

Mayodan Zoning Ordinance Article Links

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## **ARTICLE I - GENERAL PROVISIONS**

### Section 1 - Authority and Intent

In accordance with Chapter 160D of the General Statutes of North Carolina, the Town of Mayodan has the authority to adopt and enforce a zoning ordinance. The general intent of this ordinance shall be to promote the general health, safety, morals, and general welfare of the community. More specifically, it shall be to promote the orderly development of the town; lessen congestion of its streets and roads; protect citizens and their property from fire, panic, and other dangers; provide adequate light and air; prevent overcrowding of the land; and facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements.

### Section 2 - Short Title

This ordinance shall be known as the "Zoning Ordinance of Mayodan, North Carolina," and shall consist of this text and the "Official Zoning Map." Zoning maps that are so adopted shall be maintained for public inspection in the Town Hall by the Town Clerk. The maps may be in paper or a digital format approved by the town. Prior versions of the maps shall be kept on file as well as any reference to State or Federal maps references.

### Section 3 - Jurisdiction

The provisions of this ordinance shall apply within the corporate limits of the Town of Mayodan and its extraterritorial Jurisdiction except that the provisions of this ordinance shall not apply within the corporate limits of the Town of Madison nor within its extraterritorial planning jurisdiction.

### Section 4 - Bona Fide Farms Exempt

The provisions of this ordinance shall not apply to bona fide farms. This ordinance does not exercise any controls over crop lands, timber lands, pasture lands, apple orchards, idle or other farm lands, nor over any farm house, barn, poultry house, or other farm buildings including tenant or other houses for persons working on said farms, as on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this ordinance without the need for regulation. Any nonfarm use shall be subject to the provisions of this ordinance.

### Section 5 - Interpretation of Commonly Used Terms and Words

- 5.1 Words used in the present tense include the future tense.
- 5.2 Words used in the singular number include the plural, and words used in the plural number include the singular unless the natural construction of the wording indicates otherwise.
- 5.3 The "person" includes a firm, association, corporation, trust and company as well as an individual.
- 5.4 The words "used for" shall include the meaning "designed for."
- 5.5 The word "structure" shall include the meaning "building."
- 5.6 The word "lot" shall include the meanings "plot," "parcel," or "tract."
- 5.7 The word "shall" is always mandatory and not merely directory

## Section 6 – Comprehensive Plan

6.1 Preparation of Plans and Studies. - As a condition of adopting and applying zoning regulations under this section, the town shall adopt and reasonably maintain a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.

A comprehensive plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs. Planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. The planning process shall include opportunities for citizen engagement in plan preparation and adoption. In addition to a comprehensive plan, a local government may prepare and adopt such other plans as deemed appropriate. This may include, but is not limited to, land-use plans, small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans. If adopted pursuant to the process set forth in this section, such plans shall be considered in review of proposed zoning amendments.

6.2 Contents. - A comprehensive plan may, among other topics, address any of the following as determined by the local government:

- (1) Issues and opportunities facing the local government, including consideration of trends, values expressed by citizens, community vision, and guiding principles for growth and development.
- (2) The pattern of desired growth and development and civic design, including the location, distribution, and characteristics of future land uses, urban form, utilities, and transportation networks.
- (3) Employment opportunities, economic development, and community development.
- (4) Acceptable levels of public services and infrastructure to support development, including water, waste disposal, utilities, emergency services, transportation, education, recreation, community facilities, and other public services, including plans and policies for provision of and financing for public infrastructure.
- (5) Housing with a range of types and affordability to accommodate persons and households of all types and income levels.
- (6) Recreation and open spaces.
- (7) Mitigation of natural hazards such as flooding, winds, wildfires, and unstable lands.
- (8) Protection of the environment and natural resources, including agricultural resources, mineral resources, and water and air quality.
- (9) Protection of significant architectural, scenic, cultural, historical, or archaeological resources.
- (10) Analysis and evaluation of implementation measures, including regulations, public investments, and educational programs.

6.3 Adoption and Effect of Plans. - Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under this section may be undertaken and adopted as part

of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110. Plans adopted under this section shall be advisory in nature without independent regulatory effect. Plans adopted under this section do not expand, diminish, or alter the scope of authority for development regulations adopted under this section. Plans adopted under this section shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605.

If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed. (2019-111, s. 2.4.)

## **ARTICLE II - APPLICATION OF REGULATIONS**

### **Section 1 - Zoning Affects Every Building and Use**

After adoption and enforcement of this ordinance, no building or land shall be used and no building or part shall be erected, moved, or altered except in conformity with the regulations specified for the district in which it is located, except as provided in this ordinance.

### **Section 2 - Reduction of Lot and Yard Areas Prohibited**

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth, except for street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

### **Section 3 - Relationship of Building to Lot**

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot, except in the case of a specially designed group development of institutional, residential, commercial, or industrial buildings in an appropriate zoning district; i.e., school campus, cluster housing, shopping center, industrial park, and so forth.

### **Section 4 - Substandard Lots Existing on or Before the Effective Date**

Any building situated on a substandard lot on or before the effective date of this ordinance shall not be considered a nonconforming use as long as the building is used for a permitted use. In this specific case, a zoning permit cannot be denied a property owner because the existing dimensional requirement (i.e., lot area, width, setback, etc.) cannot be met.

In any district permitting residences where a lot has an area or width of less than the required area or width and was a lot of record on or before the effective date of this ordinance, a single-family dwelling can be built; however the minimum front, rear, and side yard requirements for the district must be met. This provision shall not apply to any lot covered by Subsection 4.4.

In any commercial district where a lot has an area or width of less than the required area or width and was a lot of record on or before the effective date of this ordinance, a permitted use may be established; however, all other requirements of the district must be met. This provision shall not apply to any lot covered by Subsection 4.4.

If two or more adjoining and vacant lots of record are in a single ownership at any time after the effective date of this ordinance and each lot has less area or width than required by the ordinance, such lots shall be considered as a single lot which meets the minimum requirements of this ordinance.

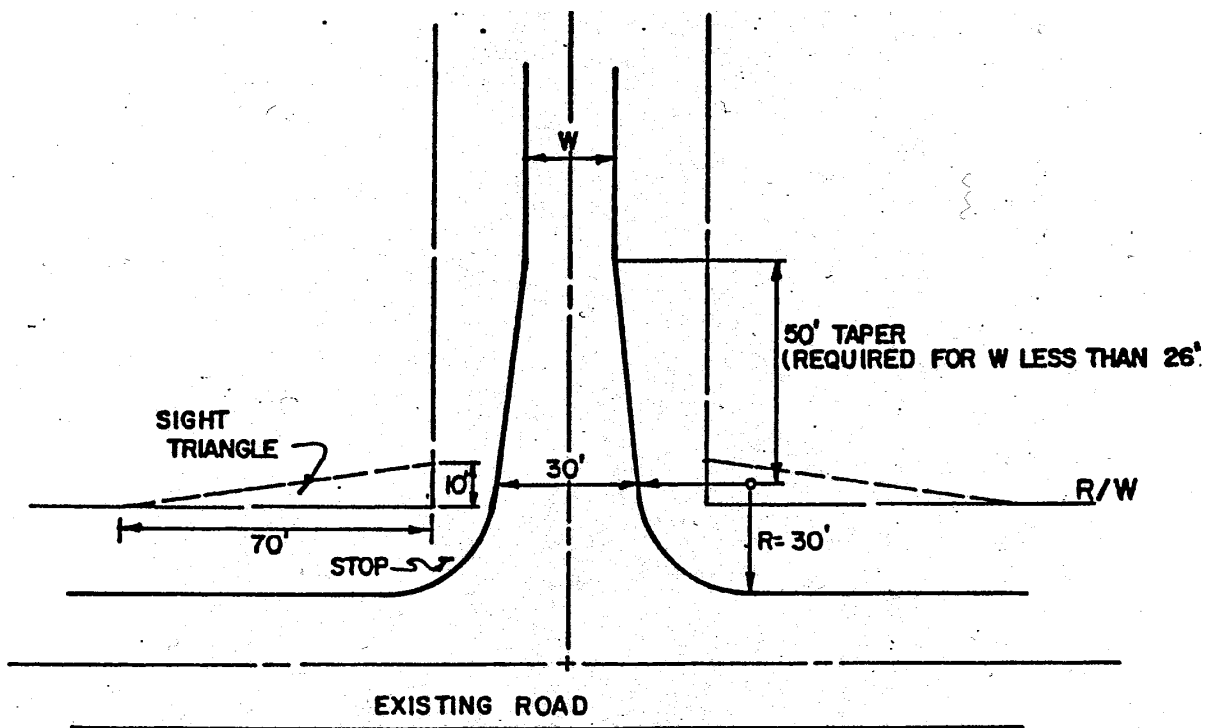
## Section 5 - Height Limitation

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; and monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials, and similar structures, except as otherwise provided in the vicinity of airports.

## Section 6 - Visibility at Intersections

On a corner lot nothing shall be erected, placed, planted or allowed to grow that would materially block vision between a height of three feet and ten feet above the center grade of the two intersecting roads that form the right triangle.

The right triangle shall have sides of 10 feet and 70 feet. The smaller side shall be measured from the intersection of the two right-of-way lines back 10 feet along the right-of-way of the road with the yield or stop sign. The larger side shall be measured from the intersection of the two right-of-way lines outward 70 feet along the road that does not have a yield or stop sign. (see illustration below)



### Section 7 - Accessory Uses

In any residential district, an accessory structure shall not be located in any required front yard; nor exceed the height of the principal building.

Accessory building on a residential lot shall not be located within twenty (20) feet of any street or highway or within five feet of any property line.

### Section 8 - Front Yard for Dwellings

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings within 100 feet of either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case, the front yard on such lots may be less than the required front yard but not less than the average of the existing front yards, or a distance of 10 feet from the-street right-of-way, whichever is greater.

## **ARTICLE III - ESTABLISHMENT OF DISTRICTS**

### Section 1 - Use Districts Named

For the purpose of this ordinance, the Town of Mayodan and its extraterritorial planning jurisdiction is divided into the following use districts:

- R-20 Residential (Low Density) District
- R-12 Residential (Medium Density) District
- R-6 Residential (High Density) District
- C-1 Central Commercial District
- C-2 Highway Commercial District
- C-3 Neighborhood Commercial District
- M-1 Industrial District
- F-P Floodplain District

### Section 2 - District Boundaries Shown on Zoning Map

The boundaries of the districts as shown on the map accompanying this ordinance are entitled "Official Zoning Map, Mayodan, North Carolina. The zoning map and all the notations, references, amendments, and other information shown are made a part of this ordinance the same as if the information set forth on the map were all fully described. The zoning map properly attested is posted at the Mayodan Town Office and is available for inspection by the public.

### Section 3 - Due Consideration Given to District Boundaries

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

Where the district boundaries are indicated as approximately following streets, alleys, or highways, the centerlines shall be construed to be the boundaries.

Where district boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be the boundaries.

Where district boundaries are indicated as approximately being parallel to the center lines of streets, alleys, highways, or the rights of way of same, the district boundaries shall be construed as being parallel and at the distance indicated on the zoning map.

Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of the lot or tract shall be deemed to apply to the whole provided such extensions shall not include a part of a lot or tract more than 35 feet beyond the district boundary line. The term "least restricted" shall refer to use restrictions, not lot or tract sizes. Development regulations may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal



agencies. For these maps a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection as provided this section.

#### Section 4 - Statement of Intent

R-20 Residential District - The intent of the R-20 District is to establish a low-density development pattern where municipal water and sewer will not be available. The principal uses in this district will be single-family residences and agriculture. However, other uses will also be allowed if they are compatible with these principle uses.

R-12 Residential District - The intent of the R-12 District is to establish a medium density development pattern inside the town limit where municipal water and sewer systems are available. The principal use in this district will be single-family residential dwellings. However, other uses that are compatible and will not interfere with single-family development will be allowed.

R-6 Residential District - The intent of the R-6 District is to establish a high density development pattern inside the town limits where municipal water and sewer systems are available. The principle uses include not only single-family, two-family, and multifamily uses but other compatible uses. This district shall provide a buffer between the more restricted R-12 District and the C-1 and C-2 Commercial Districts.

C-1 Central Commercial District - The intent of the C-1 District is to preserve the town's centrally located trade and commercial area. Because of its unified development pattern, uses will not provide the dimensional requirements imposed on commercial development allowed the thoroughfares of the community.

C-2 Highway Commercial District - The intent is to provide commercial areas along the major, roadways to serve the needs of the residents as well as those living elsewhere for goods and services. Because many of these uses may interfere with residential uses, the community will attempt to separate commercial from residential uses or at least provide buffers that will help mitigate some of these negative impacts.

C-3 Neighborhood Commercial District - The intent is to provide commercial areas adjacent to residential zones that are more compatible than C-2 Commercial Districts use. Unlike the other commercial district, only activities that produce limited vehicular traffic, noise, or smoke will be allowed.

M-1 Industrial District - The intent is to provide areas within the planning jurisdiction sites for manufacturing, warehousing, processing, and related uses whose operating characteristics limit their effects on adjacent use.

F-P Floodplain District - The intent is to establish to meet the needs of the Mayo River to carry abnormal flows of water in time of flood; to prevent encroachments into the district which will unduly increase flood heights and damage; and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard.

## Section 5 – Conditional Zoning

Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions mutually approved by the local government and the petitioner may be incorporated into the zoning regulations. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to this ordinance adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. All established base districts will be indicated with a CZ to indicate that it is a conditional zoning district (e.g. CZ – M-1).

This regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved shall only be applicable to those properties whose owners petition for the modification.

**ARTICLE IV, SECTION 1 - TABLE OF PERMITTED USES**

**ARTICLE IV TABLE OF PERMITTED USES**

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## ARTICLE IV, SECTION 1 - TABLE OF PERMITTED USES

Use Type	R-20	R-12	R-6	C-1	C-2	C-3	M-1	F-P
ABC Store				P	P	C		
Accessory Uses and Structures, including private garages and swimming pools, See Note 1 and Note 23	P	P	P	P	P		P	
Adult Uses, See Article VI, Section 5.1				S				
Agriculture or horticulture including the sale of products at a retail stand on the property where produced., See Article VI, Section 5.2	P			P				S
Antique Stores				P	P			
Appliance Store				P	P			
Arcades (video games), provided any facility complies with the Mayodan Game Room ordinance					P			
Assisted living Facilities	P	P						
Athletic Fields, See Note 2	P							
Auto parts and supplies, new, provided no on-site repairs to cars, trucks, etc., See Article VI, Section 5.3				P	P	S	P	
Automobile Dealers, New and Used, See Article VI, Section 5.5				S	P		P	
Automobile Rental or Leasing				S	P		P	
Automobile Repair Garages, See Article VI, Section 5.4				S	P		P	
Automobile Car Wash, See Note 3					P		P	
Automotive Towing and Storage Services, See Note 4							P	
Backyard workshops (accessory use) , See Note 5	P	P	P					
Bakery, Retail				P	P			
Bank, Savings and Loan, or Credit Union				P	P	P		
Bars, See Note 6				P	P			
Barber and Beauty Shops				P	P	P		
Batting Cages, Outdoor, See Note 7	P						P	P
Batting Cage, Indoor					P		P	
Bed and Breakfast, See Note 8	P	P	P	P				
Billiard and pool halls, Bingo Games, etc				P	P			
Boarding and Rooming Houses See Note 8	P	P	P	P				
Body Piercing, Tattoo Parlors, See Article VI, Section 5.32				S				
Bookstore				P	P	P		
Bowling Lanes					P		P	
Building contractor's office and storage yards, provided all open storage is surrounded by a fence at least 6 feet high					P		P	
Building materials sales yards & materials storage, See Note 9					P		P	
Business and trade schools such as barber and beauty colleges, art schools, etc.				P	P		P	
Catalogue Sales as a primary use					P		P	
Cemeteries See Note 10	P							
Christmas Tree Sales Lots, no longer than one month, See Note 24				P	P	P	P	
Churches, Synagogues and customary accessory uses including columbaria (burial sites for ashes of cremated bodies) but	P	d.16 d.19	P	S	S	S		

P = Permitted Use by Right

S = Special Use Approved by Town Council

R-20: Residential Low-Density | R-12: Residential Medium-Density | R-6: Residential Low-Density |  
 C-1 Central Commercial | C-2 Highway Commercial | C-3 Neighborhood Commercial  
 M-1 Industrial | F-P Floodplain

## ARTICLE IV, SECTION 1 - TABLE OF PERMITTED USES

excluding cemeteries, See Article VI, Section 5.6								
Churches, synagogues and customary related uses including cemeteries provided that all buildings and graves shall be set back at least 20 feet from any property line	P	P	P					
Circuses and carnivals not exceeding one week in duration, See Note 24			S		P		P	
Clothing, Shoe and Accessory Sales				P	P			
Communication, Radio, Television or Cellular Phone Tower	S							
Community Centers	P	P	P					
Community Garden	P	P	P					P
Computer Sales and Service				P	P			
Convenience Store, with gasoline pumps See Note 11, See also Article VI, Section 5.7				S	P	S		
Country Club with Golf Course	P							
Dance Studios				P	P	P		
Day care and kindergarten facilities licensed by the State of North Carolina and housed in buildings used primarily for this activity , See Article VI, Section 5.8	S	S	S		S			
Day care and kindergarten facilities housed in a church, provided they are licensed by the State of North Carolina	P	P	P	P				
Day Care for Adults, provided the facility is certified and monitored by the State of North Carolina							P	
Day Care provided in a home for 5 or fewer children, licensed by the State of North Carolina , See Note 13	P	P	P					
Dental, Medical or Related Office				P	P			
Drugstore				P	P			
Dry cleaning establishments, provided they do not have more than 2000 sq. ft. of floor area				P	P			
Dry cleaning pick-up stations, no cleaning on site				P	P	P		
Dwelling units condominiums provided they comply with Article VI, Section 5.10.			S					
Dwelling units, duplex (two-family) not more than two duplexes on a single lot		P	P					
Dwelling units, duplex, three or more duplexes located on a single lot; this is considered a multifamily development, See Article VI, Section 5.9			S					
Dwellings units, multifamily, single building on separate lot, provided they comply with Article V, Section 1			P					
Dwelling units, multifamily, two or more buildings on a single lot. This includes apartments, condominiums and multifamily elderly units, provided they comply with Article VI, Section 5.10.			S					
Dwelling units, Single Family Detached	P	P	P	S				
Dwelling units, townhouses, See Article VI, Section 5.12			S					
Equipment Rental & Leasing (with outside storage), See Note 9				P	P		P	
Event Center				P	P			
Fabric or Piece Goods Store				P	P			
Family Care Facility (Family Care Home) – See Definitions Article XIV	P	P	P					
Farmers’ Markets - See Article VI 5.125	S	S	S	S	S	S	S	S
Fences (Fences are permitted in required setbacks) – See Note 12	P	P	P	P	P	P	P	P

**ARTICLE IV, SECTION 1 - TABLE OF PERMITTED USES**

Floral and gift shops including greenhouses if attached to the principal building				P	P			
Florist				P	P			
Freight terminals, truck							P	
Fuel Oil Sales							P	
Funeral Home					P			
Furniture Sales				P	P		P	
Game Rooms, Video Game Rooms, Coin Operated Amusements provided they comply with the Mayodan Game Room Ordinance					P			
Garden Center or Retail Nursery				P	P			
Gift or Card Shop				P	P			
Golf Course, Miniature	P						P	
Government Offices				P	P		P	
Greenhouses (nurseries), Commercial	P				P		P	
Greenhouses, Private	P	P	P					
Grocery Store				P	P	P		
Group Care Facility, See Article VI, Section 5.13	S							
Hardware Store				P	P	P		
Health Club				P	P			
Home Furnishings Sales				P	P			
Home Occupations, See Definition in Article XIV. See Note 13	P	P	P					
Hospital							P	
Hotel				P	P			
Industrial Parks, provided they comply with the requirements specified in Article VI, Section 5.14							S	
Insurance Agency				P	P			
Jewelry Store				P	P			
Junkyards, Salvage Yards, Auto Parts Storage (See Definition in Article XIV), See Note 14							P	
Kennels, Commercial, Provided all pens and runs are at least 20 feet from any adjoining property line					P		P	
Landfill, Demolition Debris	S							
Laundromat and launderette				P	P	P		
Law Office				P	P			
Libraries	P	P	P	P	P	P		
Livestock, large animals – permitted only on parcels two acres or larger in size	P							
Lodges and civic clubs, operated on a nonprofit basis such as the VFW, Lion’s Club and the American Legion	P			P	P			
Loading and unloading areas					P	P	P	P
Lumberyards							P	
Machine and welding shops, See Article VI, Section 5.145			S				P	
Manufactured Home Parks See Article VI, Section 5.15	S							
Manufactured Home (Class AA Or Class A) on Individual Lot	P							

## ARTICLE IV, SECTION 1 - TABLE OF PERMITTED USES

provided they meet the appearance criteria listed in Article XIV Definitions, See Note 16								
Manufactured Home Sales					P		P	
Manufactured Home, Class A or B, Temporary Hardship, on the same lot as a principal residence, See Article VI, Section 5.16	S						P	
Manufactured housing on school site, used as exclusively for classrooms, See Note 24	P	P	P					
Manufactured housing as temporary facilities on construction sites, See Note 15	P	P	P	P	P	P	P	
Manufacturing or processing operations where no adverse impacts occur beyond the boundaries of the lot (e.g. sewing and apparel operations, parts assembly, small appliance assembly and manufacture), See Article VI, Section 5.17				S			P	
Manufacturing or processing operations with air, water or land-use impacts such as production of noise, steam, and wastewater (e.g. asphalt plants, dyeing and finishing operations, manufacture of chemicals, paints and allied products)							P	
Massage Parlor, Adult, See Article VI, Section 5.1				S				
Medical, Dental or Related Offices and Clinics, See Art. VI, Sec.5.18			S	P	P	S		
Metal Coating and Engraving							P	
Metal Processing							P	
Mixed uses (commercial and residential uses in a single structure)			P	P				
Motels					P		P	
Moving and Storage Service					P			
Nursing Homes, Assisted Living Facilities, See Article VI, Section 5.20	S				S			
Off street parking	P	P	P		P	P	P	P
Office Equipment Sales				P	P			
Offices, See Article VI, Section 5.21			S	P	P	P	P	
Open space recreation structures, public and private, such as parks, fishing facilities and boat docks, See Article VI, Section 5.22								S
Optical Goods Sales				P	P			
Paint and Wallpaper Sales				P	P			
Parking Lots				P	P		P	P
Pawnshop or Used Merchandise Stores				P	P			
Pet cemetery	P							
Pet shops with outside runs, provided all pens and runs are at least 20 feet from any adjoining property line					P		p	
Pet shops without outside runs				P	P		p	
Photocopying and Duplicating Services				P	P			
Photography Studio				P	P			
Planned Unit Development (PUD), See Article VI, Section 5.23	S	S	S					
Pool halls and billiard rooms					P			
Professional offices such as but not limited to accountants, lawyers, doctors or insurance agencies, See Art. VI, Section 5.24			S	P	P	P	P	
Public parks, playgrounds, See Article VI, Section 5.25 & 5.22	P	P	P					S
Public safety facilities, municipal, such as fire and police stations	S	S	S	P	P	S	P	

## ARTICLE IV, SECTION 1 - TABLE OF PERMITTED USES

and rescue squads, See Note 17, See also Article VI, Section 5.19								
Public utility facilities such as transformer stations, pumping stations, water towers, and telephone exchanges, See Note 18, See also Article VI, Section 5.26	S	S	S	P	P	S	P	S
Radio, Television, Cellular Phone Tower, See Art. VI, Sec.5.33	S							
Real Estate Office				P	P			
Repair shops for automobiles (Automobile repair garages), See Article VI, Section 5.4				S	P		P	
Repair shops for large appliances such as plumbing, air conditioning, etc. See Note 19					P		P	
Repair shops for small appliances such as vacuum cleaners, watches, televisions, and radios with no outside storage and no repair work done outside the principal building				P	P	P	P	
Rest and convalescent homes, See Article VI, Section 5.27	S				S			
Restaurant (with drive-thru)					P		P	
Restaurant (without drive-thru)				P	P			
Retail Sales Not Otherwise Listed				p	P		P	
Sales lots				p	P	p	p	
Satellite Dish, Free Standing As Accessory Use, See Note 21								
Schools, public or private, including elementary, secondary and higher educational facilities	P	P	P		P			
Service Stations (gas stations), See Note 22, See also Art. VI, Sec. 5.28				S	P		P	
Shooting Range, Outdoor, See Article VI, Section 5.29	S						S	
Shopping Centers, provided they comply with Article VI, Section 5.30					S	S	S	
Signs (As permitted by Article IX)	P	P	P	P	P	P	P	
Signs, temporary	P	P	P	P	P	P	P	P
Skating Rinks					P			
Sporting Goods Store				P	P			
Stock, Security or Commodity Broker				P	P			
Storage yards for equipment and materials not subject to damage by flood, providing such use is auxiliary to uses permitted in an adjoining district and materials do not include inflammables such as gasoline, See Article VI, Section 5.31								S
Swimming Pool As Accessory Use (residential and hotel/motel), See Note 23	P	P	P		P			
Swimming pools, privately owned and not operated for profit (normally restricted to members or stockholders or some type of association)	P	P			P			
Tattoo parlor, body piercing, See Article VI, Section 5.32					S			
Tailor and dressmaking shop				P	P	P		
Telecommunications Towers. See Article VI, Section 5.33	S							
Temporary Construction, Storage or Office; Real Estate Office (with building permit for permanent building)	P	P	P	P	P	P	P	P
Temporary Signs	P	P	P	P	P	P	P	
Textile Manufacturing							P	



**ARTICLE IV, SECTION 1 - TABLE OF PERMITTED USES**

Tire Recapping							P	
Tire Sales					P		P	
Truck and Utility Trailer Rental and Leasing					P		P	
Veterinary Service, Pet Grooming, No Outdoor Kennels or Runs				P	P	P	P	
Veterinary Service with Outdoor Kennels or Runs provided all pens and runs are at least 20 feet from any adjoining property line					P		P	
Video Tape Rental and Sales				P	P	P		
Warehouse (general storage, enclosed, non-hazardous)				P	P		P	
Warehouse, self-storage					P		P	
Wastewater Treatment Plants, See Article VI, Section 5.34	S	S						
Water Treatment Plants, See Article VI, Section 5.34	S	S						
Wholesale storage of gasoline and oil products							P	
Wholesale Trade and distribution					P		P	
Yard Sales, See Note 24 and 25	P	P	P					

d.23

## Section 2 - Notes to the Table of Permitted Uses

1. **Accessory Uses** – Accessory uses and structures must be no closer than 5 feet from the property line and located in the rear yard, unless it is a garage and cover no more than 30 percent of the rear yard. If a garage is located in a side yard, the five-foot setback shall be met, unless the Board of Adjustment gives the property owner a variance. See **Note 23** for swimming pools as an accessory use.
2. **Athletic Fields, Auditoriums, Stadiums** - All athletic fields shall have access to a street designed for high capacity traffic.
3. **Auto Car Wash** - Building(s) shall be at least 75 feet from any interior side or rear property line which adjoins residentially or public-institutionally zoned property. A minimum six-foot high opaque fence shall be provided adjacent to all residentially zoned property. The following operational requirements apply:
  - a) All washing operations shall be contained in a building.
  - b) Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of vehicles where these services are offered on the site. These areas shall not conflict with on-site
  - c) Adequate provision shall be made for the safe and efficient disposal of waste products and runoff.
4. **Automotive Towing and Storage Service** - No more than 30 automobiles shall be stored at an automobile towing and storage service at a time. The automotive storage area must be screened with a six-foot high opaque fence surrounded by dense foliage trees that will reach six feet in height within two years of planting.
5. **Backyard workshops** – Backyard workshops are permitted as an accessory use, provided:
  - (a) the building is not larger than 600 sq. ft.;
  - (b) there are no employees who do not reside in the principal building; and
  - (c) there is no open storage of materials outside the workshop.
6. **Bars (as a principle use)** - No bar shall be located within 200 feet of a church, elementary or secondary school, public park or residentially-zoned property. Where the property on which a bar is located abuts residential property, screening including a minimum six foot high opaque fence shall be erected adjacent to the property line of the abutting residence(s). The main entrance of the building shall be toward a street zoned predominantly for non-residential uses. Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences.
7. **Batting Cages (outdoor)**- Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the area.
8. **Bed and Breakfast; Boarding and Rooming Houses** – Permitted as a use by right provided: (a) the owner or operator lives in the dwelling unit; (b) separate apartments with

private baths and kitchens are not established, and (c) not more than 5 guests or boarders stay at one time, if located in a residential district.

9. **Building Materials Sales Yards and Materials Storage; Equipment Rental and Leasing (with storage yard)** - All outside storage shall be completely screened from view from all streets with a fence, either solid or chain link at least 6 feet tall.
10. **Cemetery** - A minimum of three contiguous acres shall be required to establish a cemetery not located on the same tract of land as a church. Principal access must be from a high capacity street.
11. **Convenience Store with gas pumps** - No outside storage of materials shall be permitted.
12. **Fences** – In residential districts, fences or walls may be erected in a required side yard adjacent to a side lot line provided that the fence or wall does not exceed eight feet in height from the back property line for a distance of 75 feet and than for a height not to exceed six feet to the right-of-way. Fences and walls may be erected in a required rear yard adjacent to a rear lot line provided that such fence or wall does not exceed 8 feet in height.
13. **Home Occupations** - Home occupations are permitted only as an incidental use inside the home and must operate within the following guidelines:
  - (a) A home occupation shall occupy no more than 25% percent of the gross floor area of a dwelling unit.
  - (b) No outside storage or display of items associated with the occupation is permitted.
  - (c) The home occupation must be conducted entirely within a dwelling unit.
  - (d) Only one person may be employed who is not an occupant of the residence.
  - (e) Activities shall not generate traffic, parking, noise, odors, or electrical interference beyond what normally occurs in the zoning district.
  - (f) Instruction in music, dancing, art or similar subjects shall be limited to no more than five students at one time.

Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, family day care (5 or fewer persons), food catering, and handcrafting, etc.

14. **Junkyards, Salvage yards, Auto Parts Storage** – These establishments must be surrounded by a fence at least six feet tall.
15. **Manufactured Housing Used as Temporary Facilities During Construction** – Manufactured homes may be used as contractor’s offices in any district while permanent facilities are being completed. In commercial and industrial districts, manufactured homes may be used as offices until permanent facilities can be constructed. In commercial and residential districts, a manufactured home may be used as a church until a permanent building can be built. In no situation can a manufactured home be used as a permanent facility except in those residential districts where they are permitted as dwelling units.

When a manufactured home is used as a church, it shall be permitted initially for one year. If the church wants to continue to use the manufactured home beyond one year, it shall seek approval from the Zoning Enforcement Officer for an extension. The Zoning Enforcement Officer may issue up to two one-year extensions. However under no circumstances may a manufactured home be used as a church for more than three years.

16. **Manufactured Homes and Modular Units in Zoning Districts** - Manufactured homes are built to specifications established by the U.S. Department of Housing and Urban Development and are not covered by the local building inspection program. Their use as a permanent or temporary use in specific zoning districts shall be regulated by Article IV Table of Permitted Uses.

Modular units (modular, sectional, etc.) shall comply with the local building inspection program. Modular units may be allowed in all zoning districts, and their use shall be regulated by Article IV, Table of Permitted Uses. For example, a modular unit, like any single family dwelling, may be used as a single-family residential unit in residential districts- if it complies with the minimal dimensional requirements.

17. **Public Safety Facilities (Municipal)** – All buildings must be set back at least 20 feet from all property lines and shall be designed and landscaped so as to blend in with the surrounding area. Where such facilities adjoin residential property, they shall be visually buffered from that property.
18. **Public Utility Facilities** – These facilities are permitted as long as they are essential to the service of the community and no vehicles or materials shall be stored on the premises. Buildings and apparatus shall be set back at least 20 feet from all property lines, and the property shall be designed and landscaped so that it blends in with the surrounding area. If the installation abuts a residence, it shall be screened from the residence with a thick buffer of evergreen shrubbery or trees which will reach at least six feet in height. Facilities such as water towers and pumping stations must be surrounded by a chain link fence at least six feet high.
19. **Repair Shops for Large Appliances (e.g. plumbing, air conditioning, etc.)** - Appliances being worked on as well as equipment used in the course of work shall be stored within a completely enclosed structure. Any items or materials being worked on or used out-of-doors shall be moved inside every night.
20. **Sales Lots** – Any nonprofit charitable, religious, or educational organization may operate a sales lot for Christmas trees, baked goods, collected clothing, and the like in any commercial or industrial district if no structure is erected other than tents or temporary booths. Christmas tree sales lots may be allowed for a one month period. Any other permitted sales lot use shall be allowed for one week.
21. **Satellite Dish (Freestanding Accessory Use)** - All supporting cables and anchors shall be contained on the property where the satellite dish or tower is located. In residential districts, structures larger than 24 inches in diameter can only be placed in a rear yard or side yard

behind the building lot line. Structures 24 inches in diameter or less are not subject to these restrictions.

22. **Service Stations** – Gasoline pumps and stationary equipment shall be located at least 20 feet behind the property line. Where stations abut a residential district, a suitable buffer shall be provided. This buffer may include a fence and/or an appropriate planted area.
23. **Swimming Pools (as accessory uses)** - Pools shall be located so as to comply with the minimum setback requirements for accessory structures for the district in which it is located. Pools which are not an integral part of the principal building shall be located a minimum of ten feet from the principal building. Swimming pools located outdoors shall be protected by a security fence, or equal enclosure four feet high and equipped with a self closing and positive self latching gate provided with hardware for permanent locking.
24. **Temporary Uses** – Permits are not issued for temporary uses such as those listed below. However the Zoning Enforcement Officer shall insure that any conditions specified for these temporary uses are met.
  - circuses and carnivals
  - manufactured homes used as temporary facilities on construction sites
  - manufactured homes as classrooms
  - sales lots, e.g. for Christmas trees
  - yard sales.
25. **Yard Sales** – Yard sales may be permitted in any residential district. However, they shall not exceed a three-day duration and only four yard sales shall be permitted at a single residence in any 12-month period. Sale items shall not be left exposed to public view after the sale period has expired.

## ARTICLE V - DIMENSIONAL REQUIREMENTS

### Section 1 - Table of Area, Height and Placement Regulations

Zoning District	Minimum Lot Area (Sq. Ft.)	Required Additional Lot Area per Dwelling Unit in Excess of One in Single Building (Sq. Ft.)	Min. Lot Width at Building Line (In Feet)	Required Setbacks (In Feet)			Maximum Bldg. Height (In Feet)
				Front	Side	Rear	
R-20 Single Family Residential	20,000 15,000 <sup>1</sup>	20,000 15,000 <sup>1</sup>	100	40 <sup>2</sup>	12 <sup>3</sup>	20	35 <sup>9</sup>
R-20 Nonresidential	20,000	20,000	100	40 <sup>2</sup>	12 <sup>3</sup>	20	35 <sup>9</sup>
R-12 Single Family Duplex	12,000 12,000	12,000 6,000 <sup>5</sup>	100 ft. for 1 <sup>st</sup> DU, plus 25 ft for each added DU <sup>7</sup>	35 <sup>2</sup>	10 <sup>3</sup>	20	35 <sup>9</sup>
R-12 Nonresidential	20,000	20,000	100	35 <sup>2</sup>	10 <sup>3</sup>	20	35 <sup>9</sup>
R-6 Single Family Duplex Multi-family	6,000 6,000 6,000	6,000 3,000 <sup>6</sup> – ground floor 1,500 <sup>6</sup> – upstairs	50 ft. for 1 <sup>st</sup> DU <sup>8</sup> plus 5 ft for each additional DU	30 <sup>2</sup>	8 <sup>3</sup>	20	35 <sup>9</sup>
R-6 Manufactured Home Parks		Manufactured Home Parks Shall Comply with the Regulations in Article VI, Section 5.15					
R-6 Nonresidential	12,000		75	30 <sup>2</sup>	8 <sup>3</sup>	20	35 <sup>9</sup>
C-1				0	0	0	50
C-2				40 <sup>2</sup>	10 <sup>3</sup>	20	35 <sup>9</sup>
C-3				40 <sup>2</sup>	10 <sup>3</sup>	20	35
M-1				50 <sup>2</sup>	15	20	50

1.

## Section 2 – Notes to the Table of Dimensional Requirements

2. Generally, where wells and septic tank systems are utilized, each lot shall contain at least 20,000 sq. ft. Where public water or a sewer system is available, the minimum lot size can be reduced to 15,000 sq. ft. However, the Rockingham County Health Department shall have the final authority to determine lot size based on soil conditions.
3. The front yard setback is measured from the edge of the right of way and the front edge of the building line. The side and rear setbacks are measured from the principal building to the property line.
4. The side yard shall be increased to 15 feet from the edge of the right of way where the lot abuts a street (where the right-of-way line is unclear, the side yard can be determined by measuring 45 feet from the center of the street where a 60-foot right of way exists).
5. DU – Dwelling Unit
6. Within the R-12 District, the method of determining lot area for a duplex is calculated by adding 12,000 sq. ft. for the first DU (dwelling unit) + 6,000 sq. ft. for the second DU or 18,000 sq. ft. for each duplex. Remember, the method of calculation applies to the number of dwelling units under a single or common roof. When a second duplex is added, the calculation starts over again. In this case, each duplex shall have 18,000 sq. ft. of lot area.
7. Within the R-6 District, the method of calculation is the same as discussed above.. The calculation applies to the number of dwelling units within a common structure. For each building, the lot area requirement must be figured separately. Add 6,000 sq. ft. for the first DU + 3,000 sq. ft. for the second DU on the ground level + 1,500 sq. ft. for each additional DU on the second floor. For example, in a four unit, two-story apartment building, the lot area will be 12,000 (6,000 1st DU + 3,000 sq. ft. for the 2nd DU on the ground floor + 1,500 sq. ft. for each DU on the second floor).
8. The method of calculating lot width is 100 ft. for the 1<sup>st</sup> DU + 25 ft. for the second DU (for a duplex 100 ft. + 25 ft. = 125 ft.) Each duplex shall have a 125 ft. lot width at the building line.
9. The method for calculating lot width is 50 ft. + 5 ft. for each additional DU. For example, a four-unit apartment shall have a building width of at least 70 ft. (50 ft. + 5 ft. + 5 ft. + 5 ft.).
10. Height of buildings shall not exceed the limits specified in Article V, Section 1, Table of Area, Height and Yard Regulations unless the depth of the front and total width of the side yards required shall be increased by one foot for each two feet, or fraction, of building height in excess of the specified height. Church spires, flag poles and similar accessories, but not antennas, are exempt from this height limitation.
11. Where a lot abuts any residential district, there shall be a side or rear yard of at least 10 ft.

## ARTICLE VI – SPECIAL USES AND DEVELOPMENT STANDARDS

### Section I Purposes

The development and execution of this ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location.

### Section 2 - Jurisdiction

The Town Council shall evaluate and determine applications for all special uses under Article IV, Table of Permitted Uses.

### Section 3 - Procedure for Obtaining a Permit

- 3.1 Initiation of a Permit – The owner or a party with a contractual interest may file an application for a special use permit provided for in this Ordinance for property located in a district in which the Special Use is permitted.
- 3.2 Application for Permit - Application for a permit shall be addressed to the Town Council, and shall be presented to the Zoning Enforcement Officer. Each application shall contain or be accompanied by such legal descriptions, maps, development and site plans, and other information to completely describe the proposed use and existing conditions. Copies of the application are forwarded to the responsible body for action.
- 3.3 Reserved.
- 3.4 Action by the Responsible Body – The body authorized to grant the special use permit shall conduct a public hearing, giving due notice, on the proposed development or use. Following the public hearing the responsible body shall approve, modify, or deny the application.

In granting the permit, the Town Council shall find:

- (1) that the use requested is listed as a special uses in the district for which application is made
- (2) that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (3) that the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
- (4) that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value adjoining or abutting property, or that the use or development is a public necessity; and
- (5) that due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth and change; the effect of the proposed



use upon the community; requirements for transportation, schools, parks, playgrounds, recreational areas, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land.

There shall be competent, material and substantial evidence in the record to support these conclusions and the Town Council must find that all of the above exist or the application will be denied.

3.5 Additional Conditions - In granting the conditional or special use permit, the Council may designate additional conditions which will in its opinion, assure that the use in its proposed location will be harmonious with the area. In all cases in which special uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. All such additional conditions shall be entered into the minutes of the meeting at which the conditional or special use permit is granted, on the conditional or special use permit itself and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns. Conditions may include but are not limited to the following:

- abatement or restriction of noise, smoke, dust, or other elements that may affect surrounding properties.
- provision of adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities
- ingress and egress so designed as to minimize traffic congestion in the public streets.
- setbacks, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- Buffers or other shields to shield adjoining property from view of the proposed use if necessary.

#### Section 4 - General Provisions in Granting a Permit

4.1 Compliance with Other Codes - Granting a permit does not exempt applicant from complying with all of the requirements of other ordinances.

4.2 Revocation - In any case where the conditions of a permit have not been or are not being met, the Enforcement Officer shall give the grantee notice of intention to revoke approval. Any revocation must follow the same process as was used for approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

4.3 Expiration - In any case where a permit has not been exercised within the time limit set by the responsible body, or within one year if no specific time limit has been set, then without further action the approval shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a

substantial degree; or that prerequisite conditions involving substantial investment are constructed in a substantial stage of development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, “exercised” shall mean that the use in operation is in compliance with the conditions which are set forth in the approval.

## Section 5 – Special Uses and Development Standards

Development standards for individual special uses are listed in the following pages. These standards represent the minimum requirements to be followed by the applicant in preparing an application for a conditional or special use permit.

### **5.1 Adult Uses**

Where Required: C-1

Granted By: Town Council

Development Standards:

- a. No adult use shall locate within 1,200 feet of any other adult use.
- b. No adult use shall locate within 1,200 feet of a church, public or private school, child day care center, elderly housing, public park or residentially zoned property.
- c. There shall be no more than one adult use business in the same building, structure or portion thereof. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any other adult use.
- d. No adult use shall operate after 12:00 midnight.

### **5.2 Agricultural or horticultural structures**

Where Required: F-P

Granted By: Town Council

Development Standards:

The applicant shall submit a site plan showing:

- a. location of the structure(s) on the parcel
- b. setbacks
- c. construction measures taken to minimize property damage during flooding
- d. waste containment measures in case of flooding, if large numbers of livestock are kept in the structures.

### **5.3 Auto parts and supplies, New**

Where Required: C-3

Granted By: Town Council

Development Standards:

- a. All items for sale and other materials must be kept inside the store; no outside storage or display
- b. A simple site plan shall be submitted showing the location of buildings on the property, setbacks, on-site parking, signage and ingress and egress.

#### **5.4 Automobile repair garages**

Where Required: C-1

Granted By: Town Council

Development Standards:

- a. No outdoor servicing, repair or disassembly is allowed.
- b. Only vehicles capable of movement under their own power are allowed on the property, and no storage of inoperable vehicles is permitted.
- c. Outdoor storage of materials and vehicles being worked on is not permitted unless contained within a fenced area screened from view by dense plantings or opaque materials.

#### **5.5 Automobile dealers, New and Used**

Where Required: C-1

Granted By: Town Council

Development Standards:

- a. All vehicles for sale shall be located at least 10 feet from the street right-of-way
- b. No outdoor servicing, repair or disassembly is allowed.
- c. Only vehicles capable of movement under their own power are allowed on the property, and no storage of inoperable vehicles is permitted.
- d. Outdoor storage of materials and vehicles being worked on is not permitted unless contained within a fenced area screened from view by dense plantings or opaque materials.

#### **5.6 Churches and synagogues and customary related uses including columbaria, but excluding cemeteries**

Where Required: C-1, C-2, C-3

Granted By: Town Council

Development Standards: A site plan shall be developed that shows:

- a. Location and general exterior dimensions of main and accessory buildings and setbacks from lot lines.
- b. Location of ingress, egress, driveways, and on-site parking.
- c. An analysis of anticipated traffic volume.
- d. Identification of uses expected to take place on property such as worship, daily child care, evening activities. This information is for the purpose of gauging traffic impact.

### **5.7 Convenience store with gasoline pump**

Where Required: C-1

Granted By: Town Council

Development Standards:

- a. No vehicles for sale or storage shall be located on the lot.
- b. No outdoor servicing, repair or disassembly is permitted on the lot.
- c. A site plan shall be submitted showing location of ingress and egress, signage, location of all gasoline pumps, any on-site plantings or buffer.

### **5.8 Day care and kindergarten facilities as a principal use**

Where Required: R-20, R-12, R-6 and C-2

Granted By: Town Council

Development Standards:

- a. Hours of operation shall be specified in the request for a special use permit
- b. The facility shall be screened from abutting residential property by dense plantings.
- c. All state and/or county licensing and inspection shall be maintained at all times.
- d. The applicant shall submit a simple site plan showing the location of all structures on the property and setbacks; signage, location of ingress and egress; location of driveways and on-site parking.

### **5.9 Dwelling units, Duplex, three or more duplexes located on a single lot**

(Three or more duplexes on a single tract of land are considered one type of multifamily development, as are two or more multifamily buildings such as apartments or condominiums on a single tract of land.) See Definitions, Article XIV.

Where Required: R-6

Granted By: Town Council

Development Standards:

A development plan shall be prepared that shows the following information:

- a. Topography, slopes, banks, and ditches, and delineation of current vegetation and ground cover.
- b. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service
- c. The location and general exterior dimensions of main and accessory buildings.
- d. Architectural plans for proposed buildings.
- e. The location, dimensions, and arrangements of areas to be devoted to planting, lawns, trees, and other plants.
- f. General drainage systems.
- g. Location and materials of walls and fences.
- h. Location, arrangement and dimensions of automobile parking spaces width of aisles, width of bays, and angle parking.
- i. Location, arrangement, and dimensions of truck loading and unloading spaces and docks, if applicable.
- j. Location and dimensions of vehicular entrances, exits, and drives.
- k. An analysis of anticipated traffic volume.
- l. Sediment control plan.
- m. Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer will coordinate for the development with this agency.
- n. Plans for refuse disposal equipment and method of refuse disposal such as contractors or dumpsters.
- o. Delineation of areas to be constructed in phases and sequential order.

**5.10 Dwelling Units, Multifamily, Two or more buildings on a single lot**

(Two or more multifamily buildings such as apartments, condominiums or multifamily elderly dwelling units are considered a multifamily development, as are three or more duplexes on a single tract of land.) See Article XIV, Definitions.

Where Required: R-6

Granted By: Town Council

Development Standards : A development plan shall be prepared consistent with the requirements for a development plan listed in Subsection 5.9

In addition, the following requirements shall be met in the design and development of the project:

- a. Open Space - A minimum of 15 percent of the gross acreage shall be reserved as open space.
- b. Recreation Facilities - Family oriented multifamily projects shall provide recreational space based on the number of bedrooms as established in the following table:

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

<u>Number of Bedrooms Per Apartment</u>	<u>Minimum Space Per Bedroom</u> (square feet)
1-bedroom apartment	0
2-bedroom apartment	25
3-bedroom apartment	50
4-bedroom apartment	100

- c. Spacing Between Circulation System and Buildings - Automobile parking spaces and drives shall not be located closer than 10 feet to the front, side, or rear of any building.
- d. Building Relationships - (1) Building walls that have both window and door openings shall be located no closer than 50 feet to another building. (2) Building walls that have only window openings or only door openings shall be located no closer than 25 feet to another building.
- e. Courtyard - Any group of buildings forming a courtyard shall have at least 25 per cent of the perimeter of such courtyard open for access by emergency vehicles.
- f. Landscaping - Adequate landscaping (as determined by the Planning Board) may be included to buffer the development from its neighbors.
- g. Perimeter Requirement - No building shall be erected, reconstructed, altered, or moved nearer the exterior project property lines than 20 feet or the applicable district yard requirements, whichever is greater.

- h. Solid Waste Disposal - A plan for solid waste storage collection and disposal shall be submitted to the Zoning Enforcement Officer and approval obtained prior to issuance of a zoning permit.
- i. Streets - Streets shall either be public or private. However, all streets shall be paved and built to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways.

**5.11 Dwelling Units, Single Family Detached**

Where Required: C-1

Granted By: Town Council

Development Standards: Single family dwellings in the C-1 district are a non-conforming use. However, if an existing dwelling burns down, is destroyed by an act of nature or is otherwise destroyed, the owner may apply for and the Board of Adjustment may grant a special use permit to reconstruct the house on the same lot. This special use permit does not allow construction of new single family dwellings in the C-1 district where they previously did not exist.

**5.12 Dwelling Units, Townhouse Development**

Where Required: R-6

Granted By: Town Council

Development Standards:

- a. Subdivision Review - If a multifamily development is also a subdivision, such as a townhouse development, the preliminary plat shall substitute for the development plan. In addition to reviewing the project as a special use under the zoning ordinance, the planning board shall also determine whether or not it complies with the preliminary plat requirements of the subdivision regulations. The Town Council shall still determine whether or not additional conditions should be placed on the development to make it more compatible with neighboring land uses.
- b. Spacing Between Circulation System and Buildings – Automobile parking spaces and drives shall not be located closer than 10 feet to the front, side or rear of any building.
- c. Building Relationships – Building walls that have both window and door openings shall be located no closer than 50 feet to another building. Building walls that have only window openings or only door openings shall be located no closer than 25 feet to another building.

- d. Courtyard – Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.
- e. Landscaping – Adequate landscaping (as determined by the Planning Board) must be included to buffer the development from its neighbors.
- f. Perimeter Requirement – No building shall be constructed closer to the exterior property lines than 20 feet .
- g. Solid Waste Disposal – A plan for solid waste storage collection and disposal shall be submitted to the Zoning Enforcement Officer and approval obtained before a zoning permit is issued.
- h. Streets – Streets shall be either public or private. However, all streets shall be paved and built to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways.

**5.125 Farmers’ Markets**

Where Required: All Districts

Granted By: Town Council

Development Standards

- a. Size and Location Limitations - Farmers’ Markets located in R-20 Districts may be no larger than 2 acres. Farmers’ Markets in R-6 and R-12 districts may be no larger than 0.5 acres. Farmers’ Markets located in R-12 and R-6 Districts may only be located on property owned or leased by a governmental, institutional, religious, or other non-profit agency.
- b. Site Plan- A site plan must be submitted with the application demonstrating available parking, safe access, vendor areas, storage facilities, and any other significant areas identified by the Town for special consideration.
- c. Signage- Farmers’ Markets may place signage not to exceed six feet in height and no more than 25 square feet per street frontage. Contact information for the responsible party in-charge shall be located in a prominent place (sign, plaque, storage building, etc).
- d. Buildings and Structures - Any buildings or structures must be properly permitted and meet current State of North Carolina Building Code regulations. Storage buildings shall meet the required set-backs of the zoning district for a principle building with the exception of the rear yard setback which may be reduced to 10 feet if the building is less than 20 feet tall and no more than 200 square feet. Permanent structures or



buildings constructed or placed after initial approval of the Farmer's Market must re-apply through the Conditional Permit process.

- e. All State or County Health Department regulations for Farmers' Markets pertaining to the sale of meat (including seafood, poultry, cattle, fowl, swine, or any other animal), produce, or baked goods, must be followed by the market organizers and the vendors of the market.

### 5.13 Group Care Facility

Where Required: R-20

Granted By: Town Council

#### Development Standards

- a. A group home shall not be located within a 1,200 ft. radius of another group care facility.
- b. The facility shall be limited to no more than 30 persons.
- c. A dense planting screen shall buffer the facility from adjacent residential lots.

### 5.14 Industrial Parks

Where Required: M-1

Granted By: Town Council

Development Standards: A development plan shall be prepared consistent with the requirements for a development plan listed in Subsection 5.9

### 5.145 Machine and Welding Shops

Where Required: R-6

Granted By: Town Council

Development Standards: Notwithstanding the provisions of Article II, Section 3 of this ordinance, an additional principal building may be located on a lot as approved by this section.

- a. Square footage of building no larger than 2,042 square feet
- b. Buffers as needed.

- c. Parking for each employee up to 5 employees.
- d. No outside storage, service, repair, or display.
- e. No signage
- f. Hours of operation regular week Monday - Friday 8:00 a.m.-5:00 p.m. No Saturday or Sunday operations.
- g. Dwelling on property must be occupied.
- h. No noise, odor, smoke, or dust is emitted as a result of the operation.
- i. Permit cannot be transferred and expires if the ownership of business or parcel changes.
- j. If use ceases for a period of 180 days, the permit expires.

### 5.15 **Manufactured Home Parks**

The following standards and procedures apply to new manufactured home parks and expansion of existing parks.

Where Required : R-20

Granted By: Town Council

Development Standards: A development plan shall be prepared consistent with the requirements for a development plan listed in Subsection 5.9. The final plan shall have a survey plat prepared by a registered engineer or surveyor. If the plan does not call for water and sewer provided by the Town, the developer shall submit the final plan to the County Health Department for a lot-by-lot check and approval.

- a. Minimum size for park – 5 acres
- b. Minimum sizes for individual lots:
  - (1) 30,000 sq. ft. with individual well and ground absorption sewage system; 40,000 sq. ft. in watershed.
  - (2) 15,000 sq. ft. with public/community water and individual ground absorption sewage system; 40,000 sq. ft. in watershed.
  - (3) 7,500 sq. ft. with individual well and public/community sewer system; 12,500 sq. ft. in watershed.
  - (4) 7,500 sq. ft. with public/community water and sewer; 12,500 sq. ft. in watershed.

Any and all lot sizes may be increased by the Board of Adjustment to protect public health safety and welfare.

- c. Setbacks and Buffers:

- (1) 25 ft. minimum completely landscaped setback for those portions of park abutting public or private rights-of-way.
- (2) 15 ft. minimum completed landscaped setback from perimeter of park.
- (3) No manufactured home sites or structures may be located in any setback perimeters and required setbacks cannot be used in calculating lot size.
- (4) A landscape plan approved by the Board of Adjustment is required for the setback perimeter and shall provide for continuous screening which shall be planted with evergreens and other trees at least 11 plants per 100 linear feet planted at random, which eventually will grow to a height not less than 12 feet. It shall be the responsibility of the manufactured home park owner to install and maintain the required landscaping.
- (5) Underground public service utilities are permitted in required setbacks and buffers.
- (6) 30 ft. minimum clearance between manufactured homes or any extensions thereof such as additional rooms, carports, decks or porches which are physically attached to the manufactured home (transporting hitches excluded).

d. Site Development and Parking:

- (1) Paved off street parking spaces shall be provided with each manufactured home park at a ratio of at least two spaces per lot, the minimum of which shall be at least nine feet by 18 feet.
- (2) Manufactured home parks shall be located on lots not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on premises.
- (3) Each manufactured home park shall have located at its primary entrance a permanent sign, not to exceed sixteen (16) square feet per sign face, indicating the park name.
- (4) Each proposed lot in a manufactured home park shall be clearly marked by a permanent lot number sign or marker that identifies each manufactured home lot. The lot number shall be such that the location is readily identifiable by emergency personnel and inspectors from the park road. The lot number sign or marker shall be located on each manufactured home park lot or on each manufactured home, but the method must be consistent throughout the park. Numbers shall be at least three (3) inches high and one-half (1/2) inch wide, with a reflective surface.
- (5) Manufactured home park lots shall be properly staked so as to identify the location and dimensions of each lot.

e. Roads and Street Systems – Streets in a manufactured home park may be public or private. Final plans shall be prepared by a registered engineer or surveyor.

- (1) Private streets within the manufactured home park shall be designed and constructed to minimum standards as outlined in “Subdivision Roads –

Minimum Construction Standards” published by the DOT. All roads and streets constructed within manufactured home parks must be a minimum of 20 feet in width and certified by a licensed engineer or land surveyor as having met the above minimum standards.

- (2) The street layout shall be designed to provide for the continuous flow of traffic, with cul-de-sacs being permissible.
- (3) Traffic control signs (stop, yield, and speed signs) shall be placed throughout the manufactured home park where necessary
- (4) Streets and parking areas shall be maintained by the operator/manager of the manufactured home park.
- (5) Street lighting shall be approved and provided throughout the manufactured home park.
- (6) When the proposed park has access onto a state highway system street or road, the developer shall submit an application and receive a commercial new driveway permit from the district office of the N. C. Department of Transportation.
- (7) No manufactured home space shall have direct vehicular access to a public street except one within the park.
- (8) When application is made for a manufactured home park or expansion with 25 or more manufactured home spaces, whether immediate or in phases, the developer shall submit a valid traffic analysis conducted by a registered or certified engineer. The analysis shall address the impact the proposal may have upon traffic and transportation in the area, including traffic counts and road capacities.

f. Certifications Required at Final Approval – The final plat of the manufactured home park shall include:

- (1) DOT approval of public streets (on plat)
- (2) County health department approval of waste treatment for all lots (on plat)
- (3) Fire chief approval
- (4) DENR approval, before grading, of sedimentation and soil erosion control plan
- (5) Staff approval of private streets (on plat).

g. Common Area/Open Space – A minimum of 5% of the total land area shall be devoted to accessible common open space intended for recreational use. These areas are separate from the manufactured home lot areas, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents.

h. Appearance Criteria

- (1) Only Class A or Class B manufactured homes shall be moved into manufactured home parks. Existing Class C manufactured homes are non-

conforming uses. No permits shall be granted by the Town to allow the transfer of any Class C manufactured home from one zoning lot to another.

- (2) All units must have a permanent masonry (or other approved product), curtain wall or foundation, unpierced except for ventilation and access. There shall be no authorization for electrical hook-up until these conditions are met.

i. Operating Requirements for Parks

- (1) Manufactured home park operators shall be required under this ordinance to specifically comply with N.C.G.S.105-316(a)(1), which requires that each year manufactured home park operators furnish the County Tax Supervisor with the owner and a description of each manufactured home located in the park.
- (2) Manufactured home parks may not be sold or transferred unless the existing water and sewer systems are on Town service or meet Health Department standards. Individual spaces in a manufactured home park may not be sold unless the individual lot size and road construction meet all county and state regulations.
- (3) Operation of the park shall provide for collection of trash and garbage at least once each week. Lawful disposal of waste shall be provided in such a manner as to maintain a clean and orderly appearance. The owner-operator is responsible for insuring that all trash receptacles are enclosed and kept clean.

j. Continuation of Existing Manufactured Home Parks

- (1) Manufactured home parks in existence and in compliance with public health regulations on the date of readoption of the Mayodan Zoning Ordinance, shall be allowed to continue in operation, including the replacement of manufactured homes on any existing lot that meets public health regulations. Existing lot sizes, road standards and existing manufactured home setbacks (or replacement on the lot) shall be allowed to continue. Manufactured home parks existing prior to the adoption of the aforesaid ordinance may not be sold unless the existing water and sewer systems meet Town standards, if on public water and sewer, or County Health Department standards. Individual lots in a manufactured home park may not be sold unless the individual lot size and road construction meet all county and state regulations.

**5.16 Manufactured Housing, Class A or B, Temporary Hardship, for Dwelling**

Where Required: R-20

Granted By: Town Council

Development Standards:

- (a) Only one Class A or B manufactured home may be permitted in a rear yard as an accessory use on a temporary basis subject to the Mayodan Board of Adjustment making a finding that a personal hardship based on the illness or disability of a relative exists. Reasons justifying separate quarters shall be contagious disease, illness or lack of adequate quarters within the principal building.
- (b) Temporary use permits may be issued for one year and must be acknowledged in writing on the permit by the property owner at each issuance. Initial application for the permit shall be made to the Building Inspector and, in turn, shall be reviewed by the Board of Adjustment to determine relative need. All such manufactured homes must have access to water and sewer systems in a manner approved by the Town of Mayodan or the Rockingham County Health Department.
- (c) All manufactured homes must be maintained in such a way as to create no nuisance conditions.
- (d) All such manufactured homes must comply with the dimensional requirements of this district.
- (e) Application for continuation of this special use permit shall be made annually and shall be reviewed by the Board of Adjustment but without a public hearing.
- (f) Within 180 days after the reason or condition for which the special use permit was granted ceases to exist, the manufactured home must be removed from the lot. Failure to remove the structure by the end of the 180 day period will result in a violation of this ordinance.

**5.17 Manufacturing or processing with no adverse impacts beyond boundaries**

Where Required: C-1

Granted By: Town Council

Development Standards:

Plans for the proposed manufacturing or processing operation shall be reviewed to assure that:

- a. no storage exists outside the building;
- b. that activities visible through windows are consistent with the appearance of the Central Commercial District;
- c. that loading of articles manufactured or assembled in the building is provided for in loading areas not located on a main thoroughfare; and
- d. that no noise, odor, smoke or dust is emitted as a result of the operation.

**5.18 Medical or dental offices**

Where Required: R-6, C-3

Granted By: Town Council

Development Standards: A site plan shall be submitted showing:

- a. The location of the building on the parcel and all setbacks.
- b. Landscaping and buffering between adjoining lots
- c. Signage
- d. Location of ingress, egress and driveways
- e. Location of all on-site parking and a written statement identifying on-street parking needs
- f. Total calculation of paved surface on the lot
- g. Drawing(s) of building(s) showing compatibility with surrounding properties (building materials, roof pitch, windows, elevation and building height, etc.)
- h. Any new office constructed shall plant a dense buffer of trees to screen buildings and parking areas from adjacent residential properties.

**5.19 Municipal Public Safety Facilities**

Where Required: R-20, R-12, R-6, C-3

Granted By: Town Council

Development Standards:

- a. All buildings and apparatus shall be set back at least 20 feet from all property lines and shall be designed, landscaped and maintained in accordance with other public facilities.
- b. Where such facilities adjoin residential property, they shall be visually buffered from that property.

**5.20 Nursing Homes, Assisted Living Facilities**

Where Required: R-20, C-2

Granted By: Town Council

Development Standards for Operation:

- a. The facility shall provide centrally located shared food preparation service and major dining areas.

- b. Common recreation, social and service facilities shall be provided at a minimum rate of 30 square feet per dwelling unit or per rooming unit.
- c. All facilities shall be solely for the use of residents and their guests.
- d. Facilities for administrative services and limited medical services for the exclusive use of the residents shall be located on the site.

**5.21 Offices**

Where Required: R-6

Granted By: Town Council

Development Standards: See Section 5.18 Medical and Dental Offices

**5.22 Open Space Recreation, Public and Commercial (parks and recreation facilities)**

Where Required: F-P

Granted By: Town Council

Development Standards: The applicant shall submit a site plan showing:

- a. Topography, flood plain location, slopes, banks, and ditches, and delineation of current vegetation and ground cover.
- b. Plans for all proposed utility layouts
- c. Location and general exterior dimensions of main and accessory buildings.
- d. General drainage systems.
- e. Location, arrangement and dimensions of automobile parking spaces. Overflow parking, in addition to required parking, must be designed on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
- f. Location and dimensions of vehicular entrances, exits, and drives.
- g. An analysis of anticipated traffic volume.
- h. Sediment control plan.
- i. Buffer and landscape plan to minimize visual impact of vehicles and parking areas.

**5.23 Planned Unit Developments**

When a tract of land is under unified control and contains at least 15 acres, the developer may be allowed to deviate from the-strict application of use, setback, height and minimum lot size requirements of zoning districts in order to permit a creative approach to the development of residential land. In exchange for the flexibility, the developer must have a site plan approved by the Planning Board and comply with the other requirements of a-



special use. This approach is a voluntary alternative, it is not mandatory for the development of any parcel of land

Where Required: R-20, R-12, R-6

Granted By: Town Council

Development Standards : A development plan shall be prepared consistent with the requirements for a development plan listed in Subsection 5.9

In addition, the following requirements shall be met in the design and development of the project:

- a. Location - Planned Unit Developments are permitted in any Residential Zoning District.
- b. Permitted Uses - All the permitted and special uses in the zoning district where the PUD is located are allowed. In addition, two-family and multifamily units residential uses may be permitted. Commercial and office space will be permitted if they are primarily for the convenience and service of the residents of the development and represent no more than ten (10) percent of the total development.
- c. Dimensional Requirements - Yard, setback, lot size, type of dwelling unit, frontage requirements are waived, provided that the spirit and intent of this subsection are met in the total development plan. The Planning Board may determine that certain setbacks be required within all or a portion of the perimeter of the site.
- d. Density - The density of development (units per acre) may not exceed the density allowed in the district where the PUD is located except under the bonus provisions explained below. If the development falls into more than one zoning district, the overall density will be the combined proportion of each district.
- e. Density Bonus - A density bonus of up to 25 percent over the density normally allowed in the basic zoning district may be approved based on the provision of common open space as listed below.

Density Bonus Scale

<u>Percent of Residential Area to be Common Open Space</u>	<u>Percent Density Bonus</u>
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22

- f. Conveyance and Maintenance of Common Open Space - A common open space shown on the final development plan shall be conveyed in accordance with one of the following methods:
  - a. By dedication to the Town of Mayodan and maintained as common open space.
  - b. By leasing or conveying title (including beneficial ownership) to a corporation, association, or other legal entity.

The Town has the right to accept or reject the dedication of any common open space. The developer shall file in the County Register of Deed's Office legal documents restricting the use of common open space for the designated purposes. The Town shall review and approve these documents before they are submitted to the Register of Deeds Office.

- g. Circulation Facilities - The arrangement of public and common ways for pedestrians and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with standards set forth in other municipal ordinances. The Planning Board may deviate from these standards if the proposed changes or alternations are consistent with the spirit and intent of this Section.
- h. Utilities - Whenever the Planning Board determines it is reasonable, all planned residential developments shall provide for underground installation of utilities (including electricity and telephone). All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the Town Council. Public or quasi-public water and sanitary sewer service shall be required unless the developer can show good cause that these requirements should be waived without being inconsistent with the spirit and intent of this Section.
- i. PUD Review. It is the intent of this regulation that Planned Unit Developments be reviewed according to applicable codes and ordinances.

**5.24 Professional offices such as accountants, doctors and lawyers**

<u>Where Required:</u>	R-6
<u>Granted By:</u>	Town Council
<u>Development Standards:</u>	See Section 5.18 Medical and Dental Offices

**5.25 Public parks and playgrounds (See Section 5.22 Open Space Recreation)**

<u>Where Required:</u>	F-P
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Granted By: Town Council

Development Standards: (See Open Space Recreation Section 5.22)

### 5.26 Public Utility Facilities

Where Required: R-20, R-12, R-6, C-3, F-P

Granted By: Town Council

Development Standards:

- a. All applicants, including the Town of Mayodan, shall submit in writing the purpose of the facility and why it is essential to the service of the community.
- b. A site plan shall be submitted showing the location of the facility on the site, setbacks, means of egress and ingress, location relative to flood plain (if applicable), and landscaping and buffering.
- c. Buildings and apparatus shall be set back at least 20 feet from all property lines.
- d. The property shall be designed and landscaped so that it blends in with the surrounding area.
- e. If the installation abuts a residence, it shall be screened from the residence with a thick buffer of evergreen shrubbery or trees which will reach at least six feet in height.
- f. No vehicles or materials shall be stored on the premises.
- g. Facilities such as water towers and pumping stations must be surrounded by a chain link fence at least six feet high.
- h. If the facility is located in a flood plain, a written statement of safety and emergency measures shall accompany the application for a special use permit, explaining what measures will be employed to maintain access to the facility and keep it operational during flooding.

### 5.27 Rest and convalescent homes

Where Required: R-20, C-2

Granted By: Town Council

Development Standards:

- a. All such homes shall be licensed and/or sponsored by the appropriate state or local agency.
- b. The zoning lot on which a rest or convalescent home is located shall not be located within a 1,200 ft. radius of a lot on which is located another such facility.
- c. A dense planting screen shall buffer the facility from adjacent residential lots.

### 5.28 Service Stations

Where Required: C-1

Granted By: Town Council

Development Standards:

- a. No vehicles for sale or storage shall be located on the lot.
- b. No outdoor servicing, repair or disassembly is permitted on the lot.
- c. A site plan shall be submitted showing location of ingress and egress, signage, location of all gasoline pumps, any on-sit plantings or buffer.

### 5.29 Shooting Ranges, Outdoor

Where Required: R-20, M-1

Granted By: Town Council

Development Standards:

- a. Use Separation – R-20 – Separation shall be a minimum of 300 feet between the range and the closest exterior property line. M-1- Separation shall be a minimum of 200 feet between the range and the closest exterior property line, or 100 feet from any Town Owned or Leased Property with approval of the Town Council. Separation shall be a minimum of 500 feet from any occupied residential structure.
- b. Access – Access shall be controlled to prevent unregulated entrance to the firing area. Warning signs meeting the National Rifle Association (NRA) guidelines for shooting ranges shall be posted at 100 foot intervals along the property lines of the property containing the shooting range.
- c. Security Fencing – Security Fencing shall be erected to prevent an individual from entering the firing range.
- d. Dikes (berms) – Backstop Dikes shall be at least twenty (20) feet high and of a thickness to stop all rounds fired downrange. Side dikes shall be at least eight (8) feet in height. Additional safety structures may be required dependent upon the range layout.
- e. Overhead Baffles – The use of overhead baffles are required to contain the flight of bullets to a specified area within the range. Baffle design and placement shall be made based upon the NRA Range Source Book or other recognized shooting safety manual or guidance documents.
- f. Hours of Operation – shooting ranges shall be allowed to operate between the hours of 8:00am and sunset, except that hours may be extended after sunset for the purposes of subdued-lighting certification of law enforcement officers, or may be extended for

other purposes only when a permit allowing such activity is issued in advance by the Mayodan Police Department. No shooting is allowed on Sundays without the approval of the Town Manager or the Mayodan Chief of Police. Sunday shooting shall be of limited duration for special circumstances.

- g. Site Plan – a site plan shall be required for the entire range facility which shows the following applicable information drawn to an appropriate scale.
1. Property lines, north arrow, plan scale, date, and ownership information;
  2. Complete layout of each range, including, shooting stations or firing lines, target areas, shot-fall zones, backstops, berms and baffles, and landscaped buffers;
  3. Existing residential structures within 500 feet of the shooting range.
  4. Buffering – In order to reduce the impact of noise on surrounding properties a landscaped buffer of mixed evergreen and deciduous trees shall be required. The buffer may include existing vegetation or new plantings. New plantings must reach a mature height of at least 20 feet within 5 years of planting. The buffer must be at least 50 feet wide and may be required to be as wide as 75 feet dependent upon topography, existing vegetation, and neighboring property concerns regarding noise. The buffer shall be on all sides of the shooting range area.

### 5.30 Shopping Centers

Two or more commercial operations located in a single building and sharing a common wall or in separate buildings on a single tract of land.

Where Required: C-2, C-3, M-1

Granted By: Town Council

Development Standards: A development plan shall be prepared consistent with the requirements for a development plan listed in Subsection 5.9

In addition, the following requirements shall be met in the design and development of the project:

- a. Perimeter Yards - Interior lot requirement may be waived, but the exterior setbacks of all buildings shall comply with the requirements of the zoning district where the Shopping Center is located.
- b. Buffering - A buffer shall be provided on all exterior property lines which abut residential property.
- c. Solid Waste Disposal - A plan for solid waste storage, collection, and disposal shall be submitted to the Zoning Enforcement Officer and approved by him before a zoning permit can be issued.
- d. Utilities - Shopping Centers shall be located where public water, sanitary sewer, and storm drainage utilities are available.

**5.31 Storage Yards for materials not subject to Flood Damage**

Where Required: F-P

Granted By: Town Council

Development Standards:

The applicant shall identify what measures will be take to minimize damage during flooding to materials stored on the property.

**5.32 Tattoo Parlor, Body Piering and Art**

Where Required: C-2

Granted By: Town Council

Development Standards:

- a. No activities conducted within shall be visible from the outside
- b. The business must close by or before 12:00 midnight

**5.33 Telecommunications Towers**

Where Required: R-20

Granted By: Town Council

Development Standards:

- (a) Setback and Height Requirements: A telecommunications tower may be permitted on a site only if the minimum distance from the base of the tower to the nearest property line is equal to or greater than the height of the tower. The Town Council shall have the option to waive this provision upon receiving documentation from the petitioner that the tower is engineered such that in the event of collapse, the tower will fall upon itself within the property boundaries upon which it is located. This option may require the establishment of a setback equivalent to a fall zone easement certified by a professional engineer registered in North Carolina. The minimum setback for a tower and all appurtenant structures shall be 25 feet from the nearest property line.

Where towers are located adjacent to residentially zoned property, the minimum setback from such property lines shall be twice the height of the tower. However, in the case of monopole towers, the minimum distance from adjoining residential property shall be the height of the tower or 75 feet, whichever is greater.

- (b) Appurtenant structures for tower operations - An appurtenant structure constructed for the purpose of housing equipment related to a tower operations may accomplish each tower. Such structures shall be unmanned and be limited to 400 feet gross floor space. Setback for these structures shall be at least five feet from any property line.
- (c) Fencing and screening - The base of tower, including but not limited to equipment and/or storage structures, along with any guy wires shall be enclosed by a commercial grade chain link fence (or fence of equal or greater quality) a minimum of eight feet in height.

A vegetative screen shall be planted around the security fencing consisting of at least two staggered rows of evergreen shrubs on five feet centers, at least five feet tall at the time of planting, unless existing vegetation or topography is determined to provide screening at least as effective as the planted screen.

- (d) Power output and EMF emissions - The output for towers shall not exceed federally approved levels for exposure to electronic magnetic force (EMF). Evidence shall be presented by the applicant that the power density levels do not exceed federally approved for stricter requirements. The petitioner shall also certify that the tower operations will not interfere with normal radio and television reception in the vicinity.

Towers shall be provided with warning lights pursuant to Federal Aviation Administration and Federal Communications Commission guidelines.

- (e) Minimum Distance Between Towers - Towers established pursuant to this ordinance and greater than 75 feet in height shall be located no closer than 1,000 feet from another tower greater than 75 feet in height. The Board of Adjustment shall have the option to waive this provision if it is determined that a less objectionable site can be established at a closer location, or that other sites are not suitable for proper coverage.
- (f) Co-location - Co-location of telecommunications operations on towers is encouraged in order to maximize use of towers and to reduce the number of towers needed to serve the Town and its environs. Co-location on a previously approved tower is permitted without an additional special use permit, provided all conditions of the previously approved permit are complied with. Co-location on a building or substantial structure such as a water tower or electrical transmission tower is permitted without a special use permit. However, all applicable provisions of the zoning ordinance shall be met, and the authorized Town official should review plans.

Towers less than 150 feet in height shall be adequately designed and of sufficient height to accommodate at least one additional user. Towers greater than 150 feet in height shall be designed to accommodate multiple additional users. The applicant for a special use permit to construct a new tower shall submit plans indicating the intent to allow shared use of the tower, the number of shared users allowed, and how other users are to be accommodated. The applicant shall also present documentation that

no suitable existing facilities within the coverage area are available to the applicant. Evidence may be in the form of maps, letters from adjacent tower owners, or calculations. Facilities include other towers, elevated tanks, or other structures. In addition, a professional engineer shall present documentation that the tower has sufficient structural integrity to accommodate more than one user.

A telecommunications tower for which a special use permit has been granted shall be dismantled and removed from its location when it is no longer in use.

#### **5.34 Water and Wastewater Treatment Plants**

Where Required: R-20, R-12

Granted By: Town Council

Development Standards: The applicant shall submit a site plan showing:

- a. Topography, slopes, banks, and ditches, and delineation of current vegetation and ground cover.
- b. Plans for proposed utility layouts
- c. Location and general exterior dimensions of main and accessory buildings.
- d. Architectural plans for proposed buildings.
- e. Location, dimensions, and arrangements of areas to be devoted to planting, trees, and buffers.
- f. General drainage systems.
- g. Location and arrangement of parking spaces.
- h. Location and dimensions of vehicular entrances, exits, and drives.
- i. An analysis of anticipated traffic volume.
- j. Sediment control plan



## ARTICLE VII- VESTED RIGHTS

### Section 1 - Vested Rights Conferred

- 1.1 Obtaining a Vested Right. A developer may obtain a vested right as provided by G.S. 160D-108 to commence a project at a future date. A vested right is obtained:
- (a) automatically when a special use permit is granted by virtue of Town Council approval;
  - (b) automatically when special use permit is granted by virtue of approval of a special use by the appropriate body,
  - (c) when the Town Council approves a site specific development plan submitted by a developer in conjunction with an application for a zoning permit, and
  - (d) If an application made in accordance with this ordinance is submitted for a development approval required pursuant to this ordinance and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose (i.e. permit choice) which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and by local governments. The duration of vested rights created by development approvals is as set forth in this section.
- 1.2 Term - The right to commence a project authorized by any of the above means vests from the date the applicable permit is authorized and remains vested for two years.
- 1.3 Zoning Permit Required - A zoning permit is required before commencing work on any project in which a vested right exists.
- (a) The Enforcement Officer shall issue the zoning permit for a project in which the vested right has been conferred by a special use permit.
  - (b) In any other case, an applicant shall apply for a zoning permit with vested rights as outlined in Section 2 below.

### Section 2 - Application for a Zoning Permit with Vested Rights

- 2.1 Submission of Site Specific Vesting Plan. The applicant shall submit seven copies of a site specific vesting plan drawn to scale describing with reasonable certainty the type and intensity of use of the specific parcel or parcels of land. A site-specific vesting plan remains vested for a period of two years The plan shall include:
- (a) boundaries of the site;
  - (b) significant topographical and other natural features affecting site development;

- (c) location on the site of the proposed buildings, structures and other improvements;
- (d) dimensions, including height of the proposed buildings and other structures;
- (e) location of all existing and proposed infrastructure on the site including water, sewer, roads and walkways; and
- (f) such other information as the Enforcement Officer may determine to be necessary in order to determine the specifics of the plan

2.2 Public Hearing. Upon receipt of a properly prepared site specific development plan, the Enforcement Officer shall arrange to bring the plan to the Planning Board for its recommendations and then to the Town Council for a public hearing.

In considering an application for a zoning permit with vested rights, the Town Council shall give due regard to whether issuance of the permit would serve the purpose and intent of this ordinance, secure public safety and welfare and do substantial justice. If the Council should find, after public hearing, that the proposed permit should not be granted, the permit should be denied.

2.3 Findings. In granting a zoning permit with vested rights the Town Council shall make the following affirmative findings:

- (a) the use requested is among those permitted in the district in which the property is located and complies with all the requirements of this and other applicable ordinances;
- (b) the requested permit is either essential or desirable for the public convenience or welfare;
- (c) the requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety, or welfare of the community;
- (d) adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

2.4 Additional Conditions - In granting a zoning permit with vested rights, the Town Council may impose such additional restrictions and requirements upon the permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured and substantial justice done. Approval of a site specific development plan with the condition that a variance or modification be obtained shall not confer a vested right unless and until the necessary variance or modification is obtained. If all requirements and conditions are accepted by the

applicant, the Council shall authorize the issuance of the permit; otherwise the permit shall be denied. Any permit so authorized shall remain vested for two years from the date of the action granting the Permit. Zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection as provided in this section.

- 2.5 Multi-Phase Development: A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

### Section 3 - Violations

Any violation of a term of condition involved the granting of a zoning permit with vested rights shall be treated the same as a violation of this ordinance and shall be subject to the same remedies and penalties as any such violation. In addition, the Town Council may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

### Section 4 - Other Ordinances Apply

The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation, including, but not limited to, building, fire, mechanical, electrical and plumbing codes.

### Section 5 - Changes or Amendments

No change or amendment to any zoning permit with vested rights shall be made except after public hearing and except as provided for in this ordinance for the original issuance of such permit. If, at the time of consideration of a proposed change or amendment to an existing permit, the permit or proposed change or amendment could not be lawfully made under ordinance conditions existing at that time, the proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the two-year time period for which the development right is vested. Nothing herein shall exempt plans related to the permit from subsequent reviews and approvals to ensure compliance with the terms

and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approvals.

#### Section 6 - Status at Expiration of Term

A right which has been vested shall terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D-108(d) and G.S. 160D-1115 shall apply except that a building permit shall not expire or be revoked because of the running of time while a vested right under this Article is outstanding. Any development constructed pursuant to a zoning permit with vested rights for which the vested term has expired and which is not in conformance with all the terms of the ordinance because of changes made in the provisions of this ordinance, including the zoning map, after the issuance of the permit shall be subject to the provisions of this ordinance relating to non-conformities the same as any other nonconformity.

A building permit issued pursuant to this shall expire by limitation six months, after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any building permit that has expired shall thereafter be performed until a new permit has been secured.



## ARTICLE VIII – PARKING AND LOADING

### Section 1 - Off-street Parking Required

Off-Street automobile parking shall be provided on every lot as specified below except in the C-1 Central Commercial District. When a building is erected or a principal building is enlarged or increased in capacity by adding dwelling units, seats, or floor area, or before conversion from one type of use to another, permanent off-street parking space shall be provided in a parking garage or on a graded open space.

### Section 2. Parking Design Criteria

- 2.1 Each parking space shall have a minimum of 8 feet by 18 feet for each automobile, exclusive of adequate egress and ingress drives, landscaping, and maneuvering space.
- 2.2 Parking spaces shall be permanent and shall not be used for any other purposes.
- 2.3 The required parking space for any number of separate uses may be combined in one lot. The required space assigned to only one use may not be assigned to another use except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which, will be closed at night and on Sundays.
- 2.4 If the off-street parking space required by this ordinance cannot reasonably be provided on the same lot where the principal use is located, such space may be provided on any land within 500 feet of the main entrance to such principal use provided the land is in the same ownership as the principal use. This land cannot be used for any other- purpose as long as the on-site parking requirements are not met.
- 2.5 The following provisions must be met where parking lots for more than five automobiles are permitted in residential districts:
  - a. The lot may be used only for parking in relation to the principal use of the lot and not for any type of loading, sales, repair work, dismantling, or servicing.
  - b. All entrances, exits, barricades at sidewalks, and drainage works shall be approved by the Zoning Enforcement Officer before construction.
  - c. Only one entrance and one exit sign no larger than four square feet in area prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

### Section 3 - Enforcement

- 3.1 Each application for a zoning permit or Certificate of Occupancy shall include information regarding location and dimensions of off-street parking space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to

enable the Zoning Enforcement Officer to determine whether or not the requirements of this ordinance are met.

3.2 The Certificate of Occupancy of use of any structure or land where off-street parking is required shall be withheld by the Zoning Enforcement Officer until the provisions of this division are fully met. If at any time such compliance ceases, any Certificate of Occupancy which has been issued for the use of the property shall immediately become void.

#### Section 4 - Schedule of Parking Spaces

Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following types of uses on the basis indicated:

<b>USE</b>	<b>PARKING SPACES</b>
Automobile sales and repair garages:	1 space for each 2 employees at maximum employment on a single shift, plus 2 spaces for each 300 square feet of repair or maintenance space.
Bowling alleys:	2 spaces for each lane, plus 1 additional space for each 2 employees
Churches and funeral homes:	1 space for each 4 seats in the main chapel.
Day-Care Centers:	1 space for each 600 square feet of gross area.
Medical and Dental Clinics and offices:	4 spaces for each doctor practicing at the clinic, plus 1 space for each employee.
Motels, Tourist Homes, and Hotels:	1 space for each room or unit to be rented, plus 1 space for each 2 employees on the shift of the largest employment.
Multifamily Elderly:	At least 1 space and no more than 2 spaces per residence, the exact number of parking spaces to be set at the time the Special Use Permit is issued for the Multifamily Elderly dwelling units.
Offices, business, professional or public, including banks:	1 space for each 200 feet of gross floor area.
Places of public assembly including private	1 space for each 4 fixed seats provided for

clubs, lodges and community centers:	patron use, plus 1 space for each 100 square feet of floor or ground area used for amusement or assembly but not including fixed seats.
Public Libraries:_	1 space for each 4 seats provided for patron use.
Residences, including single-family detached and multi-family units as well as manufactured homes on individual lots or in parks:_	2 spaces for each dwelling unit.
Restaurants, drive-in:	Parking space equivalent to 5 times the gross floor area.
Retail business and consumer service facilities	1 space for each 200 of gross floor area in the main building
School, Elementary (both public and private):	1 space for each employee, plus adequate parking for buses.
School, High School (both public and private):	1 space for each teacher or administrative staff member, 1 space for each 4 pupils, and adequate bus parking spaces.
Service Stations:	5 parking for each grease rack or work rack.
Shopping Centers:	1 space for each 200 square feet of gross floor area.
Wholesaling and industrial uses:	1 space for each 2 employees at maximum employment of a single shift.

Section. 5 - Area Required for Loading

When a main building or expansion of a main building or part of a building used for commercial or industrial use is expanded, off-street loading and unloading space shall be required as specified in this article.

Off-street loading and unloading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the premises. These spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on the public right of way.



Section 6 - Schedule of Loading Spaces

- 2.1 For purposes of this section, an off-street loading berth shall have minimum dimensions of 12 feet by 30 feet and 14 feet overhead clearance with adequate means of ingress and egress.
- 2.2 For any structure containing less than 20,000 square feet of gross floor area, no berths shall be required. Larger structures, however, shall provide berths as specified below:

<u>Sq. Ft. of Floor Area of Commercial and Industrial Uses</u>	<u>Required Number of Berths</u>
0-19,999	0
20,000 -39,999	1
40,000 -59,999	2
60,000 - 109,999	3
110,000 - 159,999	4
160,000 +	Add 1 berth for each additional 80,000 sq. ft.

Section 7 – Enforcement

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

## ARTICLE IX - SIGNS

### Section 1 - Purpose

It is the purpose of this section to permit signs of a commercial, industrial, and residential nature in appropriate sites throughout the Town of Mayodan. Although signs are a necessary part of the community, the size and placement of signs should be controlled in order to: (1) protect property value. (2) protect the physical appearance of the community, and (3) reduce signs or advertising distractions or obstructions that may contribute to traffic hazards.

### Section 2 - Permit Required

With the exceptions of those signs specifically authorized in Section 11, no sign shall be erected without a permit from the Enforcement Officer.

### Section 3 - Permit Application

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

- a. Indicate the proposed site by identifying the property by ownership, location, and use.
- b. Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and existing signs.
- c. Show size, character, complete structural specifications, and methods of anchoring and support.
- d. If warranted, the Enforcement Officer may require additional information that will enable him to determine whether or not the sign will be erected in conformance with this ordinance.

### Section 4 - Structural Requirements

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

### Section 5 - Sign Area Computation

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

### Section 6 – Maintenance

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

Officer may order the removal of any sign that is not maintained in accordance with the provisions of this article. Such removal shall be at the expense of the owner or lessee and shall occur within 10 days after written notification has been issued. If the order is not complied with within 30 days, the Enforcement Officer shall remove the sign at the expense of the owner or lessee. Any temporary sign shall be removed within 30 days from the date the purpose ceases to exist.

#### Section 7 – Location

- 7.1 No sign shall be erected or constructed so as to interfere with visual clearance along any street or at any intersection of two or more streets or highways. No sign shall be located in a street right-of-way.
- 7.2 No sign attached to a building shall project beyond the street curb or hang lower than eight feet from the sidewalk or ground level or project more than three feet above any structure. Any freestanding sign shall comply with the height restrictions of the zoning district where it is located.

#### Section 8 - Traffic Safety

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

#### Section 9 – Illumination

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

#### Section 10 - Nonconforming Signs

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

- 10.1 Any nonconforming sign on a lot where the principle structure is vacant for a period of 180 days shall be altered to conform to the regulations of this section.
- 10.2 Any alteration of a nonconforming sign shall make that sign conform to the regulations of this section.

10.3 Any nonconforming sign damaged over 60 percent by any means shall either be removed or repaired in a manner to conform with the regulation of this section. This does not include signs that have deteriorated over an extended period of time. Although the cost of repairing these signs may exceed 60 percent of their original value, they may be repaired without conforming to the requirements.

10.4 Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may such signs be replaced with another nonconforming sign.

### Section 11 - Signs Permitted in All Districts Without a Permit

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

11.1 Occupant and House Number - Signs not exceeding one square foot in area and bearing only property numbers, box numbers, names of occupants, or other identification not having commercial connotations.

11.2 Public Directional and Information - Signs erected and maintained by public agencies which direct the public to specific sites or provide general information about a structure. Included in this category are historic markers, street and traffic control signs, and entrance and exit signs. Entrance and exit signs shall not exceed two square feet in total area.

11.3 Private Directional - Free-standing entrance and exit signs may be allowed on any lot, regardless of lot frontage and number of existing business signs or billboards, provided they do not exceed two square feet in area.

11.4 Professional and Home Occupation - One professional or home occupation sign per dwelling not to exceed three square feet in area, which must be mounted flat against a wall or door or hung from a mailbox or lamp post. No such sign may be illuminated in a residential district.

11.5 Church or Nonprofit Organization Bulletin Board - These signs shall not exceed 18 square feet in area. Such signs may be indirectly illuminated.

11.6 Temporary Lease, Rent, or Sale - One temporary real estate sign not exceeding four feet in area may be placed on property that is for sale, lease, rent, or barter. When the property fronts on more than one street, one sign shall be allowed on each street frontage.

11.7 Construction - During the construction, repair, or alteration of a structure, temporary signs which denote builder, or other participants in the project, or its occupant to be, may be placed within the required yard setbacks as ground, wall, or roof signs. The total area of such signs shall not exceed fifty square feet.

### Section 12 - Signs Requiring a Zoning Permit

12.1 Identification Signs

- a. Zoning Districts Where Permitted - R-20, R-12, and R-6.
- b. Maximum Size - Any one sign shall not exceed 12 square feet in area. If matching entrance pillars are constructed at the entrance of a subdivision, neighborhood, school, or similar use, each shall not exceed nine square feet in area.
- c. Lighting - Such signs may be indirectly illuminated.

12.2 Business Signs (including attached and free-standing)

- a. Zoning Districts Where Permitted - C-1, C-2, C-3, and M-1
- b. Maximum Size - The total area of all signs shall not exceed three square feet per linear foot of lot frontage in the C-1 Central Commercial district and the C-2, and M-1 Districts; and one square foot in the C-3 District. If more than one use shares a lot (shopping center), the maximum sign area per business shall be proportionally allocated. If for example, four units occupy a lot with equal frontage, each use shall have one-fourth the total sign allocation. Only one freestanding sign will be permitted per lot in the C-1 Central Commercial District, providing that it not exceed more than 6 feet in height and shall not exceed more than 32 square feet in area.
- c. Lighting - Such signs may be illuminated with either direct or indirect lighting, except in the C-1 Central Commercial District. Refer to section 12.5 for regulations governing electronic changeable copy message signs.

12.3 Billboards

- a. Zoning Districts Where Permitted - R-20, C-2, and M-1.
- b. Maximum Size - 400 square feet per sign in C-2 and M-1. 200 square feet per sign in R-20.
- c. Lighting - Such signs may be indirectly illuminated in C-2 and M-1 Districts, but not lighted in R-20 District.
- d. Spacing - Only one billboard shall be allowed per 100 feet or less of lot frontage in single ownership. For each additional 100 feet of lot frontage, another sign may be added.

12.4 Portable Signs

- a. Zoning Districts Where Permitted - C-2, C-3, and M-1.
- b. Maximum Size - 20 square feet
- c. Lighting - No flashing lights. No indirect lighting permitted.

- d. Time Limit on Use - 30-day maximum time period at any one time; and can be used only twice per year.

## 12.5 Electronic Changeable Copy Message Signs

Signs in which all or any portion flashes, uses lights of intermittent illumination, uses lights of changing degrees of intensity, moves, rotates vertically or horizontally, scrolls, or is animated through electrical or mechanical means, or appears to move by electrical or mechanical means, shall be prohibited except:

1. Signs designed to indicate only date, time and/or temperature shall be allowed, provided that such sign shall continuously show one message a minimum of four (4) seconds before switching to another message.
2. Signs with changeable copy shall be allowed so long as the sign copy or illustration does not change more often than one time every four (4) seconds or, if the changeable copy is the result of a scroll or crawl, the change of words, numbers, or pictures is timed so that the entire message, including illustrations or pictures, takes at least eight (8) seconds to complete.
3. An electronic changeable copy message sign located in a window or door is allowed by this ordinance so long as such sign is less than three (3) square feet of surface area.
4. Additional provisions regarding Electronic Changeable Copy Message Signs allowed under §§ 12.5.1 and 12.5.2:
  - a. Such signs shall not be a wall sign or a mounted pole sign and must be on the same lot as the business or entity being advertised.
  - b. Zoning Districts Where Permitted – C-2, M-1
    1. **Maximum Size:** The square footage of the electronic message area and the primary sign area together shall not exceed the total allowable sign area for that zoning district. The square footage of the electronic message area cannot exceed 75% of the total sign area.
    2. **Maximum Height of Sign:** Determined by zoning district
    3. **Sign Structure:** The sign structure shall be faced with substantially the same materials as the principal building on the lot. The electronic board portion of the sign shall not be able to rotate or move independently of the sign.
    4. **Maximum Height of Electronic Letters:** thirty-six (36) inches

5. The electronic message cannot cause a glare or distraction to the motoring public.

c. Zoning Districts Where Permitted – R-6, R-12, R-20

1. Locations Allowed: Only allowed at Religious Institutions, Governmental, or Nonprofit Organizations.

2. Maximum Size: Square footage of the electronic message area and the primary sign area together shall not exceed 20 square feet. The square footage of the electronic message area cannot exceed 75% of the total sign area.

3. Maximum Height of Sign: six feet

4. Maximum Height of Electronic Letters: eighteen (18) inches

5. Time of Operation: Electronic signs shall be turned off between the hours of 10:00pm and 6:00am.

6. Sign Structure: The sign structure shall be faced with substantially the same materials as the principal building on the lot. The electronic board portion of the sign shall not be able to rotate or move independently of the sign.

7. The electronic message cannot cause a glare or distraction to the motoring public.

## **ARTICLE X - NONCONFORMING SITUATIONS**

### Section 1 - Nonconforming Uses

Nonconforming uses may be continued subject to the following provisions:

- a. A nonconforming use of any building or land shall not be enlarged or extended. However, a nonconforming use of a building may be extended to a portion of the building if the building was clearly arranged or designed for such use at the time the use became nonconforming,
- b. A nonconforming use shall not be changed to any but a conforming use. When a nonconforming use has been changed to a conforming use, the premises shall not thereafter be used for any nonconforming use.
- c. No structural alterations shall be made in a building housing a nonconforming use except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building.
- d. A nonconforming use of any building or structure which is damaged to an extent exceeding 75 percent of its then replacement value exclusive of foundations, by fire, flood, explosion, earthquake, riot, or act of God shall be discontinued; and such buildings or structures shall thereafter be used only in conformance with the provisions of the district in which it is located.
- e. If a nonconforming use is discontinued for a continuous period of more than 180 days, any future use of the land or building shall be in conformity with the provisions of this ordinance.
- f. Single-family detached structures may be enlarged or replaced - Any single-family residential detached structure used for residential purposes that is the sole principal use of land and is maintained as a nonconforming use may be enlarged or replaced with a similar structure or one of a larger size. The nonconforming structure may be repaired or replaced regardless of the extent of the damage that the original structure may or may not have received. Provided however, that the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as minimum yard and parking requirements.

### Section 2 - Nonconforming Buildings and Structures

Nonconforming buildings and structures shall be allowed to remain subject to the following provisions:

- a. A nonconforming building or structure shall not be enlarged or extended unless such extension shall comply with all the requirements of this ordinance for the district in which it is located.



- b. A nonconforming building or structure which is damaged to an extent exceeding 75 percent of its then replacement value exclusive of foundations, by fire, flood, explosion, earthquake, riot, or act of God shall not be reconstructed except in conformity with the provisions of this ordinance.

### Section 3 – Nonconforming Lots of Record

- a. Construction on Nonconforming Lot – In any district a permitted use may be constructed by right on any lot made nonconforming by this Ordinance as long as approval is granted by the Enforcement Officer and the structure and accessory buildings do not encroach onto required front, rear and side yard setbacks. If a proposed building on a nonconforming lot is approved by the Enforcement Officer but would encroach into required setbacks, a variance shall be sought from the Board of Adjustment.
- b. Contiguous Nonconforming Lots – Wherever two or more nonconforming lots in single ownership with continuous frontage exist, permitted structures may be erected on each lot if all setback requirements can be met. If all setbacks cannot be met, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of the parcel shall be used or sold which does not meet the dimensional requirements of this Ordinance.

## **ARTICLE XI - GOVERNING BODY, REZONINGS, AMENDMENTS & CONFLICT OF INTEREST**

### Section 1 - Duties

The Town Council shall have the following duties in relation to the Zoning Ordinance:

- a. Adopt and repeal the Zoning Ordinance;
- b. Amend the Ordinance and Zoning Map
- c. Authorize special uses as specified in Article VI.

### Section 2 – Ordinance and Map Amendments

a. Amendment Initiation: Any property owner or his/her agent, or citizen or his/her agent may initiate the process to amend this Ordinance including the Zoning Maps by submitting an application and a site-plan at least thirty (30) days prior to the regularly scheduled meeting. In addition, a statement of reasonableness of the proposed request shall be prepared for each application for a rezoning. Pursuant to NCGS 160D-601, no amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

b. Town Council Action: The Town Council shall not take action on a proposal to amend the Zoning Ordinance or Map until a recommendation has been received from the Planning Board.

### Section 3 – Public Hearing

Before adopting or amending the Zoning Ordinance or rezoning a parcel, the Town Council shall hold a public hearing. At that time parties in interest and citizens shall have an opportunity to be heard.

### Section 4 – Notification

4.1 Mailed Notice. – This ordinance provides for the manner in which zoning regulations and the boundaries of zoning districts shall be determined, established, and enforced, and from time

to time amended, supplemented, or changed. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

4.2 Published Notice. Before adopting, amending, or repealing any ordinance or development regulation, the Town of Mayodan shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

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

4.4 Actual Notice. - Except for a government-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the landowner or authorized agent, the applicant shall certify to the local government that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of the hearing. Actual notice shall be provided in any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). The person or persons required to provide notice shall certify to the local government that actual notice has been provided, and such certificate shall be deemed conclusive in the absence of fraud.

4.5 Optional Communication Requirements. - When a zoning map amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents. (2019-111, s. 2.4.)

4.6 Optional Notice for Large-Scale Zoning Map Amendments. - The first-class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.

#### Section 5 – Limitation of Rezoning Request for Same Parcel

Only one request for the rezoning of a parcel of land may be permitted within any six-month period.

#### Section 6 - Appeals

The Town Council shall not hear any appeals from the Zoning Enforcement Officer or the Board of Adjustment. When the Town Council, as authorized by Article VI and specified in the various zoning districts in Article IV Table of Permitted Uses, shall review and decide special uses, any appeal from their decision shall be taken to the Superior Court within 30 days.

#### Section 7 – Reasonableness Statement for Rezonings.

When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning. The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

#### Section 8 – Third Party Down Zonings Prohibited

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government.

## Section 9 - Conflicts of Interest

(a) **Governing Board.** - A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) **Appointed Boards.** - Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) **Administrative Staff.** - No staff member shall make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

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

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

(e) **Resolution of Objection.** - If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) **Familial Relationship.** - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4.)

## Section 10 – Rules of Procedure

Rules of procedure that are consistent with the provisions of this ordinance may be adopted by the governing board for any or all boards. In the absence of action by the governing board, each board is authorized to adopt its own rules of procedure that are consistent with the provisions of this ordinance. A copy of any adopted rules of procedure shall be maintained by the clerk or such other official as designated by ordinance and posted on the local government Web site. Each board shall keep minutes of its proceedings.

#### Section 11 – Oath of Office

All members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

## **ARTICLE XII - PLANNING BOARD**

### Section 1 - Duties

The duties of the Planning Board in relation to this Ordinance shall be as follows:

- Certify the original Ordinance to the Town Council
- Review, comment on and recommend all zoning amendments
- Review and recommend all special uses approved by the Town Council as specified in Article VI of this Ordinance
- Shall advise and comment on whether any proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.

### Section 2 - Organization and Administrative Procedure

The Planning Board shall operate under the rules established in its by-laws. Conflict of interest disclosures and effects on voting will follow the provisions of Article XI Section 9 Conflicts of Interest.

### Section 3 – Development Approvals

- a. Development approvals shall be in writing and may contain a provision requiring the development to comply with all applicable State and local laws. The Town may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.
- b. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals attach to and run with the land.

### Section 4 – Determinations and Notice of Determination

- a. Written notice of Determinations shall be given to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

All persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property

Section 5 - Planning Board Functions as Board of Adjustment

The Planning Board shall function as the Board of Adjustment. When it is performing this role The Board shall comply with the procedures and rules specified for the Board of Adjustment in Article XIII.



## **ARTICLE XIII - BOARD OF ADJUSTMENT**

### Section 1 - Establishment of the Board of Adjustment

A Board of Adjustment shall be established consisting of 10 members. Five members shall be residents of Mayodan and be appointed by the Town Council; the remaining five members shall come from the one mile extraterritorial planning area and be selected by the County Board of Commissioners. Extraterritorial members shall have equal rights, privileges, and duties as the other members of the Board in all matters.

Proportional representation shall be based on population for residents of the extraterritorial area to be regulated. The population estimates for this calculation shall be updated no less frequently than after each decennial census.

In lieu of a separately appointed Board of Adjustment, the Planning Board may function as the Board of Adjustment if so designated by the Town Council.

Initial terms of office shall be follows: Four members appointed for a term of three years; three members for a term of two years; and three members for a term of one year. Upon completion of the initial term of office for each member all additional appointments shall be for three years.

### Section 2 - Organization

The Board of Adjustment shall elect a Chairman and a Vice Chair who shall serve for one year or until reelected or until their successors are elected. The Board shall appoint a Secretary.

### Section 3 – Meetings

A quorum shall be present to conduct an official meeting. A quorum shall consist of-at least five members or alternates. The Board shall keep minutes of its proceedings showing the vote of each member on each question or a notation indicating absence or failure to vote. The final disposition of appeals shall be made by recorded resolution indicating the reasons of the Board. All the information presented shall be a matter of public record.

### Section 4 - Four-fifths Rule

The concurring vote of four-fifths to affect any variance authorized by this ordinance. All other matters require a simple majority.

### Section 5 – Appeals

Any person aggrieved by any decision, order, requirement, or determination by the Zoning Enforcement Officer in the administration of this ordinance may appeal to the Board of Adjustment. An appeal shall specify the reasons for the appeal and be submitted within 30 days of the Enforcement Officer's decision. The Zoning Enforcement Officer shall transmit to the Board all papers and records of the case and shall appear as a witness in the appeal.

## Section 6 - Stay of Proceedings

An appeal stays all proceedings unless the Zoning Enforcement Officer certifies that a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the Board of Adjustment or by a court. The Board of Adjustment shall fix a reasonable time to hear and decide the appeal. At the hearing, any party may appear in person, by agent, or by attorney.

## Section 7 - Powers and Duties of the Board of Adjustment

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

- 7.1 Administrative Review - to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Enforcement Officer.
- 7.2 Variances - When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:
  - (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
  - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
  - (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

### 7.3 Reserved

### 7.4 Quasi Judicial Decisions

- a. The Board shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.
- b. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
- c. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.
- d. All decisions of the board of adjustment in granting or denying a certificate of appropriateness may be appealed to the board of adjustment in the nature of certiorari within times prescribed for appeals of administrative decisions in G.S. 160D-405(d). To the extent applicable, the provisions of G.S. 160D-1402 apply to appeals in the nature of certiorari to the board of adjustment.
- e. Appeals of decisions on certificates of appropriateness may be made to the superior court as provided in G.S. 160D-1402.
- f. A petition for review of a quasi-judicial decision shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with G.S. 160D-406(j).

#### Section 8 - Appeals from Decision of the Board of Adjustment

Any person aggrieved by any decision of the Board of Adjustment may, within 30 days after the filing of the decision of the Board, present to the Superior Court a petition for a writ of certiorari specifying the reasons to appeal the decision.

## ARTICLE XIV - DEFINITIONS OF SPECIFIC TERMS AND WORDS

Administrative Decision – Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this article. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative Hearing – A proceeding to gather facts needed to make an administrative decision.

Adult Establishment – The definition of “adult establishment” for purposes of this Ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. Adult establishments include adult bookstores, adult motion picture and mini motion picture theaters, adult video sales and rentals, adult live entertainment businesses and massage businesses as those terms are defined by G.S. 14-202.10, and adult motels and adult cabarets. “Adult motel” is defined as a hotel, motel or similar commercial establishment that: (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe “specified sexual activities” or specified anatomical areas” as one of its principal business purposes; or (b) offers a sleeping room for rent for a period of time that is less than ten hours; or (c) allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours. “Adult cabaret” is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes: (a) persons who appear nude or semi-nude, or (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or (c) films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe “specified anatomical areas.”

Apartment - A building or portion thereof used or designed as a residence for two or more families living independently of each other including apartment hotels, apartment houses, and group housing projects.

Billboard - Outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity, service, or other activity conducted, sold, or offered elsewhere than on the premises on which said structure or display is located.

Bona Fide Farm - Any place for which \$2,500 or more of agricultural products were grown or sold, or normally would have been sold, during any year, or which is identified in the Rockingham County tax records as a farm.

Boarding House - A dwelling or part thereof where the owner or operator shares a common facility with boarders. If separate facilities (bathrooms, kitchens, etc.) are provided in a single structure, it shall be considered a duplex (two apartments) or multifamily (three or more apartments) unit and be regulated accordingly.

Buffer Strip - A buffer strip shall consist of a strip at least ten feet in width consisting of a compact evergreen hedge or other type of evergreen foliage screening or shall be a screening fence or wall so constructed as to provide at least equivalent screening from adjoining properties. No building, part of a building, driveway, or parking area shall occupy any part of the buffer strip.

Building - Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials. The connection of two or more buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall be deemed to make them one building. This term does not apply to camping trailers, motorized homes, pickup coaches, travel trailers, or to self-contained travel trailers.

Building, Accessory - A use or structure customarily incidental and subordinate to the main or principal building and located on the same lot therewith.

Building Height - The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, gambrel, and pitch roofs.

Building, Principal - A building in which is conducted the principal use of the lot on which said building is situated.

Building Setback Line - A line establishing the minimum allowable distance between the main or front wall of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right of way line (or the assumed right of way line) when measured perpendicularly thereto.

Cemetery (Graveyard, Burial Ground) - Place or area set apart for the interment of the bodies of the dead.

Certificate of Zoning Compliance - A statement, signed by the Ordinance Administrator, stating that the plans for a building, structure, or use of land complies with the Zoning Ordinance, County Health Department, and the North Carolina Department of Human Resources, Division of Health Services.

Columbarium A place for keeping the ashes of a cremated body.

Comprehensive Plan – The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.

Conditional Zoning – A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Condominium – Portions of real estate which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Day-care Facility - Any day-care center or child care arrangement subject to licensing by the State of North Carolina that provides day care for children unrelated to the operator and for which a payment, fee, or grant is received, excluding foster homes, public or private schools which provide a course of grade school instruction to children of public school age, summer day or residence camps, or Bible schools.

Decision-making board – A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-jurisdictional decisions.

Determination – A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer – A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development – Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Development Approval – An administrative or quasi-judicial approval made pursuant to this ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development regulation – A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this ordinance, or a local act or charter that regulates land use or development.

Dwelling Unit - A building or portion thereof providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, structure designed for transient residence.-

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

Dwelling, Two-family (Duplex) - A building arranged or designed to be occupied by two families living independently of each other.

Dwelling, Multifamily - A building or portion thereof used or designed as residence for three or more families living independently of each other with separate housekeeping and cooking facilities for each, including apartments and condominiums.

Dwelling, Multifamily Elderly - A type of multifamily dwelling that is designed for and occupied by persons over the age of 62 years and/or handicapped persons.

Event Center/Banquet Hall - An establishment which can be rented by individuals or groups to accommodate functions including, but not limited to, banquets, meetings, conferences, luncheons, weddings, parties, or similar functions. Such a use may or may not include kitchen facilities for the preparation or catering of food.

Greenhouse, Commercial - A building usually made largely of glass or plastic in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. Plants are raised to be sold to the general public or to wholesalers.

Greenhouse, Private - A temperature controlled building used for the raising of plants for the personal enjoyment of the property owner or his tenant.

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

Family - One or more individuals occupying a premise and living as a single, nonprofit housekeeping unit.

Family Care Home - A home meeting the North Carolina Residential Building Code, with support and supervisory personnel, that provides room and board, personal care and habilitation services in a family environment for six or fewer resident handicapped persons, pursuant to NCGS 168-21.

Farmers' Markets - a publicly or privately operated establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, meat(including seafood, poultry, cattle, fowl, swine, or any other animal), trees(including Christmas tree sales), nuts or handcrafted items are sold. Non-food products may be sold but the area dedicated to such products shall not occupy more than twenty-five (25) percent of the total sales area.

Garages, Auto - Establishments primarily engaged in furnishing auto repair, rental, leasing, and parking services to the general public.

Gross Floor Area - The total floor area of all buildings in a project including easements, mezzanines, and upper floor, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

Group Development - A group of two or more principal structures built on a plot of land not subdivided into the customary streets and lots which will be occupied by separate families, businesses, or other enterprises. Examples would be row houses, apartment courts, housing projects, school and hospital campuses, shopping centers, and industrial parks.

Group Care Facility- A facility licensed by the State of North Carolina, (by whatever name it is called, other than “Family Care Home” as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than 30 people.

Hazardous Waste – Any solid waste as defined in NCGS 130A-290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976 (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristics may: 1) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Home Occupation - Any use which is conducted entirely within a dwelling and carried on by the occupants of the dwelling, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or the neighborhood. See Article IV, Section 2 Notes to the Table of Permitted Uses for guidelines within which home occupations must operate.

Hotel (motel) - A building or other structure kept, used, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests and having or not having one or more dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.

Junk Yard - An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying, or selling scrap or used materials such as paper products or articles, machinery, vehicles, appliances and the like, or more.

Kennel, Commercial - A facility where animals, particularly dogs and cats, are bred or boarded and/or grooming services offered. These services are open to the general public and a fee may be charged.

Landowner or owner - The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The



landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Legislative decision - The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement

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

Local Government – A city or county.

Lot - A parcel of land in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings including the open space required under this ordinance. For the purpose of this ordinance, the word "lot" shall mean any number of contiguous lots or portions thereof upon which one principal building and its accessory buildings are located or are intended to be located.

Lot, Corner A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

Lot, Depth - The depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

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

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

Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Rockingham County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Lot Width - The distance between side lot lines measured at the building setback line.

Manufactured Home – (See G.S.143-145 (7)): A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in it; and is constructed in accordance with the National

Manufactured Housing Construction and Safety Standards Act of 1974, and is not constructed in accordance with the standards of the North Carolina State Building Code.

Class AA: A multi-sectional manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) Is occupied only as a single family dwelling;
- (b) Has a minimum width of 16 feet;
- (c) Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
- (d) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- (e) Is set up in accordance with standards established by the N. C. Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N. C. Uniform Residential Building Code for One- and Two- Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter, with no visible exposed concrete block ;
- (f) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
- (g) Has a roof pitch minimum vertical rise of three feet for each 12 feet of horizontal run;
- (h) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
- (i) Has an eave projection of no less than six inches, which may include a gutter; and
- (j) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. The use of wood stairs alone is prohibited at any entrance.

Class A: A single section manufactured home constructed after July 1, 1976 that meets or exceeds the constructions standards of the U.S. Department of Housing and urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) Is occupied only as a single family dwelling;
- (b) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- (c) Is set up in accordance with standards established by the N. C. Department of Insurance. The foundation may be either:

- (1) a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N. C. Uniform Residential Building Code for One- and Two- Family Dwellings, unpierced except for required ventilation with access installed under the perimeter, and no visible exposed concrete block; or
  - (2) a replica hand-laid brick or hand-cut stone that provides the authenticity of real brick or stone, with panels made from an injection molded thermoplastic resin formulated with special additives to enhance long-term performance; a weight of approximately 4.5 pounds each for brick or stone panels and 20 pounds per square; panels contain UV inhibitors to protect against damaging sun effects and are highly resistant to harsh weather conditions; the thickness of panels is approximately ¼ inch in brick area to 1/8 inch in mortar area; and will not support combustion:
- (d) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
  - (e) Has a roof pitch minimum vertical rise of three feet for each 12 feet of horizontal run;
  - (f) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
  - (g) Has an eave projection of no less than six inches, which may include a gutter; and
  - (h) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. The use of wood stairs alone is prohibited at any entrance.

Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a *Class AA* or a Class A manufactured home.

Class C: Any portable manufactured housing unit built before July 1, 1976 that does not meet the definitional criteria of a *Class AA*, Class A or Class B manufactured home.

Manufactured Home Space - Any parcel of ground within a manufactured home park designated for the exclusive use of one manufactured home.

Modular Home - Any building or closed construction which is made or assembled in manufacturing facilities on or off the building site for installation or assembly and installation on the building site other than manufactured homes or recreational vehicles. Modular buildings shall comply with all North Carolina building codes applicable to residential construction.

Manufactured Home Park - A plot of ground together with all contiguous or adjoining parcels of land that are owned or controlled by the same person, persons, family, partnership, corporation, company or similar organization which has been planned or improved for the placement and rental of either two or more manufactured homes or two or more land sites for placement of manufactured homes for dwelling or sleeping purposes.

Nonconforming Use or Structure - Any use of a building or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated.

Obstruction - Any structure, fence, tree, plant, motor vehicle, or any other object that impairs, or prevents sight through, over, or across the horizontal or vertical distance as herein defined.

Open Space - Unroofed storage area, whether fenced or not.

Operating Permit - A permit issued by the Zoning Administrator to a manufactured home park owner or operator upon the completion of a manufactured home park which conforms to the requirement of this ordinance.

Parking Space - A storage of not less than 8 feet by 18 feet for one automobile, plus the necessary access space. It shall be always located outside the dedicated street right of way.

Person - An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Planning and development regulation jurisdiction - The geographic within which a city or county may undertake planning and apply development regulations.

Planning Board - The Planning Board of the Town of Mayodan, NC

Property - All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

Public Parks or Playgrounds - a recreational facility or park either owned or maintained by the Town of Mayodan or other governmental entity or department.

Public Sewage Disposal System - A system serving two or more dwelling units and approved by the County Division of the District Health Department and the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management.

Public Water System - Public water system means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at 25 individuals daily at least 60 days out of the year. Such term includes:

- a. any collection, treatment, storage, and distribution facility under control of the operator of such system and used primarily in connection with such system; and
- b. any collection or pretreatment storage facility not under such control which is used primarily in connection with such system.

Public Utility Facility - Any structure, facility, or operation or use by or of any public utility as defined in Chapter 62, Article 1, of the General Statutes of North Carolina GS 62-3 (23) or of any person operating under certificate of convenience and necessity or under public franchise or ownership.

Quasi-judicial decision - A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Retail Business - Establishments selling commodities in small quantities to the consumer.

Retail/Light Manufacturing - A business activity that combines retailing and light manufacturing in the same building. Usually the retailing operation provides an outlet for the goods produced there. The entire operation, excluding parking or loading areas, is enclosed inside the building. At least 25 percent of the finished product is sold on the premises.

Retail Services - Establishments providing tangible needs for immediate use.

Self-contained Travel Trailer - A travel trailer which may operate independently of connections to electricity, water, and sewer for a limited period of time having its own battery or LP gas system or both, to operate lights, refrigerator, stove, and heater, and having a water tank with a pressure system, and having a holding tank with a toilet.

Service Station - A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories, and the minor repair of automobiles, excluding body working, overhauling, and painting.

Setback Lines - The lines on the front, rear, and sides of a lot which delineate the area within which a structure may be built and maintained according to the district regulations.

Shopping Centers - Two or more commercial operations located in a single building and sharing a common wall or in separate building on a single tract of land.

Sign - Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual firm, association, corporation, profession, business, commodity, or product.

Sign Area - The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area. In computing sign area, only one side of a double face sign structure shall be considered.

Sign, Free Standing - Any sign which is attached to or mounted upon the ground by means of one or more upright posts, pillars, or braces placed upon the ground, and which is not attached to any building (excludes billboards, poster panels, and outdoor advertising signs).

Sign, Off Premises, Billboard - One advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.

Sign, On-site - Signs relating in subject matter to the premises on which they are located or to products, accommodations, services, or activities on the premises.

Sign, Permanent - Signs erected, located, or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.

Sign, Portable - A sign that is not permanent, affixed to a building, structure, or the ground.

Sign, Projecting - A sign projecting from the exterior wall of a building or suspended from and supported by the underside of a horizontal surface, such as a canopy.

Sign, Temporary - A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign, Types of:

Advertising Sign - A sign which directs attention to a business, commodity or product, service, profession, activity, or entertainment not conducted, sold, or offered upon the premises where such sign is located.

Business Sign - A sign which directs attention to a business, profession, commodity or product, service, activity, or entertainment conducted, sold, or offered upon the premises where such sign is located.

Directional Sign - A sign indicating the direction to churches, schools, hospitals, parks, scenic or historic sites, or other such public places, including off-street parking and

transportation terminals. Such signs shall contain only the name and address of the public place.

Flashing Sign - A sign, the illumination of which is not kept constant in intensity at all times when in use, which exhibits sudden or marked changes in such light or color effects. Illuminated signs which indicate the time, temperature, weather, or similar information shall not be considered flashing signs.

Freestanding sign - Sign erected on poles or other supports wholly or partially independent of a building for support.

Identification Sign - A permanent sign announcing the name of a church, school, park, or other public or quasi-public structure or facility, located on the premises at major entrances and limited to announcing the name of the structure, facility, or development, the owners or developers, and the date of its establishment.

Illuminated Sign - A sign which has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign.

Indirectly Illuminated Sign - An illuminated, nonflashing sign whose illumination is derived entirely from an external artificial source. It shall be arranged and designed not to shine directly into eyes of oncoming drivers or into neighboring houses that create hazardous or nuisance situations.

Nameplate Sign - An unlighted sign which states only the name and title or address, or both, of the occupant of the lot where the sign is located.

Private, Signs - Signs erected other than by or at the direction of an authorized municipal, state, or federal highway official.

Projecting Sign - A sign which is attached to the building wall and extends more than eighteen (18) inches from the surface of such a wall.

Public Signs - Signs and notices erected by or at the direction of authorized municipal official.

Real Estate Sign - Sign advertising the property on which it is located for sale, rent, or lease.

Roof Sign - Sign erected on or over the roof of a building.

Suspended Sign A sign suspended beneath a canopy or marquee.

Temporary Construction Sign - Signs identifying the name and address of the building or use(s), the developers, and architect.

Wall Sign - Sign erected parallel to the face or outside wall of a building, supported throughout its entire length by the building, and not projecting more than eighteen (18) inches from the building.

Site Plan – A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Special Use - A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

Street - A dedicated and accepted public right of way for vehicular traffic which affords the principal means of access to abutting properties.

Structure - Anything constructed or erected the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

Townhouse Development – A development containing single occupancy units attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open areas owned in common.

Variance - A modification of the existing zoning ordinance by the Board of Adjustment when strict enforcement of this ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Vested Right - The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

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

Yard, Front - An open, unoccupied space extending the full width of the lot and situated between the center line of the street and the front line of the building projected to the sides of the lot.



Yard, Rear - An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Yard, Side - An open, unoccupied space situated between the sideline of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Zoning Map Amendment or Rezoning - An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

Zoning Vested Right – A right pursuant to NCGS 160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

## **ARTICLE XV - ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

### Section 1 - Zoning Enforcement Officer

The Zoning Enforcement Officer shall be appointed by the Town Manager. He is authorized and it shall be his duty to enforce and administer the provisions of this ordinance. If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal the ruling to the Board of Adjustment if desired.

If inspecting a property or building, the Zoning Enforcement Officer or designated staff must enter the premises during reasonable hours and upon presenting credentials; provided appropriate consent has been given for areas not open to the public or an administrative search warrant to inspect has been secured.

### Section 2 - Building and Zoning Permits Required

No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer has issued a zoning permit and the inspection department has issued a building permit.

### Section 3 - Application for a Zoning Permit

Each application to the Zoning Enforcement Officer for a zoning permit shall be accompanied by plat plans in duplicate showing the following:

- 3.1 The actual dimensions of the lot to be built upon.
- 3.2 The size of the building to be erected.
- 3.3 The location of the building on the lot.
- 3.4 The location of existing structures on the lot, if any.
- 3.5 The number of dwelling units the building is designed to accommodate.
- 3.6 The approximate setback lines of buildings on adjoining lots.
- 3.7 The intended use of the property.
- 3.8 Any other information that may be essential for determine whether the provisions of this ordinance are being observed.

Any zoning permit issued shall expire and be cancelled unless the work authorized by it shall have begun within one year of its date of issue. Written notice shall be given to the persons

affected including notice that further work as described in the cancelled permit shall not proceed unless or until another building and zoning permit has been obtained.

#### Section 4 - Certificate of Occupancy Required

A Certificate of Occupancy issued by the Zoning Enforcement Officer is required in advance of the following:

4.1 Occupancy or use of a building subsequently erected, altered, or moved.

4.2 A change of use of any building or land.

In addition, a Certificate of Occupancy shall be required for each nonconforming use created by the passage and subsequent amendments to this ordinance. The owner of the nonconforming use shall obtain a Certificate of Occupancy within 30 days of the date of specified passage or amendments.

A Certificate of Occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a zoning permit and shall be issued within ten (10) days after the erection or structural alteration of the building or part shall have been completed in conformity with the provisions of this ordinance. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the Certificate of Occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

#### Section 5 - Conflicts with Other Regulations

This ordinance is not intended to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. However, when this Ordinance imposes a greater restriction, the provisions of this Ordinance shall govern.

#### Section 6 - Violations of This Ordinance

In any case where a building is constructed or used or land is used in violation of this ordinance, the Town or neighboring property owner who would be affected may institute injunction, mandamus, or other appropriate action or proceedings to prevent the occupancy of the building, structure, or land.

##### 6.1 Notice of Violation

When staff determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this ordinance or other local development regulation or any State law delegated to the local government for enforcement purposes

in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-405.

#### 6.2 Revocation of Development Approvals

Development approvals or permits may be revoked by the Town by notifying the holder in writing stating the reason for the revocation. The revocation shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

### Section 7 – Penalties

- (a) Any violation of any provision or section of this Zoning Ordinance shall subject the violator to a civil penalty in the sum of \$50.00 per day.
  - (1) A citation for said civil penalty shall be issued by the Town Building Inspector or Zoning Enforcement Officer.
  - (2) Each citation for a civil penalty must be paid within 72 hours of issuance.
- (b) Each and every day that the violator continues in violation shall be a separate and distinct offense.
- (c) The Town of Mayodan may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate Court of competent jurisdiction.

### Section 8 - Reenactment and Repeal of Existing Ordinance

When a new ordinance is adopted, all provisions of the original ordinance shall be repealed except those specifically reenacted. All suits at law or in equity and/or all prosecutions resulting from violations of the existing ordinance shall not be abandoned or abated even if the ordinance is repealed or amended and a new ordinance adopted.

### Section 9 - Abandonment of Intent to Repair

If a dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to this ordinance or after a public officer issues an order or proceedings have commenced under the substandard housing regulations regarding a

dwelling to be repaired or vacated and closed as provided, then the governing board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing board may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

#### Section 10 - Severability

If any section-or provision of this ordinance is declared by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole or any part other than the part declared to be unconstitutional or invalid.

#### Section 11 - Schedule of Fees

Fees shall be paid at the time an application is presented to the Zoning Enforcement Officer at rates determined by the Town Council.

## **ARTICLE XVI – SUBDIVISION REGULATIONS**

### Section 1 – Purpose

- 1.1. This ordinance is designed and enacted to provide for the orderly development of the Town of Mayodan, North Carolina, and its environs, through the regulation of the subdivision of land. The regulations contained herein are intended to coordinate proposed physical development with existing development and with officially adopted plans for the future development of the town; to ensure the provision of the adequate facilities for transportation, water, sewerage, and other public facilities in subdivisions; to insure the property legal description, monumentation, and recording of subdivided land; to create conditions essential to public health, safety, and general welfare.
- 1.2. The Town of Mayodan exercises its authority to make and issue subdivision regulations under provisions pursuant to Chapter 160D, Article 8, of the North Carolina General Statutes.

### Section 2 – Jurisdiction

- 2.1. The regulations contained herein shall govern every subdivision of land within the corporate limits of the Town of Mayodan, North Carolina, as now or hereafter established, and within one (1) mile in all directions not located in any other municipality or lying within the jurisdiction of another municipality. In the event of land lying within one (1) mile of Mayodan and within one (1) mile of another municipality, the jurisdiction of each municipality shall terminate at a boundary line equidistant from the respective corporate limits of each municipality. This outlying area will hereafter be referred to as the Extraterritorial Jurisdiction, or ETJ.

### Section 3 – Penalty

- 3.1. The following penalties as set forth in the General Statutes shall prevail. (General Statute 160D-807, Penalties for Transferring Lots in Unapproved Subdivisions.) Any person who, being the owner or agent of the owner of land located within the platting jurisdiction granted by the municipality by General Statute 160D-804, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said legislative body (Mayodan Town Council) and recorded in the office of the appropriate Register of Deeds, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or another document used in the process of selling or transferring shall not exempt the transaction from such

penalties. *Said* municipality (Mayodan) through its city attorney or other official designated by its local legislative body, may enjoin such transfer or sale by action for injunction.

- 3.2. Building permits required pursuant to G.S. 160D-403 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. (G.S. 160D-807)

#### Section 4 – Separability

- 4.1 Should any section or provision of this ordinance be decided by the courts to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be invalid.

#### Section 5 – Applicability

- 5.1. Subdivision includes all divisions of a tract or parcel into two (2) or more lots, building sites, or other divisions for the purposes of sale or building development, whether immediate or future, and includes all divisions of land involving the dedication of a new street or a change in existing streets; provided all of the following shall NOT be included within this definition nor be subject to the regulations authorized by this chapter in accordance with G.S. 160D Article 8:
  - 5.1.1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in this chapter.
  - 5.1.2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.
  - 5.1.3. The public acquisition by purchase of strips of land for widening or opening of streets.
  - 5.1.4. The division of a tract in single ownership, the entire area of which is no greater than two acres into no more than three lots, if no street right-of-way is involved and where the resultant lots are equal to or exceed the standards of the town, as shown in this chapter, including lot dimensions, ROW width and road construction requirements.
  - 5.1.5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes Estate settlement.

5.2. No subdivision shall be made, platted or recorded for any purpose, nor shall parcels resulting from such subdivision be sold unless such subdivision meets all the requirements of this chapter and applicable related regulations.

5.3. No plat of any subdivision within such jurisdiction shall be filed or recorded by the Rockingham County Register of Deeds until it shall have been submitted to and approved by the appropriate authority and such approval entered in writing on the plat.

**Section 6 – Classification of Subdivisions**

6.1. There are two (2) categories of subdivisions subject to this division: major and minor. The plat classification and required approvals for each type of subdivision are listed in table 6.1-1 below.

**Table 6.1-1. Plat classifications.**

Classification	Description	Preliminary Plat Required	Final Plat Required
Major sub-division	<ul style="list-style-type: none"> <li>New roads, built to NCDOT standards, are required with rights-of-way dedication;</li> </ul>	✓	✓
	<ul style="list-style-type: none"> <li>Existing right-of-way dedicated on or after 10/1/75 but road not built to NCDOT standards</li> </ul>	✓	✓
	<ul style="list-style-type: none"> <li>The subdivision does not meet the definition of a minor subdivision as defined in this table.</li> </ul>	✓	✓
Minor sub-division	<ul style="list-style-type: none"> <li>Creation of not more than five (5) new lots, including the residual parcel.</li> <li>No more than three (3) lots may front along an existing state-maintained designated minor thoroughfare or higher classification road, including all phases under single ownership, without creating an internal street.</li> <li>No more than three (3) lots may be accessed by a private driveway.</li> <li>The proposed subdivision is NOT of residual parcel of a previous subdivision, within three (3) years after the fifth (5th) minor subdivision lot was created.</li> </ul>		✓
Exempt	<ul style="list-style-type: none"> <li>The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town</li> <li>The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.</li> <li>The public acquisition by purchase of strips of land for widening or opening of streets.</li> <li>The division of a tract in single ownership, the entire area of which is no greater than two (2) acres into no more than three (3) lots, if no street right-of-way is involved and where the resultant lots are equal to or exceed the standards of the Town</li> <li>The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under</li> </ul>		



## Section 7 – Sketch Plats and Preliminary Plats

7.1 *Filing.* Applications for approval of subdivision plats must be filed with the Zoning Administrator for consideration.

7.2 *Sketch Plat.* A Sketch Plat is an optional submittal that is less detailed than a Preliminary Plat and may be considered by the Zoning Administrator for review purposes. A review of a Sketch Plat gives the developer direction as to how to proceed with the Preliminary Plat and does not constitute authorization to proceed with any development improvements. The following information is required for a sketch plat:

- The proposed name and location of the subdivision.
- The name and address of the owner and subdivider.
- The total acreage of the proposed subdivision.
- The tentative street and lot arrangement.
- The approximate number of lots.
- The existing and proposed uses of the land within the subdivision and adjoining it.
- The zoning classification of the tract and of adjoining properties. Sites, if any, for parks, schools, churches, etc.
- Existing right-of-way and easements in the tract.

7.3 *Preliminary Plat.* A Preliminary Plat submittal is required as noted in table 2.1–1 above, and must have sufficient detail to be considered for approval.

- The Preliminary Plat shall be drawn on a scale and medium acceptable to the Register of Deeds of Rockingham County.
- The subdivider shall submit four (4) copies of the Preliminary Plat – one (1) digital copy and three (3) paper copies
- The Preliminary Plat shall be prepared by a ~~competent~~ North Carolina certified surveyor, engineer, land planner, or landscape architect

The following information is required for a Preliminary Plat:

- The location of existing and platted property lines, streets, buildings, water courses, railroads, power lines, telecommunication lines, gas lines, sewers, bridges, culverts, drain pipes, water mains, city and county lines, and any public utility easements.
- Boundaries of tract shown with bearings and distances.
- Wooded areas, marshes, and any other conditions affecting the site.
- Names of adjoining property owners or subdivisions.
- Zoning classification, if any, both on the land to be subdivided and on adjoining land.

- Proposed streets, street names, rights-of-way, roadway widths, and approximate grades.
- The plans for proposed utility layouts (sewer, water, gas, telecommunications, and electricity) showing connections to existing systems or plans for individual water supply, individual sewage disposal system, storm drainage, etc.
- Other prepared rights-of-way or easements, location, width and purposes.
- Proposed lot lines, lot and block numbers, and approximate dimensions.
- Proposed minimum building setback lines.
- Contours with vertical intervals of one (1) or more feet when required by the Zoning Administrator.
- Proposed parks, school sites, or other public open spaces, if any.
- Title, date, north point, and graphic scale.
- Name(s) of owner(s), surveyor and land planner.
- Acreage in total tract, acreage in parks, and total number of lots
- Sketch vicinity map showing relationships between subdivision and surrounding area.
- copy of any proposed deed restrictions or restrictive covenants.
- Where public water or public sewer is not proposed for extension to each lot in the subdivision, a written statement from Rockingham County Health Department shall be submitted with the Preliminary Plat indicating that each lot has adequate land area and soil conditions to accommodate the proposed methods of water supply and sewage disposal.

7.4 *Completeness review.* The Zoning Administrator shall review any application required by the Subdivision Ordinance for completeness. An application is not deemed complete unless all the information required is included and all filing fees have been paid.

7.4.1 *Time periods.* Whenever this Article establishes a time period for processing an application, such time period shall not commence until the zoning Administrator has reviewed such application for completeness in order to determine whether the application has been properly submitted and the applicant has corrected all deficiencies in the application. Review for completeness is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether the application complies with the provisions of the Subdivision Ordinance.

- 7.4.2 *Scheduling of Review Board consideration.* A complete application must be submitted a minimum of thirty (30) days prior to the regularly scheduled meeting of the applicable board where the request is considered. If the application is determined not to be complete, the Zoning Administrator will specify those parts of the application that are incomplete and indicate the manner in which they can be made complete. The applicant will be furnished with a list and thorough description of the specific information needed to submit a complete application. Upon receipt of any missing materials or required fee, a new period of up to (30) days may begin.
- 7.4.3 *Effect of completeness determination.* The applicant must submit all information as specified in the Subdivision Ordinance. The department or the reviewing agency may, in the course of processing the application, request the applicant to clarify or correct the information required for the application.

#### 7.5 *Decision.*

- 7.5.1 The Zoning Administrator shall review an application for a major subdivision plat and make recommendations to the, including the recommendations of other affected agencies of government.
- 7.5.2 Where applications are **approved without conditions**, the Zoning Administrator shall notify the applicant of the approval date.
- 7.5.3 Where applications are **approved with conditions**, the Zoning Administrator shall notify the applicant in writing of the conditions and the reasons.
- 7.5.4 Where applications are **denied**, the Zoning Administrator shall notify the applicant of the reasons. All such notices shall be in writing and dispatched by first class mail to the applicant within ten working days of the date of decision by the technical review committee.
- 7.5.5 The decision, and the grounds for the decision, shall be recorded by the Zoning Administrator
- 7.5.6 *Failure to act.* When the technical review committee fails to take action on the application within the time period prescribed above, the application is deemed to be approved without conditions. If the application is returned for correction of errors or omissions and resubmittal, or the applicant agrees to an extension of the time limitations, the action shall be taken within the new time limit or the time limit agreed to by the applicant. If action is not taken within the revised time period, the application is deemed to be approved without conditions.

#### 7.6 *Extensions of approval and substantial progress.*

- 7.6.1 Upon approval of the Preliminary Plat by the technical review committee, the applicant has up to five (5) years to complete all improvements in compliance with this Article and obtain Final Plat approval. An additional extension of five (5) years may be granted by the Technical Review Committee only where the applicant demonstrates good cause and where there has been a substantial expenditure of resources directly related to the subdivision development as

reviewed by the technical review committee. Examples of substantial expenditures include consulting fees from development specialists for the survey of the property, soil evaluation, erosion control plan, engineering design for roadway, waterlines, sewer lines, permit fees or fees associated with land preparation such as clearing, rough grading or fine grading.

7.6.2 In all cases where extensions are granted, the cumulative time period for obtaining Final Plat approval shall not exceed a total period of ten years from the date of the initial Preliminary Plat approval.

7.6.3 A copy of the decision approving the Preliminary Plat will be maintained in the planning office.

7.7 *Successive applications.* There is no limit on successive applications for Preliminary Plat approval; however, before a new Preliminary Plat application can be accepted a written request must be submitted from the previous applicant or current owner to withdraw a Preliminary Plat previously approved. The technical review committee must vote on the withdrawal of the previous Preliminary Plat before considering the new application.

7.8 *Amendments.* Minor changes may be administratively approved. If the amendment is not a minor change, a Preliminary Plat shall be amended by filing and obtaining approval from the technical review committee. An amendment to a Preliminary Plat includes:

7.8.1 When the location of a road is altered or a new road is proposed

7.8.2 Additional lots are proposed

7.8.3 The amount and location of open space is revised Addition or deletion of community amenities

## Section 8 – Major Subdivision Final Plats

8.1 *Preliminary Plat approval required.* Preliminary Plat approval must be obtained before applying for Final Plat approval.

8.2 *Application time frame.* An application for Final Plat approval must be filed with the Zoning Administrator within five (5) years of the Preliminary Plat approval, unless an extension is approved; otherwise, the Preliminary Plat approval shall expire.

8.3 To be approved, the Final Plat must conform to the approved Preliminary Plat and all preliminary conditions of approval.

8.4 To be approved, the Final Plat must include all required improvements, made by the applicant or their agents and inspected and approved by the appropriate public officials or agencies, unless a performance guarantee has been approved.

8.5 The subdivider shall submit one (1) digital copy and three (3) paper copies.

- 8.6 The Final Plat shall be drawn on the same medium and in the same manner at the same scale and on the same sheet size as the Preliminary Plat.
- 8.7 The subdivider shall pay a fee to the Town of Mayodan, in accordance to the current Fee Schedule.
- 8.8 *Decision.* The Zoning Administrator shall administratively approve the Final Major Plat within ten (10) working days from receipt of a complete final subdivision submittal. All required improvements must be complete or a performance guarantee package, as detailed in Section 14.1, must be submitted and approved by the Town Manager
- 8.9 *Successive applications.* There is no limit on successive applications for Final Plat approval.
- 8.10 *Amendment.* A Final Plat may be amended by filing and obtaining approval of a new application for Final Plat approval.
- 8.11 *Recording.* If an approved major subdivision Final Plat is not recorded in the Register of Deeds office within sixty (60) days of approval, the plat expires and a new plat must be submitted.

#### Section 9 – Minor Subdivision Final Plats

9.1 *Initiation.* A minor subdivision plat approval is initiated by filing an application for Final Plat approval with the Community Development Director.

9.2 *Completeness review.* See Section 8.4

9.3 *Administrative review and approval.* A minor subdivision plat is administratively reviewed and approved by the Zoning Administrator. The Zoning Administrator shall have up to ten (10) working days to review the minor subdivision plat and approve or deny.

9.3.1.1 No application for a Minor Subdivision plat shall be approved unless it complies with all applicable requirements of this chapter.

9.4 *Amendment.* A minor subdivision plat may be amended by filing and obtaining approval of a new application for minor subdivision plat approval.

9.5 *Recording.* If an approved minor subdivision plat is not recorded in the Register of Deeds Office within 60 days of approval, the plat expires and a new plat must be submitted.

#### Section 10 – Plat Approval

10.1 The effect of plat approval on the status of dedications is as follows:

- 10.1.1 The approval of a plat does not constitute or effect an acceptance by the Town or the public of the dedication of any street, open space or other improvements shown upon the plat.
- 10.1.2 Acceptance of such dedications shall only be by resolution of the Town Board or appropriate action by the state department of transportation or other authority. The Town Board shall consider such resolutions only on determination that any required improvements have been properly installed and all applicable conditions met, as set out in this chapter and that a public purpose is served.
- 10.2 All easements, private and public rights-of-way must be recorded by plat.
- 10.3 Existing undeveloped rights-of-way must be developed to the appropriate standards before subdividing.
- 10.4 All roads and streets must be built with a connection to an existing Town or NCDOT standard public road; driveways must access a road built to Town of NCDOT road standards.
- 10.5 No street shall be maintained or accepted by the Town, nor shall any water or sewer be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent or department of the Town of Mayodan for the construction of any building or other improvement required a permit, upon any land for which a plat is required to be approved, unless and until the requirements set forth in this ordinance have been complied with.

## Section 11 – Appeals Process

- 11.1. *Appeals of Community Development Director's actions.* Any subdivision-related decision of the Community Development Director may be appealed to the technical review committee by the applicant or his agent within thirty (30) days from the date of the decision. An appeal must be in writing and delivered to the Planning Department. If a written appeal is not made within the time period the decision of the Community Development Director shall be final. It is presumed that if a notice of determination is sent it is received on the third (3<sup>rd</sup>) business day after being sent.
- 11.2. *Appeals of Technical Review Committee's actions.* Actions of the Technical Review Committee may be appealed to the Board of Adjustment. Appeals must be filed in the Planning Department, by the applicant of the subdivision plat or his agent, within thirty (30) days of the date of the action of the Technical Review Committee.

## Section 12 – Vacating a Plat and Road Abandonment

- 12.1. This section establishes procedures and criteria for approving the elimination of a plat, in whole or in part.
- 12.2. *Applicability.* The owner of a parcel subject to an approved plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. If lots in the plat have been sold or built upon, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- 12.3. *Initiation.* The owner or owners of lots in any approved subdivision, must initiate a plat vacation by filing a Final Plat with the Community Development Director.
- 12.4. *Decision.*
  - 12.4.1. *Vacated plat.* The vacated plat shall be approved under the procedures for which the original plat was approved. The approving entity shall approve or deny an application for a plat vacation.
  - 12.4.2. *Road abandonment.*
    - 12.4.2.1. A major subdivision road that is dedicated to the public but not yet accepted by NCDOT cannot be abandoned without approval from the Zoning Administrator.
    - 12.4.2.2. A family/minor subdivision road that is dedicated to the public but not yet accepted by NCDOT cannot be abandoned without Town Planning Board approval.
    - 12.4.2.3. Roads dedicated to the public, not open or used within fifteen (15) years after dedication, may be withdrawn in accordance with G.S. 136-96 without NCDOT or county approval.
- 12.5. *Approval criteria.*
  - 12.5.1. No application for a plat vacation shall be approved unless it complies with all applicable requirements of this chapter.
  - 12.5.2. The approving entity shall not approve an application for a plat vacation if it will materially injure the rights of any nonconsenting property owner or any public rights related to public improvements unless expressly agreed to by the agency with jurisdiction over such improvements.
- 12.6. *Recording.* After the new plat is approved, the plat must be recorded, within sixty (60) days, with the Register of Deeds office. Upon the execution and recording of the new plat, the vacated plat has no effect. The resubdivision of the land covered by a plat that is vacated shall be platted in the same manner as is prescribed by this chapter for an original plat.

#### Section 13 – Compliance with Official Plans

13.1. When a proposed subdivision embraces any part of a roadway which has been designated on the officially adopted Comprehensive Transportation Plan of the Town of Mayodan, or as a part of the officially adopted Land Development or Comprehensive Plan for the Town of Mayodan, as provided by G.S. 136-66.2, and G.S. 160D-501, respectively, such part of such planned roadway shall be platted and dedicated by the subdivider in the location shown on the plan map and at the width specified in this ordinance.

Section 14- Guarantees

14.1. *Performance Guarantee*: In lieu of prior construction of the improvements required by this ordinance, the Town of Mayodan may, for the purpose of approving a Final Plat, accept a guarantee from the subdivider that such improvements will be carried out at his/her expense, to be submitted at the time of plat recordation.

14.1.1. The term "performance guarantee" shall mean any of the following forms of guarantee, to be chosen by the developer:

14.1.1.1. A surety bond issued by any company authorized to do business in this State.

14.1.1.2. A letter of credit issued by any financial institution licensed to do business in this State.

14.1.1.3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

14.1.2. The developer shall have the option to post one type of a performance guarantee as a surety bond, letter of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

14.1.3. The initial duration of a performance guarantee shall be one (1) year unless the developer determines that a longer duration. In the case of a bonded obligation, the completion date shall be set one (1) year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

14.1.4. The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

14.1.5. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

14.1.6. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are the subject of the



- performance guarantee or any extension. The form of any extension shall remain at the election of the developer.
- 14.1.7. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by The Town of Mayodan that the improvements for which the performance guarantee is being required are complete. The Town of Mayodan shall provide written acknowledgement of the completion of the required improvements at the request of the developer.
  - 14.1.8. No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
    - 14.1.8.1. The Town of Mayodan
    - 14.1.8.2. The developer at whose request or for whose benefit such performance guarantee is given.
    - 14.1.8.3. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.
  - 14.1.9. Performance Guarantees related to erosion and stormwater control measures are excluded from the regulations in this section.
- 14.2. *Defects Guarantee:* The Town Council shall require a bond guaranteeing street connections, curbs, gutters, sidewalks, drainage facilities, and water and sewer lines against defects for one (1) year.
- 14.2.1. Such improvements must be accepted or rejected within sixty (60) days following the installation of the improvements.
  - 14.2.2. This bond shall be in the amount determined by the Town Manager and shall be in cash or be made by a Surety Company authorized to do business in North Carolina.
- 14.3. *Maintenance Guarantee:* The Town Manager shall secure from all developers a letter or statement in which said developer shall agree to maintain the backfill and any improvements located thereon and therein and any ditch which has been dug in connection with the installation of such improvements.
- 14.3.1. Such a letter or statement shall be binding on the developers for a period of one (1) year after the acceptance of such improvements by the Town of Mayodan.
  - 14.3.2. Improvements must be accepted or rejected within sixty (60) days following installation.

## Section 15 – Subdivision Design Standards

- 15.1. The design and size of lots and blocks in all subdivisions in the Town of Mayodan shall conform to the specifications of the Mayodan Zoning Code.
  - 15.1.1. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, or

for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions. Subdivisions shall be designed in conformance with accepted practices of good land development.

## 15.2. *Roads*

15.2.1. It shall be unlawful for any person to lay out any new street or road, and to name such street or road on any plat, by any marking, or in any deed or instrument without first getting the approval of the appropriate authority. Any person violating this subsection shall be guilty of a misdemeanor.

### 15.2.2. *Major Subdivisions*

15.2.2.1. All roads must have a dedicated right-of-way with roads designed and constructed to minimum NCDOT standards within the subdivision and to a state-maintained road.

15.2.2.2. The construction of alleys and service roads must meet applicable NCDOT standards unless otherwise regulated by Conditional zoning and approved by Rockingham County emergency service professionals.

15.2.2.3. Roads must be maintained by the developer, owner(s) or homeowners' association until the NCDOT or the Town of Mayodan assumes responsibility for the maintenance. Maintenance responsibility must be noted on the Final Plat/plans.

15.2.2.4. Roads that are not eligible to be accepted into the NCDOT system must still be dedicated for public use and be built in accordance with NCDOT standards. Where a road has been offered for public dedication, that offer may not be withdrawn without prior review and approval from the county reviewing agency.

15.2.2.5. Private roads in a Major Subdivision must be maintained by a Homeowners' Association or Road Maintenance Agreement. At a minimum, the maintenance agreement must include the following:

15.2.2.5.1. A legally incorporated Homeowners' Association must be established for the property owners within the entire development;

15.2.2.5.2. All property owners within the development must be members of the Homeowners' Association;

15.2.2.5.3. The developer must convey, in a fee simple ownership, all private roads within the development to the Homeowners' Association;

15.2.2.5.4. The Homeowners' Association must have the responsibility for all maintenance of private roads;

15.2.2.5.5. The passage of the responsibility for maintenance of private roads from the developer to the Homeowners'

Association must be noted in the deed of each purchaser of property within the development.

- 15.2.2.5.6. At the time of preparation of the sales agreement, the developer must include a disclosure statement to the prospective buyer. The disclosure statement must provide an explanation of the consequences and responsibilities regarding the maintenance of a private road and must fully and accurately disclose the party who is responsible for the construction and maintenance of the development roads.

15.2.3. *Minor Subdivisions*

- 15.1.1.1. Up to three (3) lots may be accessed by a private driveway with an Exclusive Use Easement. There are no specific road standards required for a private driveway, but a 30' width right of way must be provided and recorded by plat.

15.3. *Blocks*

- 15.3.1. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- 15.3.2. Blocks shall not exceed one thousand (1,000) feet in length, nor shall they be less than four hundred (400) feet in length, as measured from centerline to centerline
- 15.3.3. A pedestrian crosswalk and necessary signage or pavement treatments for safety according to NCDOT or AASHTO design standards for mid-block crossing, may be required near the center and entirely across any block nine hundred (900) feet or more in length where deemed essential by the Planning Board to provide adequate circulation or access to schools, shopping centers, churches, or transportation facilities.

- 15.4. *Curbs and Gutters.* The subdivider shall bear the costs of the installation of combinations curbs and gutters on all streets within the subdivision in accordance with the specifications and standards of the Town of Mayodan.

- 15.5. *Sidewalks.* The subdivider will be required to construct sidewalks along such streets within the subdivision., Sidewalks shall be located within the street rights of way and constructed in accordance with the specifications and standards of the Town of Mayodan or NCDOT.

15.6. *Sewer and Water*

- 15.6.1. Within the Mayodan corporate limits, the subdivider shall bear the expense of the connection of every lot in the subdivision to the municipal water and sanitary sewer systems. These systems shall be installed in accordance with town specifications and standards. No lot will be more than five hundred (500)

feet from a fire hydrant. Fire hydrants shall be installed in accordance with the requirements of current Fire Protection Standards.

15.6.2. Within the Extraterritorial Jurisdiction, the subdivider may request the town to connect his subdivision to the municipal water and sanitary sewer systems at his expense if all required improvements and standards of subdivision design set forth by this ordinance are complied with. If unable to connect to the municipal supply, the subdivider shall comply with applicable State and County public health laws and regulations when installing private or public water supplies and sewerage facilities.

15.7. *Storm Water Drainage:* The subdivider shall provide an adequate drainage system for the proper drainage of all surface water in order to protect the proposed development from water damage. The design of such system shall be subject to the approval of the Town Manager, and must, at a minimum, meet the following requirements:

15.7.1. No surface water shall be channeled or directed into a sanitary sewer.

15.7.2. The subdivider shall connect to the municipal storm drainage system, unless such a connection is prevented by superseding law or geology.

15.7.3. Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems on surrounding properties.

15.7.4. Surface drainage course shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding.

15.7.5. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of approximately one (1) foot in each three hundred (300) feet of horizontal distance.

15.8. *Infrastructure Ownership:* All water, sanitary sewerage, and storm sewerage facilities installed under the requirements of this ordinance shall become the sole property of the Town of Mayodan upon connection to the respective municipal systems. A deed to the Town for such facilities, including easements pertaining to right of entrance for maintenance, shall be executed prior to connections to the respective municipal systems.

15.9. *Oversized Improvements and Reimbursement:* Where the Town Council deems it necessary, in the interest of the health, safety and general welfare of the residents of Mayodan planning area, the subdivider shall make certain improvements at sizes in excess of those which would normally be required to serve only his subdivision. Where oversized improvements are required, the Town may reimburse the subdivider for the cost of materials incurred over and above those minimum sizes required by the town as below. Reimbursement schedules shall be subject to negotiation between the Town of Mayodan and the developer. No interest shall be paid to reimbursements-

15.10. *Markers and monuments.* Monuments must comply with the requirements of the North Carolina General Statutes and the current edition of the Standards of Practice for Land

Surveying in North Carolina and be placed in all subdivisions. Any permanent monuments or markers displaced or destroyed during the course of development or construction in the subdivision shall be accurately witnessed and replaced upon completion of such development or construction.

## ARTICLE XVII – WATERSHED REGULATIONS

### Section 1    General

#### 1.1    Intent

The watershed overlay districts are established to impose higher development standards upstream and draining into a drinking water supply than are generally imposed on land uses in the planning area. The intent is to exclude certain activities and to maintain current development patterns in order to prevent the risks of pollution from more intense land uses. The watershed is divided into two parts: critical area, which is an area half a mile upstream from the water intake and draining into the Mayo River; and the protected area, which is the area ten (10) miles upstream and draining into the river, minus the critical area. Because the risk of pollution is directly related to the proximity to the water supply, development standards are higher in the critical area than in the balance of the watershed. Only new development activities that require an erosion and sedimentation control plan under state law are required to meet the provisions of this article when located in the WS-IV watershed.

#### 1.2    Authority

These watershed regulations are adopted and enforced pursuant to G.S. 160DA, Article 19, Local Planning and Development Regulations (See also Article I, Section 1) and G.S. 143-214.5 Water Supply and Watershed Protection.

#### 1.3    Jurisdiction

The provisions of these regulations shall apply within the area designated as a public water supply watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, “Mayodan Watershed Protection Map,” which is adopted simultaneously with the text and is a part of these regulations.

#### 1.4    Adoption and Effective Date

The water supply watershed protection amendments were duly adopted September 13, 1993 by the Town Council of Mayodan, North Carolina. These amendments to the Mayodan Zoning Ordinance shall be effective October 1, 1993 and June 7, 2021.

#### 1.5    Exceptions to Regulations

- (a) Existing development, as defined in Section 2, Definitions, is not subject to the requirements of these regulations. Expansions to structures classified as existing development must meet the requirements of these regulations. However, the

built-upon area of the existing development is not required to be included in the density calculations.

(b) If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of these regulations if it is developed for single family purposes.

## 1.6 Criminal Penalties

(a) In addition to the penalties imposed by Article XV, Section 7 of the Mayodan Zoning Ordinance, the North Carolina Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate violation.

## Section 2 Definitions

The following definitions apply specifically to the watershed overlay districts:

**Agricultural Use.** The use of waters for stock watering, irrigation, and other farm purposes.

**Animal Units.** A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations. One hundred (100) equals to 70 dairy cows, 100 beef cattle, 250 hogs, 50 horses, 1,000 sheep, 10,000 chickens with continuous overflow water, or 500 ducks.

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

**Buffer (watershed).** An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

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

**Cluster Development.** The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential and multi-family developments. For the

purpose of this ordinance, planned unit development and mixed use development use are considered as cluster development.

**Critical Area.** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

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

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

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

- (1) substantial expenditures of resource (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) possession of a valid building permit as authorized by the General Statutes (G.S. 153A-344.1)
- (3) substantial expenditure of resources (time, labor, money) and having an approved site plan as authorized by the General Statutes (G.S. 160D – 102 and 108.1A-385.1)

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

**Industrial Development.** Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.



**Landfill.** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes. For the purpose of this ordinance, this term does not include composting facilities.

**Major Watershed Variance.** A variance that would completely eliminate a management requirement, or reduce a management requirement with a numerical standard by more than ten (10) percent.

**Minor Watershed Variance.** Any variance of the watershed regulations not meeting the definition of a major watershed variance above.

**Non-conforming Lot of Record.** A lot described by a plat or a deed that was recorded prior to the effective date of this ordinance that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

**Non-residential Development.** All development other than residential development, agriculture and silviculture.

**Protected Area.** The area adjoining and upstream of the critical area in a WS-IV water supply. The boundaries are defined as ten (10) miles upstream and draining to the intake located directly in the stream or river, or the ridge line whichever comes first.

**Residential Development.** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc., and customary home occupations.

**Structure.** Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

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

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

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

### 3.1 Establishment of Watershed Overlay Districts

Within the Mayodan Planning jurisdiction the following overlay districts are established:

Mayo River – Critical Area (WS-IV-CA)  
Mayo River – Protected Area (WS-IV-PA)

### 3.2 Mayo River – Critical Area (WS-IV-CA).

#### (a) Permitted Uses

1. All uses allowed in the underlying zoning districts where the watershed is located, unless prohibited in (b) below.
2. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S. G.S. 1:24,000 (7.5 minutes) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ BMPs by July 1, 1994 recommended by the Soil and Water Conservation Commission.
3. Silviculture, using best management practices required to implement the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

#### (b) Prohibited Uses

1. The storage of toxic and hazardous materials unless a spill containment plan is implemented.
2. Landfills.
3. Sites for land application of sludge/residuals or petroleum contaminated soils.

#### (c) Density and Built-upon Limits:

1. Single-family residential development shall not exceed one dwelling unit per one-half (1/2) acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.
2. All other residential and non-residential development shall not exceed twenty-four (24) percent built-upon area on a project-by-project basis. For projects

without a curb and gutter street system, development shall not exceed thirty-six (36) percent built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

### 3.3 Mayo River – Protected Area (WS-IV-PA)

#### (a) Permitted Uses

1. All uses allowed in the underlying zoning districts where the watershed is located, unless prohibited in (b) below.
2. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
3. Silviculture, using best management practices required to implement the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

#### (b) Prohibited Uses

1. The storage of toxic and hazardous materials unless a spill containment plan is implemented.

#### (c) Density and Built-upon Limits:

2. Single-family residential development shall not exceed one dwelling unit per one-half (1/2) acre, with curb and gutter and one-third (1/3) acre, without curb and gutter, except within an approved cluster development.
3. All other residential and non-residential development shall not exceed twenty-four (24) percent built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six (36) percent built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

### 3.4 WS-IV Watershed – Protected Area – CU (WS-IV-PA-CU).

Identical to the WS-IV-PA except a conditional use permit is required as a prerequisite to any use or development. Within this overlay district a conditional use permit may be issued to a non-residential development to increase the impervious limits from twenty-four (24) percent and thirty-six (36) percent to a maximum of seventy (70) percent. However, this increase in intensity is limited to ten (10) percent of the balance of the watershed in Mayodan's jurisdiction\*.

\*Mayo River (Mayodan): Ten (10) percent of 209 acres = 20.9 acres.

## Section 4 Cluster Development

Clustering of development is allowed in all drinking supply watershed areas under the following conditions:

- (a) Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in subsections 3-2(c) and 3-3(c) above. Built-upon area of the project shall not exceed that allowed for the critical area or protected area, whichever applies.
- (b) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- (c) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space areas shall be conveyed to: an incorporated homeowners association for management; a local government for preservation as a park or open space; or to a conservation for preservation in a permanent easement.

Where the development has an incorporated property owners association, title of the open space areas shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

## Section 5 Watershed Buffers

### (a) Stream Buffers

A minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S. G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.

### (b) Development in Buffers

No new development is allowed in the buffer except public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices.

## Section 6 Administration

### 6.1 Additional Duties

The zoning enforcement officer shall administer the provisions of the Mayodan Zoning Ordinance as specified in Article XV, Section 1. Within the watershed overlay districts, he shall have the following additional duties:

- (a) maintain files of all amendments to the local water supply watershed regulations and provide copies upon adoption to the Division of Water Quality.
- (b) submit records of variances to the watershed regulations each calendar year to the Division of Water Quality by January 1 of each following year which shall describe each project receiving a variance and the reasons for granting the variance.
- (c) monitor land-use activities in the watershed to identify situations that may threaten water quality and report these situations to the agency with direct regulatory responsibility.
- (d) document Mayodan's utilization of the provision that a maximum of ten (10) percent of the non-critical area of the Mayo River Watershed (WS-IV) may be developed with non-residential development to a maximum of seventy (70) percent built-upon area.
- (e) maintain files for each watershed that include the total acres of non-critical area, total acres eligible to be developed under the 10/70 option, and individual records for each project with the following information: location, acres, site plan, and use.

## 6.2 Appeals

As specified in Article XIII, Section 5, all appeals from the decision of the zoning enforcement officer shall be submitted to the board of adjustment.

## 6.3 Amendments

All amendments to the watershed regulations shall be handled as specified in Article XI, Sections 2 and 3. Under no circumstances shall the Town of Mayodan amend, supplement or change the watershed regulations that would cause the regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments shall be filed with the N.C. Department of Environment, Health and Natural Resources, Division of Environmental Management, Division of Environmental Health, and the N.C. Department of Commerce, Division of Community Assistance.

## 6.4 Watershed Variances

- (a) **Minor Variance.** The board of adjustment shall handle minor variances as specified in Article XIII, Subsection 7.3.

(b) Major Variance. If a major variance is requested, the board of adjustment, after making a favorable decision in granting the request, shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (1) the variance application;
- (2) the hearing notices;
- (3) the evidence presented;
- (4) motions, offers of proof, objections to evidence, and rulings on them;
- (5) proposed findings and exceptions; and
- (6) the proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the N.C. Environmental Management Commission (EMC) for its review as follows:

The commission shall review the preliminary record and determine whether or not: (1) the request qualifies as a major variance; (2) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted; and (3) the variance, if granted, will not result in a serious threat to the water supply. Based on its findings the commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations, or disapprove it. The commission shall prepare a decision and send it to the board of adjustment. Based on the action of the commission, the board of adjustment shall prepare a final decision.

(c) Notification. In designated drinking water supply watersheds, the zoning enforcement officer shall notify all other local governments having jurisdiction within the watershed and the entity using the water supply of a proposed variance to the watershed regulations. Local governments may submit any comments to the zoning enforcement officer before the public hearing by the board of adjustment.

#### 6.5 Boundary Determination

The watershed boundaries are delineated on U.S. G.S. 1:24,000 topographic maps. If a property owner questions whether or not his property lies within the drainage pattern of the drinking water supply watershed, it shall be his responsibility to demonstrate to the town an error has been made.