

# **TOWN OF POLLOCKSVILLE ZONING ORDINANCE**

ADOPTED  
NOVEMBER 15,  
1993

AMENDED  
July 1, 2021

POLLOCKSVILLE  
ZONING ORDINANCE  
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# **ZONING ORDINANCE OF THE TOWN OF POLLOCKSVILLE, NORTH CAROLINA**

## **Article I. TITLE, ENACTMENT AND PURPOSE**

### **Section 1.01 – Title and Enactment**

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY THE NORTH CAROLINA GENERAL STATUTES CHAPTER 160D FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN POLLOCKSVILLE, NORTH CAROLINA; TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF COMMERCIAL BUILDINGS AND OTHER COMMERCIAL STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE REQUIRED OPEN SPACE, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS AND OTHER STRUCTURES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

Now, THEREFORE, the Town Board of the Town of Pollocksville, North Carolina, having received from the Planning Board a certified proposal for the total zoning of all property within the corporate boundaries of the Town of Pollocksville and having met the procedural requirements of N.C. General Statutes Chapter 160D does hereby ordain and enact into law the following articles and sections, this the 1<sup>st</sup> day of July, 2021

### **Section 1.02 – Short Title**

This ordinance shall be known as the "Zoning Ordinance". The map herein referred to which is identified by the title "Official Zoning Map of Pollocksville, North Carolina," shall be known as the "Zoning Map."

### **Section 1.03 – Purpose**

In accordance with the provisions of Chapter 160D of the General Statutes of North Carolina, the Town Board of Pollocksville, having acted as the Planning Agency to prepare a Zoning Plan showing proposed district boundaries and recommending a procedure by which the Zoning Regulations and restrictions and the boundaries of the zoning districts shall be determined, established and enforced, and from time

to time amended, the character of each district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town, hereby adopts this Zoning Ordinance.

The Zoning Ordinance has been prepared in accordance with a comprehensive plan for the development of Pollocksville and is designed 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 provision of transportation, water, sewerage, schools, parks and other public requirements and to give reasonable consideration to the expansion and development of the town so as to provide for its orderly growth and development.

**ARTICLE II. ESTABLISHMENT OF ZONING  
DISTRICTS AND PROVISION FOR  
ZONING MAP**

**Section 2.01 – Official Zoning Map**

For the purpose of this ordinance, the Town of Pollocksville is hereby divided into zones or districts as shown on the "Official Zoning Map of Pollocksville, N.C.", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The official Zoning Map shall be identified by the signature of the Mayor of the Town of Pollocksville and attested by the Clerk and shall bear the Seal of the town under the following words:

"This is to certify that this is the Official Zoning Map referred  
to in Article II of the Zoning Ordinance of Pollocksville,  
N.C.," together with the date of adoption of this ordinance.

If, in accordance with Article II of this ordinance changes are made in district boundaries or other matter portrayed on the official Zoning Map, such changes shall be promptly entered on the official Zoning Map after the amendment has been approved by the Town Board.

Regardless of the existence of purported copies of the official Zoning Map which may be made or published, the official Zoning Map which shall be located in the Pollocksville Town Hall shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the town.

**Section 2.02 – Zoning Map Amendments**



If, in accordance with Article XI of this ordinance, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows:

“On (date), by official action of the Pollocksville Town Council, the following changes were made in the Official Zoning Map: (brief description of change).”

The entry shall be signed by the Mayor and attested by the Town Clerk. No amendment to this ordinance which involves a matter portrayed on the map shall become effective until after such change and entry have been made on said map. The Town Council shall give official notice of the zoning to the Zoning Administrator within twenty-four (24) hours after passage of said amendment.

### **Section 2.03 – Replacement of Official Zoning Map**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the Town Council may, by ordinance, adopt a new official zoning map which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the Mayor and the Town Clerk and shall bear the seal of the Town under the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on\_\_\_\_\_. together with the date of adoption of the new map.”

### **Section 2.04 – Responsibility for Maintenance of the Official Zoning Map**

The Zoning Administrator shall be responsible for the maintenance of and revision of the official zoning map. Upon notification by the Town Council that a zoning change has been made, the Town Clerk shall make the necessary changes on the official zoning map within twenty-four hours following notification.

### **Section 2.05 – Rules Governing the Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the “Official Zoning Map of Pollocksville, North Carolina,” the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or railroad rights-of-way shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following platted lot lines

shall be construed as following such lot lines;

- (3) Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits;
- (4) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (5) Boundaries indicated as parallel to or extension of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- (6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.
- (7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Town Board may permit, as special use, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

### **Section 2.06 – Designation of Zoning Districts**

Zoning districts included in this ordinance are named as

follows: R-8 Residential Zoning District  
R-6 Residential Zoning  
District C-1 Commercial  
Zoning District I-1 Industrial  
Zoning District

## **ARTICLE III. APPLICATION OF REGULATIONS**

### **Section 3.01 – Territorial Application**

The provisions of this ordinance shall apply to all lands, waters and structures and uses of them, within the zoning jurisdiction of Pollocksville, N.C. as now or

hereafter established.

**Section 3.02 – Use, Occupancy and Construction**

No building, structure, or land shall hereafter be used or occupied, and no structure or part of one shall hereafter be constructed except in conformity with all of the regulations specified in this ordinance for the district in which it is located.

**Section 3.03 – Height, Bulk, Density, Lot Coverage, Yards and Open Spaces**

No building or other structure shall hereafter be erected or altered to exceed the height or bulk requirements of this ordinance; no to accommodate a greater number of families than allowed by this ordinance; nor to occupy a greater percentage of lot area than allowed by this ordinance; nor to have narrower or smaller front yards, side yards, rear yards, or other open spaces than required by this ordinance; nor shall any building, structure or land be used in any other manner contrary to the provisions of this ordinance.

**Section 3.04 – Reduction of Lots or Areas Below Minimum**

No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance.

Lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

**Section 3.05 – Computation of Required Spaces**

In computing a minimum front yard (building setback line), if the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), then that line shall serve as the foremost part of the lot from which to measure. If the right-of-way is not so determinable, the front yard or setback line shall be measured from the street centerline and thirty (30) additional feet of front yard shall be required.

The inner edge of a yard shall be measured from the building foundation; however, should eaves, gutters or any uncovered porches, steps, or similar fixtures extend further from the foundation than three (3) feet, the inner edge of the yard shall be measured from three (3) feet within the outline of the protruding fixture.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with

this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except as provided in Section 6.01(A).

**Section 3.06 – One Principal Building On Any Lot**

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot except as authorized in this ordinance in Section 6.05 below.

**Section 3.07 – Lot Access Requirements and Road Frontage Requirements**

No structure requiring a building permit shall be erected on any lot which does not abut either a public right-of-way or a private street or easement at least 30 feet in width which has been approved by the Town Board and recorded by the Register of Deeds of Jones County.

**Section 3.08 – Vision Clearance At Intersections**

On a corner lot which abuts a state maintained right-of-way in any district no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way and a straight line connecting points on said street lines each of which is fifty (50) feet distance from the point of intersection. On all other rights-of-way, proper setback for vision clearance shall be determined by the Zoning Administrator but in no case shall the requirement exceed the above.

**Section 3.09 – Walls and Fences; Obstruction To Vision**

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, fences and walls must be set back at least five (5) feet from the edge of any pavement or graveled area of a road and may not be placed in the state or town right-of-way. In addition, there shall be no obstruction to vision over three (3) feet in height by structures, signs, fences, walls, parking of automobiles or vegetation within the area from the paved or graveled edge of the street to a line set back fifteen (15) feet and parallel with the street right-of-way line. This section does not apply to utility poles or mail boxes, nor does it apply to essential highway signs installed by the Town of Pollocksville or the North Carolina Department of Transportation.

**Section 3.10 – Structures Excluded From Height Limitations**

The height limits of these regulations shall not apply to a church spire, belfry,

cupola, dome or ornamental tower, monument, water tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extended more than four (4) feet above the roof line of the building, necessary mechanical appurtenances, and any other feature not for human occupancy.

### **Section 3.11 – Reduction of Front Yard Setback Requirements**

In any Residential District, the front yard setback requirements of a lot may be reduced based upon the calculations described in this section.

Where the average setback distance of all lots –

- (1) which are located entirely or partially within two hundred (200) feet of the lot in question,
- (2) which are within the same zoning district, and
- (3) which front the same side of the street as the lot in question—

is less than the minimum setback distance required in said zoning district, then the front setback distance of the lot in question may be reduced to the average setback distance, except that in no case shall the setback distance be less than fifteen (15) feet.

When lots within the two hundred (200) feet are vacant, those vacant lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance.

### **Section 3.12 – Conversion of Existing Structures to Condominium Ownership**

Existing structures not in condominium ownership under the Unit Ownership Act of the State of North Carolina may be converted to unit ownership provided the owner or developer shall comply with all provisions of this ordinance for obtaining a building permit and site plan approval, as applicable, as in new construction, and further, that before the existing structure shall be converted to unit ownership in accordance with the North Carolina Unit Ownership Act, the structure shall meet all the requirements and standards of the current building code in effect at the time the conversion is made.

### **Section 3.13 – Curb Cuts**

No portion of any entrance driveway leading from a public street shall be closer than thirty (30) feet to the corner of any intersection measured from the right-of-way line.

### **Section 3.14 – Corner Lots**

In the Residential and Business Districts, on a corner lot, structures must be set back from both streets a distance equal to the required setback distance for front yards in that district.

### **Section 3.15 – Accessory Buildings/Structures/Uses**

Customary accessory buildings (*examples include but are not limited to such traditional structures as garages, carports, storage sheds, barns, etc.*) may be located in any rear or side yard not adjacent to a street, but may be located no closer than five (5) feet to any property line *within all of the Town of Pollocksville's Residential Districts*. Otherwise, accessory buildings are subject to the requirements regarding height limitations, visibility at property lines and other requirements contained in the ordinance (*as well as any Building Code that may be required*).

*Exceptions to the restrictions of accessory structures for placement of an accessory structure may be considered in the Town of Pollocksville's Commercial District only to allow for accessory buildings/structures/uses to be permitted in an identified Front Yard with the following provisions:*

- 1) *The proposed accessory structure may only be placed on a lot/parcel that currently meets or exceeds the current road frontage setback requirements and is in conformity with the Town of Pollocksville development standards.*
- 2) *The proposed accessory structure shall in no way obstruct the ingress or egress of any commercial property.*
- 3) *The proposed accessory structure shall not increase any approved impervious surface restrictions.*
- 4) *The proposed accessory structure shall not reduce any parking requirements or landscape requirements as approved by the Town of Pollocksville.*
- 5) *No accessory structure placed in the front yard of a commercial property may exceed 125 square feet.*

### **Section 3.16 – Fees**

#### **A. Fees May Be Established**

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for permitted use permits, special use permits, zoning

amendments, variances, interpretations, and other administrative relief. The amount of the fees charged shall be as set forth in the town's regularly adopted fee schedule.

B. Fees Paid Upon Application

Fees established in accordance with this Section shall be paid upon submission of a signed application or notice of appeal.

**Section 3.17 – Junkyards**

Junkyards are not allowed within the zoning jurisdiction of the Town of Pollocksville. Junkyards existing at the time of adoption of this Ordinance shall be allowed to continue operation for five (5) years from the adoption date. Upon expiration of the five-(5) year period, the junkyard must discontinue operation.

Certain words or terms used in this ordinance shall be interpreted as follows:

**Section 4.01 – Interpretation of Common Words and Terms**

Words used in the present tense include the future tense

Words used in the singular number shall include the plural and words used in the plural shall include the singular.

The word "person" includes a firm, co-partnership, company, organization, trust, association, or corporation as well as an individual.

The word "lot" includes the word "plot," "parcel," or

"tract." The word "building" includes the word

"structure."

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The word "shall" is always mandatory.

The word "may" is permissive.

## **Section 4.02 – Definition of Specific Terms and Words**

Accessory Use: (See Use, Accessory)

Alley: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting street, and may be used for public utility purposes.

Buffer: A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.

Buffer Strip: A device of material and space used to provide sight and sound screening from adjoining properties. The required height and width of the buffer strip and the materials used in its construction vary according to use. Where a buffer strip is required under the provisions of this ordinance, such buffer strip shall be approved by the Zoning Administrator.

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other purposes.

Building, Accessory: a subordinate building consisting of walls and a roof, the use of which is clearly incidental to that of a principal building on the same lot. Accessory buildings may be placed in any rear or side yard but may be no closer than five (5) feet from any property line, *with the exception identified in Section 3.15 regarding structures in the C-1 District only.*

Building Coverage: The proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Setback Line: A line parallel to or concentric with the street right-of-way establishing the minimum allowable distance between such right-of-way and the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures.

Church, Club, or Private Lodge: An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities operated on a nonprofit basis for the primary benefit of its members.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants together with individual ownership in fee of a particular dwelling unit in such building.



Development Permit. An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following: zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, building permits, subdivision of land, and sign permits.

Down-zoning. An Ordinance or map amendment that affects an area of land in one of the following ways: (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage or (2) By reducing the permitted uses of the land that are specified in this Ordinance to fewer uses than were allowed under its previous usage.

Drive-In Restaurant or Refreshment Stand: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages to customers in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for a single family.

Dwelling, Single-Family: A detached building designed for or occupied exclusively by one family.

Dwelling, Two-Family (Duplex): A detached building, divided horizontally or vertically, and designed for or occupied by two single-family housekeeping units contained entirely under one roof and having one dividing partition common to each unit, or having the ceiling structure of the lower unit the floor structure of the unit above.

Dwelling, Multiple: A building or portion of one used or designed as a residence for three or more families living independently of each other and doing their own cooking therein. This definition includes apartment houses.

Easement: A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Family: One or more persons occupying a single family dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain more than five (5) persons.

Height: The vertical distance measured from the tallest part of a structure to the finished grade at the base of the structure. In cases where the grade varies at the corners of a building, the height shall be determined by using the average grade at the corners of the structure.

Home Occupation: The accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services under the requirements of Section 6.04.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or debris. Junked, dismantled or wretched motor vehicles, or parts thereof, and iron, steel, any other old or scrap ferrous or nonferrous materials are also junk. The term "junk" shall also include old or salvaged building materials, appliances, dismantled or wrecked boats, machinery and parts thereof, and any item which is either in a wholly or partially rusted, wrecked, dismantled, or inoperative condition.

Junk Yard: An automobile wrecking yard, building material salvage yard, scrap metal processing yard, or any lot, land or structure or part thereof where an area of 300 square feet or larger is used for storing, keeping, buying, processing or selling junk. In addition, any lot on which three vehicles without proper current license plates are located shall be considered a "junk yard."

Lot: A parcel of land which fronts on and has ingress and egress by means of a public right-of-way or an approved private street and which is occupied or intended to be occupied by a building or group of buildings as provided herein with the customary accessories and open spaces.

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot of which at least two adjoining sides abut for their full lengths on a street.

Lot Depth: The average distance from the street line of the lot to its rear line measured in a general direction of the side lines of the lot.

Lot Lines: The lines bounding a lot as defined herein:

- a. Lot Line, Front: The line separating the lot from that street which is designated as the front street on the building permit, zoning permit or subdivision plat.
- b. Lot Line, Rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from

the front lot line, not less than 30 feet long and wholly within the lot.

- c. Lot Line, Side: A side lot line is any lot boundary line not a front lot line or a rear lot line.

Lot Width: The width of a lot at the required building setback line measured at right angles to its depth.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Jones County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Medical Clinic: A building or structure or portion thereof where medical services are provided for outpatients only.

Mobile Homes (Includes Double-Wide and Triple-Wide Homes: A portable manufactured housing unit built on a chassis, with body width exceeding 8 feet or body length exceeding 32 feet, designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities. A travel trailer is not to be considered as a mobile home.

Mobile Home Park: A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes; provided that each mobile home park existing at the time of passage of this ordinance and not meeting the minimum requirements of this ordinance, shall be considered a non-forming use.

Modular Home: A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The construction is in accordance with the North Carolina State Building Code. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site. For the purpose of this ordinance, such will be treated the same as conventional housing.

Non-Conforming Use: A use of building or land which does not conform with the regulations of the district in which such building or land is situated but was lawful before adoption of this ordinance.

Open Space: An unoccupied space open to the sky.

Open Storage: Unroofed storage area, whether fenced or not.

Parking Space: A vehicular storage space of not less than nine (9) feet by eighteen (18), plus the necessary access space. It shall always be located

outside any dedicated right-of-way.

Public Utility Facilities: Any above-ground structures or facilities owned by a governmental entity, non-profit organization, corporation, or other such entity and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures.

Sign: Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboard or poster panel, designed to carry visual information. (See Section 6.02 for further definition.)

Special Use: (See Use, Special)

Street:

- a. Any permanently dedicated public right-of-way which has been accepted for maintenance by the state department of transportation; or
- b. Any other open area providing the principal means of access for vehicles or pedestrians from a public right-of-way to a building or use of land and which:
  1. is at least thirty (30) feet in width; and
  2. has been approved by the Board of Commissioners as a street to satisfy the requirements of this ordinance; and
  3. is covenanted by its owner to remain open and unobstructed throughout the life of any building or use which depends thereon to satisfy any requirement of this ordinance.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Townhouse: A single-family dwelling on its own individual lot but connected on two sides, by means of a common wall for at least ten (10) feet of its length, to two other single-family dwellings or an end dwelling of a row of such dwellings. No more than six (6) such dwelling units may be attached in a single group.

Trailer: Shall include any of the following:

- a. Travel Trailer: a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, and, when factory equipped for the roads, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty-two (32) feet.
- b. Pick-Up Coach: a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- c. Motor-Home: a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
- d. Camping Trailer: a folding structure of canvas or other material mounted on wheels and designed for travel, recreation, and vacation use.

Trailer Park: A parcel or tract of land under single ownership which has been planned and improved for the temporary placement of campers or trailers as a service to the traveling public. Each trailer park existing at the time of passage of this ordinance which does not meet the minimum requirements established for trailer parks by this ordinance shall be considered a non-conforming use.

Use: A "Use" is:

- A. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or,
- B. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, Accessory: A use which is clearly incidental to and customarily found in connection with the principal use and located on the same lot with such principal use.

Use, Principal: The specific primary purpose for which land is used.

Use, Special: A special use is a use that would not be appropriate generally or without restriction throughout a particular zoning district but which, if

controlled as to number, area, location or relation to the neighborhood, would preserve the intent of this ordinance to promote the public health, safety, morals, and general welfare. Specific provisions are made for special uses which may be permitted in certain zones and the procedures for application are set out in Article VIII, Section 8.14 of this ordinance.

Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to public interest and where, owing to conditions peculiar to the property and not the result of the actions 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 structure or size of yards and open spaces. The establishment or expansion of any use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or any other requirement of this ordinance, and further provided that customary accessory buildings may be located in any side or rear yard no closer than five (5) feet to any property line and subject to other limitations of this ordinance.

- A. Yard, Front: A yard extending between side lot lines across the front of a lot adjoining the public street. Depth of required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be essentially parallel.
- B. Yard, Rear: A yard extending across the rear of the lot between side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line. In the case of lots abutting more than one street, there may be no rear yard, but only front and side yards.
- C. Yard Side: A yard extending from the rear line of the

required front yard to the rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Zoning Administrator: The person whom the governing board has designated as its agent for administration and enforcement of the Zoning Ordinance and any subsequent regulations.

Zoning Permit: A statement issued by the zoning administrator, or his appointed designee, stating that the building, structure, or use of land complies with the provisions of the adopted zoning ordinance of Pollocksville and the standards of the State of North Carolina.

## **ARTICLE V. NON-CONFORMITIES**

### **Section 5.01 – Intent**

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but to encourage their survival, except as set out in Section 5.02 below. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as ground for adding other structures or uses prohibited elsewhere in the same district. (See Section 12.01 regarding outstanding building permits.)

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change of the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, that excavation, demolition or removal shall be considered actual construction, provided that work shall be carried on diligently.

### **Section 5.02 – Regulation of Non-Conformities**

- A. Non-Conforming Lots of Record
1. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this ordinance, even though limitations may be imposed by other provisions of this ordinance. The lot must be in separate ownership and not be continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for area or width, or access, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or access, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment as established in Article X of this ordinance.



2. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

B. Non-Conforming Uses of Land

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where the use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

1. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If active operations of a non-conforming use are discontinued for a continuous period of six (6) months or one hundred and eighty (180) calendar days, whichever is less, the building or area in which the non-conforming use took place shall thereafter be used only for a conforming use.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with the non- conforming use of land.

C. Non-Conforming Mobile Homes

Where an individual mobile home is located on a lot in a zoning district in which a mobile home is not a permitted use, it may be replaced with another mobile home provided that:

1. All other applicable state and county requirements are met; and,
2. That such replacement must occur within thirty (30) days. After such time, the non-conforming mobile home may only be replaced with a conforming structure.

D. Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, the structure may be continued so long as it remains lawful, subject to the following provisions:

1. No non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion of it may be altered to decrease its non-conformity.
2. If any such non-conforming structure or non-conforming portion of structure is destroyed by any means to an extent of more than seventy-five percent of its replacement at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. However, any destroyed non-conforming structure may be rebuilt to its original dimensions if a permit for rebuilding is obtained within one hundred eighty (180) days from the date of destruction. Thereafter, it shall not be rebuilt except in conformity with the regulations of the district in which it is located.
3. If any such structure is moved for any reason for any distance whatever, it shall then conform to the regulations for the district which it is located after it is moved.

E. Non-Conforming Uses of Buildings or of Buildings and Premises in Combination

If lawful use involving buildings with a replacement cost of \$1,000 or more, or of buildings and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the

lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in a district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming structure or use of structure may be changed to any conforming use or with the approval of the Town Board to any use more in character with uses permitted in this district. In permitting such a change, the Board must find that the proposed use is more appropriate or equally as appropriate to the district as the existing non-conforming use and shall require appropriate conditions and safeguards necessary to ensure that the change is in keeping with provisions and spirit of this ordinance;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or one hundred eighty (180) days (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. If a non-conforming building remains on the market for rent or sale and fails to be rented within a one hundred eighty (180) day period, the said non-conforming building shall be allowed to continue as a non-conformity so long as there is evidence of the owner's intention to actively rent or sell said building;

6. However, any destroyed non-conforming structure may be rebuilt to its original dimensions if a permit for rebuilding is obtained within one hundred eighty (180) days from the date of destruction. Thereafter it shall not be rebuilt except in conformity with the regulations of the district in which it is located.

F. Repairs and Maintenance

1. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order by such official.

G. Uses Under Special Use Provisions Not Non-Conforming

Any use which is permitted as a special use or a special development permit in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

**ARTICLE VI. GENERAL PROVISIONS AND  
SUPPLEMENTARY REQUIREMENTS**

**Section 6.01 – Off-Street Parking Requirements**

At the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space shall be provided according to the amounts and specifications provided by this ordinance.

A. General Provisions

1. Each parking space shall have a minimum length of eighteen (18) feet and a minimum width of nine (9) feet. It shall have vehicular access to a publicly dedicated street or alley, except as authorized in Section 6.05 of this ordinance for Group Development.
2. With the exception of required spaces for single-family and two-family dwelling units, sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way.

3. No parking spaces for residential use, except for single-family and two-family use, shall be located in the required front yard set back area.
4. Required parking spaces and driveways for other than single-family and two-family uses shall be graded, improved and maintained in a manner which will provide a dust-free surface permitting safe and convenient use in all weather conditions.
5. Required off-street parking spaces are permanent areas and shall not be used for any other above ground purpose.
6. For uses not specifically mentioned in this ordinance, off-street parking requirements shall be applied by the Zoning Administrator based upon requirements for similar use.
7. All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period during the day or night. In instances where calculations indicate a portion of one (1) space is required, an additional full space shall be provided.
8. Each application for a zoning permit submitted to the Zoning Administrator shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section are met.
9. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
10. Any off-street parking space required by any use permitted in any Residential District shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial and industrial uses in other districts shall not be permitted in a Residential District.

B. Requirements for Parking Lots

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

1. Yards: No parking lot shall be located closer than ten (10) feet to a public right-of-way. The area between the parking lot and street right-of-way shall be planted and maintained in lawn or other appropriate planting, or shall be improved otherwise as approved in site plan review.
2. Curb Bumpers: The required front and side yards shall be set off from the parking area by a fixed curb of masonry or wood, not less than six (6) inches or more than two (2) feet high.
3. Lighting: Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
4. Surfacing: All parking lots shall be provided with an adequate surface provide safe and convenient access in all weather conditions.
5. Landscaping: A minimum of five (5) percent of the parking area shall be devoted to plantings. In addition, a minimum of one canopy-type hardwood tree (such as a maple, oak, walnut, balk cypress or zelkova) measuring a minimum of two (2) caliper inches shall be required for every ten (10) parking spaces. Trees shall be distributed evenly throughout the parking area. When trees are located within the parking area, rather than a planting strip, they should be in an area eighteen (18) feet by nine (9) feet. This space shall be counted as a parking space in calculating the number of parking spaces required for use. This ordinance recommends saving existing trees or vegetation, if possible.
6. Drainage: Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural water course or a drainage easement.
7. Markings: Each parking space shall be marked off and maintained so as to be distinguishable *and comply with the Americans with Disabilities Act (ADA) Standards for Accessible Design.*
8. Entrances: On all corner lots, no vehicular openings shall be located at closer than thirty (30) feet from the point of intersection of the established street right-of-way lines.

No entrance or exit, shall exceed thirty (30) feet in width at the property line, or forty (40) feet at the curb line. Only one combined entrance/exit shall be allowed per lot.

Between lots there shall be a minimum distance between

driveways of twenty-five (25) feet measured along the curb line.

Any owner of property that is currently being used or proposed to be used for "Governmental buildings, including police and fire stations" as a permitted use or pursuant to an approved Special Use Permit as stated in this ordinance may apply for the installation and use of one (1) additional entrance/exit per lot if, at the time of submission of the application for a Certificate of Zoning Compliance and/or the application for a Special Use Permit, whichever is applicable, the applicant submits a sworn statement attesting to specific facts that show all of the following to the satisfaction of the Zoning Administrator and/or the Board of Adjustment as applicable:

- a. The additional entrance/exit per lot is essential for the access to and operation of the main building used or to be used as "Governmental buildings, including police and fire stations" and shall not be used for any other purpose; and
- b. The additional entrance/exit per lot is essential to promote the health, safety, and welfare of the resident of the Town; and
- c. The additional entrance/exit per lot does not negatively impact adjacent landowners or impede the flow of traffic unnecessarily.

C. 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 except as provided in Subsection A(9) above and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. Where a fraction of a space is required by this ordinance the next whole number shall be provided. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this ordinance.

1.	<u>Residential and Related Uses</u>	<u>Required Parking</u>
	Single-family detached dwelling spaces units, town houses, and unit condominiums:	Two (2) parking for each dwelling

Multi-family residence and the spaces group housing projects: each	Two (2) parking on the same lot for unit.
Hotel, tourist home, motel motor court, rooming or rented boarding house:	1.25 parking spaces for each room to be
Professional office in own spaces residence	Three (3) parking for office or home occupation in addition to residence requirements.
2. <u>Public and Semi-Public Use</u>	<u>Required Parking</u>
Outpatient clinic:	Five (5) parking spaces for each doctor in attendance.
Nursing home:	One (1) parking space for each four (4) beds intended for patient use.
Hospital or care home:	One (1) space for each one (1) bed plus one (1) space for each two (2) employees plus one (1) space for each staff or visiting doctor.
Church:	One (1) parking space for each four (4) seats in the sanctuary.
Elementary school and junior high school:	One (1) parking space for each two (2) teachers, employees and administrative personnel plus safe and convenient loading and unloading of



students.

High School:

Five (5) spaces for administrative offices, plus one (1) space for each two (2) employees, plus five (5) spaces per classroom, plus one (1) space per (8) seats in the largest assembly area or gymnasium.

Child day care, kindergarten nursery, adult day care:  
(1)

One(1) space per employee, plus one space per 500 square ft.

Library:

One (1) space for each six (6) seats provided for patron use.

Club or Lodge

One (1) space for each one hundred (100) square feet of floor space

<u>3. Retail and Office Uses</u>	<u>Required Parking</u>
General or professional offices for and banks (other than doctors, dentists – see clinic requirements)	One (1) parking space each two hundred square feet of gross floor area
Restaurant, café, or public for eating place:	One (1) parking space every three hundred (300) square feet of gross floor area.
Drive-in restaurant or refreshment stand:	Ten (10) parking spaces in addition to the requirements for a restaurant, care, or public eating place.
Furniture, appliance and grocery store:	One (1) parking space for each five hundred (500) square feet of gross floor area.
Indoor entertainment facilities for including bowling alleys, dance halls, skating rinks, amusement arcades and similar facilities:	One (1) parking space each two hundred square feet of gross area.
Outdoor entertainment facilities for including amusement parks, miniature golf course, and similar facilities	One (1) parking space each two hundred square feet of gross ground area exclusive of the area required for parking and buffering.
Theaters:	One (1) parking space for each three (3) seats in the auditorium.
Funeral Homes:	One (1) parking space for each four (4) seats in the chapel or parlor.

Service Stations: Two (2) spaces for each gasoline or kerosene pump, five (5) spaces for each grease rack and one (1) space for each two (2) employees, but no fewer than ten (10) spaces.

Retail Uses not otherwise listed: One (1) parking space for each five hundred (500) square feet of gross floor area.

4. Wholesale Uses and Warehouses Required Parking

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

Industrial uses: Two (2) parking spaces for each three (3) employees on the largest shift.

D. Off-Street Loading

When off-street loading space is required under the dimensional requirements of a particular district, one or more loading berths or other space shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every building or structure erected after the enactment of this ordinance, all to be in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of 12 feet by 30 feet and a 14 foot overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby. The Zoning Administrator shall determine the sufficiency of loading space but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

Use Classification

Space Requirements

Retail operation, including restaurant and dining facilities within hotels office buildings with a total usable floor area of 20,000 square feet or more devoted to that purpose

One (1) loading berth for every 20,000 square feet of floor space

Retail operations, and all first floor non-residential uses, with a gross floor area of less than 20,000 square feet and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet.

A loading space (not necessarily a full berth) as defined in this Section above.

Office buildings and hotels with a total usable area of 100,000 square feet or more devoted to such purposes.

One (1) loading berth for every ten thousand (10,000) square feet of floor area

Industrial and wholesale operations loading with a gross floor area of 10,000 square feet or over and as follows:

Minimum number of berths required:

10,000 - 39,999 square feet	2
40,000 - 99,999 square feet	3
100,000 - 159,999 square feet	4
160,000 - 239,999 square feet	5
240,000 - 319,999 square feet	6
320,000 - 400,000 square feet	7
Each 80,000 square feet above 400,000 square feet	1

**Section 6.02 – Regulations Governing Signs**

A. Definitions

1. For the purpose of this ordinance, a sign is any surface, fabric or device bearing lettered pictorial or sculptured matter

designed to convey information visually and exposed to public view, or any structures, including billboard or poster panels designed to carry visual information.

2. Signs are defined as either on-site signs or off-site signs.
  - a. An on-site sign is one relating in its subject matter to the premises on which it is located, or to products, services, accommodations, or activities on this premises.
  - b. An off-site sign is any sign other than an on-site sign including signs erected for the provision of outdoor displays or display space as a business on a lease or rental basis.
3. Temporary signs: Signs that are designed for temporary placement and do not require additional construction or require that land or improvements be disturbed or displaced in order to be erected or displayed.

B. Number and Area

For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit.

Where matter is displayed in a random manner without organization of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. The area of a double-faced sign shall be the area of one face of the sign, provided that the two faces are of the same size and are parallel to one another with no more than twenty-four (24) inches between each sign face.

C. Sign Permit Required

No sign shall hereafter be erected or attached to, suspended from,

or supported on a building or structure nor shall any existing sign be structurally altered, remodeled or relocated until a sign permit has been issued by the Zoning Administrator. No permit is required for signs enumerated in Subsection H.

D. Material and Design

All signs shall be constructed and designed according to generally accepted engineering practices, to withstand wind pressures and load distribution as specified in Section 804 of the North Carolina Building Code, 1958, as amended. Signs should complement the building or development.

E. Illuminated Signs

All signs in which electrical wiring and connections are to be used shall require a permit and shall comply with the North Carolina Electrical Code and be approved by the Zoning Administrator.

F. Moveable Signs (Trailer Signs)

Trailer signs shall not be allowed as permanent signage. They may be allowed on a temporary basis for special events; however, the owner or user must apply for a permit. The permit shall require the applicant to state the purpose of the event and length of time the trailer sign will be used. No permit shall be issued for more than ninety (90) days in any given year.

G. Prohibited Signs

1. No sign may be erected or maintained which is a copy or imitation of an official highway sign and carrying the words "STOP" or "DANGER." No sign shall be erected or maintained which involves flashing or intermittent red, green or amber illumination or resembles a traffic control signal or sign.
2. No sign may obstruct corner visibility or visibility at a driveway between a height of two (2) feet and ten (10) feet.
3. No sign may be posted on any telegraph, telephone, or electrical light poles or on any tree along any street except for approved street name signs.
4. No sign may obstruct ingress and egress to any window,

door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any room or building as required by law.

5. No sign may violate any provision of any law of the State of North Carolina relative to outdoor advertising.
6. No sign may be erected which contains, employs, or utilizes lighting which rotates, flashes, moves or alternates except for otherwise approved time or temperature signs.
7. No sign may be located within a public right-of-way or within 30 feet of the center line of any public thoroughfare, unless such sign is expressly permitted by state law along streets and highways under the jurisdiction of the North Carolina Department of Transportation.

H. Signs Permitted in the R-8 and R-6 Residential District

1. An indirectly lighted name plate or professional sign not over two (2) square feet in area may be permitted with an approved home occupation. (See Section 7.01 (c)(3) and Section 7.02 ( c)(3), Home Occupations in R-8 and R-6 Districts.)
2. One temporary sign. This limitation shall not apply to temporary signs placed within forty-five (45) days before or within thirty (30) days after any official election day during which an unlimited number of temporary signs is allowed.
3. Directional signs not over four (4) square feet in area indicating the location of churches, schools, hospitals, parks, scenic or historic places, or other places of general interest. Any such sign and mounting shall not exceed three (3) feet in total height
4. One name sign or bulletin board not exceeding twelve (12) square feet for any permitted church, school or other non-commercial institution. The sign or board may be indirectly lighted and shall be set back at least fifteen (15) feet from the property line.
5. Non-illuminated signs not over twelve (12) square feet in area announcing the name of a subdivision or group housing project located on the premises at major entrances. However, these signs must be neatly constructed and maintained, limited to announcing only the name of the

subdivision or group housing project and must not obstruct corner visibility.

I. Signs Permitted in the C-1 and I-1 Districts

1. On-Site Signs

For each lot in commercial use, one-half (1/2) square foot of business sign area per lineal foot of lot frontage on a public right-of-way may be allowed. However, the total sign area for any single lot may not exceed a total of two hundred (200) square feet. Corner lots shall use a method of calculating sign size as follows: one-half (1/2) square foot per linear foot of lot frontage. If the lot has access from both streets, the owner has the option of choosing primary footage and secondary footage.

A sign located within the primary footage is calculated at one-half (1/2) square foot per linear foot of lot frontage. A sign located within the secondary footage is calculated at one fourth (1/4) square foot of lot frontage.

No single sign may exceed 64 square feet in area.

2. Off-Site Signs

None permitted except for directional signs which do not exceed sixteen (16) square feet in area nor ten (10) feet in height.

J. Fence Wraps. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from this section until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the Town may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this subsection may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

Section 6.03 – Temporary Uses

The Zoning Administrator may approve the application for the following temporary uses notwithstanding other restrictions of this ordinance.



1. Temporary real estate sales offices may be permitted in any residential district for on-site sales of land or residences located only within the subdivisions within which such office is located. Any such temporary use must be terminated no more than thirty (30) days from the date that eighty (80%) percent of the lots or residences within that subdivision are sold.
2. Temporary construction offices may be permitted in any district to provide on-site quarters for the management and security of construction projects consisting of 20,000 square feet or more within the project. Any such temporary use must be terminated no more than fourteen (14) days from the date that construction is completed.

#### Section 6.04 – Group Development Regulations

Group development projects are defined as two or more principal buildings devoted to a common or similar use and constructed on a single lot. They may be permitted as special uses in specified districts established by this ordinance, provided a mandatory pre-application conference is held between the Planning Board and the developer prior to filing the required application for review and approval of the project by the Town Board. Such review and approval shall be required for all group development projects. Adequate scaled site plans shall be submitted to allow for review of the size and location of all buildings, structures, streets, drives and parking spaces and their relationship to any open spaces and adjacent properties. Such group development plans shall also be accompanied by a computation or schedule expressed in acres, which indicates the area and percentage of the site devoted to:

1. Total Area
2. Parking Area
3. Building Coverage Area
4. Open Space

#### A. Design Standards – General

1. Street Access: Any building established as a part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than 20 feet, exclusive of parking spaces.
2. Off-Street Parking and Loading Facilities: Off-street parking and loading facilities established in connection with a group development project shall be of such design, location, and

arrangement as will not interfere with the efficient flow of traffic through the area and as will not interfere with the access of emergency and service vehicles.

3. Separation of Buildings: All buildings established as a part of a group development project shall be separated by not less than 50 feet.
  4. Setback Requirements: Unless otherwise provided by this ordinance for a specific type of group development, every project shall comply with the front yard setbacks, and the side and rear yard requirements established for the district in which located.
  5. Uses Prohibited: In no case shall a use be permitted as a part of a group development project that is prohibited by this ordinance in the district in which such project is to be located.
  6. Lot Coverage: Maximum allowable lot coverage by principal use and all accessory structures shall be thirty (30) percent.
  7. Building Height: No structure may have more than two (2) stories or exceed thirty-five (35) feet in height above the property grade.
  8. Drainage Requirements: Stormwater runoff shall be retained on site to the maximum extent feasible. Suggested methods for accomplishing this are through the use of porous asphalt or paving block for the parking lots, similar to "Turf Stone" or its equivalent. If impermeable asphalt or concrete is used for the parking lot surface, medians, perimeter strips or islands within the parking area must be used as collectors and reservoirs for stormwater runoff. No water shall drain onto or across public streets or sidewalks or into adjacent property except into a drainage easement. Vegetated buffer strips shall be created, or where practicable, retained in their natural state along the banks of all watercourses, water bodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body, and allow for periodic flooding without damage to structures.
- B. Design Standards - Group Housing Projects: In addition to the other standards set forth in this Section, a group housing project

shall comply with the following additional requirements:

1. Setbacks: All buildings established as a part of a group housing project shall be set back not less than twenty-five (25) feet from any side or rear property line.
2. Location: No dwelling structure established as a part of a housing project shall be located within fifty (50) feet of another dwelling structure within the development.
3. Lot Size: A group housing project shall be permitted only on a lot or plot of ground having an area of not less than one acre (or 43,560 square feet).
4. Lot Coverage: Maximum allowable lot coverage by principal use and all accessory structures: thirty (30) percent.
5. Density: Residential density shall not exceed eight (8) units per gross acre.
6. Buffers: A buffer shall be required on three sides of a lot or parcel where multi-family dwelling units are constructed unless adjacent lot contains natural features such as a stream, which would lend itself as a natural buffer. The developer has the option to choose either a vegetated buffer or a fence buffer. The vegetated buffer shall have a minimum width of four (4) feet that will reach a minimum height of six (6) feet within five (5) years. The owner and/or developer will be responsible for keeping the vegetated buffer neatly trimmed. The fence shall be a seven-foot (7) wooden fence constructed in a manner so as to make the fence opaque.

C. Common Areas

An area or architectural feature designated on the site plan of a Group Development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying specified lots shown on such plan may be approved as part of the plan, provided that it meets the following requirements:

1. It shall be conveniently accessible to all residents of the development.
2. It shall be made available in its improved state as set forth on the site development plan in accordance with an approved

time schedule.

3. It shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance.
4. Provisions to insure its continuing availability shall be included in the deed to each parcel to be served by such common area.

D. Additional Information

Additional information may be required by the Planning Board or the Board to determine the impact of the proposed development on the town.

E. Approval of Site Development Plans

No building permit shall be issued in such development unless and until the Planning Board and Town Board shall have approved site development plans and reports for the development as a whole or stages or portions thereof deemed satisfactory in relation to total development. No structure or use other than as indicated in approved site development plans shall be permitted.

F. Modification of Approved Plans

After review by the Planning Board, the Town Board may permit changes in an approved site development plan, but only on a finding that such changes are in accord with applicable current regulations.

Section 6.05 – Mobile Home Park Regulations

A. General Regulations

1. Location and Maintenance of Parks

No person may maintain, operate or occupy a mobile home park within the zoning jurisdiction of the town unless the park meets the requirements of this ordinance. If three (3) or more mobile homes are located on the same undivided lot or tract of land, they must meet the requirements of this section.

2. Application for Park Permit

Application for a permit to develop, operate, alter or maintain a mobile home park shall be made to the Zoning Administrator under the provisions of Section 8.14. The application for a permit shall include the following:

- a. A plan for the general layout of the park containing the information required below:
  1. The area to be used for the park showing property lines and adjacent zoning and land use;
  2. Driveways, entrances, exits, roadways and walkways;
  3. Location of mobile home spaces and buildings;
  4. Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility areas and utility rooms;
  5. Method and plan of sewage disposal;
  6. Location and quantity of refuse containers;
  7. Plan of water supply;
  8. Plan of electric lighting, including location and intensity of area lights;
  9. Land contours with vertical internals of not less than two (2) feet may be required by the Planning Board for mobile home parks that have sufficient land area for fifteen (15) spaces or more;
  10. Surface water drainage plans;
  11. Sedimentation control plans, if the area to be disturbed is greater than one acre. Evidence must be presented that these plans have been

approved by the North Carolina Department of Environmental Quality, Division of Energy, Mineral, and Land Resources, Land Quality Section.

12. If the proposed park requires a permit under any federal, state, or local laws, evidence to show issuance of such permit must be presented.
  - b. Plans and specifications for any building to be constructed on the site.
  - c. Further information may be required by the Zoning Administrator or the Jones County Health Department to enable them to determine if the proposed park will comply with the regulations of this ordinance and other applicable laws.
  - d. Prior to the issuance of an occupancy permit, the Zoning Administrator shall review the plan and inspect the site for compliance with any changes proposed during the review process.
3. Sanitary Facilities, Water Supply, Sewerage, Refuse Disposal and Utilities Required

In every park and related permanent building, all installations of plumbing and electrical wiring, and all gas and oil appliances shall comply with the provisions of the building, plumbing and electrical, heating and gas ordinances and codes and any other applicable regulations of the Town of Pollocksville. In addition, the following requirements must be met:

- a. **Water Supply.** An adequate and safe supply of water shall be readily available at the mobile home park site. Within the corporate limits of Pollocksville, every mobile home park shall connect to the Pollocksville water system. In the event that Pollocksville extends its extraterritorial jurisdiction option, where the Pollocksville water system is available it shall be used. If an independent water supply is used, it must be built in accordance with the Jones County Health Department standards and must be capable of furnishing four hundred and fifty (450) gallons of water per day per available mobile home space. The

water supply for each mobile home shall be obtained only from approved connections located on each mobile home space or inside each mobile home, certified by the Jones County Health Department. The developer shall furnish to the Zoning Administrator a verification from the person who constructed the on-site water supply wells that each well was constructed in strict accordance with North Carolina Department of Environment, Health and Natural Resources regulations and is properly cased and grouted to the required depth.

- b. Sanitary Sewer. Each mobile home park within the corporate limits of Pollocksville shall be required to have a connection with the town's sewer system. Any extension of the sanitary sewer system required to comply with this requirement shall be made in accordance with the utility extension ordinance or policies of the Town of Pollocksville then in effect.

All sewage wastes from each park including wastes from toilets, and toilet rooms, showers, lavatories and wash basins and wastes from refrigerator drains, washing machines, sinks or faucets in mobile homes or on mobile home spaces shall be piped into the park sewage disposal system. All sewage wastes from every trailer equipped with its own toilet facilities shall be piped into the park sewage disposal system and under no circumstances shall such wastes be discharged on the ground or in streams.

In the event that Pollocksville extends its extraterritorial jurisdiction option where the sanitary sewer system has not yet been extended to that site, the Town of Pollocksville would prefer park owners to connect to the its sewer system. If connection to that system is not possible, individual septic systems may be used or a community system for the park may be used. No structure shall be placed within five (5) feet of any part of a septic tank system or within a designated repair area.

The method of sewage disposal shall be approved by the Jones County Health Department or the N.C. Department of Health and Human Services, , Division of Public Health. Prior to the presentation of a plan to the Town of Pollocksville, owners and developers are urged to contact the Jones County Health Department

or the Zoning Administrator to assure future compliance with the appropriate regulations.

- c. Refuse Disposal. All garbage and refuse in every park shall be stored in suitable receptacles in accordance with Jones County Health Department requirements. If a dumpster is utilized, a dumpster pad with drainage connected to an approved septic system must be in place.
- d. Utilities. Each mobile home space shall be equipped with plumbing and electrical connections; the electrical connections shall meet the Jones County Electrical Code. In addition, electrical connections shall be at least 200 AMP service. Each individual electrical service shall be within fifteen (15) feet of the point electricity enters the mobile home.

#### 4. Registration

It shall be the duty of the operator of the Park to keep an accurate register containing a record of all mobile homes or trailers, owners, and occupants of the Park. The register shall contain the following information:

- a. Name and address of owner and each occupant;
- b. License number and state of issue of each licensed vehicle;
- c. Space number in which the mobile home or trailer is parked;
- d. Date of entering Park;
- e. Date of leaving Park.

#### B. Site Requirements

Mobile home parks shall comply with the area, location and other dimensional requirements of this section. Prior to granting a permit for a mobile home park, the Zoning Administrator shall require the owner or developer to submit a complete plan of the proposed park, as described in Section 2a above. Site requirements for all mobile home parks shall be as follows:

- 1. Every mobile home park shall be at least one (1) acre in area.



2. The amount of land for each individual mobile home space shall be determined by the Zoning Administrator after an investigation of soil conditions, the proposed method of sewage disposal, and proposed water system. However, in no case shall the size of a mobile home space be less than seventy-five hundred (7,500) square feet. Only one (1) mobile home will be allowed per septic tank unless otherwise approved as an alternative system by the Jones County Health Department.
3. Each mobile home space shall be at least seventy-five (75) feet wide and clearly marked. There shall be at least fifty (50) feet clearance between mobile homes including mobile homes parked end to end. No mobile home shall be located closer than twenty (20) feet to any building within the park, within thirty (30) feet of any exterior boundary line of the park and no closer than thirty (30) feet to the edge of any interior street. Setback requirements are measured from a point on the exterior of entrance stoops, porches, steps, or decks.
4. All mobile home spaces shall abut upon an interior street of no less than thirty (30) feet in width, which shall have unobstructed access to a public street or highway. It is the intent of this section that individual mobile home spaces shall not have unobstructed access to public streets or highways except through an interior drive. All interior streets shall be stabilized with at least three (3) inches of compacted aggregate base course at least eighteen (18) feet in width.

Maintenance and repair of the streets shall be provided by the owner of the park. The streets shall be maintained so as to provide all weather access to all mobile home spaces at all times. The Zoning Administrator shall make the determination as to whether a mobile home park is in compliance with this street maintenance requirement.

If a park has five (5) or more mobile home spaces, the interior streets shall be paved. When a park size is increased beyond four (4) spaces, the entire park shall have paved streets. If two adjacent parks are connected, both parks, which are now one, shall have paved streets if total spaces exceed four (4).

If a park has four (4) or less spaces, numbers which do not

require that the streets be paved, the streets shall be graded, stabilized with 3" compacted aggregate base course, and maintained so that they are passable in all weather.

5. Dead end streets shall not exceed six hundred (600) feet in length. Any interior street designed to be permanently closed shall have a turnaround of at least eighty (80) feet in diameter at the closed end.
6. Interior streets shall intersect as nearly as possible at right angles, and no interior street shall intersect at less than seventy-five (75) degrees. Where an interior street intersects a public street or highway, the design standards of the North Carolina Department of Transportation shall apply.
7. Suitable vehicular access for firefighting and emergency equipment, delivery of fuel, removal of refuse, parking and removal of mobile homes and for other necessary services shall be provided.
8. Each mobile home park shall have one (1) or more recreation areas with a minimum size of twenty-five hundred (2,500) square feet which shall be easily accessible to all park residents. Additional recreation space shall be based upon a minimum of three hundred and fifty (350) square feet for each mobile home space within the park. Recreation areas shall be located to be free of traffic hazards and should, where topography permits, be centrally located.
9. Parking space sufficient to accommodate at least two (2) automobiles shall be located on each mobile home space.
10. No mobile home park shall be located on ground that is located in a flood zone as identified as a flood zone on the FEMA, Flood Insurance Map. The park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded to prevent erosion, or vegetated buffer strips shall be maintained in their natural state to prevent erosion.
11. The mobile home park shall have a visual buffer such as shrubbery or fencing not less than six (6) feet in height between the park and any adjacent residential uses other

than mobile homes, unless the park is adjacent to a natural features such as a stream, which would lend itself as a natural buffer. If shrubbery is used, a height of six (6) feet must be achieved within two (2) growing seasons.

12. The area of the mobile home space shall be improved to provide an adequate foundation for the placement of the mobile home as required by the N.C. Building Code.
13. Each mobile home shall be securely anchored in accordance with the N.C. Building Code Standards.
14. All streets in the mobile home park shall be adequately illuminated from one-half hour after sunset until one-half hour before sunrise. The minimum size street light shall be a 175 watt mercury vapor (approximately 7,000 lumen class or equivalent), spaced at intervals of not more than four hundred (400) feet.
15. All mobile homes shall be placed upon mortared masonry piers meeting N.C. Building Code Standards, and a mortared masonry, metal, wood, or vinyl curtain wall or skirting is constructed under the edge of all four (4) sides of said mobile home in accordance with the standards set forth by the North Carolina Department of Insurance and the Town of Pollocksville.

C. General Sanitation

In each mobile home, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, safe and in a sanitary condition.

D. Park Identification

Each mobile home park shall have its park name on a sign clearly visible at the park entrance.

1. Mobile home park identification shall be limited to one (1) sign per park entrance. No sign shall exceed thirty-six (36) square feet in area.
2. Each mobile home lot shall be numbered and clearly marked so as to be clearly visible for emergency vehicle response.

E. Existing Mobile Home Parks

Mobile home parks existing at the time of the adoption of this ordinance shall be allowed to continue, but shall not be allowed to expand or increase through (including but not limited to) additional land, additional mobile home sites or spaces, or in any other manner after the adoption of this mobile home park zoning ordinance unless such expansion or increase fully meets all of the requirements set forth in this ordinance, except additional mobile homes may be placed in existing mobile home parks on those existing mobile home sites or spaces which are completely developed and already have water, sewer and electrical pipes, lines, and outlets available on the site or space for connection to a mobile home at the time of the adoption of this zoning ordinance.

If a mobile home park, existing before the adoption date of this ordinance should lose its operating permit, then it shall be subject to the regulations and requirements of this ordinance in the re-application for an operating license.

**ARTICLE VII. SCHEDULE OF DISTRICT REGULATIONS**

Regulations limiting the use of buildings and land and the bulk and arrangement of buildings within the zoned areas established under this ordinance are hereby adopted by the Town of Pollocksville, North Carolina. Any use not specifically designated as a permitted or special use shall be prohibited. These district regulations may be amended by the Town Board as provided in Article XII of this Ordinance. If a use or a class of use is not listed in this Ordinance and is not otherwise prohibited or restricted by this Ordinance, such use or class of use is an "unlisted use" that shall only be permitted if approved by the Zoning Administrator as follows:

Where a particular use category or use type is not specifically allowed under this Ordinance and is also not prohibited or restricted by this Ordinance, the Zoning Administrator may permit the use category or type if the criteria below are met. The Zoning Administrator shall give due consideration to the intent of this Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

Criteria for Approving Unlisted Uses

The Zoning Administrator shall determine which listed use to which the unlisted use is most similar in nature, function, and duration and shall make a permitting decision based on the criteria in this ordinance for that similar listed use. If the listed use is a special use requiring a special use permit, then a special use permit is required for the unlisted use. In order to determine that the proposed use has

an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Zoning Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- A. The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
- B. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
- C. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work in process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and
- D. The type, size and nature of buildings and structures; and
- E. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
- F. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
- G. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and
- H. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and
- I. Any special public utility requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- J. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

All determinations by the Zoning Administrator made pursuant to this subsection shall be in writing. In making the determination described in this subsection, the Zoning Administrator shall initiate an amendment to this Ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or that omission of specific inclusion and reference to this Ordinance is likely to lead to public uncertainty and confusion. Until final action has been taken on such

proposed amendment, the determination of the Zoning Administrator shall be binding on all officers and departments of the Town. If no amendment is initiated, the Zoning Administrator's determination shall thereafter be binding on all officers and departments of the Town, without further action or amendment of this Ordinance.

The determination of the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedures set forth in this Ordinance.

#### Section 7.01 - R-8 Residential Zoning District

A. Statement of Intent. The R-8 Residential District is designed to accommodate single and two-family dwellings provided with town sewer service with a minimum 8,000 square foot lot for the first dwelling unit and 4,000 square feet for each additional dwelling unit. For the R-8 Residential District, in promoting the general purposes of this ordinance, the specific intent of this district is:

1. To encourage the construction of, and the continued use of land for low density single-family and two-family dwellings;
2. To prohibit commercial and industrial use of land and to prohibit any other influx of uses likely to render it undesirable for low density residential development;
3. To discourage any use which, because of its character or size, would create requirements and cost for public services, such as police and fire protection, water supply and sewer, substantially in excess of such requirements and cost if the district were developed solely for single-family dwellings;
4. To encourage the discontinuance of existing uses that would not be permitted as new uses in this district; and
5. To encourage development to take place in a manner that is consistent with established existing residential development and that helps to promote a safe and healthy environment.

B. Permitted Uses. The following uses are permitted by right in the R-8 Residential District and require a zoning permit;

1. Detached single-family dwellings, not including mobile homes;
2. Two-family (duplex) dwellings;
3. Cemeteries; and
4. Customary accessory structures such as garages and storage sheds, provided said accessory structures are

located within a minimum of eight (8) feet from the principal dwelling and five (5) feet from a property line.

- C. Special Uses Permitted. The following uses are permitted subject to the requirements enumerated below and any other additional requirements imposed by the Board of Commissioners:
- I. Churches and associated accessory structures such as educational buildings, fellowship halls, and offices, provided they maintain a minimum fifty (50) foot setback from any property line that abuts a residential use. Said setback shall include a minimum ten (10) foot wide planting buffer consisting of trees and shrubbery that is opaque in all growing seasons from ground level to a height of at least six (6) feet. Said buffer height is to be achieved after two growing seasons;
  2. Public buildings, including town halls, libraries, police and fire stations, and schools, provided they maintain a minimum fifty (50) foot setback from any property line that abuts a residential use. Said setback shall include a minimum ten (10) foot wide planting buffer consisting of trees and shrubbery that is opaque in all growing seasons from ground level to a height of at least six (6) feet. Said buffer height is to be achieved after two growing seasons;
  3. Home occupations, provided said home occupation use is conducted entirely within a dwelling and carried on by the occupants thereof, which use:
    - (i) is clearly incidental and secondary to the use of the dwelling for living purposes (i.e., not to exceed twenty-five (25) percent of the total gross floor area of the dwelling) and does not change the character thereof;  
  
if a garage is converted into a home occupation use said garage shall have existed for the purposes of personal car storage prior to the conversion;
    - (ii) does not involve more than one sign whose size does not exceed two (2) square feet and which may not be lighted;
    - (iii) employs no more than one person not a resident on the premises in connection with the home occupation, and does not use electrical machinery

which has a rating of over two (2) horsepower;

- (iv) would cause the residential character of the neighborhood to be impaired by the generation of sounds, light, odor, or vibration through an activity or mechanical device;
  - (v) shall limit customer traffic to the hours between 6:00 A.M. and 9:00P.M.;
  - (vi) will provide off-street parking for customers, in addition to the parking requirements for a residence; and does not involve the use of chemical, mechanical, or electrical equipment that is not routinely used in a residence or a professional or business office. This definition is not intended to, and does not permit the practice of a profession (i.e., lawyer, doctor, or any other professional) in a dwelling as a home occupation;
  - (vii) does not involve any outside storage of goods, supplies, or equipment.
4. Public utility facilities, provided they maintain a minimum ten (10) foot wide planting buffer consisting of trees and shrubbery that is opaque in all growing seasons from ground level to a height of at least ten (10) feet. Said buffer height shall be achieved after two (2) growing seasons.
5. Fraternal organizations shall be located on one (1) acre minimum lot size and off-street parking shall be required.

D. Dimensional Requirements.

- 1. Minimum Lot Size: Eight thousand (8,000) square feet for first unit and four thousand (4,000) square feet for each additional unit.
- 2. Minimum Lot Width: Sixty (60) feet for first unit, twenty (20) feet for each additional unit, measured at the building setback line.
- 3. Minimum Front Yard: Fifteen (15) feet or the established front yard setback line found on the block in which the structure is to be built.



4. Minimum Side Yard: Eight (8) feet; twenty (20) feet when located adjacent to a street right-of-way.
5. Minimum Rear Yard: Twenty (20) feet
6. Maximum Allowable Lot Coverage: Thirty percent (30%). (The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed thirty percent (30%) of the total lot area.)
7. Height Limitation: Thirty (35) feet
8. Signs shall be allowed as in Section 6.02.
9. Parking shall be as required in Section 6.01.

#### Section 7.02 - R-6 Residential Zoning District

A. Statement of Intent. The R-6 Residential Zoning District is designed to accommodate single-family, two-family, multi-family dwellings and mobile homes provided with town sewer service with six thousand (6,000) square feet required for each additional dwelling unit. Said dwelling units may be allowed if sewer service is not available, provided said lot meets the minimum square footage standards and other provisions established by this ordinance. For the R-6 Residential District, in promoting the general purposes of this ordinance, the specific intent of this ordinance is:

1. To encourage continued use of the land for residential purposes;
2. To prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of residential structures in the district;
3. To encourage the discontinuance of existing uses that would not be permitted as new uses in the district; and
4. To encourage residential development to take place in a manner that promotes a healthy environment.

B. Permitted Uses. The following uses are permitted by right in the R-6 Residential District and require a zoning permit:

1. Single-family dwelling;

2. Two-family dwelling;
3. Multi-family dwelling; and
4. Mobile Home, provided said mobile home:
  - (i) is placed upon mortared masonry piers meeting state building code requirements, and a mortared masonry, metal, wood, or vinyl curtain wall or skirting is constructed under the edge of all four (4) sides of said mobile home in accordance with the standards set forth by the North Carolina Department of Insurance and the Town of Pollocksville;
  - (ii) has stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home installed or constructed in compliance with the standards of the North Carolina State Building Code, attached firmly to the primary structure and be anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this subsection to prohibit the use of wood stairs only at any entrance to a manufactured home.
  - (iii) has the towbar and transporting lights removed or concealed from public view by skirting or landscaping;
  - (iv) is constructed with a gable or hip roof design in accordance with standard residential construction in the town; and,
  - (v) is not used primarily for storage;
  - (vi) shall have the pitch of the roof to be a minimum vertical rise of three and one-half (3 1/2) feet for each twelve (12) feet of horizontal run;
  - (vii) shall have all roof structures to provide an eaves projection of no less than six (6) inches;

(viii) shall permanently connect the manufactured home to local utilities;

(ix) is the only one mobile home allowed per lot.

5. Customary accessory structures such as garages and storage sheds, provided said accessory structures are located a minimum of eight (8) feet from the principal dwelling and five (5) feet from the property line.
6. Public utility facilities, provided they maintain a minimum ten (10) feet wide planting buffer consisting of trees and shrubbery that is opaque in all growing seasons from ground level to a height of at least ten (10) feet.
7. Child day care (limited to the care of five (5) children).
8. Cemeteries.

C. Special Uses Permitted.

Any special use listed in the R-8 District (listed below), subject to the requirements of this district, additional regulations and requirements imposed by the Board of Commissioners, as provided in Article VIII.

1. Churches and associated accessory structures such as educational buildings, fellowship halls, and offices, provided they maintain a minimum fifty (50) foot setback from any property line that abuts a residential use. Said setback shall include a minimum ten (10) foot wide planting buffer consisting of trees and shrubbery that is opaque in all growing seasons from ground level to a height of at least six (6) feet. Said buffer height is to be achieved after two growing seasons;
2. Public buildings, including town halls, libraries, police and fire stations, and schools, provided they maintain a minimum fifty (50) foot setback from any property line that abuts a residential use. Said setback shall include a minimum ten (10) foot wide planting buffer consisting of trees and shrubbery that is opaque in all growing seasons from ground level to a height of at least six(6) feet. Said buffer height is to be achieved after two growing seasons;

3. Home occupations, provided said home occupation use is conducted entirely within a dwelling and carried on by the occupants thereof, which use:
  - (i) is clearly incidental and secondary to the use of the dwelling for living purposes (i.e., not to exceed twenty-five (25) percent of the total gross floor area of the dwelling) and does not change the character thereof; if a garage is converted into a home occupation use said garage shall have existed for the purposes of personal car storage for a period of two (2) years prior to the conversion;
  - (ii) does not involve more than one sign whose size does not exceed two (2) square feet and which may not be lighted;
  - (iii) employs no more than one person not a resident on the premises in connection with the home occupation, and
  - (iv) does not use electrical machinery which has a rating of over two (2) horsepower;
  - (v) would cause the residential character of the neighborhood to be impaired by the generation of sounds, light, odor, or vibration through an activity or mechanical device;
  - (vi) shall limit customer traffic to the hours between 6:00 A.M. and 10:00 P.M.;
  - (vii) will provide off-street parking for customers, in addition to the parking requirements for a residence; and,
  - (viii) does not involve the use of chemical, mechanical, or electrical equipment that is not routinely used in a residence or a professional or business office. This definition is not intended to, and does not permit the practice of a profession (i.e., lawyer, doctor, or any other professional) in a dwelling as a home occupation.
4. Public utility facilities, provided they maintain a minimum ten (10) foot wide planting buffer consisting of trees and shrubbery that is opaque in all growing seasons from ground

level to a height of at least ten (10) feet. Said buffer shall be achieved after two (2) growing seasons.

5. Fraternal organizations shall be located on one (1) acre minimum lot size and off-street parking shall be required.

D. Dimensional Requirements

1. Minimum Lot Size: 6,000 square feet for the first unit, 2,000 for each additional unit.
2. Minimum Lot Width: 60 feet for the first unit, 10 feet for each additional unit.
3. Minimum Front Yard: 15 feet or the established front yard set-back line found on the block on which the structure is to be built.
4. Minimum Side Yard: 8 feet, 15 feet when located adjacent to a street right-of-way.
5. Minimum Rear Yard: 20 feet
6. Maximum Allowable Lot Coverage: 30% (The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed thirty percent (30%) of the total lot area.)
7. Height Limitation: 35 feet
8. Signs shall be allowed as in Section 6.02.
9. Parking shall be as required in Section 6.01.

Section 7.03- C-1 Commercial Zoning District

A. Statement of Intent. The intent of this district is to provide for a centrally-located commercial, trade, and services area for the town. These regulations are designed to encourage the continued use of land for commercial purposes and to permit concentrated development of the district while maintaining a substantial relationship between intensity of land use and the capacity of utilities and streets. Further, it is the intent of this district to preserve the character of the commercial district in Pollocksville through a site plan review process. The Board of Commissioners recognizes that the existing commercial buildings reflect the unique character and architectural style of Pollocksville.

B. Permitted Uses. The following uses are permitted by right in buildings in which a commercial use already exists in the C-1 Commercial Zoning Districts and require a zoning permit:

1. Offices for business, financial, governmental, medical, and professional services;
2. Retail stores located in totally enclosed buildings specializing in the sale of clothing, dry goods, pharmacy, hardware, gifts, jewelry, sporting goods, food, convenience groceries, appliances, furniture, or floral, nursery, and farm-related products;
3. Service establishments, including restaurants without drive-through facilities, barber and beauty shops, dry cleaning and laundry pick-up, medical and animal clinics, post office, banks, and churches;
4. Governmental buildings, including police and fire stations;
5. Motels, hotels, and bed and breakfast establishments;
6. Repair services such as shoe, furniture, and electronics repair;
7. Any use permitted in an R-6 Residential Zoning District, excluding mobile homes.

C. Dimensional Requirements.

1. Minimum Lot Size: Lots shall be of a sufficient size to meet the requirements of the Jones County Health Department unless served by public water and sewer in which case a minimum of 5,000 square feet is required; to provide adequate siting for structures; and to provide off-street parking, loading, and maneuvering space for vehicles as required by this ordinance.
2. Minimum Front Yard: Fifteen (15) feet or the established front yard setback line for the block on which the said structure is to be built;
3. Minimum Side Yard: Ten (10) feet; fifteen (15) feet when located adjacent to street right-of-way;

4. Minimum Rear Yard: Twenty (20) feet when lot abuts a residential land use or area zoned for residential purposes; fifteen (15) feet in all other cases;
5. Height Limitations: Thirty-five (35) feet.
6. Maximum Allowable Lot Coverage: Sixty percent 60% (The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed sixty percent (60%) of the total lot area.)
7. Curb Cuts: One curb cut per lot is allowed, not to exceed thirty (30) feet in width; corner lots may have two (2) curb cuts, one per street, not to exceed thirty (30) feet in width; the allowable distance from an intersection is a minimum of thirty (30) feet, measured from the corner of the curb at the intersection.

D. Off-street Loading and Unloading Space.

Commercial developments shall provide off-street loading and unloading areas for the transport of goods, as required in Section 6.01 D, Off-Street Loading.

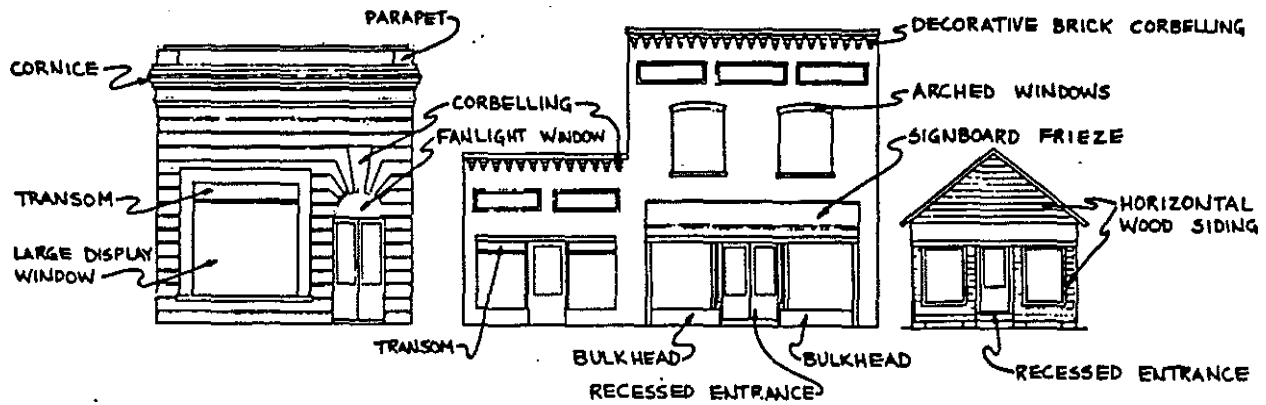
E. Off-street Parking Requirements.

1. *The calculation for determining off-street parking requirements is contained in its entirety in Section 6.01 of this ordinance.*
2. Landscaping requirements in off-street parking lots: A minimum of five (5) percent of the parking area shall be devoted to plantings. In addition, a minimum of one canopy-type hardwood tree (such as a red maple, willow oak, walnut or bald cypress) measuring a minimum of two (2) caliper inches shall be required for every ten (10) parking spaces.

F. Building Design

Buildings shall be of a material and design that reflects the unique building traditions of Pollocksville. Generally, commercial buildings were oriented to the street and were constructed with storefronts on the first floor facade with the primary building entrance facing the street. Storefronts incorporated large paned windows for the display of merchandise and a sign board frieze above which served as a line of demarcation between the first floor and the upper stories or cornice of the building. Windows in the upper stories were smaller in dimension and vertical in their orientation. The building was capped by a wooden cornice, patterned

brickwork, or parapet wall that helped to give definition to the facade and contribute to the structure's overall character. New construction should incorporate some of these elements into their design. Brick, and horizontal wood siding were predominant features and should be used as sheathing materials on new buildings. (Vinyl horizontal siding may also be used.) Buildings may be of a larger scale, but they should still be in these materials.



**TYPICAL STOREFRONTS**  
**UPPER FACADES**

BUILDINGS DRAWN BY  
CHRIS JORDAN

G. Screening Requirements.

Parking lots shall be screened around the periphery with a minimum ten (10) feet wide planting buffer consisting of three (3) trees and five (5) shrubs for every linear one hundred (100) feet. In addition, a minimum of one tree shall be required for every ten (10) parking spaces provided. Said trees shall be a minimum of two (2) caliper inches when planted and shall be of a deciduous, canopy type variety (e.g., oak, maple, sycamore, bald cypress, zelkova, etc.). Said trees shall be evenly distributed throughout the parking area and shall be placed in a minimum pervious area of 9' x 18', the equivalent of one parking space. 9' x 18' spaces reserved for trees in the parking area shall be counted as parking spaces for purposes of fulfilling the parking requirements of this ordinance.

Screening in the form of a ten (10) foot wide planting buffer shall be located adjacent to any property used for residential purposes. Said buffer shall be opaque from the ground level to a height of at least six (6) feet and shall have intermittent visual obstructions to a height of twenty (20) feet. Said buffer shall consist of a combination of dense shrubbery or wood or masonry fencing and canopy trees that are a minimum of two (2) caliper inches in width at planting. If the uses are separated by a public street, no buffer is required.



Loading and unloading shall be in the rear and screened from residential development. Trash containers shall be screened from the public right-of-way by means of an opaque fence or buffer six (6) feet in height. A vegetative buffer is an option as long as it is opaque and meets the height requirement.

#### Section 7.03.A - CV - Commercial Overlay District

A. Statement of Intent. The intent of this overlay district is to provide for the continued development patterns of the what is generally considered to be the central business district of Pollocksville. The existing development pattern within this area needs special consideration so future business expansion will occur in a compatible manner with existing commercial activities. Buildings within this area are located close together with limited setbacks from the public right-of-way, and use on-street parking to serve their customer needs. Future commercial activities within the designated area may not be able to accommodate all of the parking requirements because of space limitations and may require larger signs than would be acceptable in the remainder of the Commercial District. Development that occurs in the Commercial Overlay District must comply with all of the regulations in the C-1 Commercial District, except parking and signage as specifically referenced in this section.

B. Areas of Application. The Commercial Overlay District shall apply to the following geographic locations that are within the C-1 Commercial District: The east side of U.S. 17 between Barrus Street and Bell Street; and, the west side of U.S. 17 between Pollock Street and Foy Street. These areas are shown on the Official Zoning Map cross-hatched within the C-1 Commercial District.

C. Off Street Parking Requirements. Off-street parking requirements as specified in Section 6.01 Off-Street Parking Requirements are not applicable to the CV-Commercial Overlay District, if on-street parking is utilized.

D. Signs Permitted in CV District. On-Site Signs shall not be applicable within the CV-Commercial Overlay District. For each lot in commercial use in the Overlay District, one (1) square foot of business sign area per lineal foot of lot frontage on a public right-of-way may be allowed. However, the total sign area for any single lot may not exceed a total of two hundred (200) square feet. Corner lots shall use a method of calculating sign size as follows: one (1) square foot per lineal foot of lot frontage. If the lot has access from both streets, the owner has the option of choosing primary footage and secondary footage. A sign located within the primary footage is calculated at one (1) square foot per lineal foot of lot frontage. A sign located within the secondary footage is calculated at one-half (1/2) square foot per lineal foot of lot frontage.

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Section 7.04- I-1 Industrial District

A. Statement of Intent. The intent of this district is to provide areas of industrial operations which, because of the nature of their activities, produce glare, noise, odor, smoke or dust, and would be detrimental to neighboring properties if mixed with other types of uses. This district provides space for industries, wholesaling, and warehouse facilities, some related service establishments, *and facilities of public service providers* that operate in a clean, quiet manner and that do not place extreme demands on the sewer, water, or other infrastructure facilities of the Town of Pollocksville. These regulations are designed to prohibit the use of land for heavy industry which would be incompatible with other uses in Pollocksville. The restrictions placed on uses in this district reflect concerns arising out of the generally residential character and limited geographic area of the Town of Pollocksville.

B. Permitted Uses. The following uses are permitted by right in the 1-1 Industrial District and require a zoning permit:

1. Fertilizer and farm chemicals and equipment;
2. Auto repairs;
3. Open storage and sales, excluding mobile home sales lots;
4. Machine shops;
5. Warehousing;
6. Grain Elevators;
7. Cemeteries;
8. Governmental buildings, including police and fire stations.

C. Special Uses. The following uses are permitted subject to the requirements enumerated below and any other requirements imposed by the Board of Adjustment:

1. Chemical manufacturing, processing, and sales;
2. Lumbering, logging, and sawmills;
3. Manufacturing facilities;

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D. Application Contents for Permitted Uses and Special Uses

1. *Application for Zoning Permits for Permitted Uses as identified in Article VIII specifically identifies the minimum standards and supplementary documentation required to obtain Zoning Permit approval by the Zoning Administrator.*
2. *All requests for a Special Use permit located in an Industrial District shall include the minimum standards required for any Permitted Use as well as provide a full, detailed description of the proposed use of the property including, but not limited to, a description of:*
  - (i) *Operations to be undertaken and any products to be produced;*
  - (ii) *Identification of any toxicity or other hazard related to any product or bi-product of the proposed use and any environmental impact as may be related by such use;*
  - (iii) *Identify the type of water and sewer facilities proposed or required, including any potential effect on the proposed waste discharge or effluent on water quality and impact on the Town sewer system;*
  - (iv) *Anticipated traffic impact upon any city, county, or NC DOT maintained roadways;*
  - (v) *Any type and/or quantity or quality of discharge into the air, including toxicity, color or odors;*
  - (vi) *Provide evidence that the proposed stormwater drainage system and any effect of drainage or runoff from property/use is sufficient to allow for such use;*
  - (vii) *Any additional evidentiary support as may be requested for Zoning Approval by the Zoning Administrator and/or the Board of Adjustment.*

E. Other Permits Required

In addition to other information which may be required prior to issuance of a Special Use permit, the Board of Adjustment may require evidence that permits have been issued by state, federal and local agencies as follows:

1. A permit for the proposed sewage system by the Jones County Health Department or the Division of Environmental Public Health of the N.C. Department of Health and Human Services, or the Town of Pollocksville, or other agency which must approve prior to building.
2. Permit for water hook-up or a receipt for payment of water tap fee.
3. Any special permits for activities such as air discharge or land- disturbing activities which may be applicable and are generally issued prior to construction. Agencies include the U.S. Army Corps of Engineers, the N.C. Department of Environmental Quality.

F. Findings Required

Having provided all required and requested documentation as deemed satisfactory to the Board of Adjustment as submitted by Application prior to granting a Special Use permit, the Board of Adjustment shall affirm all five (5) of the following:

1. That the proposed use will not materially endanger the public health and safety of the community;
2. That the proposed use meets all required conditions and specifications;
3. That the proposed use will not substantially injure the value of adjoining property (or alternatively, that such use be a public necessity);
4. That the use is in harmony with the surrounding area and compatible with the surrounding neighborhood; and
5. That the use is in general conformance with adopted plans.

G. Dimensional Requirements.

1. Minimum Lot Size: Lots shall be of sufficient size to meet the requirements of the Jones County Health Department. No other lot size required for lots served by public water and sewer. Lots shall be of sufficient size to provide adequate siting for structures, off-street parking, and loading and unloading areas.

2. Minimum Front Yard: Fifty (50) feet.
3. Minimum Side Yard: Twenty-five (25) feet when abutting a commercial or industrial use, fifty (50) feet when abutting a residential use.
4. Minimum Rear Yard: Twenty-five (25) feet when abutting a commercial or industrial use, fifty (50) feet when abutting a residential use.
5. Maximum Lot Coverage: Sixty percent (60%)
6. Height Limitation: Fifty (50) feet

H. Off-street Parking Requirements.

Parking shall be located in sufficient numbers to accommodate the industrial development. The calculation for determining the off-street parking requirements is contained in its entirety in Section 6.01 of this ordinance.

I. Screening Requirements.

1. Screening in the form of a fifteen (15) foot wide planting buffer shall be located adjacent to any property used for residential purposes. Said buffer shall be opaque from ground level to a height of at least six (6) feet and shall have intermittent visual obstructions to a height of twenty (20) feet. Said buffer shall consist of a combination of dense shrubbery or a wooden or masonry fence and canopy trees that are a minimum of no less than two (2) caliper inches in width at planting.
2. Outdoor storage is prohibited unless it is located, fenced or screened in a manner so as to obscure from the view of persons located in districts other than the I-1 District the storage area and material stored. This prohibition shall not include parking areas for on-road vehicles in use by the occupant or employees, but shall include equipment and vehicles being sold, rented or repaired by the occupant

J. Sign Requirements.

Signs shall be permitted as set out in Section 6.02 of this ordinance.

K. Buffer Requirements.

A one hundred (100) foot vegetated buffer shall be required between an Industrial (I-1) zoning district and a stream, creek or river. The buffer shall be a natural undisturbed vegetated buffer.

**ARTICLE VIII**

**ADMINISTRATION AND APPOINTED TOWN BOARDS**

**SECTION 8.01 Administrative Official**

The Town Board of Commissioners shall designate a Zoning Administrator to administer and enforce this Ordinance. He may be assisted by such other persons as the Town Board of Commissioners directs. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, upon the direction of the Town Board of Commissioners, he shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or other structures; removal of illegal buildings or other structures or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. The Zoning Administrator shall not make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the Zoning Administrator or if the applicant or other person subject to that decision is a person with whom the Zoning Administrator has a close familial, business, or other associational relationship. If the Zoning Administrator has a conflict of interest under this section, the decision shall be assigned to the Mayor, who shall also be bound by this conflict of interest section. The Zoning Administrator shall not be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the Zoning Administrator is the owner of the land or building involved. Neither the Zoning Administrator nor any other individual or an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

## **SECTION 8.02 Certification of Zoning Compliance**

Before the erection, construction or alteration of any building or structure, or part of same, or change in use which would require a greater number of off-street parking spaces than originally required, there shall be submitted to the Zoning Administrator, by the owner or his authorized agent, an application for a Certificate of Zoning Compliance on appropriate forms to be furnished by the Zoning Administrator. Each application shall be accompanied, as applicable, by a plat, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building and other structures to be constructed or altered, their proposed location on the lot, and all information required by this Ordinance to be contained in such plat. If it shall appear to the Zoning Administrator that the provisions of this Ordinance are met, he then shall issue the certificate. Plats, plans and other information submitted to the Zoning Administrator shall be kept on file in the Town Hall for future reference. It shall be within the discretion of the Zoning Administrator to issue Certificates of Zoning Compliance for minor construction work without plats, plans and other information.

## **Section 8.03 Health Department Approval**

No Zoning Permit shall be issued for any Building/Structure/or Use for which the Jones County Health Department approval is required and until such approval has been given by the Health Department and accepted by the Town of Pollocksville.

## **Section 8.04 Planning Board**

A Planning Board ("Board") is hereby established pursuant to N.C. Gen. Stat. §160D-301, consisting of five (5) regular members and two (2) alternates. Alternates shall serve on the Planning Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member; however, vacancies shall be filled for the unexpired term only. All appointments to the Planning Board shall be for a period of three (3) years, and all members of the Planning Board, including alternates, shall have equal rights, privileges and duties with regard to all matters within the Town. Members of the Planning Board may be compensated according to a schedule adopted by the Town Council from time to time. Members of the Planning Board may be removed for cause by the Town Council upon written charges and after public hearing. Members of the Planning Board shall not vote on any advisory or legislative decision pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

### **Section 8.05 Meetings of the Planning Board: Officers**

The Planning Board shall elect one (1) of its members as Chair, one (1) of its members as a Vice-Chair, and shall appoint a Secretary and other subordinates as it deems in its best interest. The Planning Board may adopt any rules of procedure under which it will operate. Regular scheduled meetings of the Planning Board shall be held on the third Thursday of each calendar month as needed or at the call of the Chair, or in his absence the Vice-Chair, or at least three (3) members of the Board to establish a majority and quorum. All meetings of the Planning Board shall be open to the public. Should no items be submitted to the Town of Pollocksville for Planning Board review, the regular scheduled meeting may be cancelled. Notification of Meeting cancellation shall be posted at Town Hall and on the Town of Pollocksville web-site.

### **Section 8.06 Planning Board: Powers and Duties**

The Planning Board shall have the following powers and duties:

- a.) Review and make recommendation to the Board of Commissioners on any proposed text amendment to the Town of Pollocksville Zoning Ordinance and any amendment to the Official Zoning Map of the Town of Pollocksville as contained in the Town of Pollocksville Zoning Ordinance.
- b.) Review and make recommendation to the Board of Commissioners on any proposed Sketch Plan, Preliminary Plat or Final Plat of any Subdivision of land under jurisdiction of the Town of Pollocksville.
- c.) Review and make recommendation to the Board of Adjustment on any Special Use request to the extent allowed by law and provided by this Ordinance.

### **Section 8.07 Board of Adjustment**

A Board of Adjustment ("Board") is hereby established pursuant to N.C. Gen. Stat. §160D-302, consisting of five (5) regular members and two (2) alternates. Alternates shall serve on the Board of Adjustment in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member; however, vacancies shall be filled for the unexpired term only. All appointments to the Board of Adjustment shall be for a period of three (3) years, and all members of the Board, including alternates, shall have equal rights, privileges and duties with regard to all matters within the Town. Members of the Board may be compensated according to a schedule adopted by the Town Council from time to time. Members of the Board of Adjustment may be removed for cause by the Town Council upon written charges and after public hearing.



### **Section 8.08 Meetings of the Board of Adjustment: Officers**

The Board of Adjustment shall elect one (1) of its members as Chair, one (1) of its members as a Vice-Chair, and shall appoint a Secretary and other subordinates as it deems in its best interest. The Board of Adjustment may adopt any rules of procedure under which it will operate. Regular scheduled meetings of the Board of Adjustment shall be held on the third Thursday of each calendar month as needed or at the call of the Chair, or in his absence the Vice-Chair, or at least three (3) members of the Board to establish a majority and quorum. All meetings of the Board of Adjustment shall be open to the public. Should no items be submitted to the Town of Pollocksville for the Board of Adjustment to hear or decide upon, the regular scheduled meeting may be cancelled. Notification of Meeting cancellation shall be posted at Town Hall and on the Town of Pollocksville web-site.

### **Section 8.09 Board of Adjustment: Powers and Duties**

The Board of Adjustment shall have the following powers and duties:

**(a) Administrative Review.** To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of the particular ordinance in question.

**(b) Interpretation.** To interpret the terms of this Ordinance and zoning maps and to pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of this Ordinance.

**(c) Special Use Permits.** To hear and decide Special Use Permits in accordance with standards and procedures specified in this Ordinance. Reasonable and appropriate conditions may be imposed upon these permits.

**(d) Subpoena.** To subpoena witnesses and compel the production of evidence, through the chair, or in the chair's absence anyone acting as the chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160D-406 may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties

**(e) Oath.** The chair of the Board, or any member acting as chair, and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding

before the Board, willfully swears falsely is guilty of a Class 1 misdemeanor.

**(f) Variance.** When unnecessary hardships would result from carrying out the strict letter of this Ordinance, to vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of this Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.

Provided, however, no change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

**(g) Reasonable Accommodation.** The Board of Adjustment shall have the power to provide reasonable accommodations under the Federal Fair Housing Act for the circumstances set forth in this section as appropriate.

(1) **Persons Authorized to File Applications.** An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.

(2) **Pre-Application Conference.** Before filing an application for a reasonable accommodation, the applicant may request a pre-application conference with the Zoning Administrator.

(3) **Application Filing.** An application for a reasonable accommodation shall be filed with the Zoning Administrator. No filing fee is required for such application. Once

the application is complete, the Zoning Administrator shall schedule the application for consideration at a hearing before the Board and shall transmit to the Board all applications and other records pertaining to such reasonable accommodation prior to the hearing on the application.

(4) Upon receiving the application materials from the Zoning Administrator, the Board shall hold a hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the members within a reasonable time. Notice of the hearing shall be provided to the applicant in the manner described in Section 8.10.

(5) In considering the application, the Board shall review the application materials, the approval criteria stated in this ordinance and all testimony received at the hearing.

(6) After conducting the hearing, the Board may: (1) deny the application; (2) conduct an additional hearing on the application; or (3) grant the requested reasonable accommodation.

(7) The Board's decision shall be based upon competent, material, and substantial evidence. The decision of the Board shall be reduced to writing and reflect the Board's determination of the facts and their application to the applicable standards. The written decision shall be signed by the chair of the Board. The decision is effective upon filing the written decision with the Clerk to the Board.

(8) The decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(9) Approval Criteria. The Board shall grant a reasonable accommodation to any provision of this ordinance if the Board finds by a greater weight of the evidence that the proposed reasonable accommodation is determined to be both reasonable and necessary, in accordance with the following:

(a) "Reasonable" An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing planning regulations, and if it will not impose significant financial and administrative burdens upon the Town and/or constitute a substantial or fundamental alteration of the Town's ordinance provisions; and

(b) "Necessary" An accommodation will be determined to be necessary if it

would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and/or would afford an equal opportunity to enjoy and use housing in residential areas in the Town.

(10) Effect of Approval or Denial. After the Board approves a reasonable accommodation, the applicant shall follow the normal procedures set forth in this and any other applicable ordinance for approval of any permits, certificates, and other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the Board.

The Board shall refuse to hear a reasonable accommodation request that has been previously denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

(11) Lapse. In situations where a reasonable accommodation was a prerequisite to site plan approval, failure of an applicant to apply for a building permit and commence construction or action with regard to the special exception approval within one (1) year of receiving approval of the reasonable accommodation shall automatically render the decision of the Board to grant the reasonable accommodation null and void.

(12) Appeal. Any appeal from the decision of the Board regarding denying the reasonable accommodation request shall be made in accordance with Section 8.12(b).

**(h) Decision.** As used in this Article, the term "decision" includes any final and binding order, requirement, or determination. The Board shall follow quasi-judicial procedures when deciding appeals and requests for variances and Special Use Permits. The Board shall hear and decide all matters upon which it is required to pass under any statute or this Ordinance.

### **Section 8.10 Notice of Hearing by the Board of Adjustment**

Notice of hearings conducted pursuant to this Article shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.

A certification of mailed notices shall be provided by the Zoning Administrator or his/her designee to affirm the date of required mailing and source of property owner verification. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

### **Section 8.11 Voting by the Board of Adjustment**

(a) The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For all other matters, a majority of the members shall be required. For the purposes of this Section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

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

(c) The Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made.

### **Section 8.12 Quasi-Judicial Decisions and Judicial Review**

(a) The Board of Adjustment shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(b) Every quasi-judicial decision shall be subject to review by the Jones County Superior Court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the Clerk of Jones County Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Section 8.8(a). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(c) A member of any board exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

### **Section 8.13 Appeals to the Board of Adjustment**

The Board of Adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of this Ordinance, pursuant to all of the following:

(a) Any person who has standing under G.S. 160D-1402(c) or the Town may appeal a decision to the Board. An appeal is taken by filing a notice of appeal with the Town Clerk and payment of any applicable fees. The notice of appeal shall state the grounds for the appeal.

(b) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(c) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(d) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be

required.

(e) The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(f) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(g) Subject to the provisions of subdivision (f) of this section, the Board shall hear and decide the appeal within a reasonable time.

(h) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

(i) When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160D-1402(j).

(j) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution.

## **SECTION 8.14 Application for Permit for Special Uses**

The Board of Adjustment shall approve permits for special uses in the Zoning Districts where special uses are specified by this ordinance. Applications for Special Use permits shall be processed as follows:

(a) Written application for a Special Use permit shall be submitted to the Zoning Administrator at least ten (10) days before the next regular monthly meeting of the Board of Adjustment. The written application shall indicate the section of this ordinance under which a permit is being sought and shall contain the information required by the appropriate section and any other information which may be required to ensure compliance with this ordinance.

(b) If the Planning Board and the Board of Adjustment do not consist of the same individual members, the Planning Board shall review the application for a Special Use permit and shall submit its recommendation as to approval or disapproval along with any additional conditions or safeguards it may consider necessary to the Board of Adjustment. If the Planning Board and the Board of Adjustment consist of the same individual members, the application shall be submitted to the Board of Adjustment.

(c) In determining whether or not to grant or deny an application for a Special Use Permit, the Board of Adjustment shall hold a public hearing and follow quasi-judicial procedures. No vote greater than a majority vote shall be required for the Board of Adjustment to issue such permits. A notice of the public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. The notice shall indicate: (1) the location of the applicant's property; (2) the nature of the proposed regulation; and, (3) the time and location of the hearing. Notice by means of a placard posted on the property concerned shall be given at least fifteen (15) days in advance of the public hearing. The owner of the property for which the Special Use is sought or his agent shall be notified by mail at least fifteen (15) days prior to the public hearing. In addition to the foregoing, an applicant for a Special Use Permit shall provide to the Zoning Administrator envelopes stamped and addressed to the owners, as identified on the county tax listings, of all parcels of land abutting the applicant's parcel. These abutting property owners shall be mailed a notice of the public hearing by first class mail at the last address listed for such owners on the county tax abstracts. The Zoning Administrator shall verify the list and deposit same in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.

(d) Any party may appear in person or be represented by agent or attorney.

(e) Before they may grant any Special Use Permit, the Board of Adjustment shall make findings that: (1) the applicant has met the requirements



of the ordinance; (2) granting the permit will be in conformity with the general plans for the development of the town.

(f) Denial of a Special Use Permit must be based upon competent material and substantial evidence which shall be made a part of the record in the case. The applicant shall have an opportunity to examine such evidence and present a rebuttal or contrary evidence.

## **ARTICLE IX. NOTICE OF VIOLATION; PENALTY**

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the Zoning Administrator or any appropriate authority shall, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Violations of the provisions of these regulations shall be a misdemeanor under N.C.G.S. 14-4 and each day the violation continues shall be a separate offense. Notwithstanding the criminal penalties, the Zoning Administrator may institute a civil action against the offender seeking enforcement by appropriate equitable remedy, injunction and order of abatement or by any remedy authorized by N.C.G.S. 160A-175 and 160D-404, as amended. A penalty of fifty dollars (\$50) per day may be imposed.

## **ARTICLE X. CHANGES AND AMENDMENTS**

### Section 10.01 - Motion to Amend

The Town Board may, on its own motion or upon motion or petition by any person within the zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify, or repeal these regulations or the maps which are part of this ordinance, subject to the rules prescribed in this ordinance. No change shall be made until after a public hearing is held by the Town Board at which parties in interest and citizens shall have an opportunity to be heard. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the town. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date fixed for the public hearing. A Town Board member shall not vote on any legislative decision regarding this ordinance of the Town map where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom

the member has a close familial, business, or other associational relationship.

The following procedure shall be followed in processing zoning amendments:

- A. Applicant completes zoning amendment application form and pays fee at least ten (10) days prior to the Planning Board meeting at which the amendment is to be considered.
- B. Zoning Administrator places item on Planning Board agenda.
- C. Zoning Administrator evaluates request and gets comments from other departments and agencies for staff recommendation.
- D. Planning Board makes a recommendation to the Town Board. Planning Board may hold a public hearing or may wait until after the Town Board hearing to make its recommendations.
- E. The Town Board may deny the request at this point or schedule a public hearing. A public hearing must be held before any zoning amendment may be made.

Down-Zoning. No amendment to this Ordinance or the map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town.

#### Section 10.02 – Application

An application for any change or amendment to the text of the ordinance shall contain a statement of the present and proposed zoning regulation. An application for a map change shall contain a legal description of the property involved. The application shall be filed with the Zoning Administrator no later than ten (10) days prior to the meeting of the Planning Board at which the application is to be considered.

Notice of a Zoning Map amendment shall be provided as follows:

The applicant for a change in the zoning classification of a parcel of land shall provide to the Zoning Administrator a list of names and addresses, as obtained from the county tax listings, of the owners of all abutting property and all owners of property within the area under consideration for rezoning along with a business type (#10) envelope stamped with a first class stamp and addressed to each person on the list. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. These addressed envelopes and the list shall be submitted at least thirty (30) working days prior to the Town Board public hearing. The Zoning Administrator shall verify the list and mail notices of the public hearing to each person on the list at least 10 but not more than 25 days prior to the date of the hearing.

Optional Notice for Large-Scale Zoning Map Amendments. The first-class mail notice required under this subsection is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may, instead of making the mailed notice provided herein, may elect to publish notice of the hearing provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail as described above.

Posted Notice. The Town shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed map amendment, a posting on each individual parcel is not required but the Town shall post sufficient notices to provide reasonable notice to interested persons.

#### Section 10.03 - Fee

A nonrefundable fee, according to a regularly adopted fee schedule of the Town shall be paid to the town for each application for an amendment to defray some of the advertising and other administrative expenses involved.

## **ARTICLE XI. LEGAL STATUS PROVISIONS**

### Section 11.01 - Effects Upon Outstanding Permits

(A) If a development permit application is submitted and this Ordinance is amended prior to the approval of the permit the development permit, the applicant may choose which adopted version of Ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. If the development permit applicant chooses the version of the ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the map or ordinance prior to acting on the development permit. If an applicable ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.

(B) Any approval of a development permit vests the rights specified therein for a period of 1 year. If the work specified in a building permit has not begun within 1 year from the date of issue, or if work once begun is suspended for a period of 24 months, the permit shall expire, and no work may be performed without obtaining a new permit.

(C) The Town Inspector may issue a stop work order or revoke a permit for any substantial departure from the approved application; from the plans or specifications; from failure to comply with applicable state or local law; or from false statement or representation in securing the permit. He or she also may revoke a permit mistakenly issued in violation of a state or local law. The Town Inspector may issue a stop work order for illegal or dangerous work or activities whether related to a permit or not.

(D) Multiple Permits for Development Project. Where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

(E) Multi-Phased Development. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of 7 years from the time a site plan approval is granted for the initial phase of the multi-phased development.

Section 11.02 - Conflict With Covenants and Other Laws

It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this ordinance imposes a greater restriction upon the use of building or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or be easements, covenants, or agreements, the provisions of this ordinance shall govern. Where the provisions of any other ordinance, law, or covenant require more restrictive standards, such provisions shall govern.

Section 11.03 - Validity

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, that decision shall not affect the validity of the remaining portions of this ordinance. The Town Board declares that it would have passed this ordinance and each Article, Section, Clause, and Phrase of it even if any one or more Articles, Sections, Sentences, Clauses or Phrases may be declared invalid.

Section 11.04 - Effective Date

This ordinance shall become effective on July 1, 2021.