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**AN ORDINANCE PROVIDING FOR THE ZONING OF
THE TOWN OF BISCOE, NORTH CAROLINA**

WHEREAS, IN ORDER TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE TOWN OF BISCOE, NORTH CAROLINA, TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, SEWERAGE, SCHOOLS, PARKS, AND OTHER PUBLIC IMPROVEMENTS, AND TO REGULATE THE LOCATION AND USES OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, REIDENCE, OR OTHER PURPOSES, TO REGULATE THE ERECTION, RECONSTRUCTION, OR ALTERATION OF BUILDINGS, AND TO REGULATE THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND STRUCTURES, AND THE SIZE OF BUILDINGS AND STRUCTURES, AND THE SIZE OF YARDS AND OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE THE DENSITY OF POPULATION, AND TO DIVIDE THE TOWN INTO ZONES OF SUCH NUMBER, SHAPE, AND AREA AS MAY BE BEST SUITED TO CARRY OUT SAID PURPOSES, IT IS DESIRABLE AND NECESSARY TO ADOPT THE ZONING ORDINANCE AND MAP FOR SAID TOWN AS HEREINAFTER SET FORTH.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BISCOE, NORTH CAROLINA:

SECTION 1

LEGAL PROVISIONS

1.1 Purpose

In order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the corporate area, there is hereby adopted and established an official zoning plan of the Town of Biscoe.

1.2 Authority

This zoning ordinance is adopted pursuant to the authority vested in the Town of Biscoe by its charter and the General Statutes of North Carolina, particularly Chapter 160A, Article 19.

The statutory provision that requires the Town of Biscoe to adopt and administer the water supply watershed protection management requirements, procedures, and density and built-upon area standards contained in this ordinance is North Carolina General Statute 143-214.5 (Chapter 143, Article 21).

1.3 Jurisdiction

The provisions of this ordinance shall apply within the corporate limits of the Town of Biscoe, North Carolina and within its extraterritorial jurisdiction as now or hereafter fixed, as shown on the zoning map on file in the Town Hall.

1.4 Interpretation and Conflict

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the

height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

1.5 Validity

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by the

courts, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it has passed this ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

1.6 Effective Date

This ordinance and its provisions governing the use of land and buildings, the height of buildings, and other matters as hereinafter set forth are hereby established and declared to be in full force and effect from and after its passage and any Zoning Ordinance previously adopted is hereby repealed.

Approved and adopted by the Board of Commissioners the 29th day of September, 1993.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

SECTION 2

DEFINITIONS

In the construction of this ordinance the word interpretations and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural number shall include the singular.
- C. The word “shall” is mandatory and not discretionary.
- D. The word “may” is permissive.
- E. The word “lot” shall include the words “parcel,” “plot,” and “tract.”
- F. The word “building” shall include all structures regardless of similarity to buildings.
- G. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” and “occupied for.”
- H. The word “person” shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

2.1 Abutting. Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

2.2 Access. A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

2.3 Accessory Buildings or Use. A building or use not including signs, which is:

- A. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.
- B. Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and

- C. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

2.4 Advertising Device or Sign. Any advertising sign, billboard, statuary or poster which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

2.5 Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

2.6 Apartment (Dwelling Unit). A room or suite or rooms intended for use as a residence by a single household or family (i.e. dwelling unit). Such dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

2.7 Apartment House. See Dwelling, Multi-Family.

2.8 Automobile Service Station (Gas Station). Any building or land used for the dispensing, sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors and has no fuel pumps within fifteen (15) feet of any property line or street right-of-way. Incidental activities shall not include tire re-treading, major body work, major mechanical work, or upholstery work.

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

2.10 Block. A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water course, lakes, unsubdivided land, or a boundary line or lines of the county or its towns or any combination of the above.

2.11 Block Frontage. That portion of a block which abuts a single street.

2.12 Board of Adjustment. A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances from the terms of the Zoning Ordinance.

2.13 Board of Commissioners. The governing body of the Town of Biscoe.

2.14 Boarding House. A building other than a hotel or motel where, for compensation, meals are served and lodging is provided.

2.15 Buffer. A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another. A buffer can also be an area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool each side of streams or rivers.

2.16 Building. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of a roof and supporting members, and similar structures whether stationary or movable.

2.17 Building, Height of. The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

2.18 Building, Principal (Main). A building in which is conducted the principal use of the plot on which it is situated.

2.19 Building Setback Line. A line measured parallel to the front property line in front of which no structure shall be erected.

2.20 Built-upon Area. Built-upon areas shall include that portion of a development project that is covered by impervious cover including buildings, pavement, or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

2.21 Canopy, Marquee, or Awning. Any roof-like structure extended over a sidewalk or walkway.

2.22 Certificate of Occupancy. Official certification that a premise conforms to provisions of the Zoning Ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for

alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.

2.23 Club or Lodge (Private Nonprofit, Civic or Fraternal.) A non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.

2.24 Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

2.25 Convalescent Home (Nursing Home). An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule, acutely ill or who do not usually require special facilities, such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities.

2.26 Day Care Facilities. Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included: accredited by the North Carolina State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

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

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

2.29 Dish Antenna (or earth station). A dish antenna, or earth station, is any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

2.30 Dish Antenna (or earth station) Height. The height of the antenna or dish shall be that distance as measured vertically from the highest point of the

antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.

2.31 Dish Antenna (or earth station) Setback. The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.

2.32 Dwelling. A building, or portion thereof, designed, arranged, or used for permanent living quarters. The term “dwelling” shall not be deemed to include a mobile home or house trailer, motel, tourist home, or other structures designed for transient residence.

2.33 Dwelling, Duplex. A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

2.34 Dwelling Multi-Family. A building containing three (3) or more dwelling units, except where permitted as an accessory use.

2.35 Dwelling, Single-Family. A building containing one dwelling unit only, but may include one (1) separate unit as an accessory use to be occupied only by employees or relatives of the household.

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

1. Substantial expenditures of resources (time, labor, money) based on good faith reliance upon having received a valid local government approval to proceed with the project, or
2. Having an outstanding valid building permit as authorized by the General Statute (G. S.) 160A-385.1, or
3. Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statute (G. S.) 160A-385.1.

2.37 Family. An individual or two (2) or more persons directly related by blood, marriage, or adoption, and may, in addition include not more than two (2) unrelated persons, living together in a dwelling unit. A family may also include no more than five (5) foster children in a licensed foster home.

2.38 Floor Area (for determining off-street parking and loading requirements). The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space as counters, racks, or closets, and

any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

However, "floor area" for the purposes of measurement for off-street parking spaces shall not include; floor area devoted to primarily storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

2.39 Floor Area, Gross. The total floor area enclosed within a building.

2.40 Garage, Private. A building used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

2.41 Hardship. An unusual situation or condition that relates to a particular property and which denies the property owner full or reasonable use of his property if strict enforcement of the Zoning Ordinance is followed. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation and/or enforcement of the zoning regulations would place a property owner or individual in an unusual situation and, in doing so, would deny him the right to use or create an unnecessary burden on him.

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

2.43 Home Care Unit. A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention and is located on a lot of at least one (1) acre in size.

2.44 Home Occupation. Any occupation or profession carried on entirely within a dwelling by one or more occupants thereof, providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than twenty-five percent (25%) of the total floor area or five hundred (500) square feet, whichever is less, is used for such purposes, that there is no outside or window display, that no merchandise or commodity is sold on the premises, that no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or

emergency treatment, and providing that no person not a resident of said dwelling is employed in connection with the home occupation.

2.45 Hotel or Motel. A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests; and may have one or more dining rooms, restaurants, or cafes where meals are served.

2.46 Incompatible Use. A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

2.47 Industrial Development. As used in conjunction with the Watershed Regulation means any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

2.48 Inoperative Vehicle. Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this ordinance, any vehicle which is registered with the North Carolina Department of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

2.49 Junk Yard. Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junk yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

2.50 Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

2.51 Lot. A parcel of land occupied or intended for occupancy by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot areas as required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds. For the purpose of this

ordinance the word “lot” shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

2.52 Lot, Corner. A lot abutting the intersection of two (2) or more streets or 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 at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of the street lines for the purpose of this ordinance, such as in corner visibility requirements.

2.53 Lot, Interior. A lot other than a corner lot.

2.54 Lot, Through. An interior lot having frontage on two streets.

2.55 Lot, Depth. The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

2.56 Lot Line. The line bounding a lot.

2.57 Lot Width. The straight line distance between the points where the building setback line intersects the two side lot lines.

2.58 Lot of Record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Register of Deeds by the owner or predecessor in title thereto.

2.59 Mobile Home. A structure that: (a) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; and (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; and (c) is over 40 feet long and over 10 feet wide; and (d) is originally designed for human occupancy and provides complete, independent living facilities for on family when connected to required utilities. The placement of such a structure on a permanent foundation or the addition of conventionally constructed sections in no way changes its status as a mobile home.

Mobile Home, Class A: A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US

Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) The mobile home has a length not exceeding four times its width, with length measured along the longest axis and width measured along the narrowest part of the other axis;
- (b) The mobile home has a minimum of 900 square feet of enclosed living area;
- (c) The pitch of the roof of the mobile home has a minimum vertical rise of three feet for each twelve feet of horizontal run (3 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (d) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
- (e) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in the standard residential construction;
- (f) The mobile home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the mobile home;
- (g) 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, attached firmly to the primary structure and anchored securely to the ground; and
- (h) The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to insure that a Class A mobile home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

Mobile Home, Class B: Any mobile home that does not meet the definitional criteria of a Class A mobile home.

- 2.60 Mobile Home Park. Any site or tract of land, of contiguous ownership upon which mobile home spaces are provided for mobile home occupancy whether or not a charge is made for such service. This does not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sales.
- 2.61 Mobile Home Space. A plot of land within a mobile home park designed for the accommodation of one mobile home.
- 2.62 Mobile Office. A structure identical to a mobile home except that it has been converted, or originally designed and constructed, for commercial or office use.
- 2.63 Modular structure. A factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection but are not designed to be transported on their own chassis. Such structure must meet all requirements of the North Carolina Uniform Residential Building Code, the same as site constructed homes, and must have attached a North Carolina validating stamp.
- 2.64 Non-conforming Lot. A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot width or depth requirements of the district in which the lot is located.
- 2.65 Non-conforming Use. The use of a building, mobile home, or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated into this ordinance.
- 2.66 Non-residential Development. All development other than residential development, agriculture and silviculture.
- 2.67 Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- 2.68 Ordinance. This is the Zoning Ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.
- 2.69 Parking Lot. An area or plot of land used for the storage or parking of vehicles.

- 2.70 Parking Space. A storage space of not less than one hundred sixty (160) square feet for one automobile, plus the necessary access space.
- 2.71 Board of Commissioners. The public agency in a community usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.
- 2.72 Plat. A map showing the location, boundaries, and ownership of individual properties.
- 2.73 Pool/Billiard Room. Any game room or other commercial establishment containing one or more pool or billiard tables for customer use regardless of the presence or absence of other games.
- 2.74 Premises. A single piece of property as conveyed in a deed or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or group of buildings are to be constructed.
- 2.75 Residential development. Buildings for residence, such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings, such as garages, storage buildings, gazebos, etc., and customary home occupations.
- 2.76 Setback. The required distance between every structure and the lot lines of the lot on which it is located.
- 2.77 Sign. Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message.
- 2.78 Sign, Identification. A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, tourist home, group housing project, church, school, park, or public or quasi-public structure, facility or development and the name of the owners or developers.
- 2.79 Sign, Flashing. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a "flashing sign". Such signs shall not be deemed

to include time and temperature signs or public messages displays using electronic switching.

2.80 Sign, Freestanding. Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains, or any sign which projects more than five (5) feet from the side of the building to which it is attached.

2.81 Sign, Gross Area. The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

2.82 Sign, Off-Premises. A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

2.83 Sign, Projecting. A sign attached to a wall and projecting away from that wall more than twelve (12) inches, but not more than five (5) feet.

2.84 Sign, Public Information. A sign, usually erected and maintained by a public agency, which provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, stop signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this ordinance.

2.85 Sign, Roof. A sign which is displayed above the eaves of a building.

2.86 Sign, Wall. A sign attached to a wall more than twelve (12) inches.

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

2.88 Site Plan. A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features—both natural and manmade and, depending on requirements, the location of proposed utility lines.

2.89 Street. A thoroughfare which affords the principal means of access to abutting property.

2.90 Street Line. The line between the street right-of-way and abutting property.

2.91 Street, Private. Any road or street which is no publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

2.92 Structure. Anything constructed or erected, the use of which requires permanent location in or on the land or attachment to something having a permanent location in or on the land.

2.93 Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders except for repair or replacement.

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

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

1. The combination or recombination or 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 this ordinance;
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;
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance;
5. The division of a tract into plots or lots used as a cemetery.

2.96 Tourist Home. Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging or transients and travelers for compensation, and where food may be served.

2.97 Trailer. Any vehicle or structure originally designed to transport something or intended for human occupancy for short periods of time. Trailers shall include the following:

- A. Travel Trailer. A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten

(10) feet or less or body length forty (40) feet or less when equipped for road travel.

- B. Recreational Vehicle. A self-propelled vehicle or portable structure mounted on such a vehicle designed as a temporary dwelling for travel, recreation, and vacation.
- C. Camping Trailer. A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.
- D. Tow Trailer. A structure designed to be hauled by another vehicle and to transport vehicles, boats, or freight.

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

2.99 Use. Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to, residential, manufacturing, retailing, offices, public services, recreation, and educational.

2.100 Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open space; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning district.

Major Watershed Variance. A variance that results in any one or more of the following:

1. The complete waiver of a management requirement;
2. The relaxation, by a factor of more than ten percent (10%), of the required size of the vegetative buffer.

3. The relaxation of any management requirement that applies to a development proposal intended to qualify under the high density option.
4. Any increase in single family residential density or multi-family residential and nonresidential built upon area.

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

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

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

2.103 Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

2.104 Yard, Front. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, including the area of steps, eaves, and uncovered porches, but not including the area of covered porches.

2.105 Yard, Side. An open, unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or, where no rear yard is required, to the rear line of the lot.

2.106 Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

2.107 Zero Lot Line. A concept commonly used in planned developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sod along with the ground underneath and, perhaps, a small yard or patio area. Such commercial or residential units are grouped in buildings with two (2) or more units per building, usually including common walls. With zero lot line the minimum requirements for lot area and yards are not met and construction takes place right up to the lot line.

2.108 Zoning. A police power measure, enacted primarily by general propose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Zoning Ordinance consists of two parts: a text and a map.

2.109 Zoning Administrator. The official charged with the enforcement of the Zoning Ordinance.

SECTION 3

ADMINISTRATION

3.1 Zoning Enforcement Officer

The Zoning Administrator, or his authorized agent, is hereby authorized, and it shall be his duty, to enforce the provisions of this ordinance. This official shall have the right to enter upon the premises at any reasonable time necessary to carry out his duties. It is the intention of this ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Administrator. Appeal from his decision may be made to the Board of Adjustment. The Superintendent of Utilities shall be appointed as Zoning Administrator.

In administering the provisions of this ordinance, the Zoning Administrator shall:

- A. Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.
- B. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for inspection at reasonable times by any interested person.
- C. Transmit to the appropriate board or commission and the Board of Commissioners all applications and plans for which their review and approval is required.
- D. Conduct inspections of premises and, upon finding that any of the provisions of this ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- E. Be responsible for enforcing the provisions of the Water Supply Watershed regulations within the Water Supply Watershed Overlay District.
- F. Issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Zoning Administrator.

- G. Serve as clerk to the Zoning Board of Adjustment in all matters relating to the administration and enforcement of the Water Supply Watershed regulations.
- H. Keep records of all amendments that pertain to the Water Supply Watershed Overlay District and related regulations. The Administrator shall provide copies of all adopted amendment to the Supervisor of the Classification and Standards Group, Water Quality Section, NC Division of Environmental Management.
- I. Keep records of the Town's utilization of the provision that a maximum of five percent (5%) of the non-critical area of the water supply watershed within the Town may be developed with non-residential development to a maximum of seventy percent (70%) built-upon surface area. Records for the water supply watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and information: location, acres, site plan, use, storm water management plan as applicable and inventory of hazardous materials as applicable.
- J. Keep a record of variances to the Water Supply Watershed Protection Regulation contained in this Ordinance. This record shall be submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, NC Division of Environmental Management on an annual basis (on or before January 1st of each year) and shall provide a description of each project receiving a variance and the reasons for granting a variance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall provide written notification to the person responsible for such violations, indicating the nature of such violation and ordering the action necessary to correct it. He shall order the discontinuance of the illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; the discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

3.2 Zoning Permits

A. Zoning Permit Required

A valid Zoning Permit shall be presented with any application for a Building Permit. No Building Permit shall be issued for any activity in a zoned area until such Zoning Permit is presented.

It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures or to

commence the moving, alteration or repair of any structure or the use of any land or building including accessory structures, until the Zoning Administrator has issued a Zoning Permit for such work or use including a statement that the plans, specifications, and intended use of such land, or structure in all respects conforms with the provisions of this ordinance. Application for a Zoning Permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. Zoning Permits shall be void after six (6) months from date of issue unless substantial progress on the project has been made by that time.

B. Approval of Plans

It shall be unlawful for the Zoning Administrator to approve any plans or issue a Zoning Permit for any purpose regulated by this ordinance until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Zoning Administrator shall require that every plan or plat drawn to scale and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed activity is in conformance with this ordinance.

- 1) The actual shape, location, and dimensions of the lot.
- 2) The shape, size, and location of all buildings or other structures to be erected, altered or moved and any building or other structures already on the lot.
- 3) The existing and intended use of all such buildings or other structures.
- 4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

C. Issuance of Zoning Permits

If the proposed activity as set forth in the application is in conformity with the provision of this ordinance, the Zoning Administrator shall issue a Zoning Permit. If any application for a Zoning Permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.

D. Watershed Protection Permit

1. Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made within the Water Supply Watershed Overlay District

until a Watershed Protection Permit has been issued by the Zoning Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of this ordinance.

2. Watershed Protection Permit application shall be filed with the Zoning Administrator. The application shall include a completed application form (see Appendix A) and supporting documentation deemed necessary by the Zoning Administrator.
3. Prior to issuance of a Watershed Protection Permit, the Zoning Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.
4. A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.
5. Except for a single family residence constructed on a lot deeded prior to the effective dated of this ordinance, no permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.
6. The application for a Watershed Protection Permit for other residential and non-residential development shall contain a certification by a registered professional engineer or registered land surveyor as to the amount to the built-upon area included in the project and the percentage of the built-upon area to the total project area.

E. Watershed Protection Occupancy Permit

1. The Zoning Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land within the Water Supply Watershed Overlay District.
2. A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after the erection or structural alterations of the building are complete.

3. When only a change in the use of land or existing building occurs, the Zoning Administrator shall issue a Watershed Protection Occupancy Permit certifying all requirements of the ordinance have been met coincident with the Watershed Protection Permit.
4. If the Watershed Protection Occupancy Permit is denied, the Zoning Administrator shall notify the applicant in writing stating the reasons for denial.
5. No building or structure which has been erected, moved, or structurally altered may be occupied until the Zoning Administrator has approved and issued a Watershed Protection Occupancy Permit.

3.3 Certificates of Occupancy

No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied and no change of occupancy shall be made in any existing building or part thereof, until the Building Inspector or Zoning Administrator has issued a Certificate of Occupancy therefore. The change of occupancy provision shall not apply to rooms intended for transient rental.

A Temporary Certificate of Occupancy may be issued for a portion of portions of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.

Application for a Certificate of Occupancy may be made by the owner or his agent at the time as submitting an application for a Building Permit, if needed, or for a Zoning Permit. The Certificate of Occupancy shall be issued automatically by the Building Inspector after all final inspections have been made.

In the case of existing buildings or other uses not requiring a Building Permit, after supplying the information and data necessary to determine compliance with this ordinance and appropriate regulatory codes of the Town for the occupancy intended, the Zoning Administrator shall issue a Certificate of Occupancy when, after examination and inspection, it is found that the building or use in all respects conforms to the provisions of the ordinance and appropriate regulatory codes of the Town for the occupancy intended.

3.4 Other Permits

The Zoning Administrator shall be authorized to issue other permits as required by this ordinance or the Board of Commissioners, including Watershed Protection and Watershed Protection Occupancy Permits.

3.5 Administrative Procedures

A. Public Hearings and Notice Required

Any case involving an appeal or variance requires a public hearing to be held by the Board of Adjustment and any case involving a Conditional Use Permit, a change of zoning district classification, or other ordinance changes requires a public hearing to be held by the Board of Commissioners.

The appropriate Board shall schedule a reasonable time for the hearing and shall give notice of a public hearing by publishing the date, time and location of hearing and the nature of the appeal or variance once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date of the hearing. The day of publication can not be counted for computing the public notice period but the date of the hearing shall be included.

B. Revocation of Conditional Use Permits and Variances

After a public hearing had been held and approval granted for a conditional use or variance the Board of Adjustment or Board of Commissioners may reverse any decision without a public hearing upon finding:

- 1) That the approval was obtained by fraud.
- 2) That the use for which such approval was granted is not being executed.
- 3) That the use for which approval was granted has ceased to exist or has been suspended for six months.
- 4) That the permit granted is being, or recently had been exercised contrary to the terms or conditions of such approval.
- 5) That the permit granted is in violation of an ordinance or statute.

- 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

C. Appeals

Any order, requirements, decision, or determination made by the Zoning Administrator, or his agent, relative to the enforcement of the ordinance may be appealed to, and decided by, the Zoning Board of Adjustment. Such appeals shall be filed with the Board of Adjustment by notice specifying the ground for appeal. Appeal shall be filed within thirty (30) days from the date of the action being appealed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken together with any additional written reports or documents as he deems pertinent. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person; or, be represented by their agent or attorney.

The Board of Adjustment may, after a public hearing, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

Further appeals from the Board of Adjustment or from any action of the Board of Commissioners shall be taken directly to the courts as provided by law.

D. Fees

Each applicant for an appeal from an administrative decision, for a variance or Conditional Use Permit, or with a request for rezoning or other change in this ordinance shall pay a nonrefundable fee of fifty dollars (\$50.00) or more, according to the schedule of fees adopted by the Board of Commissioners, to the Town of Biscoe to cover the costs of advertising and administration. A receipt of this fee shall be issued by the Town. This fee, however, shall not apply to requests originating with any department, board, or agency of the Town of Biscoe.

SECTION 4

ENFORCEMENT AND PENALTIES

4.1 Enforcement Authority

This ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Chapter 160A, Section 175.

4.2 Criminal Penalties

Any person, firm or corporation violating any section or provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$50.00, or imprisoned not more than thirty (30) days. Each day such violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided. (For example, a continued violation of one (1) week after receiving notice from the Zoning Administrator will accumulate penalties of up to \$350 fine or imprisonment of up to two hundred and ten (210) days.)

4.3 Civil Remedies

If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure or land is occupied or used in violation of the General Statutes of North Carolina, this ordinance, or other regulation made under authority conferred thereby the Town of Biscoe may apply to the District Court, Civil Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this ordinance. If the defendant fails or refuses to comply with injunction or with an order of abatement within the time allowed by the court, he may be cited of contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement.

4.4 Equitable Relief

The Town of Biscoe may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the Town's application for equitable relief that there is an adequate remedy at law.

4.5 Combination of Remedies

The Town may choose to enforce this ordinance by any one, all, or combination of the above procedures.

SECTION 5

CHANGES AND AMENDMENTS

5.1 Changes and Amendments

The Board of Commissioners may, on its own motion, or upon petition by any interested person, amend, supplement, change, modify or repeal the regulations or district boundaries established by this ordinance. A petition by an interested person shall be submitted to the Board of Commissioners be taken on amending, changing supplementing, modifying or repealing the regulations or district boundaries hereby established until a public hearing has been held by the Board of Commissioners, at which parties in interest and citizens shall have an opportunity to be heard.

5.2 Action by the Applicant

A. Initiation of Amendments

1. Proposed changes or amendments to the zoning map may be initiated by the Board of Commissioners, Town Administration, Board of Adjustment, or by the owner(s), or his agent, of property within the area proposed to be changed.
2. Proposed amendments to the text of the ordinance may be initiated by any interested party.

B. Application

An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved. Such application shall be filed not later than three weeks prior to the meeting of the Board of Commissioners at which the application is to be considered.

C. Fees

A non refundable fee, according to the schedule given in Section 3 shall be paid to the Town of Biscoe for each application for an amendment, to cover costs of advertising and other administrative expenses involved.

D. Public Hearing Notices

When a change in the zoning classification of a piece of property is requested the applicant shall provide to the Zoning Administrator a list of named and addresses, as obtained from the county tax listings and tax abstracts, of all adjacent property owners and all owners of property within the area under consideration for rezoning along with one set of business (10#) envelopes and the list shall be submitted at least eight (8) work days prior to the public hearing. The Zoning Administrator shall then mail notices of the public hearing to each person on the list and shall certify that fact to the Board of Commissioners. Such certification shall be deemed conclusive in the absence of fraud.

E. Reapplication for Amendment

With the exception of requests origination with the Board of Commissioners, Board of Adjustment, Town Administration an application for any rezoning of the same property or any application for the same amendment to the Zoning Ordinance text shall be permitted only once within any six (6) month period. The Board of Commissioners, by eighty (80) percent affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

5.3 Action by the Board of Commissioners

Every proposed amendment, supplement, change, modification, or repeal of this ordinance shall be submitted to the Board of Commissioners. The applicant and the Zoning Administrator shall be given written copies of the Board's decision and the reason therefore.

Before taking such lawful action as it may deem advisable, the Board of Commissioners shall hold a Public Hearing. Notice of the Public Hearing shall be published in a newspaper of general circulation in the Town of Biscoe at least once each week for two successive weeks prior to the hearing according to state regulations and by mailing notices to adjoining property owners on the envelopes provided by the applicant. Notice may also be made by posting the property concerned.

The following policy guidelines shall be followed by the Board of Commissioners concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved).
- D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles.

A petition to amend the district boundaries or regulations established by this ordinance shall be considered by the Board of Commissioners at its next regular monthly meeting or any called special meeting, provided it has been filed, complete in form and content, at least three (3) weeks prior to such meeting. Otherwise, consideration may be deferred until the following monthly meeting.

If a public hearing is to be called, it shall be called for the next regularly scheduled meeting or any called special meeting, allowing time for proper advertisement.

5.4 Protests to the Amendment

In case of a protest against any amendment to the regulations or district boundaries established by this ordinance, signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto: either in the rear thereof or on either side thereof extending on hundred (100) feet there from, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots; such amendments shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Board of Commissioners. These provisions shall not, however, apply to any amendment which initially zones property added to the territorial coverage of the ordinance.

No protest against any change in or amendment to the regulations or district boundaries established by this ordinance shall be valid or effective under the provisions of the forgoing paragraph unless it is in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and

unless it shall have been received by the Zoning Administrator in sufficient time to allow at least two (2) normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.

5.5 Withdrawal of the Application

Any application submitted in accordance with the provisions of Section 5.2 for the purpose of amending the regulations or district boundaries established by this ordinance may be withdrawn at any time, but fees are nonrefundable.

5.6 Amendments to the Water Supply Watershed Overlay District

The Zoning Administrator shall keep records of all amendments that pertain to the Water Supply Watershed Overlay District and related regulations. The administrator shall provide copies of all adopted amendments to the Supervisor of the Classification and Standards Group, Water Quality Section of the NC Division of Environmental Management.

- A. The Town Board of Commissioners may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restriction as described herein.
- B. No action shall be taken until the proposal has been submitted to the Board of Adjustment for review and recommendations. If no recommendation has been received from the Board within forty-five (45) days after submission of the proposal to the Board Chairman, the Town Board of Commissioners may proceed as though a favorable report had been received.
- C. Under no circumstances shall the Town Board of Commissioners adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the NC Environmental Management Commission. All amendments must be filed with the NC Division of Environmental Health and the NC Division of Community Assistance.

SECTION 6

BOARD OF ADJUSTMENT

6.1 Establish of the Board of Adjustment

There is hereby created and established a Board of Adjustment (hereinafter called the Board) which shall consist of seven (7) members, five (5) of which shall be residents of the Town of Biscoe and two (2) of which shall be residents of the extraterritorial jurisdiction. The members shall be appointed by the Board of Commissioners for a regular term of office of three (3) years. The appointments for the initial Board shall be for staggered terms in order that members' terms of office will not expire at the same time. In creating the Board three (3) members will be appointed to serve for three (3) years, three (3) members will serve for two (2) years, and one (1) member will be appointed to serve one (1) year. Board members whose terms of office have expired may be reappointing members to fill vacancies the Board of Commissioners shall appoint persons to serve the remaining term of office rather than a full three (3) years.

There shall be two (2) alternate members, one (1) a resident of the extraterritorial jurisdiction, to serve on the Board on the absence for any cause of any regular member. These alternate members shall be appointed by the Board of Commissioners. The terms of office of alternate members shall have and may exercise all the powers and duties of a regular member while attending any regular or special meeting of the Board of Adjustment.

The Board of Commissioners may appoint its own members to serve as five (5) of the members of the Board of Adjustment. If this procedure is used, when a member officially goes off of the Board of Commissioners, he is automatically resigned from the Board of Adjustment and a new member of the Board of Commissioners shall be appointed to the vacant seat on the Board of Adjustment for the balance of the resigned member's term. If the Board of Commissioners is to serve as the entire Board of Adjustment, the terms of office shall be exactly the same and membership in one shall mean automatic membership in the other and resigning from one shall include automatic resignation from the other. In this case, meetings of the Board of Adjustment shall not be held on the same evenings as the Board of Commissioners.

6.2 Procedures of the Board of Adjustment

A. Officers

The Board of Adjustment shall elect a chairman and a vice chairman from its membership and such other officers as the Board deems best. The Mayor of Biscoe shall not serve as Chairman or Vice Chairman and the

Mayor Pro-Tem shall not serve as the Chairman.

B. Meetings

Meetings of the Board of Adjustment shall be held at the call of chairman and at such other times as the majority of the Board may determine. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its procedures, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be taken, all of which shall be of public record. No final action shall be taken on any matter without the concurring vote of four-fifths (4/5's) of the members of the Board.

C. Appeals

An appeal from the decision of the Zoning Administrator may be taken to the Board of Adjustment by any person, firm, or corporation aggrieved, or by any officer, department, board or bureau of the Town. Such appeal shall be taken within ninety (90) days after the decision by the Zoning Administrator. By filing with the Zoning Administrator and with the Board a notice of appeal, specifying the grounds thereof. The zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for hearing of the appeal, giving notice to all participants by registered mail. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certified to the Board, after notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature, a stay would seriously interfere with the enforcement of the ordinance, in which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record to whom an appeal has been made.

D. Expenses

Members of the Board of Adjustment shall serve without pay but may be reimbursed by the town or any expenses incurred while representing the Board.

6.3 Duties

It is the intent of this ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator or his authorized representative, and that such questions shall be presented to the Board of Adjustment only on an appeal from the decision of the Zoning Administrator or his authorized representative, and that recourse from the decision of the Board of Adjustment shall be to the courts as provided by law.

6.4 Powers and Duties of the Board of Adjustment

A. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance, including matters pertaining to the Water Supply Watershed Overlay District. The Board may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm in whole or part, or may modify the order, requirement, decision or determination and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

B. Variances

To authorize upon appeal in specific cases a variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of this ordinance will result in undue hardship, so that the spirit of this ordinance shall be observed and substantial justice done. With respect to the Water Supply Watershed Overlay District, the Board may grant "minor" watershed variances and recommend approval of "major" watershed variances, as defined in Section 6.4, D of the Zoning Ordinance.

A charge shall be made to the appellant according to town policy in order to cover administrative and advertising costs (section 3). A public hearing shall be held at which the following conditions must be found to exist:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

- 2) Granting the variance requests will not confer upon the applicant any special privileges that are denied to other residents of the zoning district in which the property is located.
- 3) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the zoning district in which the property is located.
- 4) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- 5) The special circumstances are not the result of the actions of the applicant.
- 6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

In considering all proposed variances from this ordinance the Board shall, before making any finding in a specified case, first determine that the proposed variance will not constitute any change in the zone shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the public danger of fire and safety or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals and general welfare.

No permitted use of land in other districts shall be considered grounds for the issuance of a variance. Under no circumstances shall the Board of Adjustment grant variance to allow a use not permissible under the terms of this ordinance in the district involved, or any expressly or by implication prohibited by the terms of this ordinance in said district.

In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 4.

C. Watershed Review Board

The Board of Adjustment shall serve as the Watershed Review Board relative to hearing and deciding appeals from any decision or determination made by the zoning Administrator with respect to the administration and enforcement of the Water Supply Watershed Overlay

District and its related regulations; or for granting watershed variances to said regulations.

D. Administration of Oaths

The chairman or any member temporarily acting as chairman is authorized to administer oaths to witnesses in any matter coming before the Board. All testimony before the Board must be under oath and recorded.

E. Variances Related to the Water Supply Watershed Overlay District

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

1. Applications for a variance shall be made on the proper form obtainable from the Zoning Board of Adjustment and shall include the following information:
 - a. A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indication the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built upon areas; and direction of surface water drainage. The site plan shall be neatly drawn and indicate the north point, the name and address of the person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
 - b. A complete and detailed description of the proposed variances, together with any other pertinent information which the applicant feels would be helpful to the Board of Adjustment in considering the application.
 - c. The Zoning Administrator shall provide written notification to each local government having jurisdiction in the Bear Creek Water Supply Watershed and any other entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may

submit comments to the Zoning Administrator prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of proceedings of the Board of Adjustment.

2. Before the Board of Adjustment may grant a variance, it shall make the following three (3) findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:
 - a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine there are practical difficulties of unnecessary hardships, the Board must find the five following conditions exist.
 - (1) If the provisions of the Ordinance are complied with the applicant can secure no reasonable return from, nor make use of, the property. Merely proving the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the terms of Ordinance that will make possible the reasonable use of the property.
 - (2) The hardship results from the application of the Ordinance to the application of the Ordinance to the property rather than from other factors such as deed retractions or other hardship.
 - (3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - (4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.
 - (5) The hardship is peculiar to applicant's property, rather than the result of conditions that are widespread. If other proportions that equally subject to the hardship

created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

- b. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
 - c. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.
3. In granting the variance, the Board may attach thereto such condition regarding the location character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance. If a variance for the construction, alteration or use of the property is granted, such construction, alteration or use shall be in accordance with the approved site plan.
 4. The Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds there have been no substantial changes in conditions or circumstances bearing on the appeal or application.
 5. A variance issued in accordance with this Section shall be considered a Water Supply Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.
 6. If the application calls for the granting of major watershed variance, and if the Board of Adjustment decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all the deliberate speed. The preliminary record of the hearing shall include:
 - a) The variance application;
 - b) The hearing notices;
 - c) The evidence presented;
 - d) Motions, offers of proof, objections to evidence, and the rulings;

- e) Proposed findings and exceptions;
- f) The proposed decision, including all conditions proposed to be added to the, permit.

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

- a. If the Commission concludes from the preliminary record the variance qualifies as a major variance and that:
 - (1) The property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted; and,
 - (2) The variance, if granted, will not result in a serious threat to the water supply;

then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it the Board of Adjustment. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commissions approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

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

6.5 Appeals from the board of Adjustment

Appeals to the Superior Court may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board, or bureau of the Town of Biscoe affected by any decision of the Board of Adjustment, provided such appeals shall be taken within thirty (30) days after the decision of the Board of Adjustment is filed in the office of the Zoning Administrator, or after a written copy thereof is delivered to the applicant, whichever is later. The decision of the Board shall be delivered to the applicant either by personal service, by registered mail, or by certified mail, return receipt requested.

SECTION 7

GENERAL PROVISIONS

7.1 Zoning Affects All Land and Every Building and Use

Upon and after the adoption of this ordinance no building or land shall be used and no building or part thereof shall be erected, moved or structurally altered except in conformity with the regulations specified herein for the district in which it is located.

7.2 Required Yards Not to be Used by Building

The minimum yards or other open spaces required by this ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

7.3 Relationship of Building to Lot

Every building hereafter erected, moved, or structurally altered, shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot except in the case of a designed complex of professional, residential, or commercial buildings in an appropriate zoning district, i.e., school campus, shopping center, and industrial park. Detached garages and carports must meet the same setback requirements as the principal building, just as if they were attached.

7.4 Street Access

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

7.5 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards of lots created after the effective date of this ordinance shall meet at least these minimum requirements.

7.6 Business Uses of Mobile Homes and Trailers

No mobile home or trailer shall be used in any manner for business or commercial purposes except when used for a sales office on a mobile home sales lot and except in the IL and IH Industrial Districts.

7.7 Bona Fide Farms

No zoning regulations shall affect bona fide farms in the extraterritorial jurisdiction, but any use of such property for nonfarm purposes, such as but not limited to residential uses and roadside stands shall be subject to these regulations.

7.8 Corner Visibility

No planting, fence or other obstruction to visibility of vehicles shall be erected, planted, maintained, or allowed to exist in any district within the range of three (3) feet to ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along these street lines twenty-five (25) feet from the point of intersection.

7.9 Mobile Homes on Individual Lots

When used as a residence on an individual lot, rather than located in a mobile home park, the mobile home shall meet the definition of a Class A mobile home; or if it is a single-wide mobile home, it must be underpinned and meet the requirements of (f), (g), and (h) under the Class A definition.

SECTION 8

ZONING DISTRICTS AND REGULATIONS

8.1 Zoning Districts Established

In order to implement the intent of this ordinance, there are hereby created zoning districts with the following designations and general purposes:

AR	Agricultural-Residential District
SR	Suburban-Residential District
R-12	Residential District
R-8	Residential District
C	Central Commercial District
HB	Highway Business District
HB/CU	Highway Business District
IL	Light Industrial District
IH	Heavy Industrial District
AI	Agricultural-Industrial District
WS III	Water Supply Watershed Overlay District

8.2 District Boundaries

In the creation, by this ordinance, of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of various uses and densities of population in accordance with a well-considered comprehensive plan of the physical development of the area.

8.3 New Jurisdictional Areas

All territory which may hereafter be included within the zoning jurisdiction of the Town of Biscoe shall be placed in the Agricultural- Residential (AR) Districts until otherwise classified by action of the Board of Commissioners according to Section 5 of this ordinance.

8.4 Zoning Map

The boundaries of the districts are shown upon the map accompanying this ordinance and made a part hereof, entitled "Zoning Map, North Carolina." The zoning map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is on file in the office of the Town Clerk and is available for inspection by the public.

8.5 Interpretation of District Boundaries

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

- A. Use of Property Lines. Where district boundaries are indicated as approximately following street lines, alley lines, and lot lines, such lines shall be constructed to be such boundaries. Where streets, highways, railroads, water courses, and similar areas with width are indicated as the district boundary, the actual district boundary line shall be center line of such area.
- B. Use of the Scale. In unsubsidized property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
- C. Street Vacation. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley abandonment.
- D. Board of Adjustment. In case any further uncertainty exists, the Board of Adjustment shall intercept the intent of the map as to location of such boundaries.

8.6 Interpretation of Distract Regulations

Regulations for each district shall be enforced and interpreted according to the following rules:

A. Uses by Right

All listed permitted uses are permitted by right according to the terms of this ordinance. Conditional uses are permitted subject to compliance with the additional regulations specified and approval of the Board of Commissioners.

B. Minimum Regulations

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

C. Restrictive Covenants and Deed Restrictions

Unless restrictions established by covenants and deed restrictions running with the land are prohibited by the provisions of this ordinance, nothing herein contained shall be construed to render such covenants or restrictions inoperative.

8.7 Agricultural-Residential (AR) Distracts

A. Intent and Purpose

To protect the agricultural tracts and forests of the community from the premature influx of urban development which would tend to limit their existing value and render them undesirable for sound and profitable urban development in the future.

To insure that residential development dependent upon septic tank systems and private water supply will occur at sufficiently low density to insure a healthful environment.

B. Permitted Uses

Accessory Uses clearly incidental to the permitted or conditional principal use and which will not create a nuisance or hazard.

Dwellings, Single Family

Dwellings, as an accessory use, not including mobile homes

Farms and Agricultural Uses for crops, livestock, and forestry purposes (bona fide farms are exempt from zoning regulations outside the corporate limits)

Greenhouses and Nurseries, with no sales on premises.

Home Occupations

Mobile Homes, Class A, one per lot as primary residence

Produce Stands, Seasonal, selling only agricultural products produced on premises, provided that sufficient off-street parking is provided

Public Utility Lines and Facilities, not including offices or equipment storage

Recreation, Private Outdoor, including golf courses, tennis courts, swimming pools, and accompanying club houses

Recreation, Public, including parks, playgrounds, ball fields, swimming pools, tennis courts and picnicking

C. Conditional Uses

Animal Boarding Facilities and Stable, provided that they be located at least 150 feet from the front lot line and 30 feet from any other lot live and no closer than 200 feet to any residence other than that of the owner

Campgrounds

Cemeteries

Churches and Other Places of Worship

Convalescent and Nursing Homes

Day Care Facilities, with no equipment in the front or rear yards

Hospitals

Fire Stations

Mobile Homes, Class B, one per lot as primary residence

Mobile Home Parks

Planned Residential Developments

Retirement Homes

Schools, Public and Private, elementary, secondary and colleges

Small Business Incubators

D. Dimensional Requirements

Minimum lot size:	1 Acre
Minimum lot width: (at setback line)	110 feet
Minimum yard depth:	200 feet
Minimum yard dimensions:	
Front yard setback:	
From major or minor thoroughfare (Thoroughfare Plan):	50 feet
From local street:	35 feet
Side Yard:	15 feet
On corner lots by street:	35 feet
Rear Yard:	25 feet
Maximum building height:	35 feet

E. Accessory Building

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than ten (10) feet.

F. Special Requirements

For industrialized farming operations including broiler production, diaries, cattle and hog feeding, turkey farms and other agricultural endeavors, involving intensive production of animal products, the following shall apply:

All buildings used for housing and all areas used for intensive feeding or confinement of animals shall be located:

- at least 75 feet from the road right-of-way;
- at least 100 feet back from adjacent property lines;
- at least 500 feet from the nearest residential district;
- at least 200 feet from the nearest rural residence other than that of the owner.

8.8 Suburban Residential (SR) District

A. Intent and Purpose

To accommodate residential development at densities currently popular in the Biscoe area within economical range of municipal water and sewer service.

To stabilize existing residential areas and enhance the prospects for future residential development in an orderly manner.

To discourage any use which would be detrimental to good residential environment.

B. Permitted Uses

Accessory uses clearly incidental to the permitted or conditional principal use and which will not create a nuisance or hazard.

Churches and Other Places of Worship

Dwellings, as an accessory use, not including mobile homes

Home Occupations

Public Utility Lines and Facilities, not including offices or equipment storage

Recreation, Public, including parks, playgrounds, ball fields, swimming pools, tennis courts, and picnicking

Schools, Public, elementary and secondary

C. Conditional Uses

Convalescent and Nursing Homes

Day Care Facilities, with no equipment in the front or side yards

Fire Stations

Hospitals

Libraries

Planned Residential Developments

Recreation, Private Outdoor, including golf courses, tennis courts, swimming pools, and accompanying club houses

Retirement Homes

Schools, Private, elementary and secondary

Schools, Public and Private, colleges

Small Business Incubators

D. Dimensional Requirements

Minimum lot size:	20,000 square feet
Minimum lot width: (at setback line)	90 feet
Minimum lot depth:	160 feet
Minimum yard dimensions:	
Front yard setback:	
From major or minor thoroughfare (Thoroughfare Plan)	50 feet
From local street:	35 feet
Side yard:	15 feet
On corner lots by street:	35 feet
Rear yard:	25 feet
Maximum building height	35 feet

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than ten (10) feet.

Zoning Districts and Regulations

8.9 R-12 Residential District

A. Intent and Purpose

To accommodate dwellings in areas of medium density, typical of the majority of existing residential development in Biscoe, where municipal water and sewer are available.

To stabilize existing residential development and enhance prospects for future residential development in the established residential sections of Biscoe.

B. Permitted Uses

Accessory Uses clearly incidental to the permitted or conditional principal use and which will not create a nuisance or hazard

Churches and Other Places of Worship

Dwellings, Duplexes

Dwellings, Single Family

Home Occupations

Public Utility Lines and Facilities, not including offices or equipment storage

Recreation, Public, including parks, playgrounds, ball fields, swimming pools, tennis courts, and picnicking

Schools, public, elementary and secondary

C. Conditional Uses

Convalescent and Nursing Homes

Day Care Facilities, with no equipment in the front or side yard

Dwellings, Multi-Family

Hospitals

Fire Stations

Zoning Districts and Regulations

Libraries

Mobile Homes, Class A, one per lot as primary residence

Planned Residential Developments

Recreation , Private Outdoor, including golf courses, tennis courts, swimming pools, and accompanying club houses

Retirement Homes

Schools, Private, elementary and secondary

Schools, Public and Private, colleges

Small Business Incubators

Dimensional Requirements

Minimum lot sizes:	12,000 sq ft plus 6,000 square ft for each dwelling unit over one (1)
Minimum lot width: (at setback line)	75 feet
Minimum lot depth:	130 feet
Minimum yard dimensions:	
Front yard setback:	
From major or minor thoroughfare (Thoroughfare Plan):	50 feet
From local street:	35 feet
Side yard:	12 feet
On corner lots by street:	30 feet
Rear yard:	20 feet
Maximum building height:	35 feet

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than ten (10) feet.

Zoning Districts and Regulations

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than ten feet.

8.10 R-8 Residential District

A. Intent and Purpose

To accommodate residential development at higher density in areas served by municipal water and sewer, convenient to commercial industrial concentrations.

To accommodate multiple family residential structures and single family lots that are within the economic range of low income families.

To stabilize existing residential areas and enhance prospects for future residential development in the older more densely populated residential sections of Biscoe.

B. Permitted Uses

Accessory Uses clearly incidental to the permitted or conditional principal use and which will not create a nuisance or hazard

Boarding and Rooming Houses

Churches and Other Places of Worship

Dwellings, Duplexes

Dwellings, Multi-Family

Dwellings, Single Family

Home Occupations

Mobile Homes, one per lot as primary residence

Public Utility Lines and Facilities, not including offices or equipment storage

Recreation, Public, including parks, playgrounds, ball fields, swimming pools, tennis courts, picnicking, and community centers

School, Public, elementary and secondary

C. Conditional Uses

Clubs and Lodges, Civic and Fraternal

Convalescent and Nursing Homes

Day Care Facilities, with no equipment in the front or side yards

Hospitals

Fire Stations

Libraries

Mobile Home Parks

Parking Lots

Planned Residential Developments

Recreation, Private Outdoor, including tennis courts, swimming pools, and accompanying club houses

Retirement Homes

Schools, Private, elementary and secondary

Schools, Public and Private, colleges

Small Business Incubators

D. Dimensional Requirements

Minimum lot sizes:	8,000 sq ft plus 4,000 square feet for each dwelling unit over one (1)
Minimum lot width: (at setback line)	60 feet
Minimum lot depth:	100 feet
Front yard dimensions:	
From major or minor thoroughfare (Thoroughfare Plan):	50 feet
From local street:	25 feet
Side yard:	9 feet
On corner lots by street:	25 feet
Rear yard:	20 feet
Maximum building height:	35 feet

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than ten (10) feet.

8.11 Central Commercial (C) District

A. Intent and Purpose

To accommodate a concentrated development of pedestrian oriented business and service activities.

To enhance further development of an attractive and convenient shopping and service center for the region.

B. Permitted Use

Accessory Uses clearly incidental to the permitted or conditional principal use and which will not create a nuisance or hazard

Animal Hospitals, with no outdoor pens or runs within twenty (20) feet from any property line

Automobile Service Stations, not within 200 feet of street intersection

Bus Stations and Taxi Stands

Business and Professional Offices, including architects, real estate, legal, engineering firms, and accountants

Churches and Other Places of Worship

Community Centers

Convenience Stores, without drive-thru or gas pumps within 200 feet of street intersection

Clubs and Lodges, Civic and Fraternal

Dry-Cleaners

Financial Institutions, including banks, savings and loan establishments, mortgage companies, and credit unions

Fire Stations

Governmental Offices and Facilities, not including repair yards or garages

Hotels and Motels

Laundromats, Self-Service

Libraries and Museums

Medical Facilities and Services, including hospitals, clinics, doctor and dentist offices

Printing Shops

Public Utility Lines and Facilities, not including repair yards or equipment storage

Recreation, Public, including parks, playgrounds, ball fields, swimming pools, tennis courts, picnicking, and recreation centers

Restaurants, without drive-thru within 200 feet of street intersection

Retail Sales, including household and small appliances, art, baked goods, bicycles, books, cameras, candy, clothing, cosmetics, drugs, electronics, fabric, flowers, furniture, gifts, groceries, hardware, hobby supplies, ice cream, jewelry, lawn mowers, magazines, musical instruments, newspaper, office supplies, pets, radio, shoes, televisions, toys, video tape sales and rental, watched, and similar goods

Schools, Fine Arts, including art, music, dance and drama

Schools, Trade and Professional

Services, including beauty and barber shops, funeral homes, locksmiths and gunsmiths, photographers, health spas or gyms, repair shops for shoes, small appliances, and watches, and similar services

Theaters, Indoor Movie or Live

C. Conditional Uses

Automobile Service Stations, within 200 feet of street intersection

Convenience Stores, with drive-thru or gas pumps within 200 feet of street intersection

Dwellings, as an accessory use

Parking Lots

Planned Business Development

Restaurants, with drive-thru within 200 feet of street intersection

Signs, greater than fifty (50) square feet

Small Business Incubators

D. Dimensional Requirements

Minimum lot size:	5,000 square feet
Minimum lot width:	25 feet
(at setback line)	
Minimum lot depth:	75 feet
Minimum yard dimensions:	
Front yard setback: Average of front yard depths of buildings on adjacent lots to each side, if both developed, or one half front yard setback of adjacent lot to side, if only one is developed, but in any case a setback sufficient for a minimum twelve (12) foot wide sidewalk	
Side yard: None (where side yard is provided, though not required, such yard shall be at least four (4) feet)	
Abutting residential district:	9 feet
On corner lots by street:	Same as front yard
Where building contains a dwelling	
as an accessory use:	9 feet
Rear yard:	15 feet
Maximum building height:	35 feet

E. Accessory Buildings

Accessory buildings shall be located in the rear yard only not closer to any lot line than ten (10) feet and not closer to a street right-of-way than fifteen (15).

8.12 Highway Business (HB) District

A. Intent and Purpose

To accommodate establishments that serve the traveling public and deal with bulky commodities so that traffic generated by these uses will not congest traffic in the central commercial and business areas.

B. Permitted Uses

Accessory Uses clearly incidental to the permitted or conditional principal use and which will not create a nuisance or hazard

Any Use Permitted in the Central Commercial District

ABC Stores

Auto Parts and Accessories, not including auto salvage operations or junk yards

Building Supplies

Clubs and Taverns

Farm Equipment Sales, Service, and Rental

Fire Stations

Flea Markets

Garden Centers, Nurseries, and Greenhouses

Governmental Offices and Facilities, including repair yards and garages

Mobile Home Sales

Monument Works and Sales

Public Utility Lines and Facilities

Recreation, Private, including bowling alleys, skating rinks, miniature golf, driving ranges, drive-in theaters, video arcades (must meet all requirements of the town's Game Room Ordinance)

Tire Sales and Service

Truck Stops

Upholstery Shops

Vehicle Sales, Service, and Rental, New and Uses, including automobiles, trucks, motorcycles, and recreational vehicles

C. Conditional Uses

Automobile Service Stations, within 200 feet of street intersection

Convenience Stores, with drive-thru or gas pumps within 200 feet of street intersection

Mini-Warehouses

Planned Business Development

Pool/Billiard Rooms

Restaurants, with drive-thru within 200 feet of street intersection

Signs, greater than fifty (50) square feet

Small Business Incubators

D. Dimensional Requirements

Minimum lot size:	20,000 square feet
Minimum lot width:	90 feet
(at setback line)	
Minimum lot depth:	160 feet
Minimum yards dimensions:	
Front yard set back: (Within the first ten (10) feet next to the street shall be no signs, parking, or any use other than landscaping.)	
From major or minor	
Thoroughfare (Thoroughfare Plan):	50 feet
From local street:	35 feet
Side yard:	10 feet
Abutting residential district:	20 feet
On corner lots by street:	35 feet
Rear yard:	20 feet
Maximum building height:	35 feet

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than ten (10) feet.

8.13 Highway Business/Conditional Use (HB/CU) District

A. Intent and Purpose

Identical to the Highway Business (HB) District except that a Conditional Use Permit is required as a prerequisite to any use or development.

B. Permitted Uses

Accessory Uses clearly incidental to the conditional principal use and which will not create a nuisance or hazard.

C. Conditional Uses

All uses permitted by right in the Highway Business (HB) District.

All uses listed as conditional in the Highway Business (HB) District.

D. Dimensional Requirements

Same as in the Highway Business (HB) District.

E. Accessory Buildings

Same as in the Highway Business (HB) District.

F. Conditional Use District Procedure

Because any use in this district requires a Conditional Use Permit, the zoning of any land to this designation shall be made only upon the request of the property owner. The property owner shall submit an application for a Conditional Use Permit at the same time as the rezoning request. The required public hearings shall be held concurrently. The fee to rezone shall be sufficient for both procedures. Any subsequent amendments to or changes in the conditional Use Permit shall require additional public hearings and fees as described in Section 12. Applications shall include architectural renderings and a development plan substantially similar to that described in Section 17.

8.14 Light Industrial (IL) District

A. Intent and Purpose

To provide for industrial activities of a relatively clean and quiet nature and which will not be detrimental to adjacent residential or business districts.

To promote and protect industrial activities and potential sites which can be economically served with urban services and which are considered suitable for continued or future industrial use.

B. Permitted Uses

Accessory Uses clearly incidental to the permitted or conditional principal use and which will not create a nuisance or hazard

Airports

Animal Hospitals and Boarding Facilities

Armories

Automobile Service Stations

Bakeries, Industrial, including discount retail sales

Bottling Plants

Building Contractors Offices, Shops, and Yards, except heavy equipment storage

Building Supplies

Cabinet Marker Shops and Plants

Cartage and Express Facilities, including truck rentals

Cold Storage Locker Plants

Convenience Stores

Dairies, Commercial

Dry-Cleaning and Laundry Plants

Electronic Equipment Manufacturing Plants

Farm Equipment Sales and Service

Farmers or Produce Markets

Feed and Seed Sales

Fire Stations

Fish Hatcheries

Flea Markets

Food Processing Plants

Garment Manufacturing Plants

Ice Plants

Laboratories, including scientific, research, testing, and medical

Mail Order Houses

Mobile Home Manufacturing Plants

Mobile Home Sales

Mobile Offices

Moving and Storage Companies

Parking Lots

Printing Plants

Public Buildings, including repair yards and garages

Public Utility Loves and Facilities

Restaurants

Sales, Wholesale

Small Appliance Manufacturing Plants

Textile and Hosiery Mills
 Tobacco Warehouses
 Truck Sites and Terminals
 Upholstery Shops
 Vehicle and Farm Equipment Rental and Leasing
 Warehouses, including mini-warehouses
 Water Treatment Plants and Storage Tanks

C. Conditional Uses

Dwellings, as an accessory use, including mobile homes
 Off- Premises Outdoor Advertising Signs, including billboards
 Signs, greater than fifty (50) square feet
 Small Business Incubators

D. Dimensional Requirements

Minimum lot size:	20,000 square feet
Minimum lot width:	90 feet
(at setback line)	
Minimum lot depth:	160 feet
Minimum yard dimensions:	
Front yard setback:	50 feet
(Within the first ten (10) feet next to the street shall be no signs, parking, or any use other than landscaping.)	
Side yard:	20 feet
Abutting residential district:	35 feet
On corner lots by street:	35 feet
Rear yard:	30 feet
Abutting residential district:	50 feet
Maximum building height:	35 feet

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than twenty (20) feet.

8.15 Heavy Industrial (IH) District

A. Intent and Purpose

To provide for industrial and business-service uses which by their nature may create nuisances detrimental to residential, commercial and light industrial establishments.

To promote the health, safety and welfare of the community by prohibiting hazardous operations in areas of concentrated urban development.

B. Permitted Uses

Accessory Uses clearly incidental to any permitted or conditional principal use and which will not create a nuisance or hazard

Any Use Permitted in the Light Industrial District

Cement and Concrete Mixing Plants

Earth Moving Contractor and Heavy Equipment Storage

Extraction Operations

Feed, Fertilizer, and Flour Mills

Foundries

Glass and Ceramics Manufacturing Plants

Lumber and Pulpwood Operations

Machine Shops and Metal Fabrication Shops

Railroad Freight Yards

Sanitation Companies

C. Conditional Uses

Fuels, Bulk Storage

Junk, Wrecking, and Salvage Yards, including automobiles, furniture, machinery, and tires providing:

-All buffering and enclosure requirements are met as specified in Section 14

-Entire operation shall be kept rodent, mosquito, and insect free

-No burning or smelting shall be allowed

-The operation of the junk yard will not be detrimental to adjacent land uses.

Livestock Sales, if set back no less than 150 feet from any lot line and no less than 500 feet from any residential district

Off-Premises Outdoor Advertising Signs, including billboards

Sanitary Landfills providing:

-The operation of the landfill will not be detrimental to existing adjacent residential uses

-Traffic generated by the landfill operation will not have a detrimental effect on any residential area or endanger the safety of individuals using public facilities such as schools and parks

-The operation of the landfill will not be subject to flooding and consequently pollute or litter any drainage way

Sewage Treatment Plant

Signs, greater than fifty (50) square feet

Small Business Incubators

Tire Rethreading and Recapping Operations

D. Dimensional Requirements

Minimum lot size:	20,000 square feet
Minimum lot width:	90 feet
(at setback line)	
Minimum lot depth:	160 feet
Minimum yard dimensions:	
Front yard setback:	50 feet
(Within the first ten (10) feet next to the street shall be no signs, parking, or any use other than landscaping.)	
Side yard:	20 feet

Abutting residential district:	35 feet
On corner lots by street:	35 feet
Rear yard:	30 feet
Abutting residential district:	50 feet
Maximum building height:	35 feet

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than twenty (20).

8.16 Agricultural-Industrial (AI) District

A. Purpose and Intent

To promote industrial development by preserving and protecting for future development suitable industrial sites to which urban serviced can be economically extended.

To permit continued agricultural use of land until needed for industrial development.

B. Permitted Uses

Accessory Uses clearly incidental to the permitted or conditional principal use and which will not create a nuisance or hazard

Farm Dwellings, including mobile homes

Farms and Agricultural Uses for crops, livestock, and forestry production (bona fide farms are exempt from zoning regulations outside the corporate limits)

Greenhouses and Nurseries

Produce Stands, Seasonal, selling only agricultural products produced on premises, provided that sufficient off street parking is provided

Public Utility Lines and Facilities, not including offices or equipment storage

Recreation, Public, including parks, playgrounds, ball fields, swimming pools, tennis courts, and picnicking

C. Conditional Uses

Any listed permitted use in the Light Industrial District

Automobile Service Stations

Dwellings, as an accessory use, including mobile homes

Small Business Incubators

D. Dimensional Requirements

Minimum lot size:	20,000 square feet
Minimum lot width:	90 feet
(at setback line)	
Minimum lot depth:	160 feet
Minimum yard dimensions:	
Front yard setback:	50 feet
(For all conditional uses, there shall be no signs, parking, or any use other than landscaping within the first ten (10) feet next to the street.)	
Side yard:	20 feet
Abutting residential district:	35 feet
On corner lots by street:	35 feet
Rear yard:	30 feet
Abutting residential district:	50 feet
Maximum building height:	35 feet

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than twenty (20) feet.

F. Special Requirements

For industrialized farming operations including broiler production, dairies, cattle and hog feeding, turkey farms and other agricultural endeavors, involving intensive production of animal products, the following shall apply:

All buildings used for housing and all areas for intensive feeding or confinement of animals shall be located:

- at least 75 feet from the road right-of-way
- at least 100 feet back from adjacent property lines
- at least 500 feet from the nearest residential district
- at least 200 feet from the nearest rural residence other than that of owner

8.17 WS III Water Supply Watershed Overlay District

A. Jurisdiction

The provisions of this section shall apply within the area of the Town of Biscoe designated as a Public Water Supply Watershed by the NC Environmental Management Commission and shall be defined and established on the further defined on the map as the “Water Supply Watershed Overlay District.” In addition, the density and built-upon limits noted in Subsection H.3 of this section supersede the minimum lot sizes and coverage in the underlying zones unless they are greater than those noted in Subsection H.3.

B. Exceptions to Applicability and Existing Development

1. A pre-existing lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this ordinance. However, this exemption is not applicable to multiple contiguous lots under single ownership.
2. Any existing development as defined in this ordinance may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance however; the built-upon area of the existing development is not required to be included in the density calculations.
3. **Vacant Lots.** This category consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Montgomery County. Lots may be used for any of the uses allowed in the watershed area in which they are located, provided the following;
 - a. Where the lot area is below the minimum specified in this ordinance the Zoning Administrator is authorized to issue a watershed protection permit.
 - b. Not with standing the foregoing, whenever two or more contiguous residential vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area than the minimum requirements for residential purposes for the water supply watershed area in which such lots are located, such lots

shall be combined to create one or more lots that meet the standards of this ordinance, or if this is not possible the lots should be combined to reduce to the extent possible the nonconformity of the lots.

4. **Occupied Lots.** This category consists of lots, occupied for residential purposes at the time of the adoption of this ordinance, These lots may continue to be used provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after the adoption of this ordinance, and such lots individually or together have less area than required by the minimum requirements for residential purposes for the water supply watershed in which they are located, such lots shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.
5. **Uses of Land.** This category consists of uses of land existing at the time of adoption of this ordinance where such uses of the land are not permitted to be established hereafter in the water supply watershed area in which they are located. Such uses may be continues except as follows:
 - a. When the use of such land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
 - b. The use of such land shall be changed only to an allowed use.
 - c. When such use ceases for a period of at least one year, it shall not be reestablished.
6. **Reconstruction of Buildings or Built-upon Areas.** Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed provided:
 - a. Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
 - b. The total amount of apace devoted to built-upon area may not be increased unless storm water control that equals or exceeds the previous development is provided.
 - c. There are no restrictions on the repair and/or reconstruction of single family residential development.

C. General Provisions

1. No subdivision plat of land within the Public Water Supply Watershed District shall be filed or recorded by the Montgomery County Register of Deeds until it has been approved in accordance with the provisions of this Section. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Section.
2. The approval of a plat does not constitute or effect the acceptance by the Town of Biscoe or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.
3. All Subdivisions shall conform to the mapping requirements contained in G.S. 47-30
4. All subdivisions of land occurring within the Water Supply Watershed Overlay District on the Town of Biscoe after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to Section 8.17, D of this ordinance.

D. Subdivision Application and Review Procedures

1. All subdivisions shall be reviewed prior to recording with the Montgomery County Register of Deeds by submitting a vicinity map to the Zoning Administrator to determine whether or not the property is located within the designated Water Supply Watershed Overlay District. Subdivisions that are not within the designated Overlay District shall not be subject to the provisions of this ordinance and may be recorded provided the Zoning Administrator initials the vicinity map.
2. Subdivision applications shall be filed with the Zoning Administrator. The application shall include a completed application form, two (2) copies of the plat and supporting documentation deemed necessary by the Zoning Administrator or the Town Board of Commissioners.
3. The Zoning Administrator shall review the completed application and submit recommendations to the Board of Commissioners for further review and final action. The

Board shall approve, approve conditionally or disapprove each application be a majority vote of the members present and voting. First consideration of the application shall be at the next regularly scheduled meeting of the Boards after the application is submitted. The Board shall take final action within forty-five (45) days of its first consideration. The Zoning Administrator or the Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

- a. The District Highway Engineer with regard to the proposed streets.
 - b. The director of the Montgomery County Health Department with regard to proposed private water system or sewer systems normally approved by the health department.
 - c. The NC Division of Environmental Management with regard to proposed sewer systems normally approved by the division, engineered storm water management in general.
 - d. Any other agency or official designated by the Zoning Administrator or Board of Commissioners.
4. If the board approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Chairman or other authorized member of the board:

CERTIFICATE OF APPROVAL FOR RECORDING

**I do hereby certify the plat shown hereon complies with the Water Supply
Watershed Overlay District and is approved by the Town Board of
Commissioners for recording in the Register of Deeds Office.**

Mayor, Town of Biscoe

Date

NOTICE:

**THIS PROPERTY IS LOCATED WITHIN A PUBLIC WATER SUPPLY
WATERSHED**

DEVELOPMENT RESTRICTIONS MAY APPLY

5. If the Board of Commissioners disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review.
6. All subdivision plats shall comply with the requirements for recording established by the Montgomery County Register of Deeds.
7. The subdivider shall provide the Zoning Administrator with evidence that the plat has been recorded with the Montgomery County Register of Deeds within five (5) working days of its being recorded.

E. Subdivision Standards and Required Improvements

1. All lots shall provide adequate building space in accordance with the development standards contained in Sections H (1)-(3). New subdivisions, located in the WS III Water Supply Watershed Overlay District and approved after the establishment of said district and related regulations, that contain lots that do not meet the minimum requirements of a residential lot in the WS III Water Supply Watershed Overlay District shall be identified on the subdivision plat or plan as "NOT FOR RESIDENTIAL BUILDING PURPOSES". This means that a residence can not be built on the lot.
2. For the purpose of calculating built-upon area, the total project area shall include the total acreage in the tract on which the project is to be developed.
3. Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts storm water runoff away from surface waters and incorporates best management practices to minimize water quality impacts.
4. Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the Land Quality Section, NC Division of Environmental Management, and Fayetteville Regional Office.

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

F. Construction Procedures

1. No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved by the Board of Commissioners.
2. No building or other permits shall be issued for the erection of a structure on any lot not of record at the time of adoption of the Water Supply Watershed Overlay District until all requirements of this Section have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the zoning Administrator to provide for adequate inspection.

G. Penalties for Transferring Lots in Unapproved Subdivisions

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

H. Establishment of Watershed Areas

The purpose of the section is to describe the water supply watershed area herein adopted. Part of the jurisdiction of the Town of Biscoe lies within the balance of Bear Creek Watershed, which is classified as WS-III Public Water Supply Watershed by the NC Division of Environmental Management. That portion of the WS III Watershed that lies within the

Town's zoning jurisdiction is shown on the Biscoe Zoning Map as the WS III Water Supply Watershed Overlay District.

1. WATERSHED AREA DESCRIBED (WS-III BW-Balance of Watershed)

In order to maintain a low to moderate land use intensity pattern, single family detached uses shall develop at a maximum of two (2) dwelling units per acre. All other residential a nonresidential development shall be allowed a maximum of twenty-four percent (24%) built-upon area. In addition, non-residential uses may occupy five percent (5%) of the area within the Water Supply Watershed Overlay District within the Town of Biscoe's zoning jurisdiction with a seventy percent (70%) built-upon area when approved as a special nonresidential intensity allocation (SNIA). The Zoning Administrator is authorized to approve SNIAs consistent with the provisions of this ordinance. Projects must minimize built-upon surface area, direct storm water away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and sludge application sites are allowed in the Water Supply Watershed Overlay District.

2. ALLOWED USES:

- a. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food Agricultural Conservation and Trade Act of 1990.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15NCAC 11, 6101-.0209).
- c. Residential Development
- d. Non-residential development excluding discharging landfills and the storage of toxic and hazardous materials unless a spill containment plan is implemented.

3. DENSITY AND BUILT-UPON LIMITS:

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

- b. All other residential and non-residential development shall not exceed a twenty-four percent (24%) built-upon area on a project by project basis except that up to five percent (5%) of the balance of the Water Supply Watershed Overlay District within the Town of Biscoe's zoning jurisdiction may be developed for non-residential uses to seventy percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, the total project area shall include the total acreage of the tract on which the project is to be developed.
- c. A registered professional engineer or registered land surveyor shall certify the amount of built-upon area in each project or development and that said area does not exceed the allowed percentages noted in the preceding paragraph.

I. Cluster Development

The clustering of development is allowed under the following conditions:

- 1. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments, as noted, in Subsection 8.17, H, 3a. Built-upon area or storm water control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.
- 2. All built-upon area shall be designed and located so as to minimize the impact of storm water runoff and concentrated storm water flow to the receiving waters.
- 3. The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management. Where a property association is not incorporated; a maintenance agreement shall be filed with the property deeds.

J. Buffer Areas Required

- 1. A minimum thirty (30) feet vegetative buffer for development activities is required along all perennial; waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale to topographic maps or as determined by local government studies.

Desirable artificial stream bank or shoreline stabilization is permitted.

2. No new development is allowed in the buffer area except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.

K. Public Health Regulations

1. Public Health, in general. No activity, situation, structure or land use shall be allowed within the Water Supply watershed Overlay District which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence of, or improper implementation of, a spill containment plan for toxic and hazardous materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.
2. Abatement. The Zoning Administrator shall monitor land use activities within the Water Supply Watershed Overlay District to identify situations that may pose a threat to water quality.
3. The Zoning Administrator shall report all findings to the Board of Commissioners. The Zoning Administrator may consult with any public agency or official and request recommendations.
4. Where the Board of Commissioners finds a threat to water quality and the public health, safety and welfare, the board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

8.18 Residential Business (RB) District

A. Intent and Purpose

To accommodate the natural transition of historically residential properties, which are adjacent to major thoroughfares, into viable Highway Business properties.

This mixed use zone allows for the primary use to classify whether the property will be required to meet the standards of the Highway Business (HB) District or the Residential 12 (R-12) District as defined in the above sections. Existing buildings are grandfathered and are allowed to be either standard.

B. Permitted Uses

All uses permitted by right in the Highway Business (HB) District.

All uses permitted by right in the Residential 12 (R-12) District.

C. Conditional Uses

All uses listed as conditional in the Highway Business (HB) District.

All uses listed as conditional in the Residential 12 (R-12) District.

D. Dimensional Requirements

Dimensional requirements are reflective of the use.

If the use is a Highway Business (HB) use; the dimensional requirements are the same as in the Highway Business (HB) District.

If the use is a Residential 12 (R-12) use; the dimensional requirements are the same as in the Residential 12 (R-12) District.

E. Accessory Buildings

Accessory buildings shall meet the same side yard requirements as above and shall be located in the rear or side yard not closer to the rear lot line than ten (10) feet.

SECTION 9

TEMPORARY AND ACCESSORY USES

9.1 Temporary Uses

A. Mobile Offices

Mobile Offices may be used on a temporary basis for such purposes as construction offices, blood mobiles, book mobiles, and traveling museums. However, such uses obtain a temporary occupancy permit from the Zoning Administrator if the use is to last more than forty-eight (48) hours at one site.

Mobile offices may also be used for other offices or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary occupancy permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.

B. Mobile Homes

Temporary use of a mobile home as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner or tenant. A temporary occupancy permit must be obtained from the Zoning Administrator before the use of the mobile home is initiated. This occupancy permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than once.

9.2 Accessory Uses

A. Home Occupations

Home Occupations are permitted only as an accessory use. Home occupations shall be permitted subject to the following limitations:

- 1) No display of products shall be visible from the street;
- 2) No mechanical equipment shall be installed or used except such that is normally used for domestic, professional, or hobby purposes and which does not cause noise or other interference in radios television reception,

- 3) No accessory buildings or outside storage shall be used in connection with the home occupation;
- 4) Not over twenty-five (25) percent of the total actual floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation;
- 5) Only resident of the dwelling may be engaged in the home occupation; and
- 6) Traffic generation shall not exceed the traffic volumes generated by nearby residents.

B. Swimming Pools

All public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above ground or below ground, and of either permanent or temporary construction shall meet the following requirements in addition to setbacks and other requirements specified elsewhere:

- 1) That the setback for an above ground swimming pool from any lot line equals the required setback for accessory structures in the district in which it is located plus on (1) foot for each foot over five (5) of pool height.
- 2) That a fence be erected to a minimum height of four (4) feet to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.
- 3) That all mechanical equipment be located a minimum of five (5) feet from any property line.

C. Dwellings as Accessory Uses

Dwellings may be accessory uses in the Agricultural- Residential and Suburban Residential districts if located inside the principal home or if detached as a garage apartment and only if used as a residence by household servants or relatives and no rent is charged. Mobile homes shall not be used as accessory residences in any residential district.

Dwellings may be allowed as accessory uses in the Central Commercial District if located inside the principal building. These accessory dwellings may be allowed only as employee residences

in the Light Industrial and Agricultural Industrial districts and must not be closer than 100 feet from any property line, must not be closer than 20 feet to another accessory dwelling.

D. Fences and Walls

Ornamental fences and walls not over three (3) feet six (6) inches high may enclose any front yard, and fences or walls enclosing rear or side yards may be six (6) feet high. An open fence or wall through which clear vision is possible from one side to than other on a horizontal plane and such openings occupy fifty (50) percent or more of the area of the fence or wall, may be erected in the rear yard to a maximum height of ten (10) feet in nonresidential districts.

E. Satellite Dish Antennas

1) General Requirements

- a) A building permit is required when installing, moving, or substantially construction or reconstructing a dish antenna over four (4) feet in diameter.
- b) A dish antenna must be installed in compliance with the manufacturer's specifications at minimum.
- c) In all residential districts dish antennas must be permanently installed on the ground and shall not exceed twelve (12) feet in diameter.
- d) In business and industrial distracts dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof the dish shall not be larger than twelve (12) feet in diameter, shall not project higher than ten (10) feet above the maximum building height of the zoning district or more than one third (1/3) the actual building height above the roof, whichever is less, shall be set back from the front and sides of the building at least eighteen (18) feet and shall not be used for any advertising purposes. A dish antenna may be installed on the top of another part of the building which is lower than the roof, such as a balcony or parking deck, only if such location is at the rear or side of the building and all other requirements are met.

- e) A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided for in 1) d) above.
 - f) If a dish antenna is repainted the only permissible colors are the original colors used by the manufacture, off-white, pastel beige, grey, or pastel grey-green. The paint must have a dull (non-glossy) finish and to patterns, lettering, or numerals shall be permitted on either side of the dish surface.
 - g) No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.
- 2) Location in Yards
- a) A dish antenna shall be installed in the rear yard only, in all districts except as provided for in 1) d) above and in 2) b) below.
 - b) In business and industrial districts only, a dealer selling dish antennas may have a maximum of one (1) such antenna installed in the front or side yard for display purposes providing all other requirements are met.
- 3) Setback Requirement
- a) The minimum required setback for dish antennas, from the side lot line, shall be the same as for the principal building except on corner lots, on the side abutting the street; the minimum required setback shall be the same as the required front yard setback along that street.
 - b) The minimum required setback for dish antennas from the rear front line shall be eight (8) feet or the same as accessory buildings, whichever is greater.
 - c) In districts where there are no side or rear yard requirements a minimum setback of eight (8) feet from the side and rear lot lines shall be required of dish antennas.
 - d) In all cases no dish antenna shall be located within fifteen (15) feet of any street right-of-way.

- 4) Maximum Height Requirement
 - a) In all residential districts the maximum height of dish antennas shall be fifteen (15) feet or the height of the principal building, whichever is less.
 - b) In business and industrial districts the maximum height of dish antennas installed on the ground shall be twenty (20) feet. Dish antennas mounted on the roof of a building shall not project higher than ten (10) feet above the maximum building height of the district or more than one third (1/3) the actual building height above the roof, whichever is less.
- 5) Buffering Requirements
 - a) In all residential districts dish antennas shall be surrounded on all sides with any one or combination of evergreen vegetation, topography, landscaped earth berm, or architectural features such as fences or buildings so that view of the lower one half (1/2) of the dish area is restricted from all public streets and six (6) feet above, ground level of abutting residential property. If evergreen vegetation is used a species and size may be planted which can be expected to screen the required area within two (2) years of normal growth. Any screening vegetation which dies must be replaced.
 - b) In business and industrial districts dish antennas must be screened from view from abutting residential property and residential streets. The screening requirements as to materials and height shall be the same as in 5) a) above.

SECTION 10

EXCEPTIONS AND MODIFICATION

The dimensional requirements of this ordinance shall be complied with in all respect except that under the specific conditions as outlined in this ordinance the requirements ay be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for Section 6.

10.1 Front Yard Modifications in Residential Districts

Where fifty (50) percent or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yard as specified in Section 8, whichever is less. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty five (25) feet, whichever is more.

Where fifty (50) percent or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard as specified in Section 8, the required front yard shall be the averaged depth of front yards of the developed lots. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no less than the averaged front yard of the two adjoining lots.

10.2 Other Yard Modifications

Where through lots occur the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

10.3 Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes,

antennas (except satellite dish antennas), and similar structures and necessary mechanical appurtenances may be erected to any height in accordance with any other ordinances of the Town of Biscoe.

10.4 Retaining Walls

The setback and yard requirements of this ordinance shall not apply to retaining wall not more than three (3) feet high, as measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that due to the topography of the lot such a wall necessary.

10.5 Lot Size without All Public Utilities

- A. All lots where not served by public sewer and water shall be at least 20,000 square feet in area, not less than 90 feet wide at the building line nor less than 160 feet deep.
- B. All lots served by one (1) but not both public water or public sewer shall be at least 12,000 square feet in area, not less than 75 feet wide at the building line, nor less than 130 feet deep.

10.6 Zero Lot Lines

Any planned residential development in the R-6 or R-MH Residential Districts may make use of the zero lot line concept, that is, no minimum lot size or yard requirements, provided that the total area of the development meets the minimum lot size in its district, that the development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around each building, and around the entire perimeter of the development. Such a planned development is a subdivision and must be approved as such through the requirements of any subdivision regulations in effect as well as meeting the requirements of the zoning ordinance.

10.7 Lot of Record

Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, (1) such lot may be used as a building site for a single-family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this ordinance, or (2) provided other dimensional requirements cannot be met, in which case the Board of Adjustment

is authorized to approve such dimensions as shall conform as closely as possible to the required dimensions.

SECTION 11

NON-CONFORMING USES

Upon the effective date of this ordinance, and any amendment thereto, pre-existing structures or lots of record and existing and lawful uses of any building or land which do not meet the minimum requirements of this ordinance for the district in which they are located or which would be prohibited as new development in the district in which they are located shall be considered as Non-conforming. It is the intent of this ordinance to permit these Non-conforming uses to continue until they are removed, discontinued, or destroyed, but not to encourage such continued use, and to prohibit the expansion of any nonconformance.

11.1 Substandard Lots of Record and Structures

Any lot of record or structure existing at the time of the adoption of this ordinance, which has dimensions which do not meet the requirements of this ordinance, shall be subject to the following exceptions and modifications:

A. Adjoining Lots

When two or more adjoining lots with continuous frontage are in one ownership at any time after the adoption of this ordinance, and such lots individually are less than the minimum square footage and/or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located.

B. Lot Not Meeting Minimum Lot Size Requirements

Except as set forth in the above, in any district in which single family dwellings are permitted, any lot of record existing at the time of the adoption of these regulations which has dimensions which are less than required by these regulations may be used as a building site for a single family dwelling providing the lot area and width are not less than eighty (80) percent of the requirements in the district. If the lot is smaller or narrower a variance may be requested of the Board of Adjustment.

C. Yard Requirements Modified

Except as set forth in (A) above, where a lot has width or depth less than that required in the district in which it is located, the Zoning Administrator shall be authorized to reduce the yard requirements for such lot by not

more than twenty (20) percent. Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustment.

D. Enlargement of Non-conforming Structures

Any building which is Non-conforming solely because of its encroachment in a required yard area may be extended in any lawful manner that does not further encroach in that yard.

11.2 Non-conforming Uses of Buildings

A. Loss of Non-conforming Status

The Non-conforming use of a building may be extended throughout the building provided no structural alternations, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building, are made therein but no such use shall be extended to occupy any land outside such building. If the Non-conforming use of such building is discontinued for a continuous period exceeding one hundred twenty (120) days, every future use of such premises shall be in conformity with the provisions of this ordinance; provided, that this provision shall not apply to any Non-conforming commercial or industrial use which normally operates less than ninety (90) calendar days in any given calendar year. The Non-conforming use which normally operates less than ninety (90) calendar days in any given year (i.e. seasonal operation) shall not be continued after one season has passed without operation.

B. Restoration after Destruction

This provision shall not prevent the restoration of a Non-conforming building, or a building used for Non-conforming use which has been destroyed to the extent of not more than fifty (50) percent of its replacement value, but only if such building is restored within one (1) year of the date of its destruction.

11.3 Non-conforming Uses of Land

The Non-conforming use of land shall not be enlarged or increased, nor shall any Non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this ordinance. If any Non-conforming use of land, other than for location of a mobile home or mobile office is discontinued for a continuous period exceeding one hundred twenty (120) days, any future use of said land shall be in conformity with the provisions of this ordinance.

If the Non-conforming use of land for location of a mobile home or mobile office is discontinued either by destruction of the mobile home or by removal thereof, any further use of said land shall be in conformity with the provisions of this ordinance.

SECTION 12

CONDITIONAL USES

12.1 Purpose

The development and execution of this ordinance is based on the division of the Town of Biscoe into districts within which 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 some land uses which are basically in keeping with there are some land uses which are basically in keeping with the intent and purposes of the district where conditional, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a Conditional Use Permit as hereinafter provided.

12.2 Application and Fees

Application for Conditional Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners. A fee for such application shall be paid the time of application according to Section 3.

Each application shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the proposed use and existing conditions; and

A. Structures

Location of all structures within fifty (50) feet of the property; location and depth, if known, of any existing utility lines in the property or along any adjacent street.

B. Other Requirements

- 1) Locations of property boundaries, location of any easements for utility lines or passage which cross or occupy any portion of the property for proposed lines;
- 2) Detailed construction plans shall be submitted prior to issuance of a building permit;

- 3) Where public water or sewer is not available, written approval of proposed water supply and/or sewage disposal facilities by County Health Officer; and
- 4) The applicant shall provide to the Zoning Administrator a list of names and addresses of all adjacent property owners along with one (1) set of envelopes stamped and with typed addresses to each person the list. These addressed envelopes and the list shall be submitted at least eighty (8) work days prior to the public hearing. The Zoning Administrator shall then mail a copy of the legal notice to each adjacent property owner. A second set of identically prepared envelopes shall be submitted to the Zoning Administrator if the Board of Commissioners denies the request and applicant wishes to appeal to the Board of Commissioners, otherwise a second set is not required before the meeting of the Board of Commissioners. This second set shall be submitted at least eight (8) work days prior to the meeting at which the Board of Commissioners is to review the request.

12.3 Procedures for Reviewing Applications

The conditional uses, as specified in the various districts, may be established only after review and approval of the Board of Commissioners after a Public Hearing.

Such Public Hearing must be held within sixty (60) days after the application is filed. The Board of Commissioners shall cause notice of the hearing to be published once a week for two successive calendar weeks.

The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing. The Board of Commissioners shall review the application and hold the public hearing. The Board of Commissioners shall approve, modify, or deny the application for Conditional Use Permit. In approving a Conditional Use Permit the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within which same is located, shall make written findings that the following are fulfilled:

- A. The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use will not impair the integrity of character of the surrounding or adjoining districts; nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;

- C. The requested use is essential or desirable to the public convenience or welfare;
- D. The requested use will be in conformity with a land use plan;
- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and
- G. That the conditional use shall; in all other respects, conform to the applicable regulations of the district in which it is located.

No Conditional Use Permit shall be issued until after a Public Hearing and review and approval by the Board of Commissioners.

12.4 General Provisions Concerning Conditional Use Permits

A. Compliance with Other Codes

Granting of a Conditional Use Permit does not exempt the applicant from complying with all of the requirements of building codes and other ordinances.

B. Revocation

In any case where the conditions of a Conditional Use Permit have not been or are not being complied with, the Zoning Administrator shall give the permitted notice of intention to revoke such permit at least ten (10) days prior to a public review thereof. After conclusion of the review, the Board of Commissioners may revoke such permit.

C. Expiration

In a case where a Conditional Use Permit has not been exercised within the time limit set by the Board of Commissioners or within six (6) months if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised"

shall mean that the use is in operation in compliance with the conditions set forth in the permit.

D. Duration of Conditional Use

Any conditions imposed on a conditional use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Conditional Use Permit or subsequently changed or amended by the Board of Commissioners after a public hearing.

E. Conditions and Guarantees

Prior to the granting of any conditional use the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the conditional use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this ordinance. In all cases in which conditional uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that the conditions stipulated in connection therewith are being and will be complied with.

- 1) Such conditions may include a time limitation;
- 2) Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated";
- 3) Conditions of a continuing nature may be imposed. For example, "exterior loud speakers shall not be used between hours of 10 p.m. and 9 a.m."

SECTION 13

VEHICLE PARKING AND STORAGE

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded open space.

13.1 Certification of Minimum Parking Requirements

Each application for a Zoning Permit or a Certificate of Occupancy shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be insufficient detail to enable the Zoning Administrator to determine whether the requirements of this Section are met.

13.2 Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use, except 1) one-half (1/2) of the parking space required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays, and 2) the minimum requirements maybe reduced to seventy-five (75) percent of the sum if the requirements for the various uses computed separately when the individual requirements total fifty (50) or more spaces.

13.3 Requirements for Parking Lots

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with:

- A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude temporary exhibits or parking of rental vehicles.
- B. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.

- C. A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass or groundcover and/or shrubs or trees.
- D. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.
- E. Required off- street parking areas including drives and access ways shall be surfaced with an all-weather surface material.
- F. Where parking or loading area are provided adjacent to a public street, ingress and egress there to shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
- G. Where two or more driveways are located on the same lot, other than a mobile home park, the minimum distance between such drives shall be thirty feet or one third (1/3) of the lot frontage, whichever is grater.
- H. No driveway shall be located closer than twenty-five (25) feet to any street intersection.
- I. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

13.4 Mobile Home and Trailer Parking and Storing

It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or trailer within any zoning district except as follows:

- A. At a safe, lawful, and unobstructive location on a street, alley, highway, or other public place, provided that the trailer of mobile home shall not be parked overnight.
- B. Within a mobile park.
- C. On any other lot or plot provided that:
 - (1) A storing permit for any mobile home to be parked or stored for longer than seven (7) days shall be obtained from the Zoning Administrator.
 - (2) A mobile home shall not be parked and used other than in an approved mobile home park, as an approved conditional use in the

IL or AI District, or in the AR or R8 District, or unless obtaining a temporary occupancy permit.

- 3) Trailers, as defined in Section 2 shall be stored in a garage or carport or in the rear or side yard.

13.5 Vehicle Storage

A. Residential Districts

Only vehicles intended for personal use shall be parked or stored on any property zoned for residential use. No storage of commercial inventory whatsoever shall be permitted and no inoperative vehicle shall be permitted to be parked or stored out of doors longer than twenty-four (24) hours.

Commercial trucks or vans driven home by employees must be parked in a garage or carport or in the driveway and never on the street.

B. Business and Industrial Districts

Customer and employee parking are permitted along with the parking and storing of governmental or commercial vehicles, in any business or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk or wrecking yard in an industrial district.

13.6 Minimum Parking Requirements

The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. For purposes of this ordinance an off- street parking space shall be no less than one hundred sixty (160) square feet in area plus adequate ingress and egress provided for each off-street parking space.

<u>Land Uses</u>	<u>Required Parking</u>
Air, motor and rail freight terminals	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Assembly, places of, including auditoriums, churches, funeral homes, and stadiums.	(1) parking space for each (4) four seats in the largest assembly room

Land Uses	Required Parking
Automobile Service Stations	Five (5) parking spaces for each service bay.
Beauty and Barber Shops	Three (3) parking spaces for each service chair.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 300 square feet of gross floor space for affiliated uses such as restaurants, bars, and the like.
Dwellings, including mobile homes	Two (2) parking spaces per dwelling unit.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Industrial Uses	Three (3) parking spaces for each four (4) employees on the largest shift plus spaces for vehicles used in the operation. Additional reserved parking spaces shall be provided for visitors equal to five (5) percent of the employee parking spaces when there are forty (40) or more employees.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Lodging Facilities, including hotels,	One (1) parking space for each room motels, rooming houses, tourist homes, to be rented, plus one (1) additional and boarding houses parking space for each two (2) employees, plus additional parking spaces as may be required for any commercial or business uses.
Medical Facilities and Special Care	One (1) parking space for each five Homes, including retirement homes, patients or residents at full capacity hospitals, sanitariums, and nursing plus one (1) parking space for and convalescent homes each employee.

Land Uses	Required Parking
Medical Offices and Clinics	Four (4) parking spaces for each doctor plus one (1) parking space for each employee.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each five (5) seats in the largest assembly room.
Recreational Facilities not otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two participants at full capacity.
Recreation Facilities not otherwise Listed (with facilities for spectators)	Same as for recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats.
Restaurants, Cafeterias, Private Clubs and Lounges	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two employees.
Retail Uses Financial Institutions Civic and Fraternal Clubs and Community Centers	One (1) parking space for each two hundred (200) square feet of gross floor area.
Schools, Elementary and Junior High or Middle schools, Preschools, and Day Care Facilities	One (1) parking space for each classroom and administrative office, plus one parking space for each employee and one (1) large space for each bus.
Schools, Senior High	One (1) parking space for each twenty (20) students for which the building was designed plus one(1) space for each employee, plus one large space for each bus.
Schools, Colleges, Technical and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office plus one (1) space for each classroom
Services not otherwise listed	One (1) parking space for each employee plus one parking space for each client at full capacity

<u>Land Uses</u>	<u>Required Parking</u>
Shopping Centers	Five (5) parking spaces for each 1,000 square feet of gross leasable floor space in the center.
Theaters, Indoor	One Parking space for each four (4) seats up to 400 seats, plus one (1) space for each six seats above 400.
Vehicle, Mobile Home, and Farm Equipment Sales and Service	Two (2) parking spaces for each employee in sales, plus one (1) space for each additional employee, plus five (5) spaces for each service bay, plus spaces for inventory.
Video Arcades	One (1) parking space for every four (4) game machines plus one (1) space for each employee.
Warehouses and other storage	one (1) parking space for each employee plus one (1) space for each vehicle used in the Operation.

NOTE: When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time either on single shift or an overlap of shifts.

13.7 Downtown Off-Street Parking

In the C Central Business District off-street parking shall be as required above except that uses having less than 1,000 square feet of gross floor space (not including grocery stores convenience stores automobile service stations, lodging facilities, funeral homes, hospitals and clinics, movie theaters, and outdoor recreational facilities) need not provide off-street parking. Dwellings as accessory uses shall be provided with required off-street parking.

13.8 Off-Street Loading Purpose and General Requirements

Off street loading requirements are establishment in order to ensure the proper and uniform development of loading areas throughout the Town, to relieve traffic congestion in the streets, and to minimize any detrimental effects of off street loading areas on adjacent properties.

Each application for a Zoning Permit or Certificate of Occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section have been met. Plans for off street loading areas shall include information as to:

- A. The location and dimensions of driveway entrances, access aisles and loading spaces.
- B. The provision for vehicular and pedestrian circulation.
- C. The location of sidewalks and curbs.
The Zoning Permit or Certificate of Occupancy for the construction or use of any building, structure or land where off –street loading space is required shall be withheld by the Zoning Administrator until the provisions of this Section have been met. If at any time such compliance ceases, and Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

13.9 Minimum Loading Requirements

Off-street loading shall be provided and maintained as specified in the following schedule.

- A. For uses containing a gross floor area of less than 20,000 square feet, each off street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
- B. For uses containing a gross floor area of 20,000 square feet or ore, each off street loading space shall be fifteen (150 feet in width and forty-five (45) feet in length as a minimum.
- C. Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of Spaced Required
5,000 – 20,000	1
20,001- 50,000	2
50,001-80,000	3
80,001-125,000	4
For each additional 45,000	1 additional

- D. Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funerals homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of Spaced Required
5,000 – 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001-500,000	4
For each additional 180,000	1 additional

SECTION 14

LANDSCAPING, SCREENING, AND BUFFERS

14.1 Purpose and Scope.

The landscaping, screening, and buffer regulations, adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to:

- A. Maintain and enhance Biscoe's existing tree coverage;
- B. To promote careful landscaping of outdoor areas;
- C. To soften and enhance the manmade environment;
- D. Provide the separation necessary to permit certain land uses to coexist harmoniously which might not do so otherwise;
- E. Safeguard and enhance property values and protect public and private investment;
- F. Reduce the negative impact of glare, noise, trash, odors, overcrowding, traffic, lack of privacy, and visual disorder when incompatible land uses adjoin one another.

14.2 Definitions.

BERM. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BUFFER. A combination of open space, landscape areas, fences, walls, and berms used to physically separate or screen one use of property from another so as to visually shield or block noise, lights, or other nuisances. Buffers typically represent horizontal distances between uses, which provide functional separation.

CALIPER. Diameter measurement of a tree trunk taken at six inches above ground level for trees up to and including trees four (4) inches in caliper. For larger trees, measurement of caliper shall be taken twelve (12) inches above ground level.

CANOPY TREE. A species of tree which normally grows to a mature height of thirty-five (35) feet or more with a minimum mature crown width of thirty (30) feet and meets the specifications of the *American Standards for Nursery Stock* published by the American Association of Nurserymen.

CRITICAL ROOT ZONE. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown's drip line.

DECIDUOUS. A plant with foliage that is shed annually.

DRIP LINE. An imaginary vertical line extending from the outermost portion of the tree's canopy to the ground.

EVERGREEN. A plant with foliage that persists year-round.

GROUND COVER. Any plant material that reached an average height of not more than twelve (12) inches.

INTERIOR LANDSCAPING. Landscaping required within the parking lot perimeters, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles, except those with no parking spaces to either side.

LANDSCAPING. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

PLANTING YARD. Area where required plantings are located.

ROOT PROTECTION ZONE. Generally 18 to 24 inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

SCREEN. A method of visually shielding or obscuring one abutting or nearby structure from another by fencing, walls, berms, or densely planted vegetation. Screens are typically vertical objects providing visual separation.

SHADE TREE. Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

TREE. A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

UNDERSTORY TREE. A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height and meets the specifications of the *American Standards for Nursery Stock* published by the American Association of Nurserymen.

14.3 Applicability.

- (A) Exemptions: These requirements shall not apply to:
 - (1) Single family detached dwellings or two-family dwellings on their own lots;
 - (2) Multi-family developments containing four (4) or fewer dwelling units in a single zone (building) lot;
 - (3) Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width; and

- (B) Application: These requirements shall apply to the following:
 - (1) New Principal Building or Use: Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.
 - (2) Expansions or Reconstruction: Expansions which will result in a parking or building square footage increases of more than three thousand (3,000) square feet for developments existing on the effective date of this Ordinance. In such cases the landscaping requirements shall apply only to the expansion.

14.4 Planting Yards.

- (A) Required Planting Areas: The following areas are required to be landscaped:
 - (1) Street planting yards;
 - (2) Parking lots (excluding vehicle loading, storage, and display areas); and
 - (3) Planting yards.

- (B) Planting Area Descriptions:

- (1) Street Planting Yard: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen (15%) percent of the street planting yard may be used for walkways or signs. Parking, merchandise display and off-street loading are prohibited in the street planting yard. See "Street Planting Yard" figure in the appendix.
- (2) Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement. See "Parking Lot Plantings" illustration in the appendix for possible arrangements.
- (3) Type A Planting Yard: A high density screen intended to substantially block visual contact between adjacent uses and create spatial separation. A Type A Planting Yard reduces lighting and noise that would otherwise intrude upon adjacent uses. See "Planting Yard Type A & B" figure in the appendix.
- (4) Type B Planting Yard: A medium density screen intended to partially block visual contact between uses and create spatial separation. See "Planting Yard Type A & B" figure in the appendix.
- (5) Type C Planting Yard: A low density screen intended to partially block visual contact between uses and create spatial separation. See "Planting Yards Type C & D" figure in the appendix.
- (6) Type D Planting Yard: A peripheral planting strip intended to separate uses, provide vegetation in densely developed areas and enhance the appearance of individual properties. See "Planting Yards Type C & D" figure in the appendix.

14.5 Planting Yard Determination.

To determine the planting yards required by this Ordinance, the following steps shall be taken:

- (A) Identify the classification of the proposed or expanded land use and of any existing or proposed adjacent land use(s) by using the Planting Yard matrix below: A land use becomes existing on an adjacent property when a building permit is issued. If a lot contains uses with different land use classifications, select the more intense use (i.e. Industrial if the property contains both office and industrial uses), then
- (B) Using the Planting Yard Matrix determine the appropriate letter designation for each planting yard, then
- (C) Match the letter designation obtained from the Planting Yard Matrix with the Planting Rate Chart below to determine the types and numbers of shrubs and trees required.

PLANTING YARD MATRIX

	Existing Adjacent Use							
	SF	TF	EI	OF	CM	MF	IND	Undeveloped
Proposed Use								
Single-Family (SF)	*	*	*	*	*	*	*	*
Two-Family (TF)	*	*	*	*	*	*	*	*
Educational/Institutional (EI)	B	B	D	D	D	B	D	D
Office (OF)	B	B	D	D	D	D	D	D
Commercial (CM)	B	B	D	C	D	A	D	D
Multi-Family (MF)	B	C	D	D	D	D	D	D
Industrial (IND)	A	A	B	B	C	A	D	D

* No Planting Yard Required

PLANTING YARD RATE CHART						
Yard Type	Minimum Width (ft.)	Min. Avg. Width (ft.)	Maximum Width (ft.)	Planting Yard Rates		
				Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Street Yard	8	8	25	2/100 If b	NA	17/100 If
Type A Yard	40 ^a	50 ^a	75	4/100 If/oc	10/100 If/oc	33/100 If/oc
Type B Yard	25 ^a	30 ^a	50	3/100 If	5/100 If	25/100 If

Type C Yard	15 ^a	20 ^a	40	2/100 lf	3/100 lf	17/100 lf
Type D Yard	5	5	10	-	2/100 lf	18/100 lf
Parking Lot	NA	NA	NA	1/12 parking spaces	NA	NA

lf = linear feet; oc = on center

- a. Walls, a minimum of five (5) feet in height, constructed of masonry, stone, or pressure treated lumber or an opaque fence, a minimum of five (5) feet in height, may be used to reduce the widths of the planting yards by ten (10) feet.
- b. Two understory trees may be substituted for each required canopy tree if the Zoning Administrator determines that there would be a major conflict with overhead utility lines.

NOTE: On Lots of Record less than fifty-five thousand (55,000) square feet in area, no development shall be required to place required landscaping on greater than fifteen percent (15%) of the site.

14.6 Landscaping Design and Maintenance Standards.

- (A) Calculation of Street Planting Yards: Street planting yard rate and width calculations shall exclude access drives.
- (B) Plant Species: Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant species list in the appendix. Other species may be approved by the Zoning Administrator.
- (C) Dimension of Planting Areas: Each planting area containing trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.
- (D) Grouping: For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, not more than fifty (50%) percent of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one row of evergreen shrubs or evergreen understory trees in all Type A planting yards.

- (E) Parking Lot Spacing: Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, medians, or between rows of parking spaces. See "Parking Lot Plantings" figure in the appendix.
- (F) Canopy Tree Size: Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least thirty-five (35) feet high and have a crown width of thirty (30) feet or greater.
- (G) Understory Tree Size: Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.
- (H) Shrub Size: All approved shrubs shall be installed at a minimum size of eighteen (18) inches, spread or height and are expected to reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.
- (I) Berms: Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Zoning Administrator.
- (J) Wall Planters: Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting area of the wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.
- (K) Encroachments Permitted in Required Planting Yards: The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:
 - (1) Landscaping features, including but not limited to ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
 - (2) Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps, wells, fences, retaining walls, or similar structures.
 - (3) Cornices, steps, canopies overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fire places, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required

planting yard, but in no case shall be closer than three (3) feet to any property line.

- (4) Permanent runoff control structures.
- (L) Fence Location Within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.
- (M) Setback Less than Planting Yard: If the required building setback is less than the required planting yard, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.
- (N) Location of Planting Material Outside Shade of Building: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.
- (O) Obstructions: Landscaping shall not obstruct the view of motorists using any street, driveway or parking aisle.
- (P) Location: Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Zoning Administrator.
- (Q) Plant Protection: Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants or fuels through the use of wheel stops, curb and gutter, or other approved parking barrier.
- (R) Maintenance: The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy or missing plants must be replaced within one-hundred and eighty (180) days with vegetation which conforms to the initial planting rates and standards. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.
- (S) Water Wise Planting Techniques: The following soil preparation techniques shall be used for all required landscape areas.

- (1) Soil preparation for the entire landscaped planting yard includes the addition of organic amendments tilled to a depth of eight (8) to twelve (12) inches.
 - (2) All plantings in the landscape yards shall be mulched, including interior parking lot islands less than five hundred (500) square feet to a depth of three (3) to four (4) inches. The mulch shall be free of trash and maintained weed free thereafter.
 - (3) Earthen basins are constructed around the installed plants.
 - (4) Plants, as permitted by this Ordinance, are grouped together where possible.
 - (5) For establishment and survival, plants shall be watered in the first year of planting.
- (T) Irrigation: It is suggested that drip irrigation, which includes drip misters, be used for required landscaping planting beds during the required establishment period. After establishment, supplemental watering can be reduced and used on an as needed basis. Traditional spray irrigation is discouraged except for turf areas.
- (U) Pruning: All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Trimming and pruning shall be done in strict accordance with the American National Standards Institute (ANSI) standards. Topping is not an acceptable pruning practice. Topping is the reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. The Zoning Administrator may require the removal and replacement of any tree(s) that have been topped or excessively trimmed.
- (V) Unoccupied Lot Areas: All areas of a developed lot not occupied by buildings, structures, pedestrian and vehicle circulation areas, off-street parking, and outside storage areas shall be appropriately improved with ground cover, trees, shrubbery or mulch. No exposed soils shall be permitted after issuance of the Certificate of Occupancy, except for agricultural activities or extraction of earth products.
- (W) Outdoor Storage Areas: Any outdoor storage area not screened from any public or private street by an intervening building built after the adoption of this ordinance with a linear dimension of (15)

feet or greater shall be screened from view from any street right-of-way or vehicular right-of-way including controlled access to the site, for its entire length except for necessary access. Outdoor storage area screening shall be provided as specified in either of the conditions below or as a combination of the two conditions:

- (1) Fencing: A fence or wall may be used to screen an outdoor storage area. The fence or wall shall be at least six (6) feet in height, opaque and of masonry, stone or wooden material, or of the same material as that of the principal building.
- (2) Plantings: Natural evergreen plant materials may also be used to screen an outdoor storage area. The minimum height of plant material shall be six (6) feet at time of installation. The spacing of the planting shall be in a double row configuration, staggered, with five (5) foot spacing between the centers of the main trunks.

14.7 Trash/Dumpster Areas.

All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. If the device is not visible from off the site, then it need not be screened. All trash containment areas shall meet the following standards:

- (A) All trash containment areas shall be enclosed to contain windblown litter.
- (B) The enclosure shall be at least as high as the highest point of the compactor or dumpster.
- (C) The enclosure shall be made of a material that is opaque at the time of installation and compatible with design and materials of the principal building.
- (D) All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support, and allow for positive drainage.
- (E) The enclosure shall contain gates to allow for access and security.
- (F) The dumpster or compactor shall be accessible to the handicapped.

14.8 Procedures.

- (A) Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Zoning Administrator.
- (B) Installation of Plant Materials
 - (1) Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.
 - (2) If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete and it can be determined that:
 - a. plant materials are unavailable,
 - b. completion of the planting areas would jeopardize the health of the plant materials, or
 - c. weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Zoning Administrator. The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to the amount of the contract. In no instance shall the surety be for a period greater than one-hundred and eighty (180) days. The Zoning Administrator may issue a Temporary Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

14.9 Alternate Methods of Compliance.

- (A) General Provisions
 - (1) Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or where other physical conditions exist, or where other site conditions exist such as unified development design.
 - (2) The Zoning Administrator may approve an alternate plan, which proposes different plant materials, planting yard widths, or methods

provided that quality, effectiveness, durability and performance are equivalent to that required by this Ordinance.

- (3) The performance of alternate landscaping plans must be reviewed by the Zoning Administrator to determine if the alternate plan meets the intent and purpose of this Ordinance. This determination shall take into account the land uses on adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.
 - (4) Decisions of the Zoning Administrator regarding alternate methods of compliance may be appealed to the Board of Adjustment.
- (B) Lot of Record Provisions: For lots less than one hundred (100) feet in width the following provisions may be applied:
- (1) For lots less than one hundred (100) feet and greater than eighty (80) feet in width where Type D Planting Yards are required, one (1) Type D planting yards may be eliminated from the landscaping plan if the Zoning Administrator finds that strict application of the requirements of this Section prevents reasonable use of the property. However, the plantings required for this yard shall be installed in remaining planting yards.
 - (2) For lots less than eighty (80) feet in width where Type D planting yards are required, two (2) Type D planting yards may be eliminated from the landscaping plan if the Zoning Administrator finds that strict application of the requirements of this Section prevents reasonable use of the property. All required plants for these yards shall be installed in remaining planting yards.

14.10 Provisions for Preservation of Existing Trees.

- (A) General: Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area. The protection of tree stands, rather than individual trees, is strongly encouraged.
- (B) Protection of Existing Trees: To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:

1. The protected area around trees shall include all land within the canopy drip line.
 2. Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.
 3. Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.
- (C) Dead or Unhealthy Trees: No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.
- (D) Rate of Credit: Credits shall be allowed at the rate of one canopy tree for every three (3) inches of circumference measured at four and one-half (4.5) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the same planting yard where the tree is located. In every case, however, there shall be at least one canopy tree for every fifty (50) linear feet of street planting yard, existing or planted.

14.11 Suggested Plant Materials List.

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

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

Willow Oak	Quercus phellos
Sugar Maple	Acer sacchrum
Red Maple	Acer rubrum
Scarlet Oak	Quercus coccinea
Southern Magnolia	Magnolia grandiflora
London Plane Tree	Platanus acerfolia
River Birch	Betula nigra
Japanese Zelkova	Zelkova serrata
Tulip Poplar	Liriodendron tulipifera
Pin Oak	Quercus palustris

Black Gum	Nyssa sylvatica
Littleleaf Linden	Tilia cordata
White Oak	Quercus alba
Japanese Scholartree	Sophora japonicum
Gingko	Gingko biloba
English Oak	Quercus robur
Japanese Katsura Tree	Cercidphyllum japonicum
Schumard Oak	Quercus schumardi
Chinese Elm	Ulmus parviflora

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

Yoshino Cherry	Prunus yedonesis
Golden Raintree	Koelreutria paniculata
Saucer Magnolia	Magnolia soulangeana
Weeping Cherry	Prunus subhirtilla pendula
Kwanzan Cherry	Prunus serrulata 'Kwanzan'
Yellowwood	Cladastris lutea
Ironwood	Carpinus carolineana
Pistachio	Pastachia chinensis
Redmond Linden	Tilia Americana 'Redmond'
American Holly	Ilex opaca
Mountain Silverbell	Halesia monticola
Sourwood	Oxydendrum arboreum
Thornless Honeylocust	Gleditsia triacanthos 'Inermis'
Eastern Redbud	Cercis Canadensis
Bradford Pear	Pyrus calleryana 'Bradford'
Mountain Ash	Sorbis americana
Japanese Maple	Acer palmatum
Japanese Dogwood	Cornus kousa
Flowering Dogwood	Cornus florida
Smoketree	Cotinus coggyyria
Crepe Myrtle	Lagerstromia indica
Crabapple (var.)	Malus hybrida (var.)
Amur Maple	Acer ginnala
Russian Olive	Eleaagnus angustifolia
Wax Myrtle	Myrica cerifer
Star Magnolia	Magnolia stellata

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

(1) Evergreen.

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

(2) Deciduous.

Forsythia	Forsythia sp.
Dwarf Burning Bush	Euonymous alatus 'Compacta'
Thunberg Spirea	Spirea thunbergi
Viburnum (var.)	Viburnum sp.
Oakleaf Hydrangea	Hydrangea quercifolia
Japanese Flowering Quince	Chaenomeles japonica
Potentilla	Potentilla fruticosa
Ornamental Grass Varieties	
Oregonholly Grape	Mahonia bealei
Nandina	Nandina domestica
Dwarf Nandina	Nandina domestica nana

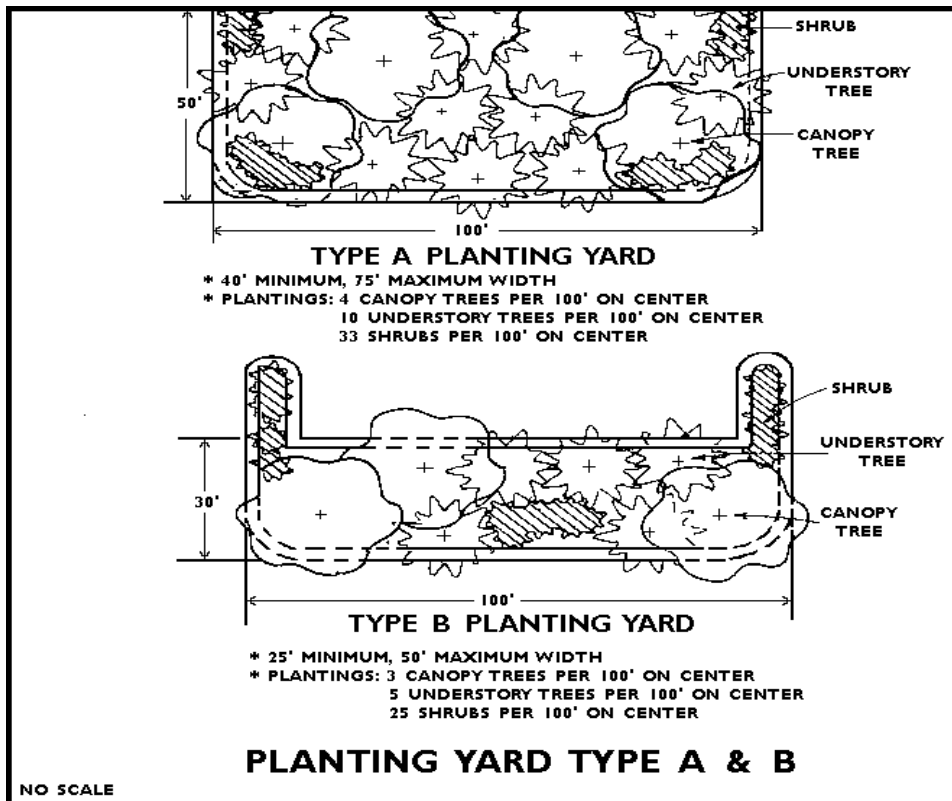
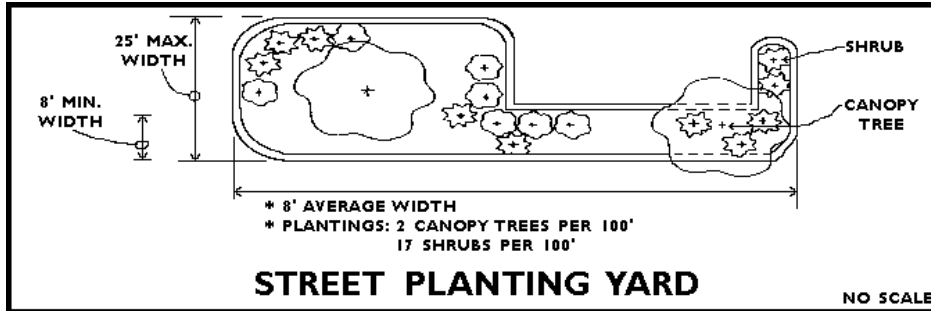
(D) Outdoor Storage Area Screening Plants

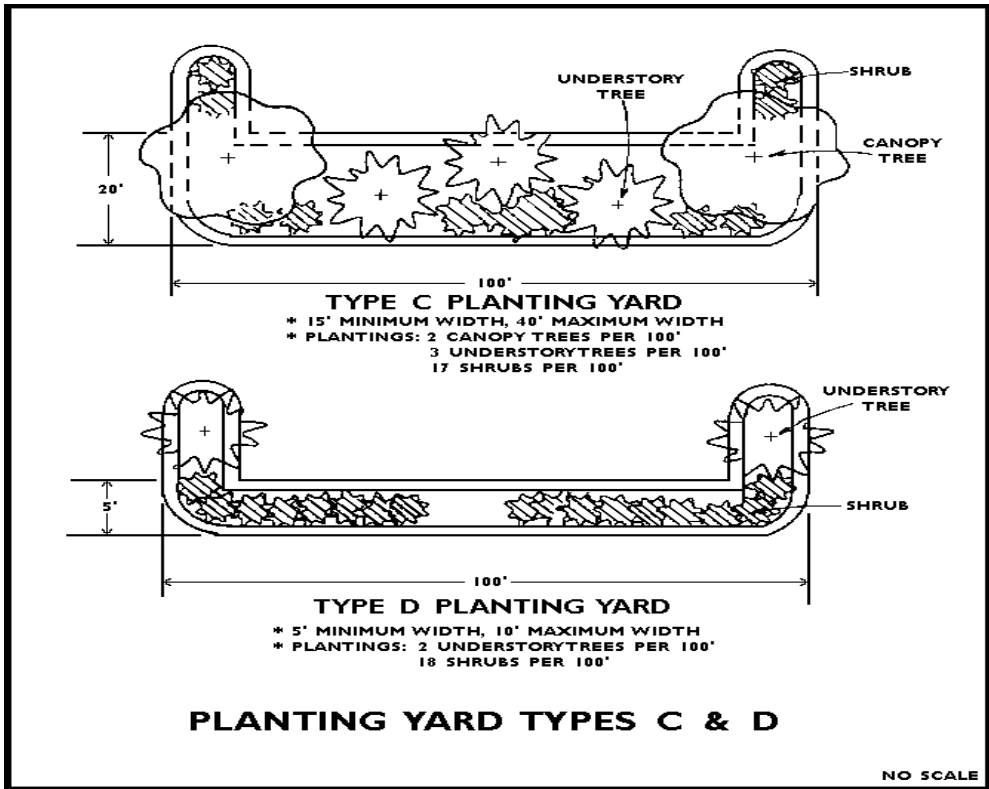
American Holly	Ilex opaca
Burford Holly	Ilex cornuta 'Burfordii'
Nellie Stevens Holly	Ilex cornata 'Nellie Stevens'
Red Tip Photinia	Photinia glabra
Wax Myrtle	Myrica cerifera
Hetz Juniper	Juniperus hetzi
Arborvitae	Thuja occidentalis
Eastern Red Cedar	Juniperus virginiana
Japanese Black Pine	Pinus thunbergianan

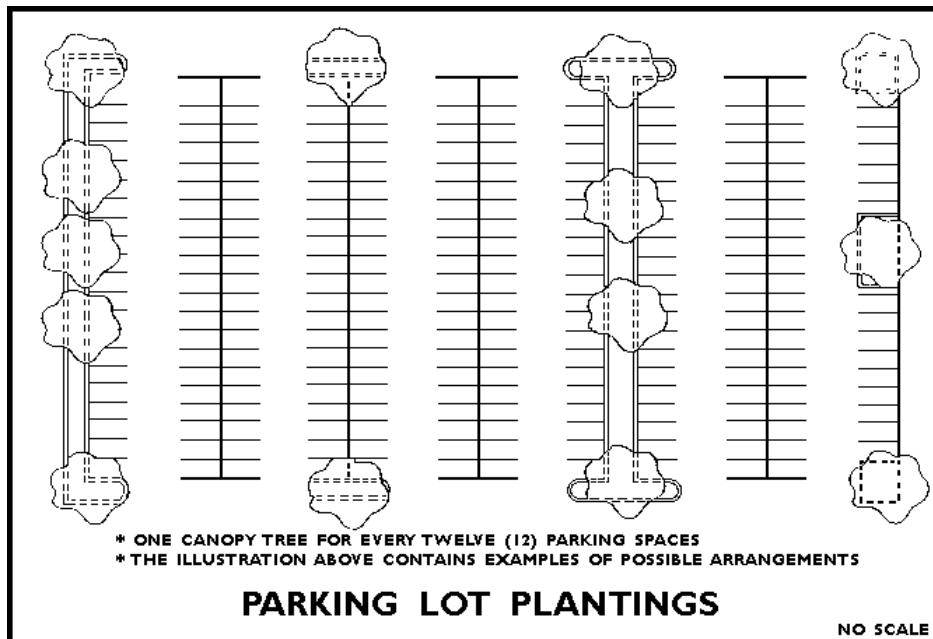
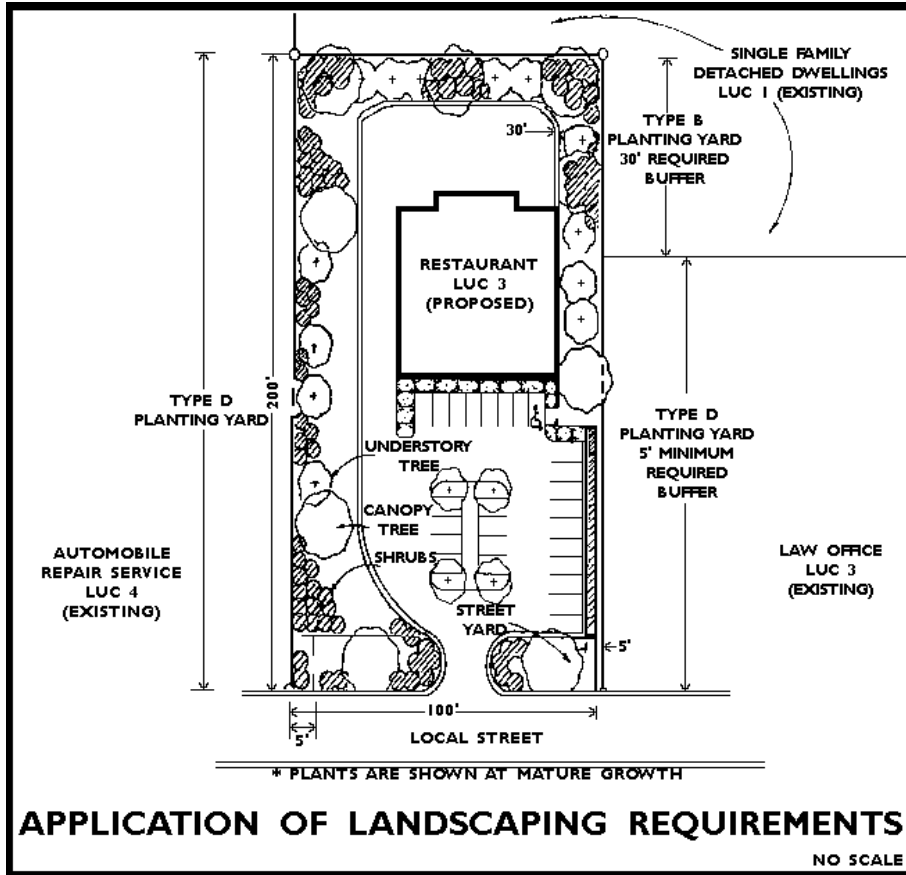
(E) Groundcovers

Lily-Turf	Liriope muscarii
Creeping Lilyturf	Liriope spicata
Hybrid Daylily	Hemerocallis hybrida
Periwinkle	Vinca minor
English Ivy	Hedera helix
Purpleleaf Wintercreeper	Euonymous fortunei coloratus
Aaronsbeard	Hypericum calysinum

APPENDIX







SECTION 15

SIGNS

15.1 Statement of Purpose

Sign regulations are established to restrict private signs and lights which overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention obstruction vision. Such regulations are also designed to encourage signing and lighting and other private communications which aid orientation and identify activities, and to reduce conflict among private signs and lighting and between the private and public environmental information systems.

15.2 General Requirements

No sign of any type or any part thereof shall be erected, painted, repainted, posted, reposted, placed, replaced or hung in any zoning district except in compliance with there regulations.

No permit is required to erect most signs, however, the Zoning Administrator shall have the authority to order the removal or modification of any new sign which does not meet there requirements according to the following procedures:

- A. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated agent, within thirty (30) days, remove or modify the sign or structure in a manner approved by the Zoning Administrator or his designated agent.
- B. If such order is not complied within thirty (30) days, the Zoning Administrator or his designated agent shall issue a second written notice in person or by registered or certified mail indicating that if the appropriate action has not taken place within fifteen (15) days the town will remove the sign at the cost of the owner or leaser of the sign.
- C. If the sign is not removed or modified within the fifteen (15) days granted by the second notice, the zoning Administrator shall order the removal of the sign by the town.

Therefore, it is in the interest of the sign owner to consult with the Zoning Administrator prior to the purchase and installation of a sign. The sign user should bring to the town hall a drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support,

source of illumination and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed a plot plan approximately to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks, and other signs.

15.3 Exemptions

The following types of signs are exempted from the application of the regulations herein:

- A. Signs, unlighted, not exceeding two (2) square feet in area and bearing only property numbers, mail box numbers, and the name of the owner or occupant of the premises. Such signs shall not exceed two (2) square feet in area per occupant. If more than one (1) sign or nameplate is required, the total allowable sign area shall not exceed eight (8) square feet.
- B. Flags and insignia of any government except when displayed in connection with a commercial promotion.
- C. Holiday decorations in season.
- D. Legal notices and warnings, regulatory, informational, or directional signs erected by any public agency or utility.
- E. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface or implanted with a metal plate.
- F. Signs directing and guiding traffic and parking on private property.
- G. Signs which cannot be seen from a public street or right-of-way.
- H. The act of changing advertising copy of messages on any sign designated or the use of replaceable copy such as a ready board or product price sign or on a sign having its own changing copy capacity such as a time-and-temperature sign.
- I. Price signs at automobile service stations or other establishments engaged in the retail sales of gasoline. One (1) such sign is permitted for each frontage on a public street, provided it does not exceed eight (8) square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.

- J. Signs announcing the location of self-service or full service gasoline pumps at any establishment engaged in the retail sale of gasoline. Such signs shall be located in the vicinity of the gasoline pumps and shall not exceed eight (8) square feet in area.

15.4 Signs Permitted in Residential and Agricultural-Industrial Districts

- A. Permanent identification signs for subdivisions and residential developments not exceeding twenty (20) square feet in area. One (1) sign may be erected at each major entrance to the subdivision, but shall be located on private property no closer than twelve (12) feet in height above ground level, and illumination shall be restricted to indirect white lighting.
- B. Permanent identification signs for mobile home parks and campgrounds not exceeding six (6) square feet in area. One (1) sign may be erected at each major entrance to the mobile home park or campground but shall be located on private property no closer than twelve (12) feet to any property line. No sign shall exceed four (4) feet in height above ground level. Illumination shall be limited to indirect white lighting.
- C. One (1) permanent, identification sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed twenty (20) square feet in area and may be flat-mounted against the wall of an apartment building or free-standing. If freestanding, such signs shall be setback a minimum of twelve (12) feet from any public right-of-way property line and shall not exceed four (4) feet in height above ground level. Illumination shall be limited to indirect white lighting.
- D. One (1) permanent, identification sign for nonresidential uses permitted as a matter of right may be erected on the premises, provided such signs do not exceed twenty (20) square feet in area. If standing, no sign shall be located closer than twelve (12) feet to any property line nor exceed four (4) feet in height above ground level. Illumination shall be limited to indirect white lighting.
- E. One (1) identification sign for each home occupation is permitted, but shall not be closer than twelve (12) feet to any property line, or street right-of-way, shall not project higher than two (2) feet above ground level, and shall not exceed two (2) square feet in area.
- F. Approved industrial uses in the AI Agricultural-Industrial District shall adhere to the requirements of Section 15.7 unless stricter requirements are made as part of the conditional use permit.

- G. Temporary signs as permitted by Section 15.9
- H. No other signs are permitted.

15.5 Signs Permitted in the C Central Business District

Within the C Central Business District as shown on the Zoning Map, only the following types of signs shall be permitted:

- A. Permanent wall signs shall be permitted for each separate business establishment provided the total allowable sign area for all such signs is not exceeded. The location and number of wall signs is at the option of the owner or tenant, however, where more than four (4) signs are located on any lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty (20) percent. Wall signs shall not project higher than the building eave of thirty (30) feet, whichever is lower. Street number numerals shall not count in this requirement.
- B. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provide such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one half (7 ½) feet between the sidewalk and the bottom of the sign.
- C. Identification signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as “men’s clothing,” “drugs,” “jeweler,” and the like, and the year the business was established and the street number thereof. Other permanent signs may advertise articles of merchandise sold on the premises.
- D. Restaurants, convenience stores, and automobile service stations shall be permitted one (1) freestanding sign of the business is located on a corner lot or has at least one hundred (100) feet of street frontage, Such freestanding sign shall not exceed twenty (20) feet in height or fifty (50) square feet in sign area per side, shall be located on private property such that no part of the sign shall project over any public right-of-way, and shall be setback at least twelve (12) feet from any other property line. A Conditional Use Permit may be obtained for a larger size.
- E. Where there is a front yard of at least fifty (50) feet a freestanding identification sign shall be permitted in the front yard. Such sign must be setback a minimum of twelve (12) feet from any public right-of-way or any other property line, shall not exceed four (4) feet in height above ground level, and shall not exceed twenty (20) square feet in area. Illumination shall be limited to indirect white lighting.

- F. The total allowable sign area for all signs, including all wall and freestanding signs, shall not exceed two (2) square feet for each lineal foot of building wall facing a public street.
- G. Temporary signs as permitted in Section 15.9.

15.6 Signs Permitted in the HB Highway Business and the HB/CU Highway Business Conditional Use Districts

Within the HB Highway Business District and the HB/CU Highway Business Conditional Use District as shown on the Zoning Map, only the following types of signs shall be permitted:

- A. One (1) permanent, freestanding identification sign is permitted for each premise. Any such freestanding sign shall not exceed thirty (30) feet in height or fifty (50) square feet if sign area per side, unless a Conditional Use Permit is obtained first for a larger size.
- B. Permanent wall signs shall be permitted for each separate business establishment provided the total allowable sign area for all signs is not exceeded. The location and number of wall signs is at the option of the owner or tenant, however, where more than four (4) signs are located on any zoning lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty (20) percent. Street number numerals shall not count in this requirement. Wall signs shall in no case project higher than the eave of the building or thirty (30) feet, whichever is lower.
- C. The total allowable sign area for all signs, including all wall and freestanding signs, shall not exceed two (2) square feet for each lineal foot of building wall facing a public street.
- D. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one-half (7 ½) feet between the sidewalk and the bottom of the sign.
- E. No freestanding sign shall be closer than twelve (12) feet from a street right-of-way or twenty (20) feet from any other property line.
- F. Temporary signs as permitted in Section 15.9.

15.7 Signs Permitted in the Industrial Districts

Within the IL and IH Industrial Districts as shown on the Zoning Map, only the following types of signs shall be permitted:

- A. One (1) freestanding identification sign is permitted for each premise. The area of the sign shall not exceed the total allowable sign area, but in no case exceed fifty (50) Square feet in area, and shall not project more than twenty-five (25) feet above ground level.

Business fronting on more than one (1) public street shall be permitted one (1) freestanding sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area and in no case, fifty (50) square feet per sign. A Conditional Use Permit may be obtained for a larger size.

- B. Permanent wall signs are permitted for each business provided they do not project higher than the building eave or thirty (30) feet, whichever is lower. The location and number of wall signs is at the option of the owner or tenant, however, where more than four (4) signs are located on any lot, the fifth such sign and each succeeding sign respectively, shall reduce the total allowable sign area by twenty (20) percent.
- C. The total allowable sign area shall not be more than two (2) square feet per lineal foot of building wall facing a public street.
- D. Identification signs may be suspended from or attached to the underside of a canopy or marquee, provided that the total sign area of such signs does not exceed six (6) square feet in area and a clear distance of at least seven and one-half (7 ½) feet between the sidewalk and the bottom of such signs is maintained.
- E. Temporary signs as permitted by Section 15.9.
- F. Off-premises advertising signs may be permitted in which case the sign shall be setback from any street right-of-way or property line by at least fifty (50) feet, shall not be closer than one hundred (100) feet to any property zoned residential, shall not project higher than twenty-five (25) feet above ground level, shall not exceed two hundred (200) square feet in area, and shall not be located less than three hundred (300) feet from any other off-premises sign.

15.8 Shopping Center Signs

For shopping centers in single ownership or under unified control one (1) additional sign on each street frontage, other than those regulated above, shall be permitted, subject to the following.

A. Content

Such sign shall advertise only the name and location of such center and/or name and type of business of each occupant of the center.

B. Area

The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed one (1) square foot per lineal foot of building facing a public street.

C. Location

The additional sign shall not be closer than twenty (20) feet to any property line or street right-of-way and shall not project higher than thirty (30) feet above ground level.

15.9 Temporary Signs

The following signs of a temporary nature including portable or mobile signs on wheels are permitted in all zoning districts:

A. One unilluminated sign per street frontage pertaining only to the lease, rent or sale of the property upon which it is displayed. The maximum size of such signs shall be as follows:

- 1) In all residential districts, three (3) square feet.
- 2) In all other districts, such signs shall be limited to one (1) square foot of area for each five (5) lineal feet of advertised property which abuts a public street; provided, however, no such sign shall exceed one hundred (100) square feet in area.

B. One (1) construction sign may be erected on a site during the period of construction or reconstruction of a building or other similar project. The sign may identify the owner and/or developer, architect, engineer, contractor and other individuals or firms, and the character or purpose for

which the structure or item is intended. The sign shall be unilluminated and removed within two (2) days after the construction work has been completed. The maximum size of a construction sign shall be as follows:

- 1) In residential zones, ten (10) square feet.
 - 2) In all other zones, fifty (50) square feet or one (1) square foot of sign are for each five (5) lineal feet of property abutting a public street, whichever is greater. In no instance, however, shall any such sign exceed one hundred (100) square feet in area.
- C. Signs for promotional purposes by an individual business may be displayed on the premise for a period not to exceed twenty-eight (28) days during each calendar year.
- D. Banners, pennants, ribbons, posters, streamers, strings of light bulbs, spinners or other similar devices may be displayed for a period of not more than twenty-one (21) days in any one calendar year on the occasion of the opening of a new business.
- E. Temporary signs painted or displayed on the interior or exterior of commercial building windows, provided, however, such signs shall not exceed twenty-five (25) percent of the total window area.
- F. Directional signs advertising a public event and located off premises may be displayed on private property not more than one (1) week in advance of the event and not more than two (2) days after the completion of the event. No such sign shall exceed six (6) square feet in area.
- G. Political campaign signs may be posted on private property only after the official campaign period has begun and must be removed within one (1) week after elections. Such signs shall not exceed six (6) square feet in area.
- H. No more than one (1) portable or mobile sign, with or without wheels, shall be permitted each lot provided that they are located not less than ten (10) feet from any street right-of-way of other property line, are included in the total allowable sign area along with wall signs and other freestanding signs, do not include an flashing or colored lights, and otherwise meet all requirements set forth in this section.

15.10 Signs Permitted in Conjunction with Non-conforming Uses

Any Non-conforming use in and district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted, or such signs as are existing at the time the use becomes

Non-conforming, whichever is the more restrictive with regards to sign size and number of signs. A period of one (1) year from the effective date of this ordinance shall be allowed in order to bring all such signs into conformity with this section.

15.11 Non-conforming Signs

Any Non-conforming signs, except those discussed in 15.10 above, existing on the effective date of this ordinance may remain in place and be maintained for five (5) years after said effective date, subject to the following requirements:

- A. No Non-conforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.
- B. No Non-conforming sign shall be structurally altered as to change the shape, size, type or design of the sign, nor shall any Non-conforming sign be relocated.
- C. No Non-conforming sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued.
- D. If a Non-conforming sign is damaged in such a manner that the estimated expense of repairs exceeds fifty (50%) of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed.

Within five (5) years after the effective date of this ordinance, all Non-conforming signs shall be removed or brought into compliance, unless such time is extended pursuant to the following requirements.

- E. The owner of any Non-conforming sign shall have the right, within five (5) years from and after the effective date of this ordinance, to make application to the Board of Adjustment of an extension of the time within which such sign may be permitted to remain.
 - 1) If such sign is Non-conforming as to its size, then the time may be extended by the Board of Adjustment for one (1) calendar month for each hundred dollars (%100) of the owner's unused investments in the sign. The term " unused investment" shall mean the unamortized portion of the original actual dollar cost for federal income tax purposes, all as certified public accountant.
- F. Any Non-conforming sign created as a result of any amendment to this ordinance or as a result of the extension of the zoned area shall have five (5) years from the date of such amendment or extension to conform to the requirements of this section.

Upon failure to comply with any of the above requirements, the Zoning Administrator shall cause the removal of any Non-conforming signs as hereafter provided:

- G. The Zoning Administrator or his designated agent shall give the owner of the Non-conforming sign notice of the violation by registered or certified mail. Notice to the owner or the occupant of the premise on which the sign is located shall be sufficient. These notices shall contain a brief statement of the particulars in which this section is violated is too remedied.
- H. Failure to correct such violation within thirty (30) days shall constitute a misdemeanor punishable by a fine of not more than fifty dollars (%50.00), or by imprisonment for not more than thirty (30) days. Each day's continuing violation shall be a separate and distinct offense.
- I. In addition to or instead of the above penalties, the Town may apply to a court of justice for a mandatory or prohibitory injunction and order of abatement directing the owner, occupancy or permitted to correct the violation in accordance with G.S. 160A-175

15.12 Prohibited Signs

Unless otherwise permitted, the following signs are prohibited:

- A. Banners, poster, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except as permitted in Section 15.9.
- B. Signs advertising an activity, business, product, or service no longer conducted on the premise upon which the sign is located.
- C. Mobile signs, except as permitted in Section 15.9.
- D. Off-premises advertising structures or billboards, except as a conditional use allowed in Section 8.7.
- E. Roof signs.
- F. Projecting signs and freestanding sign located within a public right-of-way except when erected by a government agency.
- G. No flag of the United States of the State of North Carolina shall be displayed as part of a commercial promotion. When displayed the flags shall be allowed to hang free and never draped or tied back.

15.13 Institutional Signs

Signs erected by schools, churches, hospitals, governmental buildings, and other institutions are permitted in all districts, but the size of any such signs shall not be in excess of twenty (20) square feet. If such sign is freestanding it shall not be closer than twelve (12) feet from any property line and shall not project higher than four (4) feet above ground level. If the sign is a wall sign it shall not project higher than twenty (20) feet above ground level or the maximum height permitted in the district, whichever is the lesser.

15.14 Illumination

Where illuminated signs are permitted, they shall conform to the following requirement:

- A. All sign illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electric Code.
- B. Signs which contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except those giving public information such as time, temperature, and date.
- C. Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisement; provided, however, that exposed neon tubing and expose incandescent or other bulbs not exceeding fifteen (15) watts each shall be permitted.
- D. Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
- E. Flame as a source of light is prohibited.

15.15 Maintenance and Removal of Unsafe Signs

All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Administrator or his designated agent shall order the sign to be made safe or removed subject to the following provisions.

- A. The owner of the sign, the occupant of the premises on which the sign or structure is located, of the persons or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated agent, forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Zoning Administrator or his designated agent or remove it.
- B. If such order is not complied within ten (10) days, the Zoning Administrator or his designated agent shall remove the sign at the expense of the owner or lessee thereof. No sign shall be erected or maintained in such a manner that any portion of its surface or its support will interfere in any way with the free use of access to any fire escape, exit, or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.
- C. Whenever a sign has been abandoned, advertises an activity, business, product or service no longer conducted on the premise or is erected in violation of the provisions of this section, the Zoning Administrator or his designated agent shall cause such sign to be removed or brought into compliance in accordance with the method prescribed for Non-conforming signs in Section 15.11.

15.16 Display of Property Numbers

Every residence, office, retail establishment, industry, or any other structure with a street number assigned to it shall display such number in such a way as to be easily visible from the street providing access. The numerals shall be of such size and color as to be easily recognizable and shall be attached to the wall of the building facing the street or, if the distance to the street or visibility due to other means makes this impractical, shall be displayed on a nameplate or number sign placed at the main entrance to the property, or displayed on a rural mailbox. Property owners may choose one of the latter methods of display in addition to attaching numerals to the building.

SECTION 16

MOBILE HOME PARKS

As a condition for the approval and continuance of a Conditional Use Permit for a mobile home park, the following shall apply:

16.1 Administration

A. Permits

- 1) It shall be unlawful for any person within the jurisdiction of this ordinance unless such person shall first obtain from the Board of Commissioners a Conditional Use Permit as described in Section 12, except that the maintenance or operation of a mobile home park may be continued under a Temporary Operating Permit for such period of time and under such conditions as are prescribed in Section A.4 below.
- 2) The Conditional Use Permit shall be issued and subsequently renewed if the Board of Commissioners finds that the applicable provisions of this ordinance and all other town ordinances are satisfactorily complied with and, at the time of the initial conditional use request, if the Board of Commissioners finds that the location of a proposed park is acceptable.
- 3) No conditional Use Permit shall be issued for any mobile home park not on operation upon the effective date of this ordinance until the park plan has been approved by the Board of Commissioners as provided for in Section 16.1.B.
- 4) A Temporary Operating Permit shall be issued by the Zoning Administrator permitting a Non-conforming park to be maintained and operated for a period of six (6) months subject only to the provisions of this ordinance made expressly applicable to the owner(s).

B. Construction or Alteration of Mobile Home Parked

- 1) No person shall construct or engage in the construction of any mobile home park or make any addition or alteration to a mobile home park that either alters the number of sites for mobile homes within the park or affects the facilities required therein until he first secures a Conditional Use Permit authorizing such construction, addition, or alteration. The construction, addition, or alteration shall

be done in accordance with plans and specifications submitted with the application and approved by the proper authorities. Procedures for the applicant securing such permit are described in Section 12. However, before the Board of Commissioners shall review the Conditional Use request, a park plan, described below, must be submitted for review and approval by the Board of Commissioners. No plan is required to be prepared and approved for issuance of a permit to make minor facility improvements in an existing mobile home park where the number of mobile home sites within the park is not affected. When no plan is required, application for a zoning permit may be made directly to the Zoning Administrator.

- 2) Four (4) copies of the park plan shall be submitted and, upon approval by the Board of Commissioners each copy shall be dated and signed by the mayor and Zoning Administrator, denoting town approval.

One copy shall be returned to the park owner or developer, one copy shall be submitted to the Town Hall to be held for public view, one copy shall be sent to the Inspections Department, and the fourth copy shall be retained by the Board of Commissioners for its records.

- 3) The approved park plan becomes part of the conditions for the conditional use and must be constructed and maintained accordingly in order to retain the permit. The Building Inspector shall make an examination of the construction at any records, test data, or information essential to such determination.
- 4) When all specified improvements have been made the Building Inspector or Zoning Administrator shall issue a Certificate of Occupancy and the developer may begin moving in homes and begin operations.
- 5) Adherence to the operating standards (Section 16.3) is other conditions required for the Conditional Use Permit to be renewed.
- 6) The Conditional Use Permit granted to a mobile home park shall expire after two (2) years. Permits shall be renewed if the Board of Commissioners determines that all conditions have been observed. If the permit is not renewed, operations of the park must cease within six (6) months of the date of denial.

C. What the Park Shall Show

The park plan shall be drawn on reproducible sheets to scale of not less than one (1) inch equals forty (40) feet and shall show the following on one or more sheets:

- 1) The name of the mobile home park, the names and addresses of the owner (s) and the designer of the park.
- 2) Date, approximate north arrow, and scale.
- 3) The boundary line of the tract, with accurate linear and angular dimensions, drawn to scale and the area of the park in square feet or acres.
- 4) A location map with a scale no less than 1" = 1000' showing the location of the mobile home park.
- 5) The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drainpipes, and any utility easements. The Board of Commissioners or Zoning Administrator may require similar information to be shown on proposed park boundaries. The names of adjoining subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land shall also be indicated.
- 6) The names proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements recreation areas, parks and open spaces, reservations, mobile home spaces, mobile home stands, parking areas, and building lines within the park. The locations, Dimensions, and types of all buffers which must meet the requirements detailed in Section 14. In all cases the proposed characteristics shall be shown in a manner that shall distinguish them clearly from the existing characteristics of the land.
- 7) When deemed necessary by the Zoning Administrator profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less than 1" = 40' horizontal and 1" = 4' vertical.
- 8) Plans of proposed utility layouts (sewer lines, septic tank locations, septic tank drain fields, water lines, and storm drainage) showing feasible connections to existing and proposed utility systems to be prepared by a civil engineer, registered land surveyor, or registered professional engineer.

- 9) Proposed storm drainage for each mobile home space and for the entire mobile home park including all proposed grading and sewer installations which may be deemed necessary to insure proper drainage and the elimination of ponding. Proper drainage requires a storm drainage capacity to the ten (10) year storm level.
- 10) Location and number of garbage receptacles.
- 11) A detailed plan for electrical installations prepared to meet the National Electrical Code and State and local codes or ordinances.
- 12) Where public water or public sewer is not available, a written statement from the County Health Department shall be submitted with the mobile home park plan indicating that the mobile home park has adequate land area and suitable soils and topography to accommodate the proposed methods of water supply and sewage disposal.
- 13) A detailed drawing to scale of not less than 1" = 10" shall be prepared of a typical mobile home space showing the location of the mobile home stand, all utilities, the mobile home utility connections, the patio, concrete footing, walks, parking spaces, driveways, and all other improvements.

D. Non-conforming Mobile Home Parks

All mobile home parks existing at the time of the adoption of this ordinance and not conforming to the requirements herein shall automatically receive a Temporary Operating Permit as provided for in Section 16.1.A. The park owner must submit a compliance plan to the Zoning Administrator not later than sixty (60) days prior to the expiration date of the Temporary Operating Permit. This plan shall be reviewed by the Board of Commissioners and shall become a condition to the conditional use, if granted. The park owner shall choose one of three alternatives, as follows:

- 1) If no compliance plan is submitted the park owner shall be considered to have chosen not to comply with both the design and operating standards as described in Sections 16.2 and 16.3 below or with the operating standards only and does not seek a Conditional Use Permit. In this case the owner has chosen the alternative of ceasing operation upon the expiration date of his Temporary Operating Permit.
- 2) If the compliance plan shows adherence to only the operating standards (Section 16.3), the park owner is deemed to wish a

Conditional Use Permit to operate under those standards. Such a permit may be issued by the Board of Commissioners for a period of two (2) years, but cannot be renewed more than twice, for a total of six (6) years. At the end of this period the park must close. The park owner may change his mind and submit a plan for conformance to both design and operating standards and apply for a permit as provided for in alternative (3) below. Such permit must be granted before the Conditional Use Permit issued under this subsection (2) has expired.

- 3) If the park owner wishes to continue operation indefinitely, the compliance plan must not only indicate observance of the operating standards, but must indicate how the park plans to comply with the design standards as set forth in Section 16.2 with the following exceptions.
 - (a) Requirements A,B,G,H, and N are eliminated entirely.
 - (b) Requirements D – The requirements of patios or porches are eliminated.
 - (c) Requirement E – the dimensions may be reduced by twenty-five (25) percent.
 - (d) Requirements P – One half of the width of required buffers may be included with in the dimensions may be included within the dimensions of individual mobile home spaces.
 - (e) Requirements Q – The requirement of installing wiring underground are eliminated. The park need not connect to public water and sewage system, but if it does not the park owner must obtain a letter or certificate from the County Health Department stating that said water supply and/or sewage disposal system has the approval of the Health Department to continue in operation.
 - (f) Requirement R – The recreational space requirements may be reduces to one or two areas totaling 4,000 square feet or 300 square feet per mobile home space, whichever is greater.
 - (g) Requirements S – The location of an already existing building shall not be regulated.

The compliance plan submitted under this third alternative must include a map showing the same information required of a park plan (Section 16.1.C) and, in addition, it must show how this new plan differs from the

present park and it must include a yearly time table indicating completion of the plan within three (3) years.

In no case shall mobile home, which has been removed for any reason, be replaced unless and until compliance plan has been approved by the Board of Commissioners as provided for in Section D.3 above.

If at any future time, a Non-conforming mobile home park wishes to expand n total size or in number of mobile homes, the owner must obtain a new Conditional Use Permit with the requirement that the new section be brought into complete compliance with all standards. The old non-conforming section may continue with a Non-conforming status as herein provided for.

16.2 Design Standards (Percent to Permit)

The following design standards must be met on the park plan before a Conditional Use Permit can be issued.

- A. Every mobile home park shall be located on a tract of land not less than four (4) acres in size.
- B. Every mobile home space shall consist of a minimum of 6,500 square feet. Each mobile home space shall be clearly established on the ground by permanent monuments or markers.
- C. No more than one mobile home may be parked on any mobile home space.
- D. The supports of all mobile homes parked within an authorized park shall rest upon footings which meet the North Carolina Regulations for Mobile Homes. Each mobile home space shall be provided with a patio of at least one hundreds (100) square feet constructed of concrete, brick, flagstone, or other such hard surfaced material, or a porch of similar size raised above the ground. A paved or gravel walkway two (2) feet wide minimum leading from the road or off-street parking space to the patio shall be provided. Each patio and walkway shall be graded and properly drained to prevent ponding.
- E. The following dimensional requirements shall be met:

Minimum mobile home park area	4 acres
Minimum park width	100 feet
Maximum density	5 units per acre

Minimum Size of Mobile Home Space:	6,500 square feet
Minimum mobile home space width	60 feet
Minimum mobile home space depth:	100 feet
Minimum setbacks on all sides for a mobile home within a space (Any attached accessory structure, such as room extensions, porches and porch roofs, and carports shall, for the purpose of this set back requirement, be considered to be part of the mobile home.)	Mobile home within a space: 22 feet on any side adjoining another mobile home space. 15 feet all other sides.
Minimum set backs for a mobile home to external park boundaries:	
Mobile Home Parks	
Front yard:	40 feet
Side and rear yards:	20 feet
Minimum building height:	35 feet

- F. A driveway and parking space sufficient to accommodate at least two (2) automobiles shall be constructed within or assigned to each mobile home space and shall be paved or covered with crushed stone or other suitable material.
- G. The mobile home park shall be located so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premise. Where storm drain way pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the mobile home park when needed so long as the capacity of the existing system can handle the additional load.
- H. Each mobile home stand and mobile home space shall be graded to provide adequate storm drainage away from the mobile home and such that there will exist no more than three (3) feet difference between the chassis of the mobile home and the finished grade of the mobile home stand along the entire perimeter of the mobile home proper.
- I. The mobile home park shall have paved or gravel roads and streets, lighted at night, that directly abut all mobile home spaces. Road surface widths shall be at least:

One-way, no parking:	11 feet
One-way, parking on one side only:	18 feet
Two-way, no parking:	20 feet
Two-way; parking on one side only:	26 feet
Two way; parking on both sides:	32 feet

- J. No mobile home space shall have direct vehicular access to a public street.
- K. Area to provide proper drainage ditches and a three (3) to one (1) back slope shall be provided where determined necessary by the Board of Commissioners, upon recommendation by the Building Inspector or Zoning Administrator.
- L. Closed ends of dead end streets shall be provided with an adequately surfaced vehicular turning circle at least sixty (60) feet in diameter or a turning "Y" with an angle of at least ninety (90) degrees.
- M. Each mobile home stand shall have adequate access, for both the mobile home and autos, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature, so that the parking, loading, or maneuvering of a mobile home shall not necessitate the use of any public street or right-of-way or any private property not part of the mobile home park.
- N. When the mobile home park has more than one direct access to a public street, they shall not be less than two hundred (200) feet apart or less than two hundred (200) feet from a public street intersection unless topographical or site conditions demand otherwise.
- O. Signs for the identification of mobile home parks must meet the requirements of Section 15.
- P. Buffers shall be installed around the entire perimeter of the mobile home park. Such buffers must meet the requirements of Section 14 and not be included within the dimensions of any mobile home space.
- Q. The following utility standards shall apply. In every mobile home park, all installations (other than those within the mobile home itself) of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the state, county, and town.

- 1) Utilities. All utilities shall be installed underground.
 - 2) Mobile Home Stand Utilities. Each mobile home stand shall be equipped with plumbing and electrical connections grouped together within the mobile home stand.
 - 3) Water Supply. Each mobile home park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the County Health Officer. The supply shall be adequate for the park requirements. The drinking, cooking, laundry, and general bathroom water supply for each individual mobile home shall be obtained from faucets or other plumbing connections located within each mobile home.
 - 4) Sewage Disposal. Each mobile home park shall be provided with an adequate sewage system or septic tank system approved by the County Health Department. All sewage wastes from each mobile home shall be piped into the mobile home park sewage disposal system.
- R. Adequate and suitable recreation areas and facilities to serve the needs of the anticipated population shall be provided and shall consist of one or more areas totaling at least five (5) percent of the gross site area. The recreational area shall be developed for use by either children or adults, or both, as need dictates and each mobile home space shall be within 400 feet of at least one such recreational area.
- S. The mobile home park may have a central structure containing a retail sales counter of coin operated machines for the park residents' use only, provided they are completely enclosed within a building and there is no exterior advertising and provided that such structures shall not front on a public street.
- T. Ground anchors shall be installed at each mobile home stand to permit tie downs of mobile homes. Each ground anchor shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds applied in the direction of the tie down. In addition, each ground anchor shall be capable of withstanding a fifty (50) percent overload without failure. Ground anchors must be resistant to weathering deterioration. The anchors shall be not more than eight (8) feet on centers beginning from the front line of the mobile home stand. These distance requirements may be modified if the entire tie down system, including ground anchors, is designed by a Registered Professional Engineer or Architect. Grounds

anchors for diagonal ties shall be provided in conjunction with each vertical tie down anchor.

16.3 Operation Standards (Subsequent to Permit)

The following operating standards shall be conditions to any Conditional Use Permit to operate a mobile home park and, as such, must be maintained in order to qualify for a permit renewal.

A. Mobile Home Sales in Mobile Home Parks

It shall be unlawful to conduct on a commercial basis the sale of mobile homes or travel trailers within a mobile home park.

B. Residential Units not to be Travel Trailers

No mobile home park shall permit a travel trailer as herein defined to locate within ties boundaries for period's grater than one week if used for any dwelling whatsoever.

C. Mobile Home Equipment

Each mobile home shall have a flush toilet, lavatory, bathtub or shower, cooking facilities, and electric wiring and shall be required to connect with the utilities provided at each mobile home space.

D. Refuse Disposal

All garbage and refuse in every mobile home park shall be stored in suitable water-tight and fly-tight receptacles which shall be kept covered with closely fitting covers. The size and type of all garbage or refuse upon the ground of any mobile home park operator to make certain that all garbage and refuse are regularly disposed of in a sanitary manner.

E. Health Regulations

All applicable health regulations shall apply to mobile home parks within the jurisdiction of the town except where such regulations are in conflict with the provisions of this section, in which case the more restrictive provisions shall apply.

F. Tie downs

The owner of the mobile home park shall be responsible to see that each mobile home parked within the mobile home park is properly tied down.

G. Skirting

Each mobile home shall be installed with skirting manufactured specifically for such use. The skirting shall be made of a material compatible with the siding of the mobile home.

H. Fire Prevention and Detection

In addition to any fire prevention regulations of the Town of Biscoe the following shall apply:

- 1) The operator of a mobile home park is responsible for informing each park resident of the location of the nearest fire alarm box. If any; the location of an n accessible telephone and the telephone number to be used to report fires; and procedures to be followed in case of a fire.
- 2) The park owner shall install a fire extinguisher labeled as suitable for Class A, B, and C fires and of a type approved by the Fire Department in each building open to the public and in the park office. The park staff shall be instructed n the proper use of any fire protection equipment available in the park and their specific duties in the event of fire shall be defined.
- 3) The park owner or operator shall maintain the park area free of rubbish, dry brush, leaves, weeds, and any other materials which might communicate fires between mobile homes and other buildings.
- 4) Empty liquefied petroleum gas containers and other objects and materials not approved by the Fire Department shall not be stored under mobile homes.
- 5) The mobile home park owner shall be responsible for payment of any applicable fee if the Firs Department is called upon.

SECTION 17

PLANNED DEVELOPMENTS

17.1 Statement of Purpose

For purpose of this ordinance, a Planned Development, is planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved Development Plan. It should be noted that a Planned Development that offers sites for sale is a subdivision and must be approved as such under any applicable regulation. There are two types: a Planned Housing Development and a Planned Business Development.

Use of this procedure is a conditional use in several districts. This process will provide a voluntary alternate development procedure which will:

- A. Permit creative approaches to the development of land, reflecting changes in the technology of land development;
- B. Accomplish a more desirable environment than would otherwise be possible, providing a variety of housing and building types, design and arrangements;
- C. Provide for an efficient use of land, which can result in smaller networks of utilities and streets and thereby lower housing costs;
- D. Enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreational and open space areas; and
- E. Provide an opportunity for new approaches to home ownership.

17.2 Application Requirements

A. Submission of Development Plan

An application for a Conditional Use Permit for a Planned Residential or Business Development shall be accompanied by four (4) copies of a Development Plan. Upon approval by the Board of Commissioners each copy shall be dated and signed by the mayor and Zoning Administrator, denoting town approval.

One copy shall be return to the owner or developer, one copy shall be submitted to the town hall to be held for public view, one copy shall be

sent to the Inspections Department, and the fourth copy shall be retained by the Board of Commissioners for its records.

B. Contents of Development Plan

The Development Plan shall include the following information:

- 1) The name of the development, the names and addresses of the owner (s) and the designer of the development.
- 2) Date, approximate north arrow, scale, and existing zoning.
- 3) The boundary line of the tract, with accurate linear and regular dimensions, drawn to scale and the area of the development in square feet or acres.
- 4) The locations of existing and platted property lines streets buildings water courses railroads bridges water mains sewers culverts drainpipes and any utility easements. The Board of Commissioners or Zoning Administrator may require similar information to be shown on the proposed boundaries. The names of adjoining subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land shall also be indicated.
- 5) The manes, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, reservations, individual lots, approximate building locations, parking areas, and setbacks within the development. The locations, dimensions, and types of all buffers which must meet the requirements detailed in Section 14. In all cases the proposed characteristics of the land.
- 6) When deemed necessary by the Zoning Administrator profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less that 1" =40' horizontal and 1" = 4' vertical.
- 7) Plans of proposed utility layouts (sewer lines, septic tank locations, septic tank drain fields, waterlines, and storm drainage) sowing feasible connections to existing and proposed utility systems to be prepares by a civil engineer, registered land surveyor, or registered professional engineer.
- 8) Proposed storm drainage including all proposed grading and sewer installations which any is deemed necessary to insure proper

- drainage and the elimination of ponding. Proper drainage requires a storm drainage capacity to the ten (10) year storm level.
- 9) Statement as to ownership of streets, alleys, and pedestrian ways and responsibility for maintenance thereof.
 - 10) Where public water or public sewer is not available, a written statement from the County Health Department shall be submitted with the Development Plan indicating that the development has adequate land area and suitable soils and topography to accommodate the proposed methods of water supply and sewage disposal.
 - 11) Tabulation of total number of dwellings of each type, acreage of each use, and residential densities (units per acre).
 - 12) Proposed schedule of development to be developed in stages.

17.3 Conformity to Plan

Construction and development shall conform to the Development Plan and associated requirements approved by the Board of Commissioners as part of the permit conditions. Modification of the Development Plan and associated requirements may be made by the Board of Commissioners, after review and a public hearing, when requested by the owner of the property.

17.4 Conformity of Zoning

All requirements of the zoning ordinance shall be followed, such as parking and buffers.

17.5 Dimensional Requirements

All dimensional requirements and densities shall be as in the applicable zoning district. Yards forming the outer boundary of a Planned Development shall be in conformance with the minimum requirements of the applicable district. The only exception to the dimensional requirements of the district is that zero lot lines are permissible so long as all required yards are maintained around each building and around the entire perimeter of the Planned Development.

17.6 Underground Utilities

Planned Developments shall provide for underground installation of utilities, including telephone and power.

17.7 Planned Business Development Design Standards

- A. The minimum lot size for a planned business district is four (4) acres.
- B. Uses permitted in the form of commercial development will be limited to convenience stores (drugs, food, and personal services), professional offices, Laundromats and retail stores. All auto related services and recreational activities are prohibited.
- C. Site location for this type of development, if located on a major thoroughfare shall have access onto a local street or frontage road at least 150 feet from highway intersections to minimize traffic hazards, inconvenience and congestion.
- D. Points of access and egress shall consist of driveways at least 20 feet in width.
- E. Parking areas shall be paved, with spaces and traffic lanes clearly marked.
- F. No more than 15 percent of the total area shall be in buildings.

17.8 Planned Residential Development Design Standards

- A. The Planned Housing Development area refers to land used for apartment complexes, public housing projects, townhouses, patio houses, duplexes, cluster housing, detached single homes, and similar residential developments.
- B. All sites where more than eight (8) units are proposed shall be located on a major or minor thoroughfare.
- C. Specific open space for recreation purposes shall be permanently assigned for that purpose. Such area shall be fenced off from streets and driveways by the developer.
- D. No more than four units shall be attached to one another in a straight line without an indentation in the front wall of the next two units of continuation of the complex in another separate building.

APPENDIX A

OPERATION PROCEDURES

The following is designed to enable town officials and the general public to understand the procedures involved in zoning operating procedures.

When an applicant wishes to construct a building, erect a sign, or conduct any activity regulated by this ordinance for which a Zoning Permit is necessary or which is prohibited under these regulations, he shall first go to the Zoning situation.

A. Application for a Permit

An applicant shall apply to the Zoning Administrator for a Zoning Permit, a Certificate of Occupancy, or another permit except a Conditional Use Permit. If all applicable regulations are met the Zoning Administrator shall issue the permit.

-OR-

If all applicable regulations have not been met the permit shall be denied. This leaves the applicant with four (4) options:

- Option #1: Drop the request.
- Option #2: Change the request in order to conform to regulations.
- Option #3: Request a change in the Zoning Ordinance text or map in order to make the desired activity permissible.
- Option #4: If the applicant believes that the permit was denied illegally, he may appeal the decision to the Board of Adjustment. (Appeal must be filed in writing within thirty (30) days of the decision of the Zoning Administrator.)

B. Board of Commissioners Route

An applicant who chooses Option #3 above shall apply through the Zoning Administrator for the desired change or Conditional Use Permit. The applicant may skip the application for a permit (A, above) if he realizes that it will be denied due to not meeting the regulations and immediately take this step of applying for a change.

The Board of Commissioners shall review the request, suggesting any modifications, and shall call for a public hearing. The Board of

Commissioners shall hold the public hearing and make its decision. If the decision is not favorable, the applicant has two (2) options:

Option #1: Drop the request.

Option #2: Change the request in order to conform to regulations or suggested modifications and reappear before the Board of Commissioners.

The Board of Commissioners shall next review the case or request along with findings at the public hearing and shall make a decision. If the decision is unfavorable the applicant has three options:

Option #1: Drop the request.

Option #2: Change the request and reapply.

Option #3: Appeal to the courts.

C. Board of Adjustment Route

If the applicant wishes to appeal the decision of the Zoning Administrator he shall apply to the Board of Adjustment to hear the case, or if the applicant believes he cannot reasonably be expected to comply with all regulations of the Zoning Ordinance, he may apply to the Board of Adjustment for a Variance.

The Board of Adjustment shall hear the case and make a judgment. The judgment may be favorable to the applicant.

-OR-

It may be unfavorable to the applicant, in which case he is left with three (3) options:

Option #1: Drop the case.

Option #2: Drop the case, change the request, and reapply.

Option #3: Appeal to the courts.

D. Town May Appeal

In all cases the Board of Commissioners reserves the right to appeal any decision of the Zoning Administrator to the Board of Adjustment and any decision of the Board of Adjustment to the courts.