Carolina Building Codes. The structure shall have one front entrance and all other entrances/exists shall be in the rear of the structure. However, the Board may allow other ones which were designed and constructed as a part of the original structure or necessary because of the design of the house or the topography of the lot.
- (D) Parking: Parking space for each dwelling shall be behind the principal structure in a landscaped parking area; and
- (E) Lighting: Lighting for access ways and parking areas shall be so arranged to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Lights used shall not exceed ½ foot candle in strength.

Section 13-7 Family Care Homes

- (A) Use Separation: No such facility shall be located within one-half mile radius of another such use.
- (B) Licensing: All family care facilities shall be licensed by the State of North Carolina.

Section 13-8 Home Occupations

- (A) Maximum Area: Area set aside for home occupations can occupy no more than 25 percent of the gross floor area of the residence.
- (B) Outside Storage: No outside storage of items associated with the home occupation is permitted.
- (C) Inside Building: The home occupation must be conducted entirely within the residence and be a use which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence. Home occupations are not permitted in a detached garage or other accessory buildings.
- (D) Types: Examples of uses permitted include, but are not limited to: telephone sales, barber/beauty services, doctor/dentist office, accountants, family day care, and hand crafts.

- (E) Limited Sales Items: Only displays, stock-in-trade, or commodities made on the premise shall be permitted.
- (F) Employees: Only one person may be employed who is not an occupant of the residence.
- (G) Limited Activities: Any activity shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district where it is located.

Section 13-9 Manufactured Homes, Class A

- (A) Construction Standards: A manufactured home constructed on or after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.
- (B) Appearance criteria: Each unit shall satisfy each of the following criteria:
 - (1) Width: The home has a minimum width of 16 feet. (Double wide units only)
 - (2) Pitch: The pitch of the homes roof has a minimum vertical rise of three and half (3 and ½) for each twelve (12) feet of horizontal run.
 - (3) Roof Material: the roof is finished with a type of shingle that is commonly used in standard residential construction;
 - (4) Projecting eave: The roof structure shall provide an eave projection of no less than 6 inches, which may include a gutter;
 - (5) Exterior: The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 - (6) Foundation: A continuous, permanent masonry foundation, without holes except for required ventilation and access, is installed under the home;
 - (7) Set up: The unit is set up in accordance with the standards set by the North Carolina Department of Insurance;
 - (8) Entrances: Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored to the ground; and

- (9) Materials Removed: The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Section 13-10 Manufactured Homes, Class B and Class C

(A) Construction Standards.

- (1) Manufactured Home, Class B: A manufactured home constructed on or after June 15, 1976, that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development (“HUD”).
- (2) Manufactured Home, Class C (“Mobile Home”): A portable manufactured housing unit constructed prior to the June 15, 1976 HUD standards.

(B) Appearance Criteria: Each unit satisfies each of the following criteria:

- (1) Width: The home has a minimum width of 8 feet. (Single wide units)
- (2) Pitch: The pitch of the homes roof has a minimum vertical rise of three and half (3 ½) for each twelve (12) feet of horizontal run.
- (3) Roof Material: The roof is finished with a type of shingle that is commonly used in standard residential construction;
- (4) Projecting eave: The roof structure shall provide an eave projection of no less than 6 inches, which may include a gutter;
- (5) Exterior: The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (6) Foundation: A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home or an underpinning such as vinyl, aluminum, galvanized metal, simulated rock/masonry panels is utilized;
- (7) Set up: The unit is set up in accordance with the standards set by the North Carolina Department of Insurance;
- (8) Entrances: Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored to the ground; and

- (9) Materials Removed: The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Section 13-11 Mixed Commercial/Residential Uses

- (A) Same or Separate Structure: A mixed commercial and residential use may be in the same structure or in separate structures on the same lot.
- (B) Area: If a separate structure is used for commercial activities on a residential lot, the maximum area of the commercial use shall not exceed 50% of the square footage of the principal residential use.
- (C) Signage: No free standing sign shall be permitted and signage on the building shall be limited to 5% of the wall surface facing the public right of way.
- (D) Subordinate use: The use shall be clearly subordinate to the principal use of the land as a residential lot.
- (E) Separate Structure: Unlike a home occupation, these mixed uses may be in a separate structure or in the same structure and the secondary commercial use is clearly identifiable as a separate business to the general public.

Section 13-12 Multi-Family Dwellings

- (A) Density: 8,000 square feet shall be provided for the first dwelling unit; 4,000 square feet shall be provided for the second dwelling units; and 3,000 square feet for each additional dwelling units in the same building. The overall density of development shall not exceed 12 units per acres where public water and sewer is available. When public sewer is not available the Lenoir County Health Department may require a lower density.
- (B) Mean Lot Width: 80 feet minimum required mean lot width for the first dwelling unit with an additional 10 feet shall be provided for each unit in excess of one. However, the mean lot width shall not be required to exceed 120 feet.
- (C) Building Setback Lines: All principal buildings shall have a minimum front yard setback of 40 feet. In all other cases, principal buildings shall be located, at least, 30 feet from any property lines.
- (D) Buffers: Landscape buffers as specified in Article 15.
- (E) Control of Potential Nuisance Uses: Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas, and sporting facilities shall not be placed within 50 feet of adjacent land used or anticipated to be used as single-family residential areas.

- (F) Internal Relationships: Structures, uses, and facilities shall be grouped in a safe, efficient convenient and harmonious relationship in order to preserve desirable natural features and minimum disturbances of the natural topography.
- (G) Interior Circulation System: Streets, drives, parking and service areas shall provide safe and convenient access to dwelling units. Specifically, streets should be laid out not to encourage outside traffic to traverse the development on minor streets and streets should not create unnecessary fragmentation of the development into small blocks.
- (H) Vehicular Access to Public Roads: When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.
- (I) Signs: Signage shall comply with the requirements specified in Article 13 Signs.
- (J) Off-Street Parking: Off-street parking standards shall comply with Article 14.
- (K) Open Space: A minimum of 15 percent of the gross acreage shall be reserved as open space.
- (L) Recreation Facilities: Family oriented multi-family projects shall provide family oriented space based on the number of bedrooms as established in the following table:

Number of Bedrooms Per Apartment	Minimum Space per Bedroom (sq feet)
1 bedroom	0
2 bedroom	25
3 bedroom	50
4 bedroom	100

These recreational areas shall be reasonably located to assure safe and convenient access. These areas shall not be less than 30 feet times 30 feet or 900 square feet in area. Projects which would provide less than 900 square feet based on the above formula shall be exempt from this requirement.

- (M) Spacing between Circulation System and Buildings: Automobile parking spaces and drives shall not be located closer than 10 feet to the front, side, or rear of any building.
- (N) Building Relationships: One building wall that has both window and door openings shall be located no closer than 50 feet to another building. Two building walls that have only window openings or only door openings shall be located no closer than 25 feet to another building.

- (O) Courtyard: Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.
- (P) Streets (Interior): Streets shall either be public or private. However, all streets shall be paved and build to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways.

Section 13-13 Planned Business Developments

- (A) Permitted Uses: Uses shall be limited to uses permitted in the zoning district where the development is proposed.
- (B) Setbacks: To encourage creativity of design and diversity of uses within a cohesive, unified project, development standards for each use shall be waived, provided any structures located around the perimeter shall comply with the setback requirements from property lines and rights-of-way for the underlying zoning district.
- (C) Size: Minimum site acreage needed for the development shall be one acre with a 250 foot minimum lot width.
- (D) Screens and Buffers: Screens and buffers around the perimeter shall be provided in accordance with standards in this ordinance.
- (E) Accessibility: All planned business developments shall abut and have direct access to a public thoroughfare or collector street adequate to accommodate the projected traffic volume.
- (F) Curb Cuts: The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.
- (G) Signage: Each project shall contain an identification sign per public entrance in accordance with the development criteria for signage.

Section 13-14 Planned Unit Developments (PUDs)

- (A) Minimal Size: 5 Acres
- (B) Location: Planned unit developments are permitted in any residential zoning district as designated in the Table of Permitted Uses.
- (C) Permitted Uses: All the permitted and special uses are allowed in the zoning district where the PUD is located. In addition retail sales/services and office space will be permitted if primarily for the convenience and service of the

residents of the development and represent no more than 10 percent of the total development.

- (D) **Dimensional Requirements:** Yard setback, lot size, and frontage requirements are waived, provided that the spirit and intent of this subsection are met in the total development plan. The planning board may determine that certain setbacks be required within all or a portion of the perimeter of the site.
- (E) **Density:** The density of development (units per acre) may not exceed the density allowed in the district where the PUD is located except under the bonus provisions explained below. If the development falls into more than one zoning district, the overall density will be the combined proportion of each district.
- (F) **Density Bonus:** A density bonus of up to 25 percent over the density normally allowed in the basic zoning district may be approved based on the provision of common open space as listed below.

Density Bonus Scale	
Percent of Residential Area To be Common Open Space	Percent Density Bonus
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22
70 or more	25

- (G) **Conveyance and Maintenance of Common Open Space:** A common open space shown on the final development plan shall be conveyed in accordance with one of the following methods:
 - (1) By dedication to the town and maintained as common open space.
 - (2) By leasing or conveying title (including beneficial (ownership) to a corporation, association, or other legal entity.
 - (3) The town has the right to accept or reject the dedication of any common open space. The developer shall file in the Lenoir County Register of Deed's Office legal documents restricting the use of common open space for the designated purposes. The town shall review and approve these documents before they are submitted to the register of deeds office.
- (H) **Utilities:** Whenever the planning board determines it is reasonable, a planned unit development shall provide for underground installation of utilities (including electricity and telephone). All installation of utilities and maintenance of utilities

shall be in accordance with the requirements and regulations of the Town Board. Public water and sanitary sewer service shall be required unless the developer can show good cause that these requirements should be waived without being inconsistent with the spirit and intent of a planned unit development.

Section 13-15 Recreation Facilities. Public or Private

Any recreational facility shall be located at least 50 feet from any adjacent residential use.

Section 13-16 Temporary Manufactured Homes

(A) Residential District:

(1) Hardship: A manufactured home may be placed on a residential lot as an accessory use under the specific hardship findings listed below.

(2) Development Criteria: The unit shall be an accessory use to an existing site-built or modular unit. It can only be located in the rear or side yard of that lot.

(3) Hardship Guidelines: Hardship as used in this ordinance shall met the following criteria:

(a) The person or persons occupying the unit are physically dependent upon the occupants of the principal dwelling or the occupants of the principal dwelling are physically dependent on the person or persons living in the manufactured home.

(b) The principal dwelling was destroyed or partially destroyed.

(c) The parking of the manufactured home adjacent to the site-built or modular dwelling will not create unhealthy or unreasonable living conditions.

(d) The location of the accessory unit has been approved by the Administrator prior to being sited.

(B) Commercial and Industrial District: Units may be used to provide temporary quarters for on-site construction projects or emergency oriented operations.

(C) Temporary Use Permits: Permits may be issued for one year initially and may be renewed for successive one year periods so long as the hardship continues to exist. Once the hardship ceases to exist, the permit is automatically voided and the applicant shall remove the manufactured home from the property within 30 days from the date the hardship was terminated.

Section 13-17 Utility Substations, Transformer Stations, Telephone Exchanges, Pump and Lift Stations

- (A) Setbacks: All structures shall meet the setback requirements for the district where they are located.
- (B) Lighting: Lighting shall be located so as not to cast direct lighting on adjacent properties.
- (C) Dust: All non-paved storage areas shall be maintained in a manner to limit dust from leaving the storage area.
- (D) Fencing: Security fencing shall be provided around any outside storage area.

Section 13-18 Yard Sales

- (A) Secondary Use: This activity is secondary to the primary residential, institutional, commercial or manufacturing use of the property.
- (B) Temporary Activity Only: No permanent or continuous sale of goods shall be allowed. Any lot shall be classified as business use where goods or products are stored for long periods of time and periodic sale of these items occur.
- (C) Numbers and Duration: No more than two sales per year which do not last more than two consecutive days.

Article 14 Signs

Section 14-1 Intent

Signs are a necessary part of the environment. Some limitations are placed on their use (number, size, location).

Section 14-2 Permit Required

With the exception of those signs specifically authorized in Section 14-11, no sign shall be erected without a permit from the Administrator.

Section 14-3 Permit Application

Applications for permits shall be submitted on forms obtained at the office of the Administrator. Each application shall be accompanied by plans which shall:

- (A) Indicate the proposed site by identifying the property by ownership, location, and use.
- (B) Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and existing signs.
- (C) Show size, character, complete structural specifications, and methods of anchoring and support.

Section 14-4 Structural Requirements

Structural requirements for signs shall be those required in the North Carolina State Building Code.

Section 14-5 Sign Area Computation

Sign area shall be computed by the smallest square, triangle, rectangle, circle, or any combination thereof which will encompass the entire sign, including wall work, frame, or supports incidental to its decoration. In computing the area, only one side of the structure shall be considered.

Section 14-6 Maintenance

All signs, together with all supports and braces, shall be kept in good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Administrator, structurally unsafe and endangers the safety of the public or property.

The Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or occupant and shall occur within 10 days after written notification has been issued. If the order is not implemented within 30 days, the Administrator may remove the sign at the expense of the owner or occupant, if authorized by the Town Board. Any temporary sign shall be removed within 30 days from the date the purpose ceases to exist.

Section 14-7 Location

- (A) No sign shall be erected or constructed so as to interfere with visual clearance along any street or at any intersection of 2 or more streets or highways. No sign shall be located in a street right-of-way.
- (B) No sign attached to a building shall project beyond the street curb or hang lower than 8 feet from the sidewalk or ground level.

Section 14-8 Traffic Safety

- (A) No sign shall be allowed that would, by its location, color or nature, be confused with or obstruct the view of traffic signs or signals, or would be confused with a flashing light of an emergency vehicle.
- (B) No sign shall use admonitions such as "Stop", "Go", "Slow", or "Danger", which might be confused with traffic directional signals.

Section 14-9 Illumination

Except for time or temperature units, no flashing or intermittent illuminated sign shall be permitted. Illumination devices such as, but not limited to, flood spotlights shall be so placed and so shielded as to prevent the rays of illumination being cast upon neighboring buildings and/or vehicles approaching from either direction.

Section 14-10 Nonconforming Signs

Nonconforming signs shall be allowed to remain in good repair for an indefinite period. However, under the following conditions, nonconforming signs shall comply with the regulations of this ordinance.

- (A) Any nonconforming sign on a lot where the principal structure is vacant for a period of 180 days shall be altered to conform to the regulations of this section or removed.
- (B) Any alteration of a nonconforming sign shall make that sign conform to the regulations of this section.

- (C) Any nonconforming sign damaged over 60 percent by any means either shall be removed or repaired in a manner to conform to the regulations of this section.
- (D) Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may such signs be replaced with another nonconforming sign.

Section 14-11 Signs Permitted in All Districts without a Permit

The signs listed below shall be allowed in all zoning districts without a permit from the Administrator. However, all signs using electrical wiring and connections shall require an electrical permit.

- (A) Occupant and House Number: Signs not exceeding one square foot in area and bearing only property numbers, box numbers, names of occupants, or other identification not having commercial connotations. Such signs shall not be illuminated.
- (B) Public Directional and Information: Signs erected and maintained by public agencies which direct the public to specific sites or provide general information about a structure. Included in this category are historic markers, street and traffic control signs, and entrance and exit signs. Such signs shall not exceed 8 square feet, except entrance and exit signs shall not exceed 4 square feet in total area. They may be directly or indirectly illuminated.
- (C) Private Directional: Free-standing signs that direct people to businesses or institutional facilities such as churches may be allowed provided they do not exceed 4 square feet in area. Such signs shall not be illuminated.
- (D) Professional and Home Occupation: One professional or home occupation sign per dwelling not to exceed 2 square feet in area, which must be mounted flat against a wall or door or hung from a mailbox or lamp post. Such signs may be directly or indirectly illuminated except in a residential district.
- (E) Church or Nonprofit Organization Bulletin Board: These signs shall not exceed 18 square feet in area. Such signs may be directly or indirectly illuminated.
- (F) Temporary Lease, Rent, or Sale: One temporary real estate sign not exceeding 4 square feet in area may be placed on property that is for sale, lease, rent, or barter in a residential district and 16 square feet in a commercial, institutional or manufacturing district. When the property fronts on more than one street, one sign shall be allowed on each street frontage. Such signs shall not be illuminated.
- (G) Construction: During the construction, repair, or alteration of a structure, temporary signs which denote builder, or other participants in the project, or its occupant to be, may be placed within the required yard setbacks as ground, wall,

or roof signs. The total area of such signs shall not exceed 35 square feet. Such signs shall not be illuminated.

- (H) Political: For a period of 30 days prior to an election, campaign signs are permitted on any business, dwelling or industry, provided each sign does not exceed 4 square feet in area and not more than 3 signs per structure are placed.

Section 14-12 Signs Requiring a Zoning Permit

- (A) Residential Identification Signs (subdivision entrance signage)

- (1) Zoning Districts Where Permitted: All residential districts.
- (2) Number of Signs: One per entrance or two smaller matching pillars per entrance.
- (3) Location: Such signs shall not be located in a public right-of-way.
- (4) Maximum Size: Any one sign shall not exceed 18 square feet in area. If matching entrance pillars are constructed at the entrance of a subdivision, neighborhood, school, or similar use, the total sign area shall not exceed 18 square feet.
- (5) Lighting: Such signs may be directly or indirectly illuminated.
- (6) Height: Such signs shall not exceed 6 feet in height.

- (B) Business Signs: Wall (Attached)

- (1) Zoning Districts Where Permitted: DC, HC, RA
- (2) Number of Signs: None specified.
- (3) Location: Wall signs shall be located on the front of the building. However, they may be located on a side or rear of a building that is adjacent to an off-street parking area or a street right-of-way. Such signs shall be mounted parallel to the building and project no more than 18 inches from the building.
- (4) Sign Area: The total area of all attached signs shall not exceed 20 percent of the total wall area. However, the total sign area shall not exceed 100 square feet in DC and 150 square feet in the HC Districts.
- (5) Lighting: Such signs may be directly or indirectly illuminated.
- (6) Height: No sign shall extend beyond the roof line of the building to which it is attached.

(C) Business Signs: Freestanding

- (1) Zoning Districts Where Permitted: HC
- (2) Number of Signs: Any business may erect one freestanding sign for each 200 feet of frontage on a public street. If the lot fronts on more than one street, these standards shall apply to each street frontage.
- (3) Location: Any freestanding sign shall be set back at least 5 feet from the right of way line (if right-of-way is not known, measure from the edge of the paved surface of a roadway).
- (4) Area: Sign area shall be one square foot per linear foot of business frontage. However, the maximum size per sign shall not exceed 150 square feet in the HC District.
- (5) Lighting: Such signs may be directly or indirectly illuminated.
- (6) Height: Any sign shall not exceed 16 feet in height.

(D) Business Signs: Projecting

- (1) Zoning Districts Where Permitted: HC district
- (2) Number of Signs Permitted: One projecting sign per principal building.
- (3) Location: Such signs may project horizontally a maximum of 6 feet, but shall be set back at least 2 feet from the back face of the curb or outer edge of the pavement where there is no curb. Setback distances for projecting signs which front on state roads must be approved by the North Carolina Department of Transportation. They shall be erected at a height of not less than 9 feet above the sidewalk or other pedestrian passageway. Also a projecting sign shall not extend above the roof line of the building.
- (4) Area: Projecting signs shall not exceed 9 square feet in the DC District and 16 square feet in the HC District.

(E) Multi-Unit Signs (shopping centers, industrial, parks, etc.).

- (1) Zoning District Where Permitted: HC, RA
- (2) Number of Signs: One per each main street frontage.
- (3) Location: Such signs shall not be located in any road right-of-way.
- (4) Area: Each sign shall not exceed 100 square feet.
- (5) Lighting: Such signs may be directly or indirectly illuminated.

- (6) Height: Any sign shall not exceed 16 feet above the pavement or ground surface.
 - (7) Design Criteria: Each individual identification sign shall be designed to reflect a unified graphic appearance (e.g., color, script, type) and other design matters as determined by the Administrator. Individual commercial logos are permitted on multi-unit signs so long as they do not constitute more than 25 percent of the area of the applicable individual occupancy identification sign.
- (F) Billboards (Off-site Business Signs)
- (1) Zoning District Where Permitted: HC, RA
 - (2) Maximum Size of a Single Sign: 300 square feet
 - (3) Spacing between Signs: Each billboard shall be at least 1,000 feet radius from another one.
- (G) Portable Signs
- (1) Zoning District Where Permitted: HC, RA
 - (2) Setback from Curb: Any sign shall be setback at least 5 feet from the right of way line or front the edge of the pavement if right-of-way is unknown.
 - (3) Lighting: No blinking lights shall be permitted.
 - (4) Advertisement: Only advertisement for goods and services provided on the lot where the sign is located shall be permitted.

Article 15 Parking and Loading

Section 15-1 Parking

(A) Off-Street Parking Required

When a building is erected or a principal building is enlarged or increased in capacity by adding dwelling units, seats, or floor area, or before conversion from one type of use to another, permanent off-street parking space shall be on a graded open space. In the DC district new commercial uses may not be able to provide all the required off-street parking that is required. On a case by case basis, the Board of Adjustment may grant variances for fewer parking requirements, provided the property owner acts in good faith and attempts to create as many parking spaces as possible.

(B) Parking Design Criteria

- (1) Each parking space shall be not less than 8 1/2 by 18 feet, exclusive of adequate egress and ingress drives, landscaping, and maneuvering space.
- (2) Parking spaces shall be permanent and shall not be used for any other purposes.
- (3) The required parking space for any number of separate uses may be combined in one lot. The required space assigned to only one use may not be assigned to another use except that 1/2 of the parking space required for churches, theaters, or assembly halls where attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
- (4) If the off-street parking space required by this ordinance cannot reasonably be provided on the same lot where the principal use is located, such space may be provided on any land within 500 feet of the main entrance to such principal use provided the land is in the same ownership as the principal use. This land cannot be used for any other purposes as long as the on-site parking requirements are not met.
- (5) The following provisions must be met where parking lots for more than 5 automobiles are permitted in residential districts:
 - (a) The lot may be used only for parking in relation to the principal use of the lot and not for any type of loading, sales, repair work, dismantling, or servicing.
 - (b) All entrances, exits, barricades at sidewalks, and drainage works shall be approved by the Administrator prior to construction.

- (c) Only one entrance and one exit sign no larger than four square feet in area prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

(C) Enforcement

- (1) Each application for a zoning permit or certificate of occupancy shall include information regarding location and dimensions of off-street parking space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the administrator to determine whether or not the requirements of this ordinance are met.
- (2) The certificate of occupancy of the use of any structure or land where off-street parking space is required shall be withheld by the administrator until the provisions of this ordinance are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void.

(D) Schedule of Parking Spaces

The required number of off-street parking spaces for each land use is specified below:

LAND	REQUIRED PARKING SPACE
Auto service stations	2 spaces for each pump; plus, 3 spaces for each grease rack or similar facility
Barber/beauty shops	3 spaces/operator
Banks and other financial institutions	1 space/ 200 sq ft gross floor area (GFA); plus stacking for 4 vehicles at each drive thru window
Churches	1 space/4 seats in the principal sanctuary
Convenience stores with gas sales	1 space/200 sq ft GFA; 4 stacking spaces at pump island
Fire stations	1 space/employee on largest shift; plus adequate parking for emergency vehicles
Hotels/Motels	1 space/room; plus, 1 space/2 employees
Day care centers	1 space for each employee and 4 spaces for off-street drop off and pickup
Event Venues	1 space for each 3 seats or stools, plus 1 space/2 employees on the shift with the largest employment
Libraries	1 space/450 sq ft GFA; plus 1 space/2 employees on the largest shift
Medical office and clinics	4 spaces for each doctor practicing at the clinic, plus one space for each employee
Manufactured homes	1 space for each mobile home
Nursing, retirement Centers	1 space per 2 rooms, plus 1 space/employees on the shift with the largest number of employees
Offices, business professional or public	1 space for each 3 persons able to use such facility at its maximum capacity, plus 10 spaces for waiting plus 1 space for each 2 employees

Outdoor recreational areas	1 space for each 3 persons able to use such facility at its maximum capacity, plus 10 spaces for waiting plus 1 space for each 2 employees
Residential dwellings, single or duplexes	2 spaces/dwelling
Restaurants, drive thru	1 space/3 seats or stools; plus, 1 space/2 employees on the largest shift; plus, 5 stacking spaces at each ordering station
Restaurants, in-door	1 space for each 3 seats or stools, plus 1 space/2 employees on the shift with the largest employment
Retail business and consumer service outlets	1 space for each 200 square feet of GFA
Shopping Centers	1 space/200 sq ft GFA
Swimming pools, community or private	1 space/ 5 memberships
Wholesaling and industrial uses	1 space/2 employees at maximum employment on a single shift; plus 1 space/truck used in the business operation

Section 15-2 Handicap Parking

Specific requirements for handicap parking are addressed in volume 1C of the North Carolina Building Code.

Section 15-3 Loading and Unloading

(A) Area to Be Required

- (1) At the time of the erection or expansion of any main building or part which is used for commercial or industrial use, off-street loading and unloading space shall be required as specified in this section.
- (2) Off-street loading and unloading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the premises. These spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on the public right-of-way.

(B) Schedule of Loading Spaces

- (1) For purposes of this section, an off-street loading berth shall have minimum dimensions of 12 feet by 30 feet and 14 feet overhead clearance with adequate means of ingress and egress.

- (2) For any structure containing less than 20,000 square feet of gross floor area, no berths shall be required. Larger structures, however, shall provide berths as specified below:

Floor Area of Commercial or Industrial Uses	Required Berths
0-19,999	0
20,000-39,999	1
40,000-59,999	2
60,000-109,999	3
110,000-159,999	4
160,000	Add one berth for each additional 80,000 sq ft

(C) Enforcement

- (1) Each application for a zoning permit or certificate of occupancy shall include information as to the location and dimensions of off-street loading and unloading space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the administrator to determine whether or not the requirements of this ordinance are met.
- (2) The certificate of occupancy for the use of a structure of land where off-street loading and unloading space is required shall be withheld by the administrator until the provisions of this ordinance are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void and of no effect.

Section 15-4 Parking Lot Yard

The purpose of parking lot yards is to provide attractive views from roads and adjacent properties, provide shade to reduce the heat generated by impervious surfaces, reduce glare from parking lots, and to help filter exhaust from vehicles. Parking areas shall be broken up with landscaping and should be screened by hedges, trees, planted berms, shrubs, or walls. This section applies to parking lots with ten (10) or more parking spaces.

Parking lots shall provide a minimum 10% net area of landscaping on the interior or exterior of parking lots. All parking areas (not including parking decks) shall provide and maintain landscaped planting areas within the interior of or adjacent to the parking area or both.

- (A) Landscaped planting areas are to be located within or adjacent to the parking area as landscaped islands, at the end of parking bays, inside medians, or between rows of cars.
- (B) There shall be one shrub for every three hundred (300) square feet of total parking area. Shrubs shall be eighteen (18) inches tall at planting and reach a minimum height of thirty (30) inches in three years. No more than forty percent (40%) may be deciduous.
- (C) There shall be one large shade tree within 60' of every parking space.
- (D) All trees and shrubs are to be planted within a landscaped planting area not less than 200 square feet in area.
- (E) Parking bays shall be broken up with landscaped islands or medians to avoid long monotonous rows of parking; no more than ten (10) spaces shall be located in one continuous row.
- (F) Trees and shrubs shall be planted within 20 feet of the parking lot area to count as parking lot landscaping.

Article 16 Buffers and Screens

Section 16-1 Purpose and Intent

In order to lessen the impact of incompatible land use, a visual buffer of six feet or more in height shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential or other areas. When new business or industrial construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the business or industrial use. In addition, when a new residential construction will abut an existing business or industrial use, the buffer strip and visual buffer shall be provided by the residential developer. This buffer strip shall be part of the lot and shall be maintained by the lot owner or the homeowners association, in the case of commonly-owned land.

Buffers are considered to be solid, decorative, visual obstructions used to shield objectionable uses or use accessories from public view and may consist of:

- A. Brick Walls
- B. Wood fences
- C. Berms (earthen barriers)
- D. Light evergreen hedges
- E. Any combination of the above

Section 16-2 Application of Regulations

Existing development shall not be required to comply with buffer and screening regulations. However, all new development as well as expansion of existing uses shall be subject to the provisions of this Article.

Section 16-3 Uses to be Buffered

- (A) All dumpsters added after the effective date of this ordinance shall be buffered.
- (B) Veterinary hospitals, clinics, boarding facilities or kennels where allowed;
- (C) Junkyards/salvage yards;
- (D) New developments; and
- (E) Other special uses, as the Board of Adjustment deems appropriate.

Section 16-4 Minimum Height Requirements

- (A) Minimum height requirements for buffers shall be six feet, except that on corner lots or near rights-of-way, nothing shall be placed, planted, or erected to exceed

a height of 2 ½ feet nor protrude lower than ten feet, nor otherwise inhibit motor vehicle visibility in streets or at railroad crossings.

- (B) Evergreen hedges should be a type which reaches the minimum height within two years.
- (C) Wooden fences must create a solid visual barrier.

ARTICLES 17 through 19: Reserved

ARTICLE 20 Subdivision Regulations: General

Section 20-1 Conformance Prerequisite to Extension of Public Services, Etc.

No building permits shall be issued nor shall water, sewer or other public facilities or services be extended to or connected with any subdivision for which a plat is required to be approved unless and until the requirements set forth in this ordinance have been met.

Section 20-2 Conformance with Official Plans

All subdivisions shall comply with the principles, goals and objectives of the Pink Hill Land Use Plan, as amended from time to time and all other officially adopted plans and policies of the Town of Pink Hill. In addition, proposed subdivisions must comply with the requirements of the zoning regulations of the Town.

Section 20-3 Amendment

These regulations may be amended or revised from time to time by the Town of Pink Hill. A notice shall be published once a week for two consecutive calendar weeks with the first notice not less than 10-days nor more than 25-days before the date fixed for the hearing.

Section 20-4 State Platting and Disclosure Statement Requirement

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975 are advised to consult NC General Statute 136-102.6, "Compliance of Subdivision Roads with Minimum Standards of the Board of Transportation," which requires that all new roads (streets), whether public or private, and all changes in roads (streets) be platted. NC General Statutes 136-102.6 also requires the subdivider to furnish to each lot purchaser a Subdivision Roads Disclosure Statement revealing the status of new roads, whether or not they are constructed to NC Department of Transportation standards, and who will bear maintenance responsibility for the roads. No provision of the Town of Pink Hill Subdivision Regulations or of any other local ordinance shall exempt a division of land from the provisions of NC General Statutes 136-102.6.

Article 21 Subdivision Application Procedure and Enforcement

Section 21-1 Application of Subdivision Regulations

For the purposes of these regulations, "subdivision" means all division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale and/or conveyance, or building development (whether immediate or future) and includes all division of land involving the dedication of a new road or a change in existing roads;

Section 21-2 Exceptions

The following shall not be subject to these regulations:

- (A) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as described herein;
- (B) The division of land into parcels greater than 10 acres where no road right-of-way dedication is involved;
- (C) The public acquisition by purchase of strips of land for the widening or opening of roads;
- (D) The division of a tract in single ownership into not more than three lots, where the entire area is no greater than 2 acres; no road right-of-way dedication is involved; and where the resultant lots are equal to or exceed the standards of these subdivision regulations;

Section 21-3 Procedures for Handling Exemptions

- (A) Plats not subject to the provisions of these regulations may be recorded provided the owner obtains a Certificate of Exemption from the Administrator and presents such certificate to the Register of Deeds as proof that one of the conditions or exceptions noted above is present. The property owner shall submit maps, deeds, or other materials in sufficient detail to permit a conclusive determination by the Town Board.
- (B) Plats not involving a subdivision shall contain a legend on the face of the plat to the effect that the plat is not subject to the provisions of the Subdivision Regulations.

Section 21-4 Approval Prerequisite to Plat Recordation

No new lot resulting from a subdivision of land (except as provided by Section 21-2) within the Town of Pink Hill's subdivision jurisdiction shall be transferred, nor shall a plat

be recorded by the Lenoir County Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Town Board. Such approval shall be indicated on the face of the plat and signed by an authorized representative of the Town of Pink Hill.

Section 21-5 Plat Approval Not to Constitute Acceptance of Road (Street) or Public Utility

The approval of a plat pursuant to these regulations shall not constitute or affect the acceptance by the Town of Pink Hill or the public of the dedication of any road (street) or other ground, public utility line or other public facility shown on the plat.

Section 21-6 Approval Required for Building Permit

No building permit shall be issued on any lot within a subdivision unless a final plat of the subdivision has been approved as required by these regulations or a certificate of exemption obtained; provided, however, that this shall not apply to any subdivision recorded by the Office of the Register of Deeds before the effective date of these regulations.

Section 21-7 Variance to Standards

The Pink Hill Board of Adjustment may approve variances to these subdivision regulations so that the public interest is secured, provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Town Board shall not approve variances unless it shall make findings based on the following:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (2) The conditions upon which the request is based are unique to the parcel and are not generally characteristic of other parcels in the jurisdictions of this ordinance;
- (3) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land;
- (4) That the granting of the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
- (5) The relief sought will not in any manner vary the provisions of the Development Ordinance, or Official Zoning Map, except that those documents may be amended in the manner prescribed by law.

Section 21-8 Enforcement of Ordinance

This ordinance may be enforced by any one or more of the remedies authorized by G.S. 160A-375, including but not limited to the following:

- (A) Criminal prosecution: Violations of the provisions of this ordinance or failure to comply with any of these requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a fine of up to \$50, or a maximum 30 days imprisonment, or both. Each day that a violation continues to exist shall be considered a separate offense, provided the violation was not corrected within 30 days after the notice of the violation has been given.
- (B) Civil Penalties: Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay within 10 days after being cited for a violation, this penalty may be recovered by the jurisdiction in a civil action in the nature of debt. Each day that a violation continues to exist after being cited shall constitute a separate and distinct offense without multiple citations being issued. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 6-4 and did not take an appeal to the Board of Adjustment within the prescribed time.
- (C) This ordinance may also be enforced by any appropriate equitable action.
- (D) Each day that any violation continues after notification by the Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.
- (F) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:
 - (1) Incorporate as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
 - (2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the

approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

- (3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
 - (4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.
- (G) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds.

ARTICLE 22 Review Procedure

Section 22-1 Types of Subdivisions

All subdivisions within Pink Hill's planning jurisdiction shall be approved before plats are recorded and lots made available to sale.

- (A) **Major subdivisions** require a two phase process. First, a proposal is reviewed and approved (preliminary plat). Second, after improvements have been installed or guaranteed a final plat shall be approved and recorded in the Register of Deeds office.
- (B) **Minor subdivisions** can be reviewed and approved in a single approval process. This abbreviated process shall be permitted to simplify and speed up the review procedure for handling minor subdivision plats without undermining the objectives of the subdivision regulations.
- (C) **Expedited subdivisions** are subject to an expedited review process that only require approval by the Administrator if all of the following criteria, also specified in NCGS 160D-802(c), are met:
 - (1) It is not a division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
 - (2) No portion has been divided under Part C of this section in the past 10 years.
 - (3) The entire area of the tract or parcel to be divided is greater than 5 acres.
 - (4) No more than three lots result from the division.
 - (5) All resultant lots comply with all of the following:
 - (a) All lot dimension size requirements of the Town subdivision and zoning regulations.
 - (b) The use of the lots is in conformity with the Town zoning regulations.
 - (c) A permanent means of ingress and egress is recorded for each lot.
 - (6) The property is under single ownership.

Minor Subdivision Plats

Section 22-2 Final Plat Preparation- Minor Subdivision

A final plat shall be prepared as specified in Appendix A. Since the minor subdivision process does not require a sketch plan (voluntary step), preliminary plat, or construction review, the Administrator shall only review the final plat to determine whether or not it meets the specifications listed in Appendix A for final plats.

Section 22-3 Final Plat Submittal- Minor Subdivision.

The subdivider shall prepare a final plat and submit it to the Town Clerk who will submit it to the Administrator for review.

Section 22-4 Approval by Administrator- Minor Subdivision

The Administrator shall approve or disapprove the final plat within 21 days after first consideration.

Section 22-5 Recording Final Plat- Minor Subdivision

The subdivider shall record the final plat in the Lenoir County Register of Deeds office.

Phase 1 - Sketch Plan- Major Subdivision

Section 22-6 Sketch Design Plan

- (A) A sketch plan should be the initial step in any subdivision approval process. The sketch plan review allows an informal exchange of information between the developer and the Planning Board. It is a voluntary process for any subdivision with 3 lots or less, but mandatory for subdivisions with more than 3 lots. No formal application or fee is required. It is suggested, however, that plans should be on the same size paper and scale as required for preliminary and final plat. Once the review process has been completed, one copy should be kept on file in the office of the Town Clerk.
- (B) It is important to remember that this review shall not in any way be construed as constituting an official action of approval for recording of the subdivision plat.

Phase 2 - Preliminary Plat - Major Subdivision

Section 22-7 Preparation of Preliminary Plat

After the subdivider or his agent has discussed the proposal with the Planning Board, a preliminary plat shall be prepared in accordance with the specifications in Appendix A.

Section 22-8 Submittal of Preliminary Plat and Initial Review

(A) Submittal of Copies

The subdivider or his authorized agent shall submit copies of the preliminary plat of the total project, even if the project is planned in phases, to the Town Clerk at least 21 days prior to a regular meeting of the Planning Board. The preliminary plat shall comply with the requirements specified in Appendix A. If the preliminary plat is not submitted to the Town Clerk before this deadline, the plat may not be reviewed by the Planning Board until the next regular meeting of the Board to provide adequate time for review and comments from other organizations. During this period, the Town Clerk shall evaluate the plat to determine whether or not it meets the requirements of this Ordinance. If any information is missing, the applicant shall make appropriate corrections or changes before submittal to the Planning Board. Also, the Town Clerk may submit copies of the proposal to the following agencies or organizations for their comments:

- (1) County Health Department, Environmental Health Section for review and comment (only the Environmental Health Specialist with the Lenoir County Health Department or a qualified soil scientist shall submit an approval certificate for individual lots for septic tanks at the preliminary plat phase).
- (2) NC Department of Transportation (NCDOT) District Engineer;
- (3) NC Department of Environment and Natural Resources, Land Quality Section, Washington or Raleigh Regional Office, when the development involves one acre or more of land disturbing activities;
- (4) Applicable utilities company (if lines are to be extended to the proposed subdivision).
- (5) Lenoir County Board of Education;
- (6) Lenoir Soil and Water Conservation District;
- (7) Lenoir Economic Development Commission;
- (8) Sheriff Department; and
- (9) Other agencies that the Town Clerk believes appropriate.

(B) Comments from Reviewing Agencies.

If these organizations provide relevant information before the public hearing, the Town Clerk shall submit it with the preliminary plat in order that it will be part of the deliberation. However, if comments are not available at the Board meeting they may be submitted later. The Board has the option to act on the plat with the

condition that the subdivider complies with any conditions specified by a reviewing agency. For example, a plat may be approved by the Planning Board with the condition that the subdivider gets approval of all roads under NC DOT jurisdiction before the submittal of final plat.

Section 22-9 Review and Action by Planning Board

- (A) The Planning Board shall review the plat along with comments from the Town Clerk as well as materials submitted by any reviewing agency. The Planning Board shall approve, approve conditionally, or disapprove the plat within 45 days after first consideration; otherwise, the plat shall be automatically approved.
- (B) If the preliminary plat is approved without any additional conditions, the subdivider shall submit construction plans prepared by a licensed engineer to the Town Clerk. If approved conditionally, a revised plat showing the required changes shall be submitted to the Town Clerk for verification prior to submitting any construction plans. If the preliminary plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One copy of such reasons shall be returned to the subdivider and one copy retained by the Town Clerk. When a preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat to the Town Clerk within 60 days after the Planning Board action.

Phase 3 - Construction - Major Subdivision

Section 22-10 Construction

- (A) Installation of Improvements

Once the preliminary plat and construction plans have been reviewed and approved by the Planning Board, the subdivider can begin development activities on the site. All construction plans shall be sealed by a licensed engineer in the State of North Carolina. All water and sewer lines, roads, and drainage plans shall be approved by the Town of Pink Hill to insure compliance with their development standards. Unless local road standards are adopted, the standards of the NC Department of Transportation, Secondary Road Standards shall apply within the Pink Hill Planning Area.

- (B) Improvements Installed Prior to Submittal of Final Plat

Before a final plat is eligible for review by the Town Clerk and approval by the Planning Board, all site improvements shall be installed or guarantees approved as specified below in Subsection 22-10 (D).

- (C) Performance Guarantees

If a subdivider wants to record a final plat without installing all the required site improvements, the Town of Pink Hill may accept a guarantee for those improvements.

(D) Defects Guarantees

Performance guarantees shall not be required for repairs or maintenance after project completion per NCGS 160D-804.1(4).

(E) Types of Guarantees

- (1) A surety bond by a surety company licensed to do business in North Carolina;
- (2) Letter of Credit from a bank licensed in North Carolina.
- (3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

(F) Such guarantees shall be in an amount of 125 percent of the estimated cost of the required improvements. All estimates shall be prepared by an engineer licensed in the State of North Carolina and submitted to the Planning Board. Performance guarantees shall be approved by the Planning Board. The guarantees shall run for one year, unless the developer determines a longer duration is necessary, and shall be renewed if the developer demonstrates reasonable, good-faith progress toward completion of the required improvements. As work progresses, a percentage equal to the completed phase's cost can be released. To avoid unnecessary administrative cost, the Town may release guarantees only when the project is 25%, 50%, 75% or 100% completed.

Section 22-11 Homeowner's Association

(A) Creation

A homeowner's association shall be formed when necessary to fulfill the requirements of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

(B) Conveyance

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

(C) Subdivision of Conveyance of Common Area

Common areas shall not be subsequently subdivided or conveyed by the homeowner's association, unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

(D) Homeowner's Association Not Required in Special Situations

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

Phase 4 - Final Plat - Major Subdivision

Section 22-12 Final Plat Submittal Time Limit

At least the first phase of the final plat shall be submitted not more than 12 months after the date on which the preliminary plat was approved; otherwise, the approval of the preliminary plat shall be null and void. However, the Planning Board may grant an extension on a case-by-case basis. If an extension is not granted, the preliminary plat shall be resubmitted as if it were a new subdivision. The final plat shall represent only that portion of the preliminary plat that the subdivider plans to record.

Section 22-13 Preparation of Final Plat

A final plat shall be prepared in accordance with specifications of Appendix A. The final plat shall substantially conform to the preliminary plat as it was approved. It shall also conform to the provisions of plats, subdivisions, and mapping requirements as set forth in General Statutes of North Carolina 47-30, as amended, and the "Standards of Practice of Land Surveying in North Carolina". It shall depict or contain the information specified in Appendix A. (Plats not illustrating or containing the information required shall be returned to the subdivider or his authorized agent for completion and resubmission.)

Section 22-14 Submittal of Final Plat

(A) The subdivider shall submit copies of the final plat to the Town Clerk at least 14 days prior to the regular meeting of the Planning Board. During this 14 day period, the Town Clerk shall review the document and determine whether or not the final plat substantially agrees with the approved preliminary plat and construction plans. If substantial differences exist, the plat shall be submitted to the Planning Board as a new preliminary plat. Substantial changes shall include,

but not limited to, the following: (1) changing the number of lots or (2) creating a new street.

- (B) After the Planning Board receives a properly prepared final plat, it shall approve or disapprove that plat within 45 days after first consideration; otherwise, the plat shall automatically be approved.

Section 22-15 Disposition of Final Plat

One reproducible copy shall be signed and executed as required for recording by the Lenoir County Register of Deeds within 30 days after approval by the Planning Board. One copy shall be on file at the Register of Deeds Office. The subdivider shall submit a paper copy of the recorded plat to the Town Clerk.

Section 22-16 Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as required for the original subdivision.

Section 22-17 Recording Final Plat

The subdivider shall be responsible for recording the final plat in the Lenoir County Register of Deeds Office within 30 days after final approval. A paper copy of the recorded plat shall be given to the Town Clerk by the subdivider within 5 working days after recordation.

Article 23 General Requirements and Minimum Standards of Design

Section 23-1 Land Suitability

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed. No land that has been used for the disposal of solid waste shall be subdivided unless tests by the Lenoir County Health Department, a structural engineer, and/or a soil expert determine that the land is suitable for the proposed purpose.

Section 23-2 Compliance with Official Plan and Ordinances

Land shall be subdivided in compliance with the Pink Hill Development Ordinance and other pertinent official development plans and ordinances.

Section 23-3 Subdivision Names and Entrance Signs

- (A) Names: In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in Lenoir County, unless the proposed development lies in the proximity to the existing development. Subdivision names shall be subject to the approval of the Town of Pink Hill's Planning Board.
- (B) Entrance Signs: A permit must be obtained from the Administrator of the Zoning Ordinance. In addition, these signs shall comply with the sign regulations in the Town of Pink Hill Zoning Ordinance and the NC Department of Transportation setback and location guidelines. (Subdivision signs are not mandatory).

Section 23-4 Addressing

All house numbers shall be posted and visible in accordance with the Lenoir County Addressing Ordinance, if applicable.

Section 23-5 Roads and Streets

(A) Roads (streets) Accessible to All Lots

All lots in a subdivision shall front on a public or private road. However, three (3) lots or less may access a public road by means of a private easement at least 30 feet wide. The easement shall be described by a metes and bounds description.

(B) **Road (street) Signs**

All roads within a subdivision shall have a sign clearly identifying each road. The street signs shall comply with Pink Hill's street sign standards. Road signs shall be posted at intersections showing the name of every road. New roads which obviously are in alignment with existing roads shall bear the names of the existing roads. In no case shall the names of new roads phonetically resemble or duplicate existing road names. Subdividers shall be responsible for the cost of the signs and installation. All road (street) signs shall be approved by the Town Board of Pink Hill prior to their installation within a subdivision.

(C) **Coordination and Continuation of Roads**

The proposed road layout within a subdivision shall be coordinated with the existing road system of the surrounding area.

(D) **Reserve Strips**

There shall be no reserve strips controlling access to roads except where cause can be shown that such control would best serve the purpose of these regulations.

(E) **Cul-de-sacs**

Cul-de-sacs or other dead end roads shall be designed to be permanently closed with sufficient rights-of-way for vehicular turnarounds. Circular rights-of-way at the closed end shall have a minimum radius of 50 feet and the surfacing shall have a minimum radius of 40 feet. Cul-de-sacs shall be no less than 200 feet or more than 1,000 feet in length. However, the reviewing body may modify these requirements based on existing topography, size and number of parcels, and the projected traffic count.

(F) **Intersections**

Roads shall be laid out so as to intersect as nearly as possible at right angles, and no road shall intersect any other road at an angle less than 60 degrees. Where a road intersects a highway, the design standards of the NC DOT, Division of Highways shall be followed. Offset intersections are to be avoided unless exception is granted by the Pink Hill Planning Board. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey centerlines. Intersections with major or minor thoroughfares shall be at least 1,000 feet apart measured from centerline to centerline.

(G) **Grades at Intersections**

The grade on stop roads approaching an intersection shall not be less than ½% or exceed 5% for a distance of not less than 100 feet from the centerline of the intersection, unless approved by the regional DOT engineer.

(H) **Sight Distance Easements**

Triangular sight distance easements shall be shown in dashed lines at all road intersections and so noted on the subdivision plat. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. The location and extend of sight distance easements will be determined by NC DOT.

(I) **Temporary Turnarounds**

Roads stubbed to adjoining property or phase development lines may be required to have temporary turnarounds at the end of the road which will provide sufficient space to permit emergency vehicles and other large trucks to turn around. ("T" type turnarounds shall comply with NC DOT standards.)

(J) **Curb and Gutter**

Curb and gutter shall not be required on roads in any new subdivision.

(K) **Roads and Streets Construction Standards**

All roads in a subdivision shall be identified as either public or private. All roads declared public with the intent to dedicate to the NC DOT for future maintenance shall conform to the minimum standards set forth in the most recent edition of "Minimum Construction Standards for Subdivision Road" as published by the NC Department of Transportation, Division of Highways. Private roads, which will be maintained by the property owners, shall also comply with the NCDOT Secondary Road Standards.

(L) **Disclosure and DOT Approval**

Disclosure and approval by the NC DOT, Division of Highways shall comply with G.S. 136-102.6. Where private roads are provided, a Certificate of Disclosure shall be included on the final plat.

(M) **Criteria for Approval of Private Roads (Streets)**

Private roads (streets) may be allowed in the following situations:

- (1) Roads are in unified development projects such as apartment complexes, attached housing, PUDs, and commercial or industrial parks;
- (2) Roads that serve residential subdivisions that comply with the construction standards specified in Subsection 23-5(K) above;
- (3) Roads which are unpaved but are maintained by the NC Department of Transportation, Division of Highways;

(N) **Private Roads (streets) Maintenance Responsibility**

The developer shall sign a certificate attesting to the fact that an instrument shall be recorded with the final plat which guarantees:

- (1) A homeowners association has been formed that requires mandatory membership of all property owners, or a maintenance agreement involving all the lots served by the private road has been implemented;
- (2) A right of access by all lots served by the private road; and
- (3) A full disclosure of the status of the road and specific maintenance responsibilities (as required by G.S. 136-102.6) and that these listed items shall run with the land.

Section 23-6 Blocks

(A) **Design Consideration**

Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use.

(B) **Lengths**

Blocks shall be not less than 400 feet nor more than 1,600 feet in length, except as considered necessary to secure efficient use of land or desired features of road pattern by the Town Board.

(C) **Widths**

Blocks shall be wide enough to allow two tiers of lots of minimum depth.

Section 23-7 Lots

(A) **General Design Criteria**

Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and ordinances.

(B) **Marginal Land**

Land subject to flooding or land which may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, may be used in determining the minimum lot area or maximum lot depth. However, development shall be discouraged in these areas.

(C) **Double and Reverse Frontage**

- (1) Double frontage lots (lots fronting on two roads) shall be avoided where possible.
- (2) Reverse frontage lots (where the front of the structure is facing away from the street access) shall also be avoided where possible except where the dwelling is facing a stream, lake or river.

(D) **Side Lot Lines**

Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines.

(E) **Lot Sizes**

Lot sizes shall be determined by Article 12. Where private sewage systems are used, the Lenoir County Environmental Health Specialist may require a larger lot. Where conflicts exist among standards, the most restrictive shall govern.

(F) **Flag Lots**

Flag lots are discouraged, but may be considered on a project-by-project basis when no acceptable alternative is available.

(G) **Lot Access**

Lots shall have driveway access from one public or private road. On corner lots, driveway access may be allowed from both roads adjacent to the lot. Through driveways shall not be permitted.

Section 23-8 Utilities

(A) **Water and Sewer**

Water mains and sanitary sewers may be installed by the subdivider. If such installation is made, the subdivider shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina Department of Environment and Natural Resources and the Lenoir County Health Department; and with all regulations and construction specifications of the Town of Pink Hill to whose utility system such water mains and/or sanitary sewers may eventually be connected.

(B) **Electrical Utilities and Communication Lines**

Electrical utilities and communication lines shall be installed with arrangements made by the subdivider with the utility company or cooperative authorized to serve the area of the subdivision. Installation shall be in keeping with the latest accepted design standards and procedures along lot lines.

(C) **Power Lines Exemption**

The developer shall not be required to bury power lines that meet all of the following criteria:

- (1) The power lines existed above ground at the time of preliminary plat approval, and
- (2) The power lines are located outside the boundaries of the parcel of land that contains the subdivision.

(D) **Utilities Encroachment**

Utilities which encroach upon the state highway system shall require an encroachment contract, if necessary, executed by the person or firm responsible for maintenance.

Section 23-9 Building Lines

All structures shall comply with the building setback lines specified in Article 12.

Section 23-10 Easements

To provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas or water mains, or other utilities, easements, not less than 20 feet wide (10 feet on either side) along all rear lot lines, and 10 feet wide (5 feet on either side) of all side lot lines, or across lots where necessary shall be provided. In all cases a 10 foot wide utility easement along the front property line shall be provided.

Section 23-11 Recreation Areas and Sites for Public Facilities

Where a school site is shown on a publicly approved plan, such site shall either be dedicated for the public purposes at the option of the property owner or reserved for acquisition by the appropriate public body for a period not exceeding 18 months from the date of approval of the preliminary subdivision plat.

Section 23-12 Water Courses

If there is any water course or dry branch of any type running through or within 150 feet of the property proposed for the subdivision, the prospective subdivider shall furnish reasonable evidence to the Town Board of Commissioners that residential lots within the subdivision will not be flooded. Data sources shall include, but not limited to, FEMA (Federal Emergency Management Agency), US Department of Agriculture Soil

Conservation Service, engineering studies or historical data. Any water bodies shall be maintained through a homeowner's association.

Section 23-13 Buffer Strips - Streams

(A) Stream Buffer

A subdivision including within its boundaries a perennial stream shall provide for a 30 foot buffer of vegetation on both sides of the stream to retard rapid water runoff and soil erosion. (Perennial streams are identified as the solid blue lines on United States Geological Survey Maps 1:24,000 {7.5 minute scale}.)

(B) Uses in Buffer

Streets, roadways, railroads, and driveways are permitted in the stream buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but shall be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible.

(C) Buffer Measured

The 30 foot buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

Section 23-14 Plats and Subdivision Mapping Requirements

All subdivision plats shall comply with G.S. 47-30, as amended, and the map requirements of the Lenoir County Register of Deeds Office.

Section 23-15 Stormwater Management

- (A) The subdivider shall mulch, seed, sod, or otherwise protect all grading, excavations, open cuts, side slopes and other land surface disturbances. These activities shall be maintained throughout the entire construction cycle.
- (B) No surface water shall be channeled into a sanitary sewer.
- (C) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (D) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage. The ten-year storm 24-hour data should be used as a minimum basis for storm drainage design. The property owner shall be responsible for maintenance of the drainage easement.

- (E) It is the subdivider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act. The Town will advise the developer to contact the NC Department of Environment and Natural Resources, Land Quality Section, which provides technical assistance and enforcement of the Sedimentation and Pollution Control Act. The subdivider shall provide a written statement that a sedimentation plan, if required, has been submitted and approved to the Town Board.

- (F) Any drainage easement installed as part of the stormwater management program shall be maintained by the property owner.

Appendix A

	Specifications	Preliminary	Final
1	Number of copies submitted for review by subdivider	12	6
2	Scale of Drawings: 1" = 100 feet	X	X
3	Map shall not be larger than 24" x 36" (map may be drawn on more than one sheet with appropriate match lines)	X	
4	Plats to be recorded shall be 18" x 24" sheets with 1 and ½ border on left side and ½" borders on all other sides		X
5	Plats shall be recorded in the Office of the Register of Deeds shall be drawn on drafting film matte both sides with a thickness of 0.003 to 0.004 mil (or shall be original ink on Mylar or reproduced drawing transparent and archival)		X
6	Plat shall be prepared by a surveyor or engineer licensed to practice in North Carolina	X	X
7	Filing Fee paid by subdivider to Town of Pink Hill (see separate rate schedule)	X	X
8	Title Block		
	A. Name of subdivision.	X	X
	B. Owner's name and address	X	X
	C. Developer's name and address	X	X
	D. Location (township, county, and state)	X	X
	E. Date map prepared or revised	X	X
9	Original signature and seal of registered land surveyor		X
10	Vicinity Map showing location of site relative to surrounding area	X	X
11	North arrow and orientation (North area shall not be oriented towards the bottom of map)	X	X
12	Plat book or deed book reference		X
13	Corporate limits, county lines, and other jurisdiction lines, if any on the tract (approximate location)	X	X
14	Zoning districts within the property and adjoining properties	X	
	Man-made Features		
15	Name and location of any property or building on the National Register of Historic Places or locally designated historic district, if known	X	X
16	Name of adjoining property owners (or subdivision or development of record with plat and deed book references)		X
17	Property boundaries with bearings and distances		X
18	Existing property lines or tract to be subdivided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines	X	X
19	Railroad lines, including rights – of – way, if recorded	X	X

20	Electric utility (high voltage) transmission lines including rights – of – way	X	X
21	All rubbish burial sites, if known	X	X
	Natural Features		
22	Water courses, ponds, lakes or streams	X	X
23	Areas to be dedicated or reserved for the public	X	X
24	Areas designated as common area or open space under control of an Owner's Association	X	X
25	Location of flood hazard areas from FEMA maps. Based flood elevation data for subdivisions which contain at least 5 lots or at least 50 acres, whichever is less, if applicable (indicate map and panel number)	X	X
26	Existing and proposed topography of tract and 100' beyond property showing existing contours per map and all other at 20' intervals from sea level	X	
27	Proposed lot lines and dimensions	X	
28	Actual lot lines and dimensions	X	X
29	Lots numbered consecutively	X	X
30	Square footage of all proposed lots and /or acreage for all lots over one acre in size		
31	Site Data:		
	A. Total acreage	X	X
	B. Acreage in parks and recreational uses and other	X	X
	C. Nonresidential uses	X	X
	D. Total number of parcels produced	X	X
	E. Acreage in smallest lot subdivision	X	X
32	Roads		
	A. Roads identified on plat: public or private	X	X
	B. Existing and proposed rights of way lines within and adjacent to property with dimensions	X	X
	C. Pavement width	X	X
	D. Approximate grade	X	
	E. Cul de sac pavement radius	X	
	F. Existing and proposed road names	X	X
	G. If private road, copy of road maintenance agreement		X
33	Utilities		
	A. location and dimensions of easements	X	X
	B. sanitary sewer layout	X	X
	C. storm water layout	X	X
34	Accurate location and description of all monuments, markers and control corners		X
35	Certifications		
	A. Certificate of Exemption		
	B. Certificate of Ownership and Dedication		X

	C. Certificate of Survey Accuracy (signed by surveyor and attested by notary public)		X
	D. Certificate of Approval by NC Division of Highways		X
	E. Certificate of Approval for Recording		X

Appendix B

Certifications

A. Certificate of Exemption (subdivision not subject to regulations of this ordinance)

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____, and that the subdivision of the property shown on the plat is an exception to the Subdivision Regulations of Pink Hill, North Carolina.

Owner(s) Date

Chairman, Board of Commissioners Date

B. Certificate of Ownership and Dedication

I (we) hereby certify that I (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted.

Owner Date

C. Certificate of Survey and Accuracy

I, _____ certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded In Book ____ Page ____, etc. (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____ Page ____ etc.) (other); that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____ A.D., 20____.