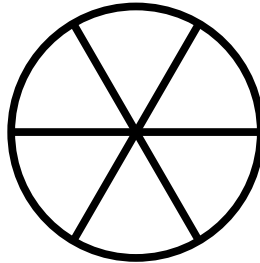


TOWN OF NAVASSA
ZONING ORDINANCE

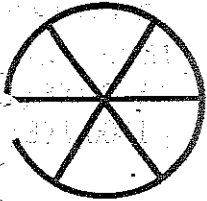
People Working



For People

Adopted January 18, 2001
Amended May 9, 2002
Amended July 21, 2005
Amended October 20, 2005
Amended December 20, 2007
Amended January 17, 2008
Amended February 21, 2008

People Working



For People

TOWN OF NAVASSA
334 MAIN STREET
NAVASSA, N.C. 28451
Phone: (910) 371-2432
Fax: (910) 371-0041

Eulis A. Willis, *Mayor*

Councilman

Melvin Walker

Carlton Willis

Craig Suggs

Edward Williams

Earnis Briant

Charlena Alston, *Town Clerk*

**CERTIFICATION INSTRUMENT
TOWN OF NAVASSA
ZONING ORDINANCE**

The foregoing document attached, entitled Town of Navassa Zoning Ordinance, is hereby certified to be a true and correct copy of the same, being duly executed by the Mayor and Town Council in regular session,

THIS 15TH DAY OF MARCH 2001

TOWN OF NAVASSA, NORTH CAROLINA

MAYOR:

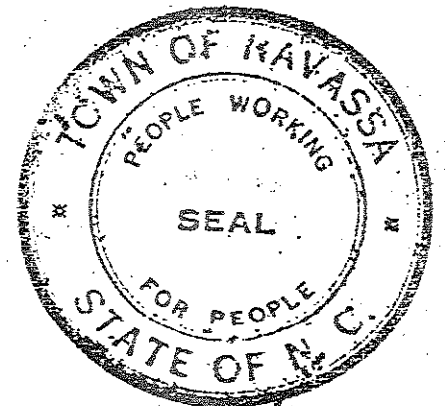
Eulis A. Willis

Eulis A. Willis

ATTEST:

Charlena R. Alston

Charlena R. Alston, Clerk



Zoning Ordinance

Town of Navassa

334 Main Street

Navassa, NC 28404

(910) 371-2432/(910) 371-0041 (fax)

Town Council

Eulis A. Willis, Mayor

Edward Williams

Earnis Briant

Aubrey Craig Suggs

Melvin Walker

Carlton Willis

Planning Board

Melvin Walker, Chairman

Gerald Alston

Walter Ballard

Charlie Graham

Diane Graham

Town Attorney

Rachidina Waddell

Town Clerk

Charlena Alston

Technical Assistance Provided By

Cape Fear Council of Governments

1480 Harbour Drive

Wilmington, North Carolina 28401

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Article I. Purpose, Authority, and Definitions

A. Purpose

The purpose of this ordinance is to guide the development of Navassa, North Carolina, and to facilitate the adequate provision of transportation, sewerage and water systems, parks and other public improvements, to regulate the location and use of land and buildings, the erection, reconstruction and alteration of buildings, the height and size of buildings, and the density of population, to divide the town into districts of such number, shape and size as may be best suited to carry out said purposes; and to encourage the appropriate use of land throughout the town utilizing the recommendations of the Land Use Plan Update to promote the health, safety, and general welfare of the Town of Navassa.

B. Authority

This ordinance is adopted pursuant to the authority vested in the Town of Navassa by its charter, Chapter 160A of the General Statutes of North Carolina, and other local legislation.

C. Definitions

For the purpose of this ordinance, the following words, phrases, terms and their derivations shall have the meaning given herein.

Unless the context clearly indicates to the contrary, words used in the present tense include the future; words used in the plural number include the singular, and words used in the singular include the plural; the word "herein" means in this ordinance; the words "shall" or "must" are mandatory and not directory; the word "building" includes the word "structure", and the words "structure" and "building" shall include any part thereof, the words "used" or "occupied" shall be construed to include the words "intended", "arranged", or "designed" to be used or "occupied".

A person shall include a corporation, a partnership and an unincorporated association such as a club; the word "development" shall be construed so as to include development by cooperative or collective or other similar means of development through common ownership or through the use of lease-hold estates; and the words "immediately adjacent" shall be construed to mean all land abutting the subject property and extending two hundred (200) feet therefrom or, when said property so defined includes right-of-way, it shall mean all land abutting the right-of-way and extending two hundred (200) feet therefrom.

Accessory Building: A structure incidental or secondary to the principal use on the same site. (2/21/2008)

Accessory Building, Minor: An accessory building not larger than 10' x 12' in dimension. (2/21/2008)

Accessory Building, Major: An accessory building larger than 10; x 12' in dimension. (2/21/2008)

Accessory Use: An activity or structure incidental or secondary to the principal use on the same site.

Agriculture: The following definitions apply to the A/F, R20, R15 and R10 zoning districts:

1. **Agriculture-vegetative:** The activity of cultivating the soil and/or producing crops and
2. **Agriculture-livestock:** The activity of raising livestock Minimum lot size for livestock activities:

Fowl Averaging Under Five Pounds in Weight: The number of such fowl shall not exceed twenty-five (25) per acre or a maximum of four hundred (400). All housing structures, outdoor pens and feeding areas shall be set back (1) foot per fowl from all property lines. All fowl must be confined or fenced together.

Fowl Averaging Over Five Pounds in Weight: The number of such fowl shall not exceed three (3) per acre or a maximum of thirty-five (35). All housing structures, outdoor pens and feeding areas shall be set back ten feet per fowl from all property lines. All fowl must be confined or fenced together.

Animals Other Than Fowl, Averaging Over Thirty Pounds In Weight: The number of such animals shall not exceed three (3) per acre or a maximum of thirty-six (36). All housing structures, outdoor pens and feeding areas for such animals shall be set back ten feet per animal from all property lines. Such animals shall not be confined together. Offspring less than thirty (30) days old shall not be included in the number per acre.

The agriculture-livestock definition does not apply to animals ordinarily considered pets such as dogs, cats, birds and pot-bellied pigs.

Alley: A roadway which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Apartment: A suite of rooms or a room in a multi-family dwelling arranged and intended as a place of residence for a single family

Arcade: Any establishment that maintains more than three (3) automatic amusement machines. Automatic amusement machine includes any machine or device activated by a coin or token, and which when operated is used as a game of skill, test, contest or entertainment (not to include pool tables or music machines). This definition does not include establishments which sell alcoholic beverages or have pool tables.

Buffer Zone: A strip of land created to separate and protect one type of land use from another.

Building Area: The total area of a lot covered by a structure measured on a horizontal plane at mean grade level exclusive of uncovered patios, terraces and steps.

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

Church or House of Worship: Any permanent structure designed or adapted for use by members of a church, temple, synagogue, mosque, or the like for the purpose of prayer, religious service or other rite showing reverence or devotion, for a Deity.

Where permitted by right or condition in this Ordinance activities at such facilities shall be limited to those associated with worship or fellowship by its members or congregation. Prohibited without further approval are such activities as education for preschool, primary, secondary and post secondary students, dormitory facilities, and ongoing commercial enterprise.

Conditional Use: A use that may locate in certain zoning districts provided it will not be detrimental to the public health and general welfare and will not of itself impair the integrity and character of the district as determined by the Councilmen.

Conversion: The alteration of the use of an existing building to another type of use permitted under this ordinance.

Dimensional Nonconformity: A nonconformity situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or lot line does not conform to the regulations applicable to the district in which the property is located.

Dwelling, Single-Family: A building designed to be occupied by one (1) family.

Dwelling, Duplex: A building containing two (2) dwelling units where the building is designed to be occupied by two (2) families living independently from each other.

Dwelling, Multi-Family: A building designed to be occupied by three (3) or more families living independently of each other.

Easement: Authorization by a property owner for the use of another party, for a specific purpose, of any designated part of said property without conferring exclusive possession.

Extra-Territorial Jurisdiction: A defined area extended one mile beyond the town limits.

Family: One or more persons living together that are related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage, and not exceeding three persons shall be deemed to constitute a family.

Family Care Home: A home with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) resident handicapped persons. (GS 168-21, GS 168-22)

Floor Area (for determining off-street parking and loading requirements): The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities,

including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor Area, Gross: The total square footage on all floors within a building.

Frontage: The property abutting one side of a street or public way, measured along the right-of-way line.

Garage, Private: A building used as an accessory to the main permitted building and providing for the storage of a motor vehicle and in which no business, occupation, or service is conducted. (12/20/2007)

Garage, Public: Any building, except those described as a private garage, used for storage or care of motor vehicles.

Guest House (Tourist Home, Boarding House): Any dwelling occupied by owner or operator in which five rooms or less are rented for lodging of transients and travelers for compensation.

Halfway House: Therapeutic residences that provide a sheltered and transitional environment for persons emerging from mental or penal institutions or drug treatment centers.

Handicapped Person: A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing or sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in GS 122C-3(11)b.

Home Occupation: An occupation for gain or support customarily conducted on the premises by a person or family residing thereon provided:

- a) Only one (1) person other than members of the family residing on the premises shall be engaged in such occupation;
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
- d) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off street and other than in any required yard. Vehicles used primarily as passenger vehicles including pickup trucks and step-type vans only shall be permitted in connection with the conduct of the customary home occupation;
- e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family housing unit,

or outside the housing unit if conducted in other than a single family housing unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises; or causes fluctuations in line voltage off the premises;

- f) No display of products shall be visible from the street, and the selling of merchandise or the manufacture of merchandise for sale except baking, sewing and/or home crafts normally made in the home cannot be the primary function of the home occupation;
- g) Instruction in music, dancing or tutoring of academic subjects shall be limited to four (4) students at a time;
- h) All persons now operating a Home Occupation shall be grand fathered but they must declare their home occupation within 60 days of adoption of this ordinance. Also, proof must be shown that occupation was in existence prior to ordinance adoption. All persons currently operating a home occupation will still be required to pay the license fee within 60 days of adoption of ordinance.
- i) Signs shall be in accordance with the requirements of Article VII of this Zoning Ordinance.

Housekeeping Unit: Any part of a living area used to prepare food in any manner for human consumption, the existence of two or more of such areas shall create a conclusive presumption that the dwelling unit was designed for or is being used by two or more families.

Hotel: A building occupied or used as a more or less temporary abiding place of individuals or groups who are lodgers and in which there are six (6) or more sleeping rooms.

Junk Yard: An area where scrap metal or other waste is bought, sold, exchanged, or handled on an on-going basis, including automobile salvage and wrecking yards.

Land Use Plan: The adopted Land Use Plan Update of the Town of Navassa.

Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to same.

Lot Area: The total horizontal area enclosed with lot lines.

Lot, Corner: A lot which has at least two (2) adjoining sides which abut a street or other public right-of-way, provided that the angle of intersection of the two lines is less than 135 degrees.

Lot, Depth of: The average horizontal distance between front and rear lot lines.

Lot, Front of: The portion of a lot nearest the street. For corner and through lots, all sides adjacent to street rights-of-way shall be considered fronts.

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

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

Lot Line, Front: The lines separating said lot from the street right-of-way.

Lot, Through: A interior lot having frontage on two streets.

Lot, Width of: The mean horizontal distance between side lot lines.

Manufactured Home: A dwelling that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width. For the purposes of this ordinance, a manufactured home that is more than 15 years old shall not be classified as a manufactured home and shall not be brought into the town and placed on a lot (10/20/2005).

Manufactured Home, Class A: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- a) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- b) The manufactured home has a minimum of 1,120 square feet of enclosed and heated living area;
- c) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- d) All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter;
- e) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- f) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- g) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and
- h) The moving hitch, wheels and axles, and transporting lights have been removed.

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

Manufactured Home, Class B: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (f), (g) and (h) for Class A homes above.

Manufactured Home, Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured Home Park: Any site or tract of land, of contiguous ownership upon which manufactured home spaces are provided for manufactured home occupancy whether or not a charge is made for such service. This does not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of sales.

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

Motel: Land developed for a single structure or a group of structures of permanent construction that contains guest rooms with vehicle parking space and utility structures provided to support the primary use.

Neighborhood: A residential area whose residents have public facilities and social institutions in common and generally within walking distance of their homes.

Nonconforming Lot: A lot existing at the effective date of this ordinance or any amendment to it that cannot meet the lot requirements of the district in which the lot is located.

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

Nonconforming Situation: A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located.

Nonconforming Use: A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

Parking Lot: An area or plot of land used for the storage or parking of vehicles.

Planned Unit Development (PUD): A PUD is a land development project planned as a single entity by means of a unitary site plan which permits flexibility on building, siting, mixtures of housing types and land uses, usable open space, and the preservation of significant natural features.

Residence: A building designed to be used as permanent living quarters for one or more families.

Right-of-Way: Land occupied or intended to be occupied by a street, crosswalk, railroad, utility line or other special purpose and held exclusive from abutting properties.

Septic Tank: A tank used in combination with leaching fields or trenches in which sewage is purified by bacterial action. It is distinct from a cesspool which retains solids and must be periodically pumped out.

Service Station: A building or a lot where gasoline, oil, greases, and accessories are dispensed to the motor vehicle trade.

Setback Line: A line specifically established upon a plat or established by the zoning ordinance which identifies an area into which no part of a building shall project except as provided by these regulations. A line measured parallel to the front property line (right-of-way) in front of which no structure shall be erected.

Setback Line (front yard): A line specifically established by the zoning ordinance which identifies a "front yard" area into which no part of a building shall project except as provided in these regulations. In Navassa the minimum depth of a front yard shall be 65 feet from the center line of the street or 35 feet from the right-of-way of the street, whichever is greater. The minimum corner side yard depth shall be 55 feet from the center line of the street or 25 feet from the right-of-way of the street, whichever is greater.

Shopping Center: A group of commercial establishments planned, developed and managed as a unit, with off-street parking on the property.

Sewage System: A facility designed for the collection, removal, treatment and disposal of waterborne sewage generated within a given service area.

Sign: A structure that is arranged, intended, designed or used as an advertisement, announcement or direction; and includes a sign, sign screen, billboard, poster panel and advertising devices of every kind which are displayed out-of-doors. (See Article VII.)

Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of forms comprising the total display area of the sign. When calculating sign area, only one side of a double-faced sign shall be considered. (See Article VII.)

Stable, Private: A stable with a capacity of not more than one (1) horse for 3,500 square feet of lot area whereon such stables are located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration of any kind.

Stable, Public: Any stable other than a private stable.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between such floor and the ceiling above it.

Street: A thoroughfare which affords principal access to abutting property.

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

Structural Alterations: Any change except for repair or replacement in the supporting members of a building, including bearing walls, columns, beams and girders.

Trailer Camp: Any lot or parcel of land set aside and offered by any person to the transient public for the parking and accommodation of two (2) or more travel trailers which are to be occupied for sleeping or eating.

Travel Trailer: Any vehicle designed to be transported and intended for human occupancy as a dwelling for short periods of time, such vehicles containing limited or no kitchen or bathroom facilities.

Use, Permitted: A use which is permitted outright in a district for which a Zoning Permit may be issued by the Zoning Administrator.

Use, Conditional: A use which is permitted in a district under certain conditions only if a permit is expressly authorized by the Town Council.

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

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

Yard, Front: An open space across the full width of the lot measured between the building line of the main building and the street. In Navassa the minimum depth of a front yard shall be sixty-five (65) feet from the center line of the street or thirty-five (35) feet from the right-of-way of the street whichever is greater. The minimum corner side yard depth shall be fifty-five (55) feet from the center line of the street or twenty-five (25) feet, from the right-of-way of the street, whichever is greater.

Yard, Rear: An open space extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Yard, Side: An open space extending from the front building line of the main building to the rear building line of the main building.

Zoning Administrator: The Zoning Administrator is the official charged with handling the official duties of the Town relative to Zoning and Zoning Ordinance administration. The Zoning Administrator will make final decisions on proposals received from developers and citizens as to the consistency of such proposals with the

regulations in this Ordinance. The Zoning Administrator in the Town of Navassa is appointed by the Town Council.

Zoning Amendment: Changes in the zoning ordinance text or map, adopted by the Town Council upon recommendation by the Planning Board.

Article II. Establishment of Districts

A. Number and Titles (12/20/2007)

The Town of Navassa, North Carolina, is hereby divided into the following districts:

- OAR – Open Area/Recreation District
- AF– Agriculture/Forestry District
- R-U – Rural District
- R-20 – Light Density Residential District (20,000 sq. ft.)
- R-15 – Moderate/Light Density Residential District (15,000 sq. ft.)
- R-10 – Moderate Density Residential District (10,000 sq. ft.)
- R-6 – Medium Density Residential District (6,000 sq. ft.)
- C – Commercial Districts 1, 2, 3
- LI – Light Industrial District
- HI – Heavy Industrial District
- C-M – Commercial Manufacturing District
- H-M – Heavy Manufacturing District
- PUD – Planned Unit Development
- MHO – Manufactured Home Overlay District
- MHP – Manufactured Home Park (Residential)

B. Zoning District Map

The boundaries of the zoning districts are shown upon the map accompanying this ordinance and made apart hereof, entitled "Official Zoning Districts, Navassa, North Carolina". The Zoning District Map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this ordinance the same as if such information were all fully described and set out herein.

1. **Creation:** In the creation, by this ordinance of the respective zones, the Town Council has given due and careful consideration to the peculiar suitability of each and every zone for the particular regulations applied thereto, and the necessary, proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered land use plan for the development of the town.
2. **Zoning District Map Legitimacy and Location:** Regardless of the existence of purported copies of the Zoning District Map which may from time to time be made or published, the official Zoning District Map of the Town of Navassa shall be located in the office of the Town Clerk. (12/20/2007)
3. **Amendments to the Zoning District Map:** No changes of any nature shall be made to the Zoning District Map except in conformity with the procedure set forth in the Ordinance.

C. Interpretation of District Boundaries

The boundaries of each district which are indicated on the zoning map of the Town of Navassa, together with all explanatory matter thereon, are hereby adopted by

reference and declaration to be a part of this ordinance.

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

1. **Boundaries following centerlines:** Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. **Boundaries following lot lines:** Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. **Boundaries following town limits:** Boundaries indicated as approximately following town limits shall be construed as following town limits.
4. **Boundaries following shorelines:** Boundaries indicated as approximately following the center lines of streams, creeks, or other bodies of water shall be construed to follow such center lines.
5. **Boundaries parallel to centerlines:** Where district boundaries are so indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of the same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.
6. **Boundaries dividing lots:** Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than fifty (50) feet beyond the district boundary line. The term "least restricted" shall refer to use restrictions and not to lot size.
7. **Cases of uncertainty in boundary decisions:** In the event that uncertainty exists in the interpretation of the district boundaries, the Navassa Board of Adjustment shall interpret the intent of the zoning map as to the location of such boundaries.

Article III. Regulations

A. Open Area/Recreation District, OAR

1. **Purpose:** It is the purpose of this district to protect wetlands and prevent development in areas of potential flood hazard, where such development would be detrimental to both the natural and economic environment of the community. It is also the purpose of this district to provide both passive and active recreational opportunities to the public.
2. **Permitted Uses:** The following uses shall be permitted in the OAR District subject to the various provisions of this article. (2/21/2008)
Specified Accessory Buildings (subject to the provisions of Article XII)
Camping and Picnic Areas (no paving, no permanent, homes)
Historic Sites and Monuments
Nature Exhibits
Parks (provided there is no paving)
Playgrounds
3. **Conditional Uses:** The following uses may be permitted in an OAR District subject to the provisions of Article IV, Section B. (2/21/2008)
Specified Accessory Buildings (subject to the provisions of Article XII)
Amphitheaters (Provided there is no paving)
Private Clubs
4. **Lot, Yard and Height Requirements:**
Minimum Lot Size 20,000 sq. ft.
Front Yard 25 ft. (must not differ more than 10' from the average of adjacent buildings)
Side Yard 10 ft.
Rear Yard 25 ft.

Maximum Building Height 35 ft. — Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations in the ability to add height beyond 35 feet, in this manner. The ratio is one to one.
5. **Off Street Parking:** Not Applicable
6. **Signs:** Please refer to Article VII of this Zoning Ordinance

B. Agriculture/Forestry District, AF

1. **Purpose:** It is the purpose of the AF (Agriculture/Forestry) District to preserve the rural and agricultural character of the land removed from readily available urban services.

2. **Permitted Uses:** The following uses shall be permitted in the AF District subject to the various provisions of this article. (2/21/2008)

Specified Accessory Buildings(subject to the provisions of Article XII)

Agriculture-Vegetative - (Refer to definition section)

Agriculture-Livestock - (Refer to definition section)

Wayside Stand (for the sale of agricultural products produced on the same parcel of land).

Forestry, production and harvesting

Greenhouses

Single Family Site Built Residential Units

Public Schools

Cemeteries

Correctional Institutions

Fair Grounds

Riding Stables

Fish Hatcheries, Fish Farms

Manufactured Homes (Type A & B)

Modular Homes

Conditional Uses: The following uses may be permitted in an AF District subject to the provisions of Article IV, Section B. (2/21/2008)

Specified Accessory Buildings (subject to the provisions of Article XII)

Churches

Hunting Lodge

Home Occupations (See Definitions for restrictions)

Public Buildings

Public/Private Utilities

Private Schools

3. **Lot, Yard, and Height Requirements:**

Minimum Lot Size 20,000 sq. ft.

Front Yard	25 ft. (must not differ more than 10' from the average of adjacent buildings)
Side Yard	10 ft.
Rear Yard	25 ft.

Maximum Building Height 35 ft. –Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations in the ability to add height, beyond 35' feet, in this manner. The ratio is one to one.

4. **Off Street Parking:** Please refer to Article VI of this text.
5. **Signs:** Please refer to Article VII of this Zoning Ordinance.

C. Light Density Residential District, R-20

1. **Purpose:** It is the purpose of the R-20 District to provide for light density residential development in areas without water and sewer services.

2. **Permitted Uses:** The following uses shall be permitted in the R20 District subject to the various provisions of this article. (2/21/2008)

Specified Accessory Buildings (subject to the provisions of Article XII)

Agriculture-Vegetative

Parks and Playgrounds

Single Family Site Built Residential Units

Manufactured Homes (Type A & B)

Modular Homes

Home Occupations (See Definitions for restrictions)

Greenhouses (accessory use only)

3. **Conditional Uses:** The following uses may be permitted in the R20 District subject to the provisions of Article IV, Section B. (2/21/2008)

Specified Accessory Buildings

Churches

Day Care Facilities

Bed and Breakfast Establishments (See 7 below)

Public Utilities

Tennis Courts

Private Swimming Pools

Play Field or Athletic Field

Agriculture-Livestock

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size 20,000 sq. ft

Front Yard The minimum depth of a front yard shall be sixty-five, (65) feet from the center line of the street or thirty-five (35) feet from the right-of-way of the street, whichever is greater.

Side Yard 10 ft. (The minimum corner side yard depth shall be fifty-five (55) feet from the center line of the street or 25 feet from the right-of-way of the street, whichever is greater.)

Rear Yard 25 ft.

Maximum Building Height 35 ft. – Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations in the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.

5. **Off Street Parking:** Please refer to Article VI of this text.
6. **Signs:** Please refer to Article VII of this Zoning Ordinance.
7. **Standards** for Bed and Breakfast Establishments:
 - a) Dwelling cannot provide more than three bedrooms for overnight guests.
 - b) One parking space per guest room be provided off the street in addition to two off street parking spaces for the principal occupants. The parking area must not encroach beyond the side and rear set back lines of the zoning district.
 - c) The use shall conform to Article VII of this Zoning Ordinance.
 - d) No pulsating, flashing, oscillating, or other types of attention getting devices shall be permitted.
 - e) No outdoor activities other than those associated with the normal activities of a single family home are permitted.
 - f) The use must annually meet the health standards of the State and County Government and proof presented to the Building Inspector and Zoning Administrator.
 - g) The dwelling must be the primary residence of the owner.
 - h) Must be a member of, and comply with all rules and regulations of the N.C. Association of Bed and Breakfast.
 - i) Must obtain a license to operate from the Town. The fee to be determined by the Town Council.
 - j) A buffer of vegetation which will grow to a height of four feet must surround the parking area on three sides.

D. Moderate/Light Density Residential District, R-15

1. **Purpose:** It is the purpose of the R-15 District to provide for light density residential development in areas with available urban services.
2. **Permitted Uses:** The following uses shall be permitted in the R-15 District subject to the various provisions of this article (2/21/2008).
Specified Accessory Buildings (subject to the provisions of Article XII)
Agriculture-Vegetative
Single Family Site Built Residential Units
Manufactured Homes (Type A & B)
Modular Homes
Two Family Residential Units (duplexes)
Home Occupations (See Definitions for restrictions)
Greenhouses (accessory use only)
3. **Conditional Uses:** The following uses may be permitted in the R-15 District subject to the provisions of Article IC, Section B. (2/21/2008)
Specified Accessory Buildings (subject to the provisions of Article XII)
Day Care Facilities
Public Utilities
Schools
Churches
Parks and Playgrounds
4. **Lot, Yard, and Height Requirements:**
Minimum Lot Size: 15,000 sq. ft.
Front Yard: The minimum depth of a front yard shall be sixty-five (65) feet from the center line of the street or thirty-five (35) feet from the right-of-way of the street, whichever is greater.
Side Yard: 10 ft. (The minimum corner side yard depth shall be fifty-five (55) feet from the center line of the street or twenty-five (25) feet from the right-of-way of the street, whichever is greater.)
Rear Yard: 25 ft.
Maximum Building Height: 35 ft. — Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations on the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.
5. **Off Street Parking:** Please refer to Article VI of this text.
6. **Signs:** Please refer to Article VII of this Zoning Ordinance.

E. Moderate Density Residential District, R-10

1. **Purpose:** It is the purpose of the R-10 District to provide for light density residential development in areas with available urban services.
2. **Permitted Uses:** The following uses shall be permitted in the R-10 District subject to the various provisions of this article. (2/21/2008)
Specified Accessory Buildings (subject to the provisions of Article XII)
Agriculture-Vegetative
Parks and Playgrounds
Single Family Site Built Residential Units
Manufactured Homes (Type A & B)
Modular Homes
Home Occupations (See Definitions for restrictions)
Greenhouses (accessory use only)
3. **Conditional Uses:** The following uses may be permitted in the R-10 District subject to the provisions of Article IV, Section B. (2/21/2008)
Specified Accessory Buildings (subject to the provisions of Article XII)
Churches
Day Care Facilities
Public Buildings
Public Utilities
Schools
4. **Lot, Yard, and Height Requirements:**
Minimum Lot Size: 10,000 sq. ft.
Front Yard: The minimum depth of a front yard shall be sixty-five (65) feet from the center line of the street or thirty-five (35) feet from the right-of-way of the street, whichever is greater.
Side Yard: 8 ft. (The minimum corner side yard depths shall be fifty-five (55) feet from the center line of the street or twenty-five feet from the right-of-way of the street, whichever is greater.)
Rear Yard: 30 ft.
Maximum Building Height 35 ft. – Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations in the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.
5. **Off Street Parking:** Please refer to Addendum I to this text.
6. **Signs:** Please refer to Article VII of this Zoning Ordinance.

F. Commercial District, 1, 2, 3

The purpose of establishing several commercial districts is to regulate the intensity of land use to protect residential neighborhoods and places of worship.

Factors to consider when assigning retail establishments to Commercial Districts 1, 2, or 3: Health, safety, general welfare of the community and noise, odors, gas, fumes, smoke, dust, vibration, height and brightness of lights, hours of operation, traffic, parking spaces, and fire hazards.

Commercial District 1: Light Commercial Uses

Commercial District 1 is established as a district in which the principle use of land is for retail trade purposes which cause the least concern about the factors listed above.

Permitted: Professional Offices: Medical, attorney, accounting, insurance, financial, government and agency offices.

Conditional: Child and Adult day care
Churches
Single family homes
Manufactured Homes (Type A & B)
Modular Homes

Buffer: Property owner must construct Buffer Number 1 when located in Commercial District 1.

Commercial District 2: Medium Intensity Commercial Uses

Commercial District 2 is established as a district in which the principle use of land is for retail trade purposes which cause a minimal amount of concern about the factors listed above.

Permitted: Professional Offices: Medical, attorney, accounting, insurance, financial, government and agency offices.
Stand alone stores: notions, dry goods, shoes, clothing, jewelry, leather goods, gifts, books, flowers, cameras, toys, sporting goods, paint, pets, hobby and craft goods, drugs, magazines, candy, wallpaper, furniture, appliances, upholstery, antiques, stationery, bicycles, shoe repair, dry cleaning, banks, barber and beauty shops.
Child and Adult day care
Churches
Public Buildings and Community Facilities (1/17/2008)

Conditional: Single family homes
Manufactured Homes (Type A & B)
Modular Homes

Buffer: Buffer Number 2 when Commercial District 2 use is placed adjacent a house(s) or residential district.

Commercial District 3: Heavy Commercial Uses

Commercial District 3 is established as a district in which the principle use of land is for retail trade purposes which cause the most concern about the factors listed above.

- Permitted:**
- Professional Offices: Medical, attorney, accounting, insurance, financial, government and agency offices.
 - Stand alone stores: notions, dry goods, shoes, clothing, jewelry, leather goods, gifts, books, flowers, cameras, toys, sporting goods, paint, pets, hobby and craft goods, drugs, magazines, candy, wallpaper, furniture, appliances, upholstery, antiques, stationery, bicycles, shoe repair, dry cleaning, banks, barber and beauty shops, groceries, musical instruments, feed and seed.
 - Child and Adult day care
 - Churches
 - Cab stands
 - Parking lots
 - ABC store
 - Hotel/motel
 - Theater
 - Arcade
 - Laundry
 - Grocery store
 - Fast food restaurants
 - Restaurants (sit down, not fast food)
 - Service stations/garages
 - Shopping center
 - Cafeterias
 - Funeral home
 - Convenience market
 - Public Utilities
 - Lodges (Civic type)
 - Community Facilities (Town Hall, Fire/Police Station)
- Conditional:**
- Single Site Built Homes
 - Manufactured Homes (Type A & B)
 - Modular Homes None
- Buffer:**
- Buffer Number 2 when Commercial District III use is adjacent to a

house(s) or residential district.

Additional Commercial District 1, 2, 3 Requirements:

1. All of the Commercial District 1 uses will be permitted in District 2 and the District 1 and 2 uses will be permitted in District 3.
2. Single-family homes will be permitted in commercial districts only as a conditional use.
3. An opaque buffer will be constructed around all four sides of trash receptacles located in Commercial Districts 1, 2, and 3. Acceptable material for a buffer placed around trash receptacles: solid wooden fence, metal fence with vinyl slats woven through the metal mesh or other material approved by the Town Council.
4. Lighting: The lighting in Commercial District 1, 2, and 3 shall be as follows:
The lighting must be designed in such a way that it will have minimal effect on adjoining property. The light rays shall shine only upon the premises and shall not spill over the property lines in any direction except by indirect reflection. This is to be accomplished by the proper selection, placement and height of the fixtures. A lighting plan may be required for commercial business at the sole discretion of the Zoning Administrator. When a lighting plan is required it will be reviewed by the Planning Board and will receive a recommendation by the Planning Board. The Town Council shall stipulate the lighting requirements, following a required Public Hearing; and the lighting plan will be approved by becoming consistent with the requirements stipulated by the Council. Any challenges by the applicant to the approved lighting plan will be reviewed and approved by the Board of Adjustment.
5. Buffer 1 and 2 Definitions and Requirements:
Buffer 1: Required Buffers: Where this district abuts a lot in a residential district or land occupied by a pre-existing residential use permitted by this ordinance, the Town Council shall require the owner of the business property to provide and maintain along the property lines, a continuous visual buffer. The buffer shall be a compact evergreen hedge or other type of evergreen foliage hedge or other type of evergreen foliage screening or shall be a combined fence and shrubbery screen, the latter facing the residential use. The visual buffer shall be subject to inspection by the Zoning Administrator or by a duly appointed inspection officer. The buffer must provide a complete visual block of commercial operations from the residential property: Minimum height for such buffer shall be five feet. The buffer must be approved by the Zoning Administrator before a certificate of occupancy is issued.
Buffer 2: Required Buffers: Where this district abuts a lot in a residential district or land occupied by any pre-existing residential use, the owner of the business property shall provide and maintain, for the life of the use along the property line, a continuous unbroken visual buffer. The buffer shall consist of one of the following:

- a) A compact evergreen hedge or other type of ever-green foliage screening. The minimum height for such buffer shall be five feet when planted. The buffer must provide a complete visual block of commercial operations from the residential property.
- b) A combined fence and shrubbery screen, the latter facing the residential use. Minimum height for such buffer shall be five feet high when planted. The buffer must provide a complete visual block of commercial operations from the residential property.
- c) An earthen berm a minimum of three feet high and a maximum of five feet high with a minimum of three feet high evergreen foliage (of a width determined suitable by local inspections officers, Building Inspector or Zoning Administrator) on the crest of the berm. In the event the berm and shrub option is used, the maximum slope on the berm sides shall be no greater than one foot to one foot.

The visual buffer shall be inspected by the Zoning Administrator and approved before a certificate of occupancy is issued.

6. **Lot, Yard, and Height Requirements:**

Minimum Lot Size 10,000 sq. ft

Front Yard 30 ft.

Side Yard (where existing) 12 ft.*

Rear Yard 30 ft.

Maximum Building Height 3 stories (40 feet) – Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations in the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.

*Common walls shall be allowed.

- 7. **Off Street Parking:** Please refer to Article VI of this text.
- 8. **Signs:** Please refer to Article VII of this Zoning Ordinance.
- 9. **Bond Requirement:** A performance guarantee will be required in some instances as a part of the conditional use approval process. Performance bonds, escrow agreements, and other similar collateral or surety agreements may be acceptable when such an instrument is required.

G. Light Industrial District, LI

1. **Purpose:** It is the purpose of the Light Industrial District to provide an area for industry that has no nuisance or pollution factors.
2. **Permitted Uses:** The following uses shall be permitted in the LI District subject to the provisions of this article. (2/21/2008)
 - Specified Accessory Buildings (subject to the provisions of Article XII)
 - Automobile Repair and Service
 - Bakery Plants
 - Carpenters and Cabinet Makers Shop
 - Electrical and Industrial Equipment (repair and services)
 - Off Street Parking Facilities
 - Public Buildings and Utilities
 - Storage Yard for Building Materials (or contractor's construction equipment)
 - Storage Facilities
 - Wholesale Businesses
 - Electronic Assembly, Storage, Repair
 - Bottling and Canning
 - Apparel, Drapery Manufacturing
3. **Conditional Uses:** The following uses may be permitted in the LI District subject to the provision of Article IV, Section B. (2/21/2008)
 - Specified Accessory Buildings (subject to the provisions of Article XII)
 - Light manufacturing not otherwise named herein, provided no operations are carried on or are likely to be carried on, which will be detrimental to the health, safety, or general welfare of the community.
4. **Buffer:** Where this district abuts a lot in a residential or commercial district or land occupied by a pre-existing residential or commercial use permitted by this ordinance, the Town Council shall require the owner of the light industry business property to provide and maintain along the property lines, a continuous visual buffer. The buffer shall be a compact evergreen hedge or other type of evergreen foliage hedge or other type of evergreen foliage screening or shall be a combined fence and shrubbery screen, the latter facing the residential use. The visual buffer shall be subject to inspection by the Zoning Administrator or by some other duly appointed inspection officer. The buffer must provide a complete visual block of the light industry operations from the residential or commercial property. The minimum height for such buffer shall be five feet. The buffer must be approved by the Zoning Administrator before a certificate of occupancy is issued.
5. **Lot, Yard, and Height Requirements:**

Minimum Lot Size 20,000 sq. ft.

Front Yard 30 ft.

Side Yard 15 ft.

Rear Yard 30 ft.

Maximum Building Height - 3 stories (40 feet) — Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations in the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.

6. **Off Street Parking:** Please refer to Article VI of this text.
7. **Signs:** Please refer to Article VII of this Zoning Ordinance.
8. **Bond Requirement:** A performance guarantee will be required in some instances as a part of the conditional use approval process. Performance bonds, escrow agreements, and other similar collateral or surety agreements may be acceptable when such an instrument is required.

H. Heavy Industrial District, HI

1. **Purpose:** It is the purpose of the Heavy Industrial District to provide for the orderly separation of intense industrial uses from commercial and residential development. This separation will help to avoid having people unnecessarily exposed to, nuisance and pollution factors.
2. **Permitted Uses:** None
3. **Conditional Uses:** All HI uses are conditional uses. The following uses may be permitted if the Town determines them not to be objectionable and if the landowner complies with the various controls required by the by the Town Board.

Accessory Building Uses: Clearly incidental to a conditional use, which will not create a hazard and cannot be occupied or rented and must meet the requirements of this district.

Agricultural Processing (fruit, tobacco, grains, vegetables)

Apparel and Drapery Manufacturing

Wholesale Businesses

Beverage Manufacturing

Boat Building and Repair

Brick and Clay Tile, Brick and Block Manufacturing

Communications, Electronic, Electrical Equipment Manufacturing

Heavy Equipment Manufacturing Tools and Hardware Manufacturing

Electric Generating Plants

Engines and Turbine Manufacturing

Fabrication of Metal Products and Manufacturing

Rugs, Carpet Manufacturing

House and Office Furnishings and Equipment Manufacturing

Ice and Cold Storage Plants

Kennels

Motor Freight Garaging and Equipment Maintenance

Petroleum Bulk Stations and Terminals - Wholesale

Oil Companies

Railroad Facilities

Trucking Companies

Warehouses

Lumber Companies

Detention Center (correctional facilities)

Public Buildings & Public Utilities

Sawmills and Planning Mills

Textile Mills

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size 40,000 sq. ft.

Front Yard 30 ft. (minimum)

Side Yard 15 ft (minimum)

Rear Yard 30 ft. (minimum)

Maximum Building Height - 3 stories (40 ft) — Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations in the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.

5. **Off Street Parking:** Please refer to Article VI of this text.

6. **Signs:** Please refer to Article VII of this Zoning Ordinance.

7. **Bond Requirement:** A performance guarantee will be required in some instances *as* a part of the conditional use approval process. Performance bonds, escrow agreements, and other similar collateral or surety agreements may be acceptable when such an instrument is required.

8. **Buffer:** Where this district abuts a lot in a residential or commercial district or land occupied by a pre-existing residential or commercial use permitted by this ordinance, the Town Council shall require the owner of the heavy industry business property to provide and maintain along the property lines, a continuous visual buffer. The buffer shall be a compact evergreen hedge or other type of evergreen foliage hedge or other type of evergreen foliage screening or shall be a combined fence and shrubbery screen, the latter facing the residential use. The visual buffer shall be subject to inspection by the Zoning Administrator or by some other duly appointed inspection officer. The buffer must provide a complete visual block of commercial operations from the residential or commercial property. The minimum height for such buffer shall be five feet. The buffer must be approved by the Zoning Administrator before a certificate of occupancy is issued.

Additional buffering requirements may be necessary at the discretion of the Town Board. These buffers will be imposed as conditions by the Town Board through the conditional use zoning process described in this ordinance.

I. **Planned Unit Development District, PUD**

1. **Purpose:** The PUD District is established for the purpose of permitting greater flexibility than would normally be allowed in a particular Residential District, in the area, yard, space, height and density requirements for construction and development of residential areas; and, therefore, to promote and encourage more creative and imaginative site planning and design than would be possible if such construction and development were in strict compliance; with the requirements for the particular district. It is further the purpose of this district to promote more economical and efficient use of land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of the natural scenic qualities of open space.
2. **Permitted Uses:** The PUD District may contain any use permitted in the OAR, AF, R-20, R-15, R-10, R-6, and C districts subject to location and construction being in strict compliance with required plans and permits. (12/20/2007)
3. **Conditional Uses:** None
4. **Lot, Yard, and Height Requirements:** See Design Standards
5. **Design Standards:**
 - a) **Area Requirements** - a gross land area of ten acres or more shall be required in all PUD DISTRICTS.
 - b) **Density Limitation** - The maximum residential density shall be 20 dwelling units for any given residential area. Subject to this limitation, average development density shall be chosen prior to application for rezoning and shall be designated on a Master Land Use Plan for the project.
 - c) **Setback and Height** - No building erected in any PUD DISTRICT shall exceed 35 feet in height. (Except that additional height may be approved by adding to required setbacks.) No building shall be erected, reconstructed, altered, or moved within thirty-five feet of the property line such building faces. No building shall encroach upon the right-of-way of a publicly maintained street, a proposed thoroughfare shown in an officially adopted thoroughfare plan, or a private vehicular or pedestrian way in common ownership.
 - d) **Building Separation** - Within a PUD DISTRICT the minimum required separation between buildings shall be determined by the relationship between the height of adjacent buildings and the horizontal distance between vertical projections of such adjacent buildings.

For the purpose of this section: a vertical projection is any part of any exterior wall of a principal or accessory building, extending outward from such exterior wall at an angle of less than 180 degrees, the horizontal distance is equal to the distance, measured anywhere,

between imaginary lines drawn perpendicular to the ground and tangent to the outermost points of vertical projections of adjacent buildings. The minimum required separation between adjacent buildings is set out in the following table.

**MINIMUM REQUIRED SEPARATION
BETWEEN ADJACENT BUILDINGS**

<u>Height of taller building</u>	<u>Minimum horizontal distance between vertical projections</u>
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

- e) **Open Space** - In any PUD DISTRICT, a minimum of twenty percent of the total land area shall be reserved as open space. Any area or segment of land less than eight feet in width may not be included in calculating the minimum open space reservation unless such land is clearly a part of an open space system, such as a pedestrian walkway.

A minimum of twenty-five percent of the required open space shall be developed for active recreational purposes, such as tennis courts, ball fields, or playgrounds.

Provisions for continuous maintenance of open space, specifically including that developed for active recreational purposes, shall be made by the developer either through proposed dedication to the Town of Navassa, if acceptable, or through the establishment of a private homeowners association.

- f) **Transitional Use Area** - In order to insure compatibility with adjoining land uses and districts, a transitional use area, fifty feet in depth, shall be established along with exterior property lines of any PUD DISTRICT. Where the exterior property lines of a PUD DISTRICT are adjacent to Residential uses, only residential uses may be permitted within the transitional use area. Where the exterior property lines of a PUD DISTRICT are adjacent to C, and LI DISTRICTS, the transitional use area shall be a buffer zone and meet the standards for buffer zones as defined by this ordinance

- 6. **Off street Parking:** Please refer to Article VI of this text.
- 7. **Signs:** Please refer to Article VII of this Zoning Ordinance.
- 8. **Master Land Use Plan Requirement:**

- a) **Purpose** - The Master Land Use Plan (LUP, herein) is intended to be the primary supporting proof and shall demonstrate, when considered in its entirety or by its separate components, (if the proposed PUD

DISTRICT is established and developed), that the purposes of this Ordinance and the purposes of this Section are met.

- b) **Criteria for Review by the Planning Board and the Town Council** - In reviewing the LUP and making recommendations thereon, the Planning Board and Town Council shall consider and be guided by the following criteria:
- 1) the compatibility of the proposed project with the surrounding districts and land uses;
 - 2) the effectiveness of the proposed project in providing more economical and efficient use of land;
 - 3) the effect of the proposed project on the ability of the town and county to provide public facilities or services;
 - 4) the effectiveness of the proposed project in providing and preserving open space, the scenic quality of the site, and recreational opportunities;
 - 5) the degree to which the project will provide a more desirable development and living environment than would be possible under conventional District requirements.
- c) **Contents** - In addition to the information required in the application for rezoning, the Land Use Plan shall include the following:
- 1) a map, drawn to a scale no less than one inch to 40 feet, showing the approximate location, size, and arrangement of existing and proposed:
 - (a) open space areas, active and passive recreational areas;
 - (b) buffer zones and transitional use areas;
 - (c) neighboring land uses and zoning districts;
 - (d) systems and easements for water, sewers, and drainage;
 - (e) streets, sidewalks, and parking lots;
 - (f) vehicular and pedestrian circulation systems;
 - (g) access for emergency vehicles and refuse collection equipment;
 - (h) structures, building, roads, easements, and land uses;
 - (i) order of development of areas to be developed in sequential order;
 - (j) vegetation;
 - (k) nonresidential land uses, buildings, and structures;
 - (l) all single and/or multi-family dwelling units.

- 2) a copy of any declarations to be recorded under the "Unit Ownership Act";
- 3) any covenants creating a homeowners association;
- 4) plans for the construction and location of water distribution and sewage disposal systems and certification, as may be required, from appropriate governmental agencies that such plans comply with applicable Federal, State, County, or Town statutes and regulations.

9. **Procedural Requirements for Establishment of PUD DISTRICTS and Development of PUD Projects:**

- a) **Approval of Master Land Use Plan (LUP) and Rezoning Application** - A PUD DISTRICT may be established only after amendment to the Official Zoning Map under the same procedural requirements and standards of review as any other rezoning application; provided, however, that the following additional standards and procedures shall apply to PUD DISTRICT applications:
 - 1) Twelve (12) copies of a Master Land Use Plan, as described above shall be submitted to the Planning Board with the rezoning application;
 - 2) The Planning Board, after review of the LUP and application, shall submit its recommendation to the Town Council;
 - 3) The Town Council shall, after consideration of the application, the LUP, the recommendations of the Planning Board, and the criteria set out in the Sections above either approve or disapprove the plan and application.

- b) **Approval of Site Plan and Issuance of Building Permits** - No construction, excavation, or clearing shall be commenced, or any Building Permit issued within any PUD DISTRICT which does not conform to an approved Site Plan. The procedures for approval of a Site Plan are as follows:
 - 1) The Site Plan shall be submitted to the Planning Board for its review and recommendation within 90 days after the Town Council's approval of the LUP and amendment to the Official Zoning Map;
 - 2) The Planning Board, after review of the Site Plan in accord with the purposes and standards shall submit its recommendation to the Town Council.
 - 3) The Town Council, after consideration of the Site Plan, the recommendations of the Planning Board, and the purposes and standards of this Ordinance shall either approve or disapprove the Site Plan.

- c) **Authority to Impose Conditions and Modify Land Use Plan (LUP) or Site Plan-** In order to promote the purposes of this Ordinance and Section, the Town Council is authorized to impose such reasonable conditions, make reasonable modifications, or require additional information that it may reasonably need, prior to approval of any LUP or Site Plan.

10. **Site Plan:**

- a) **Purpose** - A Site Plan is intended to insure that a proposed PUD development is actually constructed and developed in accordance with the approved LUP.
- b) **Criteria for Review by Planning Board and Town Council-** In reviewing a Site Plan, the Planning Board and Town Council shall consider and be guided by the following criteria:
 - 1) The degree to which the proposed Site Plan actually implements the LUP;
 - 2) The effectiveness of the proposed Site Plan in meeting the established criteria;
 - 3) The effectiveness of the proposed Site Plan in promoting the purposes of this ordinance and section.
- c) **Contents and Forms** - Site Plans, or any portion thereof, shall be:
 - 1) drawn to a scale no less than one inch equals 40 feet;
 - 2) prepared and certified by a registered architect, landscape architect, engineer, or land surveyor;
 - 3) drawn accurately enough to permit any point on the plan to be readily identified on the ground. Twelve (12) copies of a Site Plan shall be submitted to the Planning Board, each of which shall show the following;

11. **General Delivery:**

- a) The boundary of the property by courses and distances, area, and present zoning of the tract.
- b) The names and abutting recorded subdivisions, and owner and present use of all abutting property.
- c) Widths and names of abutting streets and alleys.
- d) All dimensions, both linear and angular, for locating boundaries of the tract, lots, streets, alleys, public easements, and private easements.
- e) Date, north arrow, scale, number of sheets.
- f) Name and address of the owner or owners of the tract and the name of the applicant.
- g) All building restriction lines, highway setback lines, easements,

covenants, reservations, and rights-of-way.

- h) Existing topography with a maximum of two-foot contour intervals.
- i) Soil types and geology of the site.
- j) Name, address, signature, and registration number of the professional preparing the plan.

12. **Existing Improvements and Features:**

- a) Sidewalks, streets, alleys, and easements.
- b) Buildings and structures.
- c) Driveways, entrances, exits, parking areas, and loading spaces.
- d) Sanitary sewer systems.
- e) Water mains and fire hydrants.
- f) Gas, power, cable TV and telephone lines.
- g) Recreation areas.
- h) Storm drainage systems to include natural and artificial water courses.
- i) Limits of flood plains.

13. **Proposed Improvements:**

- a) All proposed buildings and alleys and the boundaries of all other portions intended to be dedicated to public use.
- b) Buildings and structures to include:
 - 1) distance between buildings (to scale)
 - 2) number of stories
 - 3) number of dwelling units
 - 4) height of buildings
- c) Driveways, entrances, exits, parking areas, and loading spaces including the total number of parking and loading spaces.
- d) Sanitary sewer systems.
- e) Water mains and fire hydrants.
- f) Gas, power, cable TV, and telephone lines.
- g) Landscaping.
- h) Recreation and open space areas.
- i) Plans for collecting and depositing storm water and the method of treatment of natural and artificial water courses including the delineation of any proposed limits of flood plains
- j) Proposed grading schedule, including time of the year when grading

will be in progress.

- k) Finish grading with a maximum of two-foot contour intervals.
- l) Location of refuse disposal facilities and type.

14. **Required Improvements:**

- a) Designation of pedestrian walkways.
- b) Construction of vehicular traffic lanes or driveways which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property.
- c) Connection wherever possible of all walkways, travel lanes, and driveways with similar facilities in adjacent developments.
- d) Screening, fences, wall, curbs and gutters, buffer zones, as required by the Town or by the State Highway Commission.
- e) Easements of rights-of-way for all facilities to be publicly maintained, provided that each easement shall be clearly defined for the intended purpose.
- f) Extension or construction of service roads and access thereto on site bordering a state primary highway.
- g) Dedication or reservation of land for streets and service roads and the construction thereon.

J. Manufactured Home Overlay District (MHO District)

1. **Purpose:** It is the purpose of this district to permit alternative housing arrangements for the citizens of the Town of Navassa Zoning Jurisdiction that are, in most cases, more affordable than conventional single family housing. Such housing, commonly referred to as mobile homes or manufactured housing may be permitted in "overlay districts" provided that the following regulations are followed:
2. **Permitted Uses:** Only Class A and Class B Manufactured homes are permitted. Class A and Class B as defined in this ordinance.
3. **Conditional Uses:** None
4. **Lot, Yard, and Height Requirements:** All uses including Overlay District uses must comply with the restrictions of the district.
5. **Off Street Parking:** All uses must comply with regular district requirements. Refer to Article VI of this text.
6. **Signs:** All Signs must comply with Article VII of this Zoning Ordinance.
7. **Special Requirements:**
 - a) All manufactured homes must meet the requirements of the Minimum North Carolina State Standards for Manufactured Housing.
 - b) Structures must have wheels, axles, and moving hitch removed and structures placed on a permanent foundation.
 - c) Steps, porches, decks, roof lines, etc. must be in general conformance with surrounding property.
 - d) The structure must be secured to meet specified local wind conditions.
 - e) All means of ingress and egress must be designed and constructed to meet state and local requirements.
 - f) Structures must be underpinned before issuance of certificate of occupancy.
 - g) Mobile Homes will be underpinned with either vinyl or masonry (brick or block) material.
 - h) The front door of the manufactured home must face the street.
 - i) Above conditions must be met before a certificate of occupancy will be issued.

K. Manufactured Home Park (Residential), MHP

Manufactured home park regulations are established to encourage well planned, attractive land development in the Town of Navassa by providing fair standards and beneficial requirements for the sitting, operation, and maintenance of manufactured homes.

1. Application to construct a manufactured park

- a) **Application:** Prior to the construction of a manufactured home park, the builder shall make application to the Zoning Administrator for a permit to construct such a park. The application shall include a plan of the proposed park, which shall be reviewed by the Planning Board for compliance with the requirements of this Ordinance before making a written recommendation to the Town Council.
- b) **Required Information:** The following information shall be submitted with the application for a permit to construct a manufactured home park:
 - 1) A complete site plan of the park, showing streets, driveways, walkways, recreation areas, manufactured home spaces, vehicular parking spaces, buildings, street lighting, and the location and types of screening, fences, hedges, or buffers.
 - 2) Plans of proposed layouts and connections for sewers, water, storm drainage, and other utilities.
 - 3) Where public water or public sewage is not available, a written statement from the Brunswick County Health Department indicating that the park has sufficient land area and adequate soil conditions to accommodate the proposed water supply and sewage disposal systems.
 - 4) The name of the park, names and addresses of the owner or owners, and the designer of the park.
 - 5) A vicinity map showing the location of the manufactured home park in relation to other existing land uses within the general area.

2. Manufactured home park site requirements

- a) **Manufactured home park site:** All manufactured home parks shall be located on a site of not less than four (4) acres.
- b) **Manufactured home space:** The minimum manufactured home space in a manufactured home park shall be 5,000 square feet. Manufactured homes shall be placed on these spaces so that there shall be at least twenty (20) feet side clearance and twenty (20) feet end clearance between units. Furthermore, no manufactured home, trailer, or building used in conjunction with a manufactured home park shall be located closer than twenty-five (25) feet to any adjoining property line. Not more than one manufactured home per lot is allowed.

- c) **Access:** All manufactured home spaces shall abut upon a driveway of not less than forty (40) feet in right-of-way width. Such driveways shall have unobstructed access to a public street or highway. All driveways shall be hard surfaces and the minimum width of such driveways shall be well marked and lighted in the manufactured home parks. All manufactured home lots must enter and exit the park through the use of the interior road network of the park; no direct access to public roads from a lot shall be allowed.
- d) **Off-street parking:** At least two (2) off-street parking spaces shall be constructed and maintained for each manufactured home space and shall be located so as not to interfere with the movement of vehicles on streets or access drives. Each parking space shall be at least ten (10) feet by twenty (20) feet in dimensions and may be included within the 5,000 square feet required for each space.
- e) **Recreation space:** At least two hundred (200) square feet of usable land per manufactured home space shall be reserved by the manufactured home park owner for play or recreation usage and aggregated in suitable locations.
- f) **Curtaining:** All manufactured homes shall be curtained around their base and this shall extend around their entire circumference. This curtain wall shall be either masonry or vinyl siding.

3. Utility and garbage disposal requirements

- a) **Water supply:** Every manufactured home shall be provided with a supply of water for domestic purposes from a source approved by the Brunswick County Health Department.
- b) **Sewage disposal:** Every manufactured home shall be provided with an adequate sewage disposal system by connection to a public sewage system or a septic tank system constructed in compliance with State regulations and approved by the Brunswick County Health Department.
- c) **Garbage disposal:** All garbage and refuse in every manufactured home park, after removal from the manufactured home, shall be stored in suitable watertight and flytight metal or heavy duty plastic receptacles which shall be covered with fitted lids and enclosed in an animal proof rack. The manufactured home park owners or operators shall be responsible for the sanitary disposal of all refuse.
- d) **Buffer zone:** An evergreen vegetation and fence buffer at least six (6) feet high and three (3) feet wide shall be constructed and maintained around the entire perimeter of the manufactured home park with the exception of the points of ingress and egress.

L. Rural, RU (Added May 9, 2002)

1. **Purpose:** It is the purpose of the RU (Rural) District to recognize that existing patterns of development for the greater part have not adversely impacted one another and so should either be permitted or permissible. The result is a mixed use Zoning District, incorporating residential, commercial and manufacturing.
2. **Permitted Uses:** The following uses shall be permitted in the RU District subject to the various provisions of this article.

Specified Accessory Buildings (subject to the provisions of Article XII, provided that the uses listed in subsection L(3) of this Article shall be permitted)(2/21/2008)

Arboretums/Botanical Gardens.

Bed and Breakfast Houses.

Cemeteries.

Churches.

Craft and woodworking shops, antique shops and similar crafts involving no outside processing, compounding treatment or excessive infrastructure.

Day Care Facilities.

Duplexes.

Educational Facilities.

Family Care Homes.

Government Offices and Buildings.

Greenhouses.

Landscaping and Horticultural Services.

Nurseries.

Nursing Home Facilities.

Personal Service Establishments.

Public and Semi-public Facilities.

Public parks, Playgrounds, Playfields & Community Centers.

Retail sale of produce grown on the premises.

Single Family Dwellings, Modular Dwellings and Class A, B and C Manufactured Dwellings.

3. **Permitted Accessory Uses** (2/21/08)

Boarding Houses for not more than five non-family persons

Day Care for not more than five children, infirmed persons, or elderly persons.

Home Occupations.

Non-commercial Docks and Boathouses.

Professional Offices/Studios.

Temporary structures and operations in connection with and on the site of construction or land preparation activities, provided that a Building Permit has been issued by Brunswick County.

Specified Accessory Buildings not otherwise listed above (subject to the provisions of Article XII)

4. **Conditional Uses:** The following uses may be permitted in the RU District subject to the provisions of Article IV, Section B.

Specified Accessory Buildings (subject to the provisions of Article XII)

Agricultural industry, when the commodity processed is produced entirely on the same premises by a bona fide farm and no commodity not produced on the same land of this farm is treated or processed.

Airstrips.

Energy Generating Facilities.

Flea Markets.

Funeral Homes with Crematoriums.

Garage Service and/or Automobile Repair Facilities.

Incinerators for the disposal of animal remains.

Junkyards, with the following minimum requirements:

a) Fencing

- 1) **Location.** An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over thirty feet (30') in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage vehicles or other materials, shall be conducted within the fence.

Fencing requirements shall be one of the following:

- (a) Within Fifty Feet (50) of Right of Way: An eight foot (8') solid fence is required if located within fifty feet (50) of the right-of-way boundary; or.
- (b) Outside Fifty Feet (50') from Right-of-Way: A six-foot (6') high solid fence is required if located fifty feet (50')

or more from the right-of-way boundary.

- 2) **Conditions.** Such fencing shall meet, the following conditions:
 - (a) **Construction.** The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color;
 - (b) **Maintenance.** All fences shall be maintained in sound condition at all times; and,
 - (c) **Advertising.** Fences shall not contain advertising or other lettering other than lettering or a sign that identifies the operation carried on within the enclosure.
- b) **Open Burning.** Open burning is prohibited.
- c) **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.
- d) **General Requirements.**
 - 1) A junkyard shall not be placed within one thousand feet (1,000') of a major thoroughfare.
 - 2) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
 - 3) Stock piling of tires and batteries is prohibited.
 - 4) Weeds and vegetation shall be kept at a height not to exceed twelve inches (12").
- e) Drainage of junkyards shall be adequate to assure that no standing water shall exist.
- f) All performance standards of this Chapter shall be met for a use considered to be abutting a lot line of land in a Commercial District.
- g) Full compliance with the N.C. State Building Code, including as to bath facilities for a commercial enterprise, and full compliance with N.C. Administrative Code over potable water and sewer services shall be required.
- h) Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.
- i) Access shall be provided by paved road to the lot.

kennel.

Manufactured Home Parks (subject to the development standards found in Article III, Subsection I) (2/21/2008).

Martial Arts Instructional Schools.

Mining Operations, Class I.

Mini-Storage, RV/Camper and Boat Storage Facilities.

Non-hazardous Solid and Liquid Waste Disposal Sites.

Outdoor Theater.

Outdoor Sales or Display Areas.

Private Clubs.

Private organizations operating as nude campgrounds, colonies, resorts or similar facilities, with the following minimum requirements:

- a) Must meet all applicable county and state regulations including but not limited to, Campground, Manufactured Home Park and PUD ordinances.
- b) Must operate as private organization with no access by the general public. Only members or guests members may be permitted on site.
- c) Must provide adequate visual and noise screening and/or buffering.
- d) No part of any facility or structure shall be:
 - 1) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - 2) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - 3) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - 4) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - 5) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - 6) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.

Planing Mill.

Private Stables.

Research Facilities.

Repair, remodeling, and renovation of vehicles and farm equipment, whether for profit or as a hobby, as long as any such activity is kept at least one

hundred feet (100') away from any property line which abuts a Residential Zoning District.

Restaurants.

Retail sales.

Retreat Center.

Sawmills.

Sewer and Wastewater Treatment Plants and Facilities.

Shooting Ranges.

Transmission Towers.

Veterinary Establishments.

2. **Lot, Yard and Height Requirements.**

Per Dwelling Unit:

Lot area - 15,000 square feet.

Lot width - 75 feet.

All Other Uses

Lot Area - 1 acre.

Lot Width - 200 feet.

Public Educational Facilities:

Lot width - Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area - Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width - Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area - Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Minimum Yard Requirements: (Depth Of Front and Rear Yards, Width Of Side Yard).

Front Yards - 50 feet.

Rear Yards - 50 feet.

Side Yards - 20 feet.

For parcels of record of less than one acre, front yard twenty-five feet:(25'), side yard setback is ten feet (10'), and rear yard setback is twenty-five (25').

Maximum Building Height- 3 stories (40 feet)- Maximum height may be

increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are limitations on the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.

M. Medium Density Residential, R-6 (12/20/2007)

1. **Purpose:** It is the primary purpose of the R-6 District to provide single family residential areas of mixed conventional construction, manufactured homes, and modular housing units.
2. **Permitted Uses:** The following uses shall be permitted in the R-6 District subject to the various provisions of this article.
Specified Accessory Buildings (subject to the provisions of Article XII)
Bed and Breakfast Houses.
Churches.
Duplexes.
Educational Facilities.
Family Care Home.
Public parks, Playgrounds, Playfields and Community Centers.
Public and Semi-public Facilities.
Single Family Dwellings, Modular Dwellings, Class A, B and C
Manufactured Dwellings.
3. **Conditional Uses:** The following uses may be permitted in the R-6 District subject to the provisions of Article IV, Section B. (2/21/2008)
Specified Accessory Buildings (subject to the provisions of Article XII).
Cemeteries.
Day Care Facilities
Government Offices and Buildings.
Group Care Facility.
Manufactured Home Parks
Nursing Home Facilities.
Private Clubs.
Private Stables.
Retail sale of produce grown on the premises.
Sewer and Wastewater Treatment Plants and Facilities.
4. **Lot, Yard and Height Requirements**
Per Dwelling Unit:
WITH WATER AND SEWER:
Lot area - 6,000 square feet
Lot width - 60 feet

WITHOUT WATER AND SEWER:

Lot area - 10,000 square feet

Lot width - 60 feet

Other Structures and Uses:

Churches:

Lot area - 1 acre

Lot width - 200 feet

Public Educational Facilities:

Lot width - Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area - Minimum standards as set by the State Board Education, but not less than 5 acres.

Private Educational Facilities:

Lot width - Minimum standards as set by appropriate state authorities, but not less than 200 feet

Lot area - Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Community and Municipal Buildings other than Schools and other Public and Semi-public Uses:

Lot area - 1 acre

Lot width - 200 feet

Private Clubs:

Lot area - 10 acres

Minimum Yard Requirements (Depth Of Front And Rear -Yards, Width Of Side Yard).

Single Dwelling Unit:

Front yards - 25 feet

Rear yards - 9 feet

Side yards - 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yard shall be 5 feet; street side yard on corner lot 12 feet.

Other Structures and Uses: Churches

Front yards - 25 feet

Rear yards - 25 feet

Side yards - 10 feet

No other use than off-street parking shall be located in any yard of a church which adjoins a residentially zoned lot.

Private Clubs:

50 feet on all sides.

Maximum Building Height - 3 stories (40 feet)- Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations on the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.

N. Commercial-Manufacturing, C-M (Added May 9, 2002)

1. **Purpose:** It is the purpose of the Commercial:Manufacturing District to provide for uses including those which are necessary in order to service commercial and heavier industrial Districts, such as warehousing, storage, moving, service and repair, distribution, wholesaling, marketing of specialty goods and light manufacturing plants.

2. **Permitted Uses:**

Accessory Uses.

Single Family Dwellings, Modular Dwellings, and Class A, B, and C Manufactured Dwellings, with the following minimal requirements:

a) Dwelling units and accessory structures must meet setback requirements as follows:

On lots of record of more than sixty feet (60') in width, the following shall apply:

Residential Structure:

Front yard - 25 feet.

Rear yard - 20 feet.

Side yard - 7 feet.

Accessory Structure:

Front yard - 25 feet.

Rear yard - 10 feet.

Side yard - 7 feet.

On lots of record of sixty feet (60') or less in width, the following shall apply:

Residential Structure:

Front yard - 25 feet.

Rear yard - 20 feet.

Side yard - 6 feet.

Accessory Structure:

Front yard - 25 feet.

Rear yard - 10 feet.

Side yard - 6 feet.

b) All residential uses shall be a minimum of one hundred feet (100') from any industrial or manufacturing structure.

3. **Conditional Uses:** All other CM uses are conditional uses. The following uses may be permitted if the Town determines them not to be objectionable and if the landowner complies with the various controls required by the Town.

Agricultural Industry.

Arboretums/Botanical Garden.

Audio, Video Production and Distribution Facilities.

Churches.
Crematoriums "stand alone".
Commercial Recreation Facilities.
Educational Facilities.
Family Care Homes.
Financial Institutions.
Freight Handling Facilities.
Garage Service and/or Automobile Repair.
Government Office and Buildings.
Home Occupations.
Hospitals.
Hotels and motels.
Junkyard, with conditions outlined in the RU zoning district.
Light Manufacturing Uses.
Mini storage, RV/Camper and Boat Storage Facilities.
Mining Operations.
Outdoor Advertising Structures.
Outdoor sales or displays areas.
Parking Garage/Commercial Parking Lot.
Planing Mills.
Public parks, Playgrounds, Playfields and Community Centers.
Public and Semi-public Facilities.
Repair, remodeling, and renovating of farm vehicles and equipment.
Research Facilities.
Restaurants.
Sawmills.
Sewer and Wastewater Treatment Plants and Facilities.
Single Family Dwellings, Modular Dwellings and Class A, B and C
Manufactured Dwellings.
Transportation Facilities.
Transmission Towers.
Veterinary Establishments.
Warehousing and Storage.

Wholesale Sales and Services.

4. **Lot, Yard & Height Requirement:** For each principal use or structure whether such use or structure is singular on a site or part of a planned development, when there is in place both a public or community water system and a public or community sewer system.

Lot area - 10,000-sq. ft.

Lot width - 100 feet.

When either such system is lacking:

Lot Area - 20,000 square feet.

Lot Width - 200 feet.

Churches:

Lot area - 1 acre

Lot width - 200 feet

Minimum Yard Requirements (Depth of Front and Rear Yards, Width of Side Yard).

All yards shall be enclosed by solid walls whenever the abutting land is in a residential or C-LD District.

For All Uses:

Front Yard - 50 feet

Rear Yard - 50 feet

Side Yard - 10 feet

Churches:

Front yards – 25 feet

Rear yards - 25 feet

Side yards – 10 feet

Maximum Building Height - 3 stories (40 feet) - Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations on the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.

5. **Off Street Parking:** Please refer to Article VI of this Ordinance
6. **Signs:** Please refer to Article VII of this Ordinance
7. **Bond Requirements:** A performance guarantee will be required in some instances as a part of the conditional use approval process. Performance bonds, escrow agreements and other similar collateral or surety agreements may be acceptable when such an instrument is required
8. **Buffer:** The site shall meet the requirements as outlined in the HI zoning district

O. H-M Heavy Manufacturing (Added May 9, 2002)

1. **Purpose:** It is the purpose of the HM District to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment.

2. **Permitted Uses:**

Accessory Uses.

Temporary structures and operations in connection with, and on the site of, construction and land preparation activities.

Uses and structures, which are customarily accessory to and clearly incidental to permitted and permissible, uses and structures.

Single Family Dwellings, Modular Dwellings, and Class A, B, and C Manufactured Dwellings, with the following minimal requirements:

a) Dwelling units and accessory structures must meet setback requirements as follows:

On lots of record of more than sixty feet (60') in width, the following shall apply:

Residential Structure:

Front yard - 25 feet.
Rear yard - 20 feet.
Side yard - 711 feet.

Accessory Structure:

Front yard - 25 feet.
Rear yard - 10 feet.
Side yard – 7 ½ feet.

On lots of record of sixty feet (60') or less in width, the following shall apply:

Residential Structure:

Front yard - 25 feet.
Rear yard - 20 feet.
Side yard - 6 feet.

Accessory Structure:

Front yard - 25 feet.
Rear yard - 10 feet.
Side yard - 6 feet.

b) All residential uses shall be a minimum of one hundred feet (100') from any industrial or manufacturing structure.

3. **Conditional Uses:** All other HM uses are conditional uses. The following

uses may be permitted if the Town determines them not to be objectionable and if the landowner complies with the various controls required by the Town.

Agri-Business.

Airports.

Agricultural Industry.

Arboretums/Botanical Garden.

Audio, Video Production and Distribution Facilities.

Churches.

Commercial Boating Facilities.

Commercial Recreation Facilities.

Educational Facilities.

Energy Generating Facilities.

Family Care Homes.

Freight Handling Facilities.

Garage Service and/or Automobile Repair.

Government Offices and Buildings.

Heavy manufacturing not specifically listed here.

Junkyards in accordance with the provisions of the RU District.

Landfills, which are facilities for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130, Article 9 of the North Carolina General Statutes, excluding major demolition debris landfills. This section includes, but is not limited to, Subtitle D Landfills as defined by the Resource Conservation and Recovery Act of 1976 (PL 94-580). For the purpose of this ordinance, this term does not include composting facilities.

Light Manufacturing.

Mining Operations.

Outdoor Advertising Structures.

Private Clubs.

Public parks, Playgrounds, Playfields and Community Centers.

Public and Semi-public Facilities.

Repair, remodeling, and renovating of farm vehicles and equipment.

Sewer & wastewater treatment plants & facilities.

Transportation Facilities.

Transmission Towers.

Warehousing and Storage.

Wholesale Sales and Services.

4. **Lot, Yard & Height Requirement:** For each principal use or structure whether such use or structure is singular on a site or part of a planned development, when there is in place both a public or community water system and a public or community sewer system.

Lot area - 10,000-sq. ft.

Lot width - 100 feet.

When either such system is lacking:

Lot Area - 20,000 square feet.

Lot Width - 200 feet.

Bona Fide Farms:

Exempt.

Churches:

Lot area - 1 acre

Lot width - 200 feet

Minimum Yard Requirements

(Depth of Front and Rear Yards, Width of Side Yard).

All yards shall be enclosed by solid walls whenever the abutting land is in a residential or C-LD District.

For All Uses:

Front Yard - 50 feet

Rear Yard - 50 feet

Side Yard - 10 feet

Churches:

Front yards - 25 feet

Rear yards - 25 feet

Maximum Building Height- 3 stories (40 feet)- Maximum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations on the ability to add height, beyond 35 feet, in this manner. The ratio is one to one.

Side yards - 10 feet

5. **Off Street Parking:** Please refer to Article VI of this Ordinance
6. **Signs:** Please refer to Article VII of this Ordinance
7. **Bond Requirements:** A performance guarantee will be required in some instances as a part of the conditional use approval process. Performance bonds, escrow agreements and other similar collateral or surety agreements may be acceptable when such an instrument is required

8. **Buffer:** The site shall meet the requirements as outlined in the HI zoning district.

P. Light Industrial District-1, LI-1 (Added July 21, 2005)

1. **Purpose:** The purpose of this district shall be to provide areas for those uses of an industrial, warehousing, and storage nature which do not create an excessive amount of noise, odor, smoke, dust, air borne debris, or other objectionable characteristics which might be detrimental to surrounding areas.
2. **Permitted Uses:** The following uses shall be permitted in the Light Industrial-1 District subject to the provisions of this article.

Accessory Uses (Clearly incidental to a permitted use and which will not create a nuisance or hazard and cannot be occupied or rented, must meet the requirements of the district.) Accessory buildings must be placed at least 6' from the rear and side property line. Accessory buildings larger than 10' X 10' must be placed at least 15' from the rear and side property lines.

Automobile Repair and Service.

Bakery Plants.

Carpenters and Cabinet Makers Shop.

Electrical and Industrial Equipment (repair and services).

Off Street Parking Facilities.

Public Buildings and Utilities.

Storage Yard for Building Materials (or contractor's construction equipment).

Storage Facilities.

Wholesale Businesses.

Electronic Assembly, Storage, Repair.

Bottling and Canning.

Apparel, Drapery Manufacturing.

Sawmill and Planing Mills.

Ice and Cold Storage Plant.

Communication, Electronic, Small Equipment Manufacturing.

Tools and Hardware Manufacturing.

Warehouses.

Boat Repair.

Business Services Including Printing.

General Building Contractor.

Cabinet & Woodworking Shop.

Churches.

3. **Conditional Uses:** The Above uses are permitted only if the land owner complies with various controls required by the Town Board.
Light manufacturing not otherwise named herein, provided no operations are carried on or are likely to be carried on, which will be detrimental to the health, safety, or general welfare of the community.
4. **Buffer:** Please refer to Light Industrial and Heavy Industrial District.
5. **Lot, Yard, and Height Requirements:** Please refer to the Light Industrial and Heavy Industrial District.
6. **Off Street Parking:** Please refer to Article VI of this text.
7. **Signs:** Please refer to Article VII of this Zoning Ordinance.
8. **Bond Requirement:** A performance guarantee will be required in some instances as a part of the conditional use approval process. Performance bonds, escrow agreements, and other similar collateral or surety agreements may be acceptable when such an instrument is required.

Article IV. Administration

A. Added Requirements:

The following requirements qualify or supplement, as the case may be, the zone regulations or requirements appearing elsewhere in this ordinance:

1. Public or semi-public buildings, hospitals, sanatoriums, schools and churches or temples, where permitted in a zone, may be erected to a height not exceeding 3 stories (40 feet). Minimum building height may be increased by one foot by increasing by one foot (or adding to) the front yard setback requirement. There are no limitations in the ability to add height, beyond 40 feet (for these types of structures), in this manner. The ratio is one to one.
2. Chimneys, water tanks or towers, penthouses, scenery lofts, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, or monuments, cupolas, domes, false mansards, parapet walls, similar structures, and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances.
3. Every part of a required yard shall be open from its lowest point to the sky unobstructed.
4. There shall be erected only one principle building and its accessory buildings on one lot except in the following:
 - a) Any bona-fide farm
 - b) Any existing lot presently zoned Agriculture/Forestry (AF).
5. No building, structure or use of land other than for agriculture purposes shall be established on a lot which does not abut a dedicated public street or which does not have a dedicated easement for ingress and egress. (12/20/2007)

B. Conditional Uses

1. **Purpose:**

The development and execution of this ordinance is based upon the division of the community into districts within which districts the use of land and buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such conditional uses fall into two (2) categories:

- a) Uses publicly operated or traditionally affected with a public interest.
- b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2. **Initiation of Conditional Uses:**

Any person having a freehold interest in land, or a possessory interest entitled

to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which land is located.

3. **Application for Conditional Use:**

An application for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Planning Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth below hereinafter. Such application shall be forwarded from the Zoning Administrator to the Planning Board with a request for review of said application and accompanying data and submission of a written recommendation thereon to the Town Council.

4. **Hearing on Application:**

Upon receipt in proper form of the written recommendations referred to above, the Town Council shall hold at least one public hearing on the proposed conditional use.

5. **Authorization:**

For each application for a conditional use, the Planning Board shall report to the Council its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an applicant for a proposed conditional use is not approved by the Town Council within ninety (90) days of the date upon which such application is received by the Town Council, it shall be deemed to have been denied.

6. **Standards:**

No conditional use shall be recommended by the Planning Board unless such Board shall find:

- a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- d) That the exterior architectural appeal and functional plan of any

proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood;

- e) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- g) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Town Council pursuant to the recommendations of the Planning Board.

7. Conditions and Guarantees:

Prior to the granting of any conditional use, the Planning Board may recommend, and the Town Council may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In all cases in which conditional uses are granted, the Town Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

C. Non-Conforming Uses

- 1. The lawful use of a "building" existing at the time of the passage of this ordinance shall not be affected by this ordinance, although such use does not conform to the provisions of this ordinance; and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building, are made therein, but no such use shall be extended to occupy any land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of not less than one hundred and eighty (180) days, every subsequent use of such premises shall be in conformity with the provisions of this ordinance.
- 2. The lawful use of "land" existing at the time of the passage of this ordinance, although such use does not conform to the provisions of this ordinance, shall not be affected by this ordinance; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this ordinance. If such non-

conforming use is discontinued for a continuous period of not less than one hundred and eighty (180) days, any future use of said land shall be in conformity with the provisions of this ordinance.

3. Change in kind of non-conforming use:
 - a) A non-conforming use may be changed to a conforming use. Thereafter, the property may not revert to a non-conforming use.
 - b) A non-conforming use may be changed to another non-conforming use only in accordance with a use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the permit is applied for.

In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

This provision does not invalidate Section III A and B above.

4. **Minimum Single Lot Requirements:** Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in a district in which residences are permitted; provided, that the yard dimensions and requirements other than those applying to area or width or both shall not be reduced below the minimum specified in this ordinance and further provided if a septic tank is used that the Brunswick County Health Department has approved the dimensional requirements reduction. Variance from dimensional requirements other than those related to lot width and area shall only be granted by the Board of Adjustment in consideration of appeals from the decision of the Zoning Enforcement Officer and, when applicable, if the Brunswick County Health Department submits a letter of approval.

Minimum Multi-Lot Requirements: If two or more adjoining and vacant lots on record are in a single ownership at any time after the adoption of this ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located. No portion of said parcel shall be used or sold which does not meet the area and width requirements established by this ordinance nor shall any division of the parcel be made which leaves any lot remaining with width or area below the requirements of this ordinance.

5. Any nonconforming building or any building containing a nonconforming use, which has been damaged by fire or other causes, may be reconstructed and used as before if it be done within one (1) year of such damage, unless such building or structure has been declared by the Building Inspector to have been damaged to an extent exceeding sixty (60) percent of its appraised value at the time of destruction. If the physical structure of the building is damaged to a

degree greater than sixty (60) percent, future use of the building and site must be in conformance with the zoning district regulations. The only exception to the 60 percent damage clause will be single family dwelling units on lots of record at the time of the adoption of this ordinance. Those structures may be replaced if damaged to any degree.

D. Board of Adjustment

A Board of Adjustment is hereby established. In succeeding paragraphs the word "Board" shall mean the Board of Adjustment. Said Board shall consist of five (5) regular members and one (1) alternate member. Appointments shall be made in the following manner:

a) Regular Members:

There are five (5) regular members of the Board of Adjustment. The membership shall be composed of the Mayor, who shall also act as Chairman, and four (4) of the five members of the Town Council. All members shall be entitled to vote on all issues except in those cases where a conflict of interest exists. (12/20/2007)

b) Alternate Members:

One (1) alternate members shall be appointed from within the Town's corporate limits. When called to serve in the place of a regular member, an alternate member shall have all the rights and responsibilities of the regular member, including a right to vote on all issues brought before the Board. Appointments for the alternate member shall be for a term of three (3) years. All appointments to fill vacancies shall be for the unexpired term.

c) A Quorum: A quorum shall consist of four (4) members.

1. All meetings of the Board shall be held at a regular place and be open to the public. The Board shall keep minutes of its proceedings in a file maintained for that purpose. The minutes shall show those members present, the nature of the issue, facts presented as evidence, findings of fact by the Board, and the decision of the Board (including a record by name of each member's vote). The minutes shall be considered public record. No action shall be taken on any matter unless a quorum is present.
2. An appeal from the decision of the Zoning Administrator may be taken to the Board of Adjustment by any person aggrieved or any officer, department, board or bureau of the town affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board that by

reasons of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

3. The Board of Adjustment shall have the following powers:
- a) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator. The concurring vote of four fifths of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator to decide in favor of the applicant any matter which it is required to pass under the zoning ordinance or to effect any variation in such ordinance.
 - b) To permit a temporary building for business or industry in the residential zone, which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.
 - c) To permit a garage, other than a private garage, but for storage purposes only, as an accessory building to a hotel, hospital or similar institution in the residential zone where it is deemed necessary for the public convenience or welfare and where this can be done without substantially derogating from the intent and purposes of this ordinance.
 - d) To authorize upon appeal in specific cases variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in undue hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

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

In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance.

Before a variance is granted, it shall be shown that special circumstances attach to the property which does not generally apply to other property in the neighborhood. A variance may be granted only when the practical difficulty of undue hardship complained of is due to the particular characteristics of the property and not to the general

conditions of the neighborhood which may reflect an undue stringency of the ordinance itself. A hardship peculiar to the applicant, as distinguished from others affected by the general rule, must be shown. The fact that property may be utilized more profitably will not be considered adequate to justify the Board in granting a variance. (Economic circumstances do not constitute grounds for a variance.)

4. Any person or persons, jointly or severally, aggrieved by any decisions of the Board, or any taxpayer, or any officer, department, board or bureau of the Town of Navassa may within thirty (30) days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction, a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review as provided by law.

E. Certification of Occupancy

No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building and/or the proposed use therefor complies with the provisions of this ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection or structural alterations of such building, or part, shall have been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building erected. No permit for excavation for, or erection of, any building or part of a building, or for repairs to, or alteration of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

F. Plats

Each application for a building permit shall, if required by the Town Council, be accompanied by a plat in duplicate, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected, the location on the lot, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats shall be kept in the office of the Zoning Administrator.

G. Interpretation, Purpose and Conflict

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

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

H. Changes and Amendments

The Town Council may amend, supplement or change the text regulations and zoning map according to the following procedures.

1. Action by the Applicant

The following action shall be taken by the applicant:

- a) **Initiation of amendments:** Proposed changes or amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, or by one or more interested parties.
- b) **Application:** An applicant for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, and the names and addresses of the property owner. Such application shall be filed with the Zoning Administrator not later than ten (10) working days prior to the Planning Board meeting at which the application is to be considered.
- c) **Fee:** When a proposed amendment is initiated by individuals or parties other than the Town Council, Planning Board, or Board of Adjustment, a fee shall be paid to the Town of Navassa, North Carolina, for each application for an amendment to cover the costs of advertising and other administrative expenses involved. At such time expenses have been incurred by the Town, the fee shall become non-refundable. (12/20/2007)

2. Action by the Planning Board

- a) **Planning Board consideration:** The Planning Board shall consider and make recommendations to the Town Council concerning each proposed Zoning Amendment. The Planning Board may hold hearings as it deems necessary on such matters. Previously denied zoning amendments may be requested to be heard again only after six months has passed.

3. Action by the Town Council

- a) **Notice and public hearings:** No amendment shall be adopted by the Town Council until after public notice and hearing. Notice of such a public hearing shall be published once a week for two (2) successive calendar weeks in a local newspaper of general circulation in the municipality. In the case of an amendment to the Zoning Map, notice shall also be made by posting the property concerned and by mailing notices to the owners of properties adjacent to any affected property. Previously denied zoning amendments may be requested to be heard again only after six months has passed. (12/20/2007)

- b) **Town Council:** Before taking such lawful action as it may deem advisable, the Town Council shall consider the Planning Board's recommendation on each proposed Zoning Amendment. If no recommendation is received from the Planning Board within forty-five (45) days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Town Council without a recommendation from the Board. The Town Council, at the close of public hearing, may defer taking lawful action on the proposed amendment until it has sufficient time to consider any new evidence or suggestions presented at the public hearing.
- c) **Protests:** In case of protest against any such change signed by the owners of twenty (20) percent or more either of the area of lots included in such proposed change, or of those immediately adjacent thereto in the rear thereof or on either side thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three fourths (3/4) of all the members of the Town Council.

No protest petition shall be valid unless it is: a) written, b) bears the actual signature of the requisite number of property owners and states that they protest the proposed amendment, and c) is received by the municipal clerk in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

4. **Repeal of Amendment**

In any case where a change of boundary lines of the zoning district map has been granted, and where no development has taken place within one (1) year, the Planning Board may recommend and the Town Council after notice and public hearing thereon, may affirm, or repeal such ordinance, and rezone the property to the most appropriate district classification.

I. **Validity**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

J. **Enforcement**

The Zoning Administrator is hereby authorized, and it shall be his or her duty to enforce the provisions of this ordinance. The Zoning Administrator is the Planning Board Chairman. Appeal from the decision of the Zoning Administrator may be made

to the Board of Adjustment.

K. Building Permits Prior to Effective Date

No section of this ordinance shall in any way prohibit, restrict or affect in any manner or form any person, firm or corporation who has secured a building permit prior to the effective date of this ordinance.

L. Penalty

Any person, firm or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days. Each day that violation continues to exist shall be considered a separate offense.

Article V. Provisions of N.C. General Statutes 160A-385.1

Establishment of the Vested Right

Legislative/Intent/Purpose:

The North Carolina General Assembly on July 20, 1990, ratified Senate Bill 766 as Chapter 996 of the 1989 Session Laws (1990 Regular Session), to be effective October 1, 1991. This legislation has been codified as N.C. General Statute 160A-385.1. The law provides for the establishment of vested rights with respect to site specific development plans that are reviewed and approved in accordance with certain procedures.

The Town of Navassa is authorized and required by N.C. General Statute 160A-385.1 to identify the specific types of zoning or land use approvals that constitute a site specific development plan within the meaning of N.C. General Statute 160A-385.1. The purpose of this section of the zoning ordinance is to implement the provision of N.C. General Statute 160A-385.1 pursuant to which a vested right is established upon the approval of a site specific development plan.

A. Definitions

For the purposes of this ordinance, the words and phrases defined in this subsection shall have the meaning indicated unless otherwise specifically provided, or unless otherwise clearly required by the context:

1. Owner - Any owner of a legal or equitable interest in real property, including heirs, devisees, successors and assigns, having a vested estate, and the agent or personal representative of such owner. For purposes of this Article, owner shall include a person holding a valid and recorded option to purchase the real property with respect to which he seeks to establish a vested right.
2. Site specific development plan - A plan that has been submitted to the Town by an owner, describing with reasonable specificity the type and intensity of use for a specific parcel or parcels of property. At a minimum, such plan must include the approximate boundaries of the site; significant topographic and other natural features affecting development of the site; approximate location on the site of proposed buildings, structures and other improvements; approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. Included within this definition are plans submitted pursuant to the following specific provisions of the Town Code, and meeting the requirements specified therein: (1) Preliminary subdivision plans as defined in the subdivision ordinance and (2) Conditional Use Permit and Planned Unit Developments. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.

3. Vested right - The right of an owner of property to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or phased development plan.
4. Approval Authority - The approval authority for the establishment of vested rights shall be the Navassa Town Council.

B. Establishment of a Vested Right

1. A vested right shall be deemed established upon the valid approval or conditional approval, by the Navassa Town Council, as applicable, of a site specific development plan following notice and public hearing as provided for by the law.
2. The approval authority may approve a site specific development plan upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare. Such conditional approval shall result in a vested right being established; provided, that failure to satisfy any of the terms and conditions so imposed will result in a forfeiture of vested rights.
3. A site specific development plan shall be deemed approved as of the effective date of the approval authority's final action or adoption of an ordinance relating thereto. In the event that applicable ordinance procedures require a site specific development plan to be approved under the Navassa Zoning Ordinance, such a plan shall not be deemed approved until all required approvals have been obtained from the appropriate approval authority.

C. Approval Procedures and Approval Authority

1. Except as otherwise provided in this Article, an application for site specific development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.
2. Notwithstanding the provisions of subsection 1, if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee or administrative official other than the Navassa Town Council, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Navassa Town Council following notice and a public hearing as provided in G. S. 160A-364, and in accordance with the procedures set forth in this ordinance for consideration of Conditional Use Permit requests.
3. In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the Town, that a zoning vested right is being sought.

4. Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan established a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

D. Duration of Vested Rights

1. A vested right established pursuant to this Article shall remain vested for a period of two years from the effective date thereof.
2. Nothing in this Article shall be construed to exempt a site specific development plan with respect to which a vested right has been established from subsequent review and approvals by the Town to ensure: compliance with the terms and conditions of the original approval as provided for in the original approval or by applicable Town Code provisions.
3. The establishment of a vested right pursuant to this Article shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the Town, including but not limited to: building, fire, plumbing, electrical and mechanical codes. New and amended zoning regulations that would be applicable to certain property but for the establishment of a vested right with respect thereto shall become effective upon the expiration or termination of the vested right in accordance with this Article.
4. Upon issuance of a building permit, the expiration provisions of G.S. 160A-418 and the revocation provisions of G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running time while a zoning vested right under this section is outstanding.

E. Termination of Vested Rights

A zoning right that has been vested as provided in this Article shall terminate:

1. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
2. Upon written request or with the written consent of the affected landowner;
3. Upon findings by the Town Council, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
4. Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any

diminution in the value of the property which is caused by such action;

5. Upon findings by the Town Council, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or
6. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

F. Miscellaneous Provisions

1. A vested right, once established as provided for in this Article, precludes any zoning action by the Town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan.
2. Nothing in this Article shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance
3. A vested right is not a personal right, but shall attach to and run with the land with respect to the affected property. All successors in title and interest of the owner who obtained the vested right shall be entitled to exercise the right.

G. Voluntary Annexation

1. A petition for annexation filed with the Town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. 160A-385.1 or G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

H. Limitations

Nothing in this Article is intended or shall be deemed to create any vested right other than those established pursuant to GS. 160A-385.1.

I. Repealer

In the event that G. S. 160A-385.1 is repealed, this Article shall be deemed repealed and the provisions hereof no longer effective.

J. Effective Date

1. This Article will be implemented upon the date of adoption of the Navassa Zoning Ordinance.
2. A violation of any provisions of this ordinance shall subject the offender to the

penalties set forth in Article IV, Subsection L, Penalty, of this zoning ordinance.

3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
5. This ordinance shall be effective immediately upon its adoption.

**VESTED RIGHT APPLICATION FORM
CERTIFICATION THAT A STATUTORY ZONING VESTED
RIGHT IS BEING SOUGHT PURSUANT TO G.S. 160A-385.1**

As applicant for (identify land use approval or permit that is being sought), I hereby certify that I am also seeking to acquire a vested right pursuant to G.S. 160A-385.1 and Article V of the Town Code.

If the Town Code provides that the approval authority for the type of land use approval or permit for which I am applying is a board, committee or administrative official other than the Navassa Town Council or Board of Adjustment, I understand and agree that my application will be considered and acted on by the Navassa Town Council, following notice and a public hearing.

Date

Applicant

Article VI. Off Street Parking Requirements

A. Off Street Parking:

The following off-street parking space shall be required and maintained:

<u>Uses</u>	<u>Required Off-Street Parking</u>
Residential use consisting of one or more dwelling units	Two (2) parking spaces on the same lot for each dwelling unit.
Auditorium or Theater	One (1) space for each four (4) seats in the largest assembly area.
Churches	One (1) parking space for each four (4) seats in the sanctuary.
Clinics, Medical	Four (4) parking spaces for each doctor plus one (1) parking space for each employee.
Elementary Schools and Junior High School	Two (2) parking spaces for each classroom and two (2) spaces for each administrative office, plus ten (10) additional parking spaces.
General or Professional Offices	One (1) parking space for each offices two hundred and fifty (250) square feet of gross floor space.
Golf Course, Par 3 or Miniature Golf Course	Three (3) spaces for each hole plus requirements for any other use associated with the golf course, restaurant, etc.
Home Occupations	Two (2) parking spaces in addition to the residential parking requirements.
Hotel	One (1) space for each guest room, suite, or unit plus one (1) space for each two employees.
Industrial or Manufacturing Establishment or Warehouse	One and one-half (1-1/2) spaces for each two (2) employees on shift of greatest employment, one space for each managerial personnel, one (1) visitor parking space for each ten (10) managerial personnel and one (1) space for each vehicle used directly in conduct of the business.

<u>Uses</u>	<u>Required Off-Street Parking</u>
Kindergarten or Nursery	One (1) space for each employee and four (4) spaces for drive-in off-street drop off and pickup.
Motel	One (1) space for each unit plus one (1) space for each two (2) employees plus requirements for any other use associated with the establishment.
Nursing Homes	One (1) parking space for each four (4) beds intended for patient use, plus one (1) per employee on largest shift.
Public or Private Clubs	One (1) parking space for each one hundred (100) square feet of gross floor space.
Restaurant or Place Dispensing Food, Drink or Refreshments	One (1) space for each three (3) seats plus one (1) space for each two (2) employees.
Religious Conferences or Assembly Uses	One (1) space for each five (5) seats plus one (1) space for each two (2) beds.
Restaurant, Drive-In	One (1) space for each three (3) seats plus a minimum of fifteen (15) spaces for drive-in service plus one (1) space for each two (2) employees.
Retail Use Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor area
Senior High School	One (1) parking space for each five (5) students for which the building was designed, two (2) parking spaces for each classroom and two (2) spaces for each administrative office, plus ten (10) additional parking spaces.

If the required parking space cannot be reasonably provided on the same lot or premises, such required space may be provided on another lot or premises separated therefrom by not more than five hundred (500) feet, provided, such lot is located in a zone in which such use is permitted.

In accordance with the foregoing provisions, off-street parking space shall be provided as set out above, and a required parking space shall be an area not less than nine (9) feet by twenty (20) feet.

Article VII. Signs

A. Intent

These regulations are adopted in order to promote the health, safety and welfare of the public by insuring the safe erection of signs, prohibiting the erection of excessively large or unstable signs, permitting the erection and promoting the visibility of necessary signs for informational and commercial needs, protecting the visibility of signs essential to the public safety, preventing the spread of visual blight, protecting property values, eliminating obstructions to traffic and safety, improving community appearance, and promoting better quality of living environs by minimizing any detrimental effects of signs.

B. Signs Requiring No Permits

The following signs are permitted without the issuance of a permit in all districts as specified or where the accompanying use is permitted:

1. Signs or name plates on residential structures, premises, mailboxes, and newspaper receptacles, giving the name and address of the occupant and not exceeding one square foot in surface area.
2. Temporary real estate signs in residential and mobile home districts, advertising the immediate premises for sale, lease or rent, not exceeding two square feet in surface area.
3. Signs for home occupations on the premises, not exceeding two square feet in surface area, non-illuminated.
4. Official signs erected and maintained by government for traffic control, safety, directional, informational, or other public purposes, including historical markers.
5. Signs required to be placed on the premises to comply with local, state or federal laws, not to exceed in size the minimum required by such laws.
6. Temporary signs mounted within a building and/or on the inside of windows.
7. Signs attached to vending or dispensing equipment or display racks in the Light or Heavy Industrial District, drawing attention to products dispensed therefrom and not exceeding three square feet in surface area.
8. Bulletin boards for public, charitable, or religious institutions on the premises, one per site and not exceeding twelve square feet in surface area.
9. Incidental, non-commercial signs in all districts, posted on the premises to direct parking or internal traffic flow, prohibit trespassing, warn of hazards, or provide similar information for the convenience and necessity of the public, not to exceed one-and-one-half feet in surface area.
10. Directional signs in any district, indicating the direction to a public, non-commercial building or use, maximum of two in number per use and not to exceed two square feet in surface area.
11. Temporary signs advertising a single-occurrence event, such as a yard sale,

bake sale, civic fund-raising, and the like, located on the premises of the event and not to exceed four square feet in surface area, permitted in any district.

12. Flags and insignia of governments, civic groups, and charitable organizations, not exceeding twenty-five square feet in surface area, permitted in any district.

C. Signs Requiring Building Permits

The following signs are permitted after obtaining a building permit and may be located in the districts specified only where the accompanying use is permitted:

Permanent Signs:

1. Entrance/identification signs for residential subdivisions, multi-family housing developments, and mobile home parks, maximum of two per development and not exceeding fifteen square feet in area, non-illuminated.
2. Memorial signs, tablets, names of buildings and/or dates of erection when cut into a masonry surface or formed of metal and mounted flat against a surface, permitted in any district.
3. Wall, free-standing, or projecting signs for office, government, institutional, business, commercial, and industrial uses, located on the premises and not to exceed a total aggregate area of two square feet for each linear foot of building frontage, measured to the outside vertical edges of front building wall; provided, however, that:
 - a) No free-standing sign shall exceed twelve feet in total height or eighty square feet of surface area.
 - b) Wall signs shall not cover more than twenty percent of a building's total exterior wall space, shall not cover more than thirty percent of any single exterior wall, and shall not extend more than twelve inches from the face of a building.
 - c) All commercial, light and heavy industrial uses with at least fifty feet of street frontage are permitted, at a minimum, a single sign-not exceeding twelve square feet in area.
 - d) Projecting signs shall not project more than three feet from the supporting surface, measured perpendicularly from that surface, and shall not exceed ten square feet in surface area.
 - e) Shopping centers may erect a maximum of two identification signs on the premises, not to exceed regular height limitations and not to exceed a total aggregate surface area of eighty square feet.
4. Signs for day care facilities, not to exceed three square feet in Residential districts and subject to the regulations governing wall, free-standing and projecting signs in other districts.

Temporary Signs:

1. Temporary signs on construction sites identifying the project and its owners, designers and contractors, not to exceed twelve square feet in area.

2. Temporary banners and signs relating to a single event and not located on the site of the event, such as a charitable fund-raising event, political campaign, carnival, horse show, concert, or similar special events, provided that a deposit of \$25.00 is submitted to the Town to insure their removal, that they are not used for more than thirty days total, and that they are removed within seven days following the event (permitted in all districts).
3. Temporary real estate signs for office, business, commercial and industrial property advertising the immediate premises for sale, lease or rent, not exceeding thirty-five square feet in area.
4. Portable signs in Commercial, Light and Heavy Industrial Districts, mounted on vehicles, trailers, or wheels and parked or located to attract public attention; provided that they may be used only for a maximum of thirty days to advertise a single on-premises sale or event and a permit for same shall be obtained at a cost of \$3.00 (this provision does not apply to signs normally appearing on commercial vehicles which are in regular road use)

D. Signs Prohibited

The following signs are prohibited in all districts:

1. Non-governmental signs which resemble or approximate the shape, size, form, content, color, or operation of railroad or traffic signs, signals or devices
2. Signs which interfere with the visibility or effectiveness of railroad, traffic, or official government signs.
3. Signs placed or shaped so as to interfere with or obstruct traffic sight distances, windows, doors, fire escapes, stairways, pedestrian walkways, or vehicular movement on streets, drives and alleys.
4. Illuminated signs within one hundred feet of a Residential or Mobile Home District.
5. Signs which move, rotate, flutter, or otherwise create motion to attract attention.
6. Flashing signs and devices or beacons, including those that flash intermittently, change intensity of light or flash by rotation, except low-light-intensity time and temperature signs.
7. Any sign located on a public right-of-way, except official government signs permitted by law.
8. Any sign advertising, identifying, or relating to activities, merchandise, services, or other subject matter located off the premises, except those official signs, temporary signs, and minor directional signs specifically permitted herein.
9. Billboards or any free-standing signs exceeding eighty square feet in area.
10. Signs extending above the roof line or painted on a roof.
11. Any sign not expressly permitted by this ordinance.

E. General Regulations

1. All electrically-illuminated signs must be Underwriters Laboratories approved and bear the appropriate label of approval. Wiring to all electrically-illuminated free-standing signs must be underground.
2. Wall, free-standing or projecting signs are allowed in the Commercial, Light or Heavy Industrial Districts and may be illuminated with indirect silhouette lighting, interior lighting, or flood/spot lighting if such lighting is so placed and shielded as to illuminate only the face of the sign and to prevent light rays from beaming directly upon neighboring buildings and/or vehicular traffic.
3. All signs, together with supports, must be maintained in good repair. If the Building Inspector shall find that any sign has become unsafe or is poorly maintained, he shall notify the owner of this condition and, upon the failure of the owner to correct this condition, the Building Inspector shall take appropriate legal action to repair or remove the sign at the expense of the owner.
4. All signs shall comply with local and state building and electrical codes.
5. Whenever the use of a building or premises by a specific business or activity is discontinued for that business or activity for a period of ninety days, signs pertaining to that business or activity shall be removed; provided that the Board of Adjustment may grant an extension of up to sixty days based upon a finding that good causes have delayed the re-use of the subject property and that re-use of the property is imminent.

F. Administration

No sign permitted under this ordinance, for which a permit is required, shall be located, erected, moved, reconstructed, converted or structurally altered without a valid permit being issued therefor. Signs requiring permits shall be subject to the regular schedule of building permit application fees, unless other fees or deposits are herein specified, and all signs for which permits are required shall not be erected or otherwise altered without a valid building permit, regardless of the cost of construction.

Application for building permits for signs shall include, at a minimum, the following:

1. Plans drawn to scale, and showing the surface area of the sign and its location and orientation relative to the property and any buildings;
2. The method, orientation and timing of any proposed illumination;
3. The subject matter to be advertised or presented;

Any additional information reasonably needed by the Building Inspector to determine whether the proposed sign conforms with this ordinance and other applicable laws must be submitted.

Article VIII. Handicapped Parking Requirements

In addition to the use requirements for off-street parking detailed in number 1 above, a minimum of one (1) parking space for the handicapped shall be provided at governmental buildings, public or quasi-public buildings, professional offices, clinics, short and long term care facilities, commercial facilities and any triplex residential units. An additional handicapped space shall be provided in parking areas for each additional-twenty-five (25) spaces above the initial twenty-five (25) spaces. Each space must be a minimum of 12' 6" wide and be visibly marked.

The handicapped parking sign must meet State sign requirements. The State approved sign which can be purchased through safety equipment companies is designated R7-8 or R7-8a. As of January 1, 1991, the State of North Carolina requires each handicapped parking sign to include a statement indicating there is a \$100 penalty imposed on anyone violating handicapped parking laws.

(See illustrations in the Appendix)

Article IX. Bylaws for the Operation of the Town Of Navassa Planning Board

A. General Rules:

The Town of Navassa Planning Board was created by a local Ordinance. The Planning Board shall be governed by that Ordinance and Chapter 160A, Article 19, of the General Statutes of North Carolina, and these Bylaws.

B. Members and Terms of Office:

The Planning Board shall consist of five members. All five members shall be citizens and residents of the Town of Navassa and shall be appointed by the Town Council. Two of the initial members shall be appointed for a term of one year; two, for two years; and one for three years. Their successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period for the unexpired term. Members may be removed for cause by the Navassa Town Council.

C. Officers and Duties:

1. **Election of Officers:** The Planning Board shall organize and elect a chairman, vice-chairman, and secretary at the regular meeting in January. All officers may succeed themselves.
2. **The Chairman:** The chairman shall preside at all meetings and public hearings of the Planning Board; shall decide on all matters of order and procedure; shall appoint any committees necessary to study specific matters; shall develop a meeting agenda; and shall provide the Navassa Town Council with an annual report of Planning Board activities by May 30th of each year.
3. **The Vice-Chairman:** In the absence of the chairman, the vice-chairman shall perform all duties assigned to the chairman.
4. **The Secretary:** The secretary is charged with keeping the minutes of all regular meetings, special meetings, and public hearings called by the Planning Board. The secretary, after conferring with the chairman, shall send notices of all regular meetings, special meetings and public hearings at least four (4) days in advance of the meeting and shall notify members by phone at least twenty-four (24) hours in advance of special or emergency meetings. In addition, the secretary shall carry on routine correspondence and maintain the Planning Board's records and files. The Secretary to the Planning Board will be a member of the Planning Board.
5. **The Building Inspector:** Inspections will be provided by Brunswick County.

D. Meetings:

1. **Regular Meetings:** Regular meetings of the Planning Board shall be held on the third Wednesday of each month. Unless special notice is given by the chairman all meetings will begin at 7:30 p.m. and will be conducted at the Town Hall.
2. **Special Meetings:** Special meetings of the Planning Board may be called at any time by the chairman or the vice-chairman acting in the absence of the

chairman, provided that a minimum of twenty-four (24) hours notice is given to members.

3. **Quorum:** A quorum shall consist of three (3) members.
4. **Conduct of Meetings:** All meetings shall be open to the public and public comment or input shall be encouraged. The order of business at regular meetings shall be as follows (at the discretion of the chairman):
 - a) Call to order
 - b) Approval of minutes of the previous meeting
 - c) Old business
 - d) New business
 - e) Committee reports
 - f) Chairman's report
 - g) Member comments
 - h) Public comment
 - i) Adjournment
5. **Change of Bylaws:** No change shall be made to these bylaws without the affirmative vote of a majority of the members of the Planning Board. Three (3) votes shall constitute that requirement.
6. **Vote:** Except as otherwise specified herein, the vote of a majority of those members present shall be sufficient to decide matters coming before the Planning Board, provided a quorum is present. Members shall be required to vote unless excused by the chairman for reasons of financial or personal interest on the subject. An abstention shall constitute an affirmative vote. Proceeding shall be conducted according to Roberts Rules of Order.
7. **Cancellation of Meetings:** Whenever there is no business for the Planning Board, the chairman may dispense with a regular meeting by giving notice to all members.
8. **Attendance:** The Planning Board will request the Town Council to replace any member missing three (3) consecutive regular- meetings or fifty percent (50%) or more of all meetings over a twelve (12) month period.
9. **Agenda Preparation for Regular Meetings:** The agenda for regular meetings shall be prepared by the chairman with the assistance of the secretary and Town staff. Only those items requested by planning board members or those items properly filed with the Town according to its ordinances shall be placed on the agenda. The public and specific interests may appear for comment or input on any matter not on the agenda at any meeting regular or special, but no formal action will be taken on non-agenda items. This rule does not preclude public comment and input on regular agenda items that will be acted upon. The agenda shall be circulated to all members of the Planning Board, the Town Council, and the Town Clerk by

the Thursday prior to the regular meeting date.

10. **Agenda Preparation for Special Meetings:** Agenda preparation for special meetings of the Planning Board will occur as described in the paragraph above (9). Agendas may, however, be handed out at the meeting.

E. Records:

1. **Public Record:** All records of the Planning Board shall be made available to the public in accordance with state statutes.
2. **Retention:** The secretary shall maintain a file of all studies, plans, reports, recommendations, minutes, and correspondence of the Planning Board. The file should be maintained at the Town Hall. Requests for copies shall be forwarded to, or addressed to the Town Clerk.

Date Adopted

Chairman

Secretary

Article X. Town of Navassa Board of Adjustment Rules of Procedure

A. General Rules:

The Zoning Board of Adjustment shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the North Carolina General Statutes and by the Zoning Ordinance of the Town of Navassa. All members of the Board shall thoroughly familiarize themselves with these laws. The Board of Adjustment shall consist of five (5) members. (A quorum is four (4) members.)

B. Officers And Duties:

1. **CHAIRMAN:** The Chairman shall be a regular member and be elected by the regular members of the Board of Adjustment. The Chairman's term of office shall be one (1) year beginning on July 1st. The Chairman shall be eligible for reappointment. The Chairman shall preside over the meetings and shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matter before the Board.
2. **VICE-CHAIRMAN:** The Vice-Chairman shall be a regular member elected by the regular members of the Board. The Vice-Chairman's term of office shall be for one (1) year beginning January 1st. The Vice-Chairman shall serve as Chairman in the absence of the Chairman and at such times shall have the same powers and duties as the Chairman. The Vice-Chairman shall be eligible for reappointment.
3. **SECRETARY/CLERK:** The Secretary/Clerk shall be a regular member elected by the regular members of the Board of Adjustment and shall serve for a period of one (1) year beginning January 1st. The Secretary/Clerk, subject to the direction of the Chairman and the Board, shall keep all records, conduct all correspondence of the Board, notify members of pending meetings and their agenda, and shall generally supervise the clerical work of the Board. The Secretary/Clerk shall keep the minutes of every Board meeting in a permanent volume. The minutes shall show those members present, the nature of the issue, facts presented as evidence, findings of fact by the Board, and the decision of the Board, including a record, by name, of each member's vote. The Secretary/Clerk shall be eligible for reappointment. (Arranging for all required notices and notifying interested parties of the Board's decisions, shall be the responsibility of the Zoning Administrator. The Zoning Administrator will prepare the minutes of the Board of Adjustment meeting with the assistance of the Town Clerk.)

C. Alternate Members:

One alternate member will be appointed. The alternate member of the Board shall be notified of all meetings and hearings. The alternate will be called on for active participation by the Chairman only when a regular member is absent or is unable to participate in hearing a case because of financial or other interest. Regular members, on receiving notice of a special meeting that they cannot attend or on learning that

they will be unable to participate in a particular case, shall give prompt notice to the Board Secretary/Clerk that they are unable to attend or to participate. On receiving such notice, the Secretary/Clerk shall, by the most expeditious means, notify the alternate member to attend. At any meeting where they are called on to attend, the alternate member shall have the same powers and duties as a regular member. At no time shall more than five (5) members participate officially in any meeting or hearing.

D. Rules of Conduct For Members:

1. Members of the Board may be removed from the Board of Adjustment for cause, including violation of the rules stated below.
2. Faithful attendance at all Board meetings and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board.
3. No Board member shall take part in the hearing, consideration, or determination of any case in which he is personally or financially interested.
4. No Board member shall discuss any case with any parties thereto before the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from any other member of the Board, its secretary, or Clerk before the hearing.
5. No Board member shall vote on any matter that decides an application or appeal unless he has attended the public hearing on that application or appeal.
6. Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto before that case is determined. Violation of this rule shall be cause for dismissal from the Board.

E. Meetings:

1. **TIME:** The Board of Adjustment shall not hold regularly scheduled meetings. Meetings will be called as needed and each member shall be given at least 48 hours notice prior to the meeting. The meeting shall be held as soon as possible after receiving application for appeal or hearing but shall not be delayed more than 30 days. Meetings shall be held at the Town Hall at a time and date designated by the Board.
2. **QUORUM:** A quorum shall consist of four (4) members.
3. **VOTING:** All regular members may vote on any issue unless they have disqualified themselves for one or more of the reasons listed in Section IV. The required vote to decide appeals and applications shall be as provided in Section VI, D, 3, and shall not be reduced by any disqualification. In all other matters the vote of a majority of the members present and voting shall decide issues before the Board.
4. **CONDUCT OF MEETINGS:** All meetings shall be open to the public. The order of business at meetings shall be as follows: a) roll call; b) approval of minutes of the previous meetings; c) hearing of cases; d) reports of committees; e) unfinished business; f) consideration and determination of

cases heard.

F. Appeals and Applications:

1. **TYPES OF APPEALS:** The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Building Inspector or Zoning Administrator. It shall also hear and decide all matters referred to it or on which the Zoning Ordinance of the Town of Navassa requires it to pass. In deciding appeals, the Board may hear both those cases based upon an allegedly improper or erroneous interpretation of the ordinance and those based upon alleged hardship resulting from strict interpretation of the Ordinance.
2. **PROCEDURE FOR FILING APPEALS:** No appeal shall be heard by the Board unless notice thereof is filed within thirty (30) days after the interested party or parties receive notice of the order, requirement, decision, or determination by the Building Inspector and/or Zoning Administrator. The applicant must file his application for a hearing with the Zoning Administrator, who shall act as clerk for the Board in receiving this notice. All applications shall be made on the form furnished for that purpose, and all information required thereon shall be complete before an appeal may be considered as having been filed.
3. **HEARINGS:**
 - a) **TIME:** After notice of appeal is received, the Board Chairman shall schedule a time for the hearing. The hearing shall be held as soon as possible after the notice of appeal is received but shall not be delayed more than thirty (30) days.
 - b) **NOTICE:** The board shall give notice of the hearing in a newspaper of general circulation by advertisement published at least five (5) days before the date of the hearing. The Board shall cause to be posted notice of the hearing on the property in question at least five (5) days before the hearing. Such notice shall state the location of the building or lot, the general nature of the question involved in the appeal, and the time and place of the hearing.
 - c) **CONDUCT OF THE HEARING:** Any party may appear in person, by agent, or by attorney at the hearing. The order of business for each hearing shall be as follows: a) the chairman, or such person as he shall direct, shall give a preliminary statement of the case; b) the applicant shall present the evidence and arguments in support of his application; c) persons opposed to granting the application shall present evidence and arguments against the application; d) both sides shall be permitted to present rebuttals to opposing evidence and arguments; e) the chairman shall summarize the evidence that has been presented, giving the parties opportunity to make objections or corrections. Witnesses may be called and factual evidence may be submitted, but the Board shall not be limited to consideration of such evidence as would be

admissible in a court of law. The Board may view the premises before the hearing, but the facts indicated by such inspection shall be disclosed at the public hearing and made a part of the record. All witnesses before the Board shall be placed under oath, and the opposing party may cross-examine them.

- d) **REHEARINGS:** An application for a rehearing may be made in the same manner as an application for an original hearing. Evidence in support of the application shall initially be limited to what is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. The Board shall deny the application for rehearing if, from the record, it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that a change has occurred, it shall thereupon treat the request in the same manner as any other application.
4. **DECISIONS:** Decisions by the Board shall be made not later than thirty (30) days from the time of the hearing.
- a) **FORM:** The Board's final decision shall be shown in the record of the case as entered in the Board's minutes and signed by the Secretary/Clerk and the chairman on approval of the minutes by the Board. Such record shall show the reasons for the determinations, with a summary of the evidence introduced and the findings of fact made by the Board. When a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from. The record shall state in detail what, if any, conditions and safeguards the Board imposes in connection with granting of a variance. A separate record of the decision of each case shall be prepared, filed in the Town Clerk's Office, and furnished to the parties as specified in subsection 5.
 - b) **EXPIRATION OF PERMITS:** Unless otherwise specified, any order or decision of the Board granting a variance shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within six (6) months from the date of the decision.
 - c) **VOTING AT HEARINGS:** The concurring vote of four-fifths of the Board members shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector and/or Zoning Administrator, to decide in favor of the applicant any matter on which the Board is required by ordinance to pass, or to grant a variance from the ordinance provisions.
 - d) **NOTICE AND PUBLIC RECORD OF DECISIONS:** The Secretary/Clerk shall give written notice of the decision in the case to the appellant and/or the applicant and to every aggrieved party who has filed a written request for such notice with the Secretary/Clerk or

the Chairman of the Board when the hearing is held. A copy of the decision shall also be filed in the Town Clerk's office. The decision shall be a public record, available for inspection at all reasonable times.

G. Amendments:

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three (3) members of the Board, provided that such amendment be presented in writing at a regular or special meeting before the meeting at which the vote is taken.

Article XI. Fences (12/20/2007)

A. Purpose:

It is the purpose of this article to regulate the placement and dimensions of fences on parcels in the Town of Navassa.

B. Permitted Districts:

Fences shall be permitted in all zoning districts subject to the provisions of this article.

C. Dimensional Requirements:

- a) Fences shall be placed no less than six (6) inches from any property line, except that a fence may cross a property line where it divides two parcels under the same ownership.
- b) Fences shall be constructed so that no portion of the fence shall be greater than eight (8) feet in height measured from the ground.

Article XII. Accessory Buildings in Specified Zoning Districts (12/21/2007)

A. Purpose.

It is the purpose of this Article to regulate the size, location, and appearance of accessory buildings in the Town of Navassa. The goal of this Article is to promote the health, safety, and general welfare of the citizens of Navassa by several means, including, but not limited to, reducing the impact of accessory buildings on neighboring parcels and providing adequate accessibility for emergency personnel.

B. Permitted Districts.

Accessory buildings shall be permitted in the following districts subject to the various provisions of this article: OAR, AF, R-U, R-20, R-15, R-10, R-6, and LI.

C. Location.

Accessory buildings shall not be permitted between the front wall of the primary structure and the front lot line.

D. Lot coverage.

1. **Parcels equal to or less than 10,000 square feet:** An accessory building shall cover no more than three (3) percent of any lot, except that an accessory building that covers more than three (3) percent of a lot shall require a Conditional Use Permit.
2. **Parcels greater than 10,000 square feet:** An accessory building shall cover no more than five (5) percent of any lot, except that an accessory building that covers more than five (5) percent of a lot shall require a Conditional Use Permit.

E. Setbacks.

1. Minor accessory buildings may be placed in a required side or rear yard, provided that minor accessory buildings shall be located no less than five (5) feet from side and rear lot lines.
2. Major accessory buildings shall not be placed in a required side or rear yard and shall conform to the required setbacks of the zoning district.
3. Accessory buildings on corner lots must be placed no less than twenty-five (25) feet from any side lot line which is adjacent to a street.

F. Height.

1. Minor accessory buildings 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. Major accessory buildings shall conform to the height requirements of the zoning district and shall be no greater in height than the primary structure.

G. Building Separation.

A minimum of ten (10) feet must separate any accessory building from any other accessory building or from any primary structure, except that a minimum of five (5)

feet may separate any accessory garage from the primary structure on same lot.

H. Additional Requirements.

Accessory buildings shall:

1. be clearly incidental to the primary permitted use in the zoning district; and
2. not create a nuisance or hazard.

Eulis Willis, Mayor of Navassa

Charlena Alston, Town Clerk

SEAL

Date