

## **ARTICLE 8 - GENERAL DISTRICT REQUIREMENTS**

### **8.1 General Development Standards**

Development activity that requires a site plan pursuant to Section 16.2 shall be designed to maximize the efficient use of land, the proper function of a site, and the compatibility of development to adjacent properties. The Zoning Administrator, Planning Board, or Town Council may require an application to include the following information and may impose appropriate performance standards, mitigation measures, and conditions to minimize adverse impacts on adjacent properties:

- (1) The hours of operation and deliveries for non-residential uses, including home occupations.
- (2) The placement of trash receptacles;
- (3) The location of loading and delivery areas;
- (4) The location, intensity, and hours of illumination;
- (5) The placement and illumination of outdoor vending machines, and similar outdoor services and activities;
- (6) The height of structures and their appurtenances and their impact on light and privacy and views of significant features from public property and rights-of-way;
- (7) The placement of structures that affect preservation of natural lighting and solar access;
- (8) The location, arrangement, and design, including surface materials, of vehicular parking and driveways;
- (9) Systems to control emissions of odors, fumes, heat, humidity, noise, glare, light, and dust; and
- (10) Other activities, situations, criteria, or design elements that may create adverse impacts.

### **8.2 Accessory Uses, Accessory Buildings, Amateur Wireless Facility, Home Occupations, and Accessory Solar Collector/Energy System**

#### **(1) Accessory Uses – Generally**

Accessory uses are permitted in any zoning district in accordance with the following regulations:

- (A) Accessory uses to single family dwellings, two-family dwellings, and multifamily dwellings may not include commercial uses, except as permitted as home occupations in Section 8.2(3) of this Ordinance.

## Town of Navassa Zoning Ordinance

- (B) Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.
- (C) An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purpose of this ordinance and must meet all yard requirements applied to the principal building.
- (D) Recreational uses and buildings accessory to apartment complexes shall be in accordance with Section 9.2(16) Multiple-Family Dwellings.
- (E) No accessory use that creates a nuisance or hazard shall be permitted.

### (2) Accessory Building

#### (A) Location

An accessory building shall not be permitted to be located in any front yard.

#### (B) Lot Coverage

1. *Parcels no greater than 10,000 square feet in area:* An accessory building shall cover no more than three percent (3%) of any lot, except that an accessory use may that covers more than three percent (3%) of a lot shall be a conditional use.
2. *Parcels greater than 10,000 square feet in area:* An accessory building shall cover no more than five percent (5%) of any lot, except that an accessory use that covers more than five percent (5%) of a lot shall be a conditional use.

#### (C) Setbacks

1. Accessory building, minor (Article 2) may be placed in a required side or rear yard, provided that it is located no less than five (5) feet from a side or rear lot line.
2. Accessory building, major (Article 2) shall not be placed in a required side or rear yard and shall conform to the required setbacks of the zoning district in which it is located.
3. Accessory building on a corner lot must be placed no less than twenty-five (25) feet from any street right-of-way line or access easement.

#### (D) Height

## Town of Navassa Zoning Ordinance

1. Accessory building, minor (Article 2) shall be no greater than fifteen (15) feet in height and shall be restricted to one (1) story, except that a second story may be permitted if it is contained entirely within the roofline of the structure.
2. Accessory building, major (Article 2) shall conform to the height requirements of the zoning district in which it is located and shall be no greater in height than the principal building.

### **(E) Building Separation**

A minimum of ten (10) feet shall separate any accessory building from any other building, except that a minimum of five (5) feet may separate an accessory garage from the principal building.

### **(3) Amateur Wireless Facility**

Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, antennas or antenna arrays with an overall height of ninety (90) feet or less, as measured from grade to the highest point on the tower, may be developed in accordance with the following requirements:

- (A)** Towers shall meet the setback requirements for the zoning district in which the proposed facility shall be located or 100% of the tower height, whichever is greater.
- (B)** The applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.

### **(4) Home Occupation**

A home occupation is permitted in all districts only as an incidental use and must comply with the following regulations:

- (A)** No more than two (2) persons other than a resident of the dwelling shall be engaged in such occupation.
- (B)** No more than three (3) customers, clients or patrons shall come to the dwelling at any one time nor more than twenty-four (24) in any one day.
- (C)** No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, shall be in an enclosed building as described in subsection (D) below, or shall be a conditional use subject to approval by the Town Council.
- (D)** No more than twenty-five percent (25%) of the total actual floor area of the dwelling or five-hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building, not exceeding one-thousand (1,000) square feet,

## Town of Navassa Zoning Ordinance

shall be a conditional use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a conditional use permit.

- (E)** A home greenhouse and sales shall be permitted provided the requirements are met of Section 8.2(3).
- (F)** No outdoor sales or storage shall be permitted in connection with the home occupation.
- (G)** The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- (H)** The use may not emit noise beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard. Nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.
- (I)** No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- (J)** There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) AM and nine (9:00) PM.
- (K)** No customers, clients, patrons, or employees other than the resident household may be on the premises in connection with the home occupation before seven (7:00) AM or after nine (9:00) PM.
- (L)** The following are strictly prohibited as home occupations: car washes; commercial automotive repair garages; truck terminals; slaughterhouses; paint, petroleum and chemical plants; any occupation which involves the storage of liquid petroleum, gasoline, kerosene or other flammable liquids; funeral homes and mortuaries; adult uses; animal hospitals and kennels; and bottled gas sales.

## Town of Navassa Zoning Ordinance

**(M)** Any home occupation not complying with these regulations shall be a conditional use.

### **(5) Accessory Solar Collector/Energy Systems, Residential or Nonresidential**

**(A)** Active solar energy systems shall be permitted as an accessory limited use in all zoning districts under the following standards:

1. Roof-mounted Solar Systems – In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
  - a. Pitched Roof Mounted Solar Systems – For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope on which it is mounted.
  - b. Flat Roof Mounted Solar Systems – For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
  - c. The underlying zoning district maximum height for these systems shall be complied with.
2. Ground-mounted Solar Systems – Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located, or shall be equal to the height of the system as measured from grade to the highest point on the structure, whichever is greatest. The height of the structure(s) shall not be taller than twenty (20) feet in height.
3. Visibility – Active solar systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways or adjacent residentially-zoned property to the greatest extent practical given the design and site constraints of each particular property. However, this requirement shall not act to prevent landowners from being permitted to place accessory solar collectors on their property.
4. Approved Solar Components – Electric solar system components must have an Underwriters Laboratories (UL) listing.
5. Plan Approval Required – All solar systems shall require an approval by the planning department.
  - a. Plan Applications – Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground mount system, including the property lines.

- b.** Plan Approvals – Applications that meet the design requirements of this section shall be granted administrative approval by the Planning Department.
- 6.** Compliance with Building Code – All active solar systems shall meet approval of local building code officials, consistent with the North Carolina State Building Code (current edition), including adherence to structural standards accounting for hurricane-force winds of a velocity that have occurred, or can be expected to occur in the area.
- 7.** Compliance with National Electric Code – All photovoltaic systems shall comply with the National Electrical Code, current edition.
- 8.** No grid-intertie photovoltaic system shall be installed until evidence has been provided to the Planning Department that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

### **8.3 Fences and Walls**

#### **(1) Applicability**

The provisions of this section shall apply to all new construction, redevelopment, or replacement of fences or walls not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. In the event of any inconsistency between the provisions of this section and any screening standard in Section 8.4, Screening, the latter shall govern.

#### **(2) General Requirements for Fences and Walls**

##### **(A) Location.**

Fences and walls are permitted on the property line between two or more parcels of land held in private ownership. Fences and walls are also permitted on the property line adjacent to a public or private right-of-way subject to the height provisions of this Article. Fences and walls need not comply with the setback requirements of this ordinance except that those specifically apply to fences and walls.

##### **(B) Temporary Fences.**

Temporary fences for construction sites or a similar purpose shall comply with the requirements of the building code adopted by the Town.

##### **(C) Fences in Easements.**

## Town of Navassa Zoning Ordinance

Fences shall be prohibited within utility easements and the Town shall not be responsible for damage to, or the repair or replacement of fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around storm water retention or detention facilities.

**(D) Blocking Natural Drainage Flow.**

No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.

**(E) Fences on Retaining Walls or Berms.**

If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to a fence or wall alone.

**(F) Fences and Walls within Buffers and Streetscape Landscaping Areas.**

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material. The perimeter fencing or wall for a single subdivision or development shall be of a uniform, approved style that meets the standards of this section in order to provide visual interest in an orderly manner.

**(3) Height Requirements for Fences and Walls**

All fences and walls shall conform to the following standards. In all cases, heights are measured from natural grade.

**(A) Residential.**

In the single-family residential districts, fences shall not exceed a height of four (4) feet in front yards. Walls shall be limited to a maximum height of three (3) feet in front yards. Walls and fences located behind the front building line shall not exceed eight (8) feet in height. Any portion of a fence exceeding six (6) feet shall be of an open type similar to woven wire or wrought iron fencing except where a buffer with different specifications is required elsewhere in this ordinance.

**(B) Nonresidential.**

In the nonresidential and mixed-use districts, fences and walls shall not be permitted in front setback areas, and shall not exceed a height of six (6) feet in front yards and inside and rear yards when within twenty (20) linear feet of public rights-of-way. Fences and walls shall not exceed ten (10) feet in height in all other areas. Any portion of a fence exceeding six (6) feet shall be of an open type similar to woven wire or wrought iron

## Town of Navassa Zoning Ordinance

fencing except where a buffer with different specifications is required elsewhere in this ordinance.

**(C) Exemption for Required Screening.**

Fencing provided to meet the standards of Section 8.4, Screening, shall be exempted from the height standards of this subsection, but in no case shall the fencing exceed more than two feet above the maximum height limits of Section 8.4, Screening.

**(D) Exemption for Recreational Fencing.**

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection (8.3(3)).

**(E) Exemption for Safety.**

Major utilities, government facilities, and other public safety uses shall be exempted from these standards as needed for public safety.

**(4) Perimeter Fences and Walls Abutting Public Rights-of-Way**

All perimeter fences and walls that abut a public right-of-way shall:

**(A)** Be of a uniform style;

**(B)** Be located outside the right-of-way; and

**(C)** Be located outside any required streetscape landscaping.

**(5) Visibility Clearance**

Fences and walls may not be placed in any location that would obstruct the vision of motorists or pedestrians, or otherwise create a safety hazard in accordance with Section 8.7.

**(6) Prohibited Fences**

**(A) Chain Link Fencing with Metal-Slats.**

Fences constructed of chain link with metal slats shall be prohibited within the front yard in all residential districts; however, chain link fencing without metal slats shall be allowed pursuant to the provisions of this Subsection.

**(B) Barbed Wire and Above Ground Electrified Fences Prohibited.**

Barbed wire fences and above ground electrified fences are prohibited in all zoning districts; except as needed for agricultural and livestock uses,

## Town of Navassa Zoning Ordinance

major utilities, government facilities, and other public safety uses. Commercially available underground and low-voltage above-ground electric fences designed specifically for control of domestic animals are permitted.

**(C) Debris, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials.**

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resemble new building materials.

**(7) Appearance of Fences and Walls**

**(A) Customary Materials.**

Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, wrought iron, decorative metal materials, chain link, or products designed to resemble these materials. Where specific materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

**(B) Finished Side to Outside.**

Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (i.e. one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.

**(C) Uniformity of Materials on a Single Lot Side.**

All fencing or wall segments located along a single lot side shall be composed of a uniform material or materials and shall be of a uniform color or pattern.

**(D) Maintenance Required.**

All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

## 8.4 Screening

Screening shall be required in order to conceal specific areas of high visual impact from both on-site and off-site views. Such areas shall be located on the rear or side portion of the lot and shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

### (1) Items to be Screened

The following areas shall be screened in accordance with this section:

- (A) Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);
- (B) Loading and service areas;
- (C) Outdoor storage areas (including storage tanks and containers);
- (D) Outdoor vehicle storage areas;
- (E) Mechanical, automotive, and railroad parts and equipment; and
- (F) Ground level mechanical equipment and utility meters.

### (2) Screening Methods

The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if the Zoning Administrator determines that they achieve the intent of this Section.

#### (A) Vegetative Material.

Planting materials meeting the standards for a Type III buffer yard.

#### (B) Berms.

Earthen berms shall measure at least two (2) feet in height. Berms shall be covered with grass and shall be planted with other landscaping materials consistent with the requirements for a Type III buffer yard.

#### (C) Fencing.

An opaque wooden fence, or a plastic or vinyl fence designed to appear as an opaque wooden fence, measuring at least six (6) feet in height, but not exceeding eight (8) feet in height, that is consistent with the standards in Section 8.3, Fences and Walls. When wood is utilized, only treated wood or rot-resistant wood, such as cypress or redwood, shall be used. Chain link, barbed wire, stock wire, hog wire, chicken wire, and similar type fences are not permitted.

## **8.5 Vegetative Riparian Buffers**

### **(1) Purpose and Definition**

These standards are designed to regulate impervious surface cover in riparian areas in order to promote public health, safety, and general welfare by protection of water quality through the control of non-point source pollution within riparian protection areas in accordance with state storm water management requirements.

Riparian buffers are vegetated areas next to creeks, streams, water bodies, and water resources that protect water resources from nonpoint source pollution and provide bank stabilization and aquatic and wildlife habitat.

### **(2) Applicability**

These standards shall apply to all development activity within the jurisdiction of this Ordinance which is located adjacent to a perennial or intermittent stream as depicted on the most recent version of the US Geological Survey 1:24,000 (7.5 minute) map or US Department of Agriculture Soil Survey map covering the area in question.

### **(3) Exemption**

When a perennial or intermittent stream is shown on the most recent version of the US Geological Survey 1:24,000 (7.5 minute) map or US Department of Agriculture Soil Survey map covering the area in question, but no such watercourse exists, the property owner or developer may seek administrative relief from the requirements this Section by submitting site-specific evidence that no watercourse exists.

### **(4) Vegetative Riparian Buffer Requirement.**

Vegetative riparian buffers shall be established and maintained according to the following specifications pursuant to North Carolina Session Law 2008-211:

#### **(A) Generally**

The width of a riparian vegetative buffer is measured horizontally from the normal pool elevation of impounded structures, from the bank of each side of streams or rivers, and from the mean high waterline of tidal waters, perpendicular to the shoreline.

The vegetative buffer may be cleared or graded except for monumental tree which must be preserved (Article 14), but must be planted with and maintained in grass or any other vegetative or plant material.

## Town of Navassa Zoning Ordinance

The Town may, on a case-by-case basis, grant a minor variance from the vegetative buffer requirements of this section pursuant to the procedures set out in 15A NCAC 02B .0233(9)(b).

Riparian vegetative buffers and filters required by this section and any other buffers or filters required by State water quality or coastal management rules or local government requirements may be met concurrently and may contain, in whole or in part, coastal, isolated, or 404 jurisdictional wetlands that are located landward of the normal waterline.

### **(B) Redevelopment.**

When redevelopment of previously developed site occurs, a thirty (30) foot riparian vegetative buffer shall be established pursuant to this Section 8.5.

### **(C) New Development.**

When new development of previously undeveloped sites occurs, a fifty (50) foot riparian vegetative buffer shall be established pursuant to this Section 8.5.

## **8.6 Outdoor Lighting**

### **(1) Purpose**

The purpose of this section is to control light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. More specifically, this section is intended to:

- (A)** Control lighting to protect adjacent properties, neighboring areas, and motorists;
- (B)** Ensure that all site lighting shall be designed and installed to maintain adequate lighting levels on site; and
- (C)** Provide security for persons and property.

### **(2) Applicability**

The provisions of this section shall apply to non-residential and attached residential uses except government-owned, operated, or maintained street lights located within a street right-of-way or other easement granted to the Town.

### **(3) Design Standards for Exterior Lighting**

All exterior lighting shall conform to the following standards:

#### **(A) Maximum Lighting Height**

## Town of Navassa Zoning Ordinance

1. Except for outdoor sports fields or performance areas, outdoor lighting heights shall be no greater than:
  - a. Fourteen (14) feet above grade for pedestrian lighting; and
  - b. Twenty-five (25) feet above grade for vehicular lighting.
2. Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four (4) feet in height.

### **(B) Illumination Direction**

1. In all districts, lighting of nonresidential development shall be directed downward. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.
2. Outdoor lighting shall not shine directly into the yard or windows of adjacent residential uses.

### **(C) Location**

All lighting shall be located at least ten (10) feet from side lot lines, rear lot lines, and required perimeter buffers.

### **(D) Shielding**

1. Light fixtures in excess of sixty (60) watts or one-hundred (100) lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.
2. No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from land occupied by existing residential development.
3. No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.
4. Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e. from underneath or behind the awning). This provision shall not prohibit a light under an awning or canopy from illuminating a doorway.

### **(E) Maximum Light Levels**

All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed one (1.0) foot candle. The average intensity illumination for outdoor lighting shall not exceed an average of six (6) foot candles in intensity as

## Town of Navassa Zoning Ordinance

measured at grade. Vehicular use area lighting shall not exceed a maintained average of two-and-one-half (2.5) foot candles.

### **(F) Hue**

All outdoor and parking lot lighting fixtures, including metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium and color-improved high-pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

### **(4) Wall-mounted Lights**

**(A)** Wall-mounted lights shall be fully shielded luminaries (such as shoebox or can style fixtures) to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this subsection shall prevent the use of decorative lighting fixtures provided that the source of illumination is not visible from adjacent lands used or zoned for residential purposes, and provided that the maximum illumination values comply with the standards in Section 8.6(3)(E), Maximum Light Levels.

**(B)** Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (true cut-off type bulb or light source not visible from off-site) to direct the light downward and be of low wattage (preferably one-hundred (100) watts or lower). Other accent lighting projected onto buildings may be allowed provided that it is approved through the development plan process.

### **(5) Floodlights and Spotlights**

Floodlights and spotlights shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining land or right-of-way. On-site lighting may be used to accent architectural elements but shall not be used to illuminate entire portions of a building. Such lighting shall be installed in a fixture that is shielded so that no portion of the light bulb extends below the bottom edge or above the top edge of the shield, and the main beam from the light source is not visible from adjacent lands or the adjacent right-of-way. Floodlights or other types of lighting attached to light poles that illuminate the site or building(s) are prohibited.

### **(6) Illumination of Outdoor Sports Fields and Performance Areas**

All lighting fixtures serving outdoor sports fields and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area.

**(7) Sign Lighting**

Lighting fixtures illuminating signs shall comply with the standards of this Section, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

**8.7 Visibility at Street Intersections**

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½ ) and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, twenty (20) feet from where they intersect.

**8.8 Street Access Required**

No principal building, structure, or use may be erected or established on any lot which has less than twenty (20) feet of frontage on one of the following:

- (1)** A public street dedicated to and maintained by the Town or the North Carolina Department of Transportation;
- (2)** A street constructed to the standards in the Town Subdivision Regulations, with a written agreement concerning maintenance of the street.
- (3)** A private access easement recorded by the Brunswick County Register of Deeds serving no more than two (2) lots, each at least two (2) acres in size, for the exclusive use of a single residential unit and accessory uses established on such lots, and provided that the access is maintained in a condition passable for emergency service vehicles, and further provided that no such access may be established closer than one-hundred fifty (150) feet to any other previously recorded access.

**8.9 Multiple-Use Complexes**

Shopping centers, office centers, and other institutional, industrial and similar non-residential complexes may have more than one principal building on a single lot provided that the following requirements are met.

- (1)** Multiple-use complexes shall be permitted only in a non-residential zoning district, in a special use district, as part of a planned unit development, or in buildings existing on the effective date of this ordinance.
- (2)** Uses in complexes shall be limited to those permitted within the zoning district in which the project is located.
  - (A)** Uses permitted by right with additional development standards shall satisfy those additional development standards.

## Town of Navassa Zoning Ordinance

- (B) Applicants who deem it impractical to satisfy any required additional development standards may choose to be regulated as a conditional use.
  - (C) Uses permitted as a conditional use shall require a conditional use permit only for the unit in which the use is located and not for the property as a whole. Conditional use permits approved pursuant to this section shall apply only to the unit for which the permit is issued and shall not be transferable to other units or sites on the property.
- (3) The overall intensity of land use shall be no higher, and the standard of open space no lower, than that permitted in the district in which the project is located.
- (4) The distance of every building from the nearest property line shall be in accordance with the front, side and rear yard requirements of the district in which the project is located. No building shall be closer to any other building in the complex than the minimum side yard required in the district in which the project is located.
- (5) The building height shall not exceed the height limits permitted in the district in which the project is located.
- (6) All merchandise for sale or rent in a shopping center complex shall be contained within the building envelope or under cover of attached canopies except:
  - (A) Sidewalk sales or other organized temporary promotional events not to exceed one (1) event per month.
  - (B) Lawn and Garden Centers, Home Improvement or Department Stores may permanently display plant materials, lawn and garden supplies, outdoor furniture or similar merchandise. All sales areas shall be contained within a designated area immediately adjacent to the primary retail building. Any permanent sales areas shall be designated on the required site plan. Sales areas shall not encroach upon required parking areas and must be designed so as not to impede the passage of vehicles within required parking areas. All tents or detached canopies must be securely tied down and maintained to prevent a hazardous condition.

### **8.10 Loudspeakers Prohibited**

The installation or use of loudspeakers, horns, sirens or similar noisemaking devices for commercial purposes shall be prohibited. Nothing in this section shall prohibit the use of loudspeakers by public safety agencies or at sporting or other public events. Outdoor speakers for use at drive-through window facilities shall be regulated by Section 8.11(4).

### **8.11 Drive-through Window Facilities**

- (1) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Stacking shall be in accordance with Article 10 off street parking and loading standards. Stacking spaces shall be located so as to not interfere with vehicular

## Town of Navassa Zoning Ordinance

circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.

- (2) In addition to parking space requirements, at least two (2) additional parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- (3) Parking areas shall be set back at least one-half (1/2) the required front yard setback for the district in which the use is located, and at least six (6) feet from the side and rear lot lines.
- (4) Outdoor speakers for the drive through facility shall be located a minimum of thirty (30) feet from any adjacent residential district or property line and situated in a way that minimizes sound transmission toward neighboring properties and uses.
- (5) The building shall be located a minimum of ten (10) feet from the inside edge of the required side and rear yard parking lot and property line buffer landscaping (Section 12.5) to provide emergency vehicle access.

### 8.12 Bulk Storage of Dangerous Materials

- (1) A dangerous material is any material:
  - (A) that exhibits the characteristics of ignitability, corrosivity, reactivity, or toxicity as defined in 40 CFR Section 261.21-24 of the Federal Code of Regulations; or
  - (B) that is listed as a toxic substance in the Toxic Substances Portal of the US Agency for Toxic Substances and Disease Registry.
- (2) All bulk storage of dangerous materials, storage tanks and loading facilities will be located at least one-hundred (100) feet from any property line.
- (3) The bulk storage of dangerous materials are prohibited in the one-hundred (100) year floodplain except as authorized under N.C.G.S. 143-215.54A(b), as amended.
- (4) The bulk storage of dangerous materials shall not be allowed within one-thousand (1,000) feet of a structure used for residential, educational, or institutional purposes.
- (5) Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or a commercial street directly intersecting a thoroughfare.

### 8.13 Other Regulations and Permits

All development activity in the Town shall comply with all local, state, and federal regulations, including but not limited to those regulating odor, noise, discharges, surface water, ground water, and storm water. All development activity in the Town shall comply

## Town of Navassa Zoning Ordinance

with permits issued by other governmental agencies. Failure to comply with other regulations or permits shall be a violation of this ordinance and shall subject the violator to the penalties established herein.

### 8.14 Exceptions and Modifications

- (1) *Existing Front Yard Setbacks.* The minimum front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard depth of existing dwellings is less than the minimum required. In such situations, the subject dwelling is not required to meet the district minimum front yard, but must meet either: the adjacent dwelling with the greatest front yard depth, or the average front yard of existing dwellings located wholly or in part within one-hundred (100) feet on each side, whichever is greater. When averaging to determine yard depth, only dwellings within the same block, in the same zoning district, and on the same side of the street may be used.
- (2) The front and side yards of the corner lot shall be designated at the time of permitting.
- (3) The Town Council shall review as a conditional use structures which exceed the height limitations of this ordinance such as: church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials, and similar structures.
- (4) Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any required setback, but such projection may not exceed six (6) feet and may not be closer than ten (10) feet to any lot line.
- (5) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required setback, but such projection shall not exceed three (3) feet.
- (6) The requirements of this Ordinance do not apply to roads, water, sewer, gas, electric, telephone and similar utility lines except where specifically mentioned.
- (7) Minimum required width on lots which front on the turnaround circle of a cul-de-sac shall be measured at the front yard setback line.
- (8) Except for detached single-family residences and manufactured homes, access driveways shall be located no less than one-hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway. Cross-access and shared access driveways may be required to satisfy this provision.
- (9) Trash containers shall be enclosed by a structure screened on at least three (3) sides.