



Town of North Wilkesboro

ZONING ORDINANCE

Adopted By

North Wilkesboro Town Board

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Revised

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Article I. Authority and Purpose.

1.1 Authority.

These regulations are adopted pursuant to the authority vested in the Town of North Wilkesboro by its charter, the Session Laws, and the General Statutes of North Carolina, particularly Chapter 160D-702 and any special local legislation enacted by the General Assembly for the Town of North Wilkesboro.

1.2 Purpose.

The purposes of these regulations are to: promote the health, safety, morals, and general welfare of the community; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate and economic provision of public facilities and infrastructure; to conserve the value of buildings; and to encourage the most appropriate use of land throughout the corporate area and extraterritorial zoning jurisdiction, in accordance with adopted plans and policies.

1.3 Title.

These regulations shall be known as the Zoning Ordinance of the Town of North Wilkesboro, North Carolina, and may be cited as the “Zoning Ordinance”. The maps referred to herein titled “Official Zoning Maps, North Wilkesboro, North Carolina” may be cited as the “Zoning Maps”.

1.4 Jurisdiction.

These regulations govern the development and use of all land and structures within the corporate limits and the extraterritorial zoning jurisdiction of the Town of North Wilkesboro.

1.5 Zoning Maps.

The Town Board, upon the recommendation of the Planning Board, has adopted a series of zoning maps entitled “Official Zoning Maps, Town of North Wilkesboro, NC” which are maintained by the Planning Director. The Zoning Map is available in both digital and paper form for public inspection. The zoning maps set out and delineate the zoning districts established in Section 6.1. The zoning maps and notations thereon are hereby designated, established, and incorporated as a part of these regulations and shall be as much a part of these regulations as if they were fully described herein.

1.6 Severability.

If any section, specific provision, or standard of these regulations, including any zoning district boundary that now exists or may exist in the future, is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

1.7 Relation to Other Ordinances.

If the provisions of this ordinance conflict with the provisions of any other validly enforceable ordinance(s), the most stringent provisions shall control.

1.8 Effective Date.

These regulations shall become effective upon the date of their adoption by the Board of Commissioners of the Town of North Wilkesboro.

Article II Applicability of Ordinance

2.1 Applicability

No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations.

2.2 Vested Development Rights.

(A) *In general.* Any amendments, modifications, supplements, repeal or other changes in these regulations or the zoning maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses:

(1) For which a building permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. 160D-403 and the building permit has not been revoked pursuant to G.S. 160D-403; or;

(2) For which a zoning permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to this article; or

(3) For which a vested right has been established and remains valid and unexpired pursuant to this section.

(B) *Additional procedures for establishing a vested right.* A vested right to commence a planned development or use of property according to a vesting plan shall be established upon approval of a special use permit, or conditional zoning by the appropriate board. The vested right thus established is subject to the terms and conditions of the site plan. Only those design elements shown on or made a part of the site plan or permit shall be vested.

(C) *Term of a vested right.* A right, which has been vested by the Town of North Wilkesboro, shall remain vested for a period of two years from date of approval. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the appropriate board when it approves the modification or amendment. A vested right obtained under this sub-section is not a personal right, but shall attach to and run with the subject property. A right which has been vested under the provisions of this sub-section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued except that:

(1) When a vested development plan has been at least fifty percent completed by the end of the vesting period, the project as a whole shall be given two more years to complete development in conformance with the approved plan not to exceed a total vested period of five years; and

(2) Prior to the vested right terminating at the end of the two-year period, the owner of the property may petition the appropriate board for a one-time, two-year extension of the vested right not to exceed a total vested period of five years. In its deliberations regarding the extension request, the board may consider, among other things:

a) the percentage of the project completed;

b) a demonstration by the petitioner of good faith efforts made towards project completion;

c) the reasons for the delay of project build-out; and

- d) the compatibility of the planned development with current town plans and the surrounding landscape. The board may choose to extend the vested right for the entire project or only a portion of the project and may require one or more design features shown on the plan or incorporated in the permit to meet the current code
- (3) A multi-phased development shall be vested for the entire development with the zoning regulations, ordinances, subdivision regulations, ordinances, and unified development ordinances then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection. 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 multi-phased development. For purposes of this subsection, “multi-phased development” means a development containing 25 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.

(D) *Declaration of a vested right upon voluntary annexation.* A petition for annexation filed with the town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. 160D-108, or the failure to sign a statement declaring whether or not a zoning vested right has been established shall be binding on the landowner, and any such zoning vested right which may have existed shall be terminated.

2.3 Nonconformities

(A) Purpose and applicability.

The purpose of this article is to regulate and limit the continued existence of uses and structures that were established prior to the effective date of these regulations and that do not conform to these regulations. Any nonconformity created by a change in the text of these regulations or by the reclassification of property shall be regulated by the provisions of this Section. The “effective date” referenced below shall be the date the text of these regulations or the zoning map is amended to render a particular use, structure, or lot nonconforming. Many nonconformities may continue, but the provisions of this chapter are designed to curtail substantial investment in nonconformities, and to bring about their eventual improvement or elimination.

(B) Nonconforming uses.

- (1) Nonconforming uses of land or structures may continue only in accordance with the provisions of this section.
- (2) A nonconforming use shall not be expanded.
- (3) A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be re-established.
- (4) Where a nonconforming use is discontinued or abandoned for a period of one hundred eighty days, then the use shall not be reestablished or resumed and any subsequent use of the land or structure shall conform to the requirements of these regulations.

- (5) No structural changes shall be made in any structure occupied by a nonconforming use except as follows:
 - a) Those structural changes ordered by an authorized official in order to ensure the safety of the structure shall be permitted.
 - b) Maintenance and repairs to keep a structure in sound condition shall be permitted.
 - c) Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
 - d) An existing nonconforming structure may be enlarged or altered provided that any such enlargement or alteration shall be in compliance with all yard requirements of the district and/or use.
 - e) The nonconforming structure and its accompanying use may be moved to another location on the lot so long as the structure meets all applicable requirements of the district.

(C) Nonconforming structures.

- (1) A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this section.
- (2) Any nonconforming structure may be enlarged if the expansion does not increase the nonconformity as relating to the dimensional criteria specified in Section 6.6.
- (3) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.
- (4) A nonconforming structure destroyed or damaged so that more than fifty percent of the value of such structure remains, may be repaired or restored if a building permit for the repair or restoration is issued within six months of the date of the damage. A nonconforming structure destroyed or damaged so that no more than fifty percent of its value remains, may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located. The extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the current assessed tax value.
- (5) The front yard setback requirements of this ordinance for residential dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within 100 feet on 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 and such lots may be less than the average of the existing front yard on the aforementioned lots, or a distance of 10 feet from the edge of the street right-of-way, whichever is greater.

(D) Nonconforming vacant lots.

- (1) Except as provided in section (2) below, a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all yard, parking, and screening requirements of this ordinance for the zoning district in which it is located.
- (2) If two or more adjacent, nonconforming, unimproved lots are held in single ownership, such lots shall be considered to be a single building lot for the purposes of this article.

(E) Nonconforming Signs.

Nonconforming signs shall be allowed to continue provided as follows:

- (1) Upgrades and improvements shall not increase the sign area or height over what was pre-existing.
- (2) Once a nonconforming advertising sign is removed, taken down, or destroyed, or (receives damage equal to or greater than 60% of the replacement cost at the time of destruction) ; such sign shall not be replaced with another sign unless in conformance with this section.
- (3) Where digital billboards are being used for the upgrade or improvement to an existing billboard, the area shall not be larger than the pre-existing sign face. Messages shall change no more than once every hour.

Signs associated with a legal nonconforming use of a structure or land shall be allowed to continue provided that the nonconforming signs associated with a nonconforming use of a structure or land shall not be changed except to make such signs comply with the applicable sign regulations for the district in which the use or land is located.

(F) Additional requirements for nonconforming accessory uses and structures.

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, replacement, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.

(G) Additional requirements for manufactured homes and manufactured home parks.

- (1) Nonconforming manufactured home parks may not be expanded or increased in size which shall include adding spaces to the park;
- (2) When a site at a nonconforming manufactured home park is vacated, another manufactured home may be placed on the site if the replacement home is of the same class of manufactured home as the one existing. (For example, double-wide for double-wide; single-wide for single-wide, however, single-wide to double-wide is prohibited) and is replaced within 90 days of removal. Setbacks and spacing must be met in accordance to Town manufactured home park standards when replacing the home as detailed in Section 11.7-7(C).
- (3) Any replacement manufactured home whether on an individual lot or in a park must be constructed according to approved United States Department of Housing and Urban Development (HUD) standards.

(H) Changes of tenancy and/or ownership.

There may be a change in tenancy or ownership of an existing nonconforming use or structure, provided there is no change in the nature or character of such nonconforming use or structure except as provided herein and all other applicable requirements of this ordinance are met (e.g., parking, screening, landscaping, etc.)

Article III. Administration

3.1 The Staff.

(A) *The Planning Director.* The Planning Director shall have the following powers and duties to be carried out in accordance with these regulations, which include but are not limited to:

- (1) To serve as staff to the Town Board, the Planning Board, and the Board of Adjustment with regard to their functions under these regulations, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, amendments to the zoning maps and comprehensive plan, appeals, variances, permit requests, and any other matters brought before them under this article. The Planning Director shall not make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on them or if the applicant or other person subject to that decision is a person with whom the he/she has a close familial, business, or other associational relationship. If the Planning Director has a conflict of interest, the decision shall be assigned to the supervisor of him/her or such other staff person may be designated per the ordinance. The Planning Director shall not be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless he/she is the owner of the land or building involved. The Planning Director shall not engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.
- (2) To maintain the text of these regulations and the zoning maps, including the current and past approved maps.
- (3) To maintain development review files and other public records related to the administration and enforcement of these regulations.
- (4) To review applications for zoning permits filed under these regulations.
- (5) To recommend and comment on proposed amendments to these regulations and to the zoning maps.
- (6) To establish such rules of procedure and permit application forms as are necessary and proper for the administration of their responsibilities under these regulations.
- (7) To determine street classifications not otherwise specified on the adopted Town of North Wilkesboro Thoroughfare Plan dated August 1993.
- (8) To administer the water supply watershed protection regulations contained herein, including the following additional duties:
 - a) To serve as staff to the Planning Board when it is serving in its capacity as the watershed review board.
 - b) To submit copies of all amendments upon adoption to the supervisor of the Classification and Standards Branch, Water quality Planning Section, Division of Water Resources.
 - c) To keep records of variances granted to the watershed regulations. This record shall be submitted to the Supervisor of the Classification and Standards Branch, Water Planning Section, Division of Water

Resources on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

d) To keep records of the Town's utilization of the 10/70 Provision, including any acreage allocated by Wilkes County to North Wilkesboro. Such records shall include the total acres of non-critical area eligible to be developed under the 10/70 Provision, and individual records for each project showing the following information: location, acres, site plan, use, and total allocation of the 10/70.

e) To monitor land use activities in the watershed to identify situations that might threaten water quality. The Zoning Administrator shall report these situations to the agency with direct regulatory responsibility for these activities.

(B) *The Zoning Administrator.* The Zoning Administrator is charged with enforcing the provisions of the zoning regulations as set out herein. If the Zoning Administrator shall find that any of the provisions of this article are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering that necessary actions be taken to correct the deficiency. He/she shall:

(1) order discontinuances of illegal uses of land, buildings, or structures; removal of illegal buildings or structures, or of illegal additions, alterations or structural changes; and discontinuance of any illegal work being done; and shall

(2) take any other action authorized by this article to ensure its compliance.

(3) the Zoning Administrator shall not make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on them or if the applicant or other person subject to that decision is a person with whom the he/she has a close familial, business, or other associational relationship. If the Zoning Administrator has a conflict of interest, the decision shall be assigned to the supervisor of him/her or such other staff person may be designated per the ordinance. The Zoning Administrator shall not be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless he/she is the owner of the land or building involved. The Zoning Administrator shall not engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

(C) *The Technical Review Committee.* The Technical Review Committee shall be appointed by the Planning Director and shall meet when needed to discuss land use issues and to review development proposals. The recommendations of the committee shall be forwarded to review boards by the Planning Director for their consideration in making decisions regarding re-zonings, special use permits and any other issue related to land use and development as governed by this article within the zoning jurisdiction of the town.

(D) *The Town Manager.* The Town Manager shall appoint the Planning Director and the Zoning Administrator and shall have the authority to exercise any and all duties and authorities assigned to them.

3.2 The Boards.

(A) *The Planning Board.*

1. *Composition.* The Planning Board of the Town of North Wilkesboro shall consist of eight members appointed by the Town Board of Commissioners. Four of the members shall be from the Town's extraterritorial jurisdiction.
2. *Powers & Duties.* The Planning Board shall have the duties prescribed by the Town Board of Commissioners. In summary, those duties related to this article include, but may not be limited to, the following:
 - a) Prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;
 - b) Facilitate and coordinate citizen engagement and participation in the planning process;
 - c) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
 - d) Advise the council concerning implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D 6-4;
 - e) Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
 - f) To review and make recommendations on any permit application to be heard by the Town Board.
 - g) To update and recommend changes to the Town's Comprehensive Plan.
3. *Oath of Office.* All members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309. Additional procedures are outlined in Town Code Chapter 2 Administration.

(B) *The Board of Adjustment.*

- (1) *Authority.* Pursuant to General Statute 160D-302, there is hereby created the Board of Adjustment
- (2) *Establishment.* The Board of Adjustment of the Town of North Wilkesboro shall consist of eight members; six regular members and two alternates. Four members (three regular members and one alternate member) shall be residents of the Town of North Wilkesboro and be appointed by the Town Board of Commissioners. Four members (three regular members and one alternate member) shall be residents of the town's extraterritorial jurisdiction and be appointed by the Board of Commissioners of Wilkes County. All members appointed to the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309.

(3) *Members from within the town limits.* The Town Board shall appoint each member and alternate for a term of three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Board may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The expiration date for each term shall be June 30th of the year in which said term is to expire and the term of office of the succeeding member shall begin on July 1st. If the original members are appointed such that their terms of office begin prior to July 1st, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment, it being the intent that original members shall serve terms of one to three years plus a period of time between their initial appointments and June 30th of the year of their initial appointment. A member shall be eligible for reappointment at the end of his/her expired term for any position on the board for which he/she is qualified. For purposes of this article, original appointments refer to members and alternates appointed upon first establishment of the Board of Adjustment, and also to members and alternates appointed to newly created seats upon any expansion of the Board of Adjustment.

(4) *Extraterritorial members.* Extraterritorial members shall have all of the obligations and duties of the other members of the Board of Adjustment, including rights to vote on all matters coming before the board. Each extraterritorial member shall be appointed for a period of three years. Expiration dates for each term, initially and thereafter, shall be the June 30th of the year in which said term is to expire and the term of office of the succeeding member shall begin on July 1st; provided further that if the original members are appointed such that their terms of office begin prior to July 1st, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment. Eligibility for reappointment shall be determined by the procedures and policies established by the Board of Commissioners of Wilkes County.

(5) *Meetings.* All meetings of the Board of Adjustment shall be held at a regular place and time and shall be open to the public in accordance to Open Meeting Law, North Carolina General Statute 143-318.12. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact. The board may adopt rules of procedure. Final disposition of permits, appeals or variances shall be recorded in the minutes, indicating the reasons of the board, all of which shall become a part of the public record. In addition, all records of variance appeals and special use permits shall be filed at the Wilkes County Register of Deeds regarding the applicant's property.

(6) *Powers and Duties.*

The Board shall hear and decide appeals from an order, denial of a permit or other written decision, or determination made by the Planning Director and/or Zoning Administrator or other administrative official charged with enforcing an ordinance. To hear and grant variances to certain provisions of the Zoning Ordinance in cases where special conditions would make strict and literal interpretation result in the loss of privileges shared by other properties within the same zoning district. To hear and decide on Special Use Permits as assigned by the Zoning Ordinance, Town Code Chapter 16,

Subdivisions and the Town's Wireless Communication Ordinance. All conditions placed on Special Use Permits shall have the consent of the applicant/land owner and cannot be conditions that the Town does not have statutory authority over.

(7) *Quorum.* No final action shall be taken on any matter unless a quorum is present. A quorum shall consist of at least five (5) sitting members, entitled to vote on matters brought before the Board, including any alternates seated. The Board shall not vote on any questions related to an appeal of a decision or determination of the Zoning Administrator or an application for a variance or special use permit when there is fewer than five (5) voting members of the Board are present.

(8) *Voting and conflicts of interest.* The concurring vote of four-fifths of the board shall be necessary to grant a variance. A simple majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. A member of the Board of Adjustment 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. Conflicts of interest include where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member; if the member has a close familiar business or associational relationship with an affected person; or if the matter at hand involves the member's own official conduct; or a member having a fixed opinion prior to the hearing that is not susceptible to change. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(9) *Proceedings.*

All meetings of the Board of Adjustment shall be open to the public and shall be conducted in accordance with this ordinance and the adopted Rules of Procedures which are kept on file in the office of Planning and Inspections and the Town's website. Presentation of evidence shall be done by the applicant, the Town, and any persons who have standing to appeal the decision shall have the right to participate as a party at the evidentiary hearing. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. 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. Minutes shall be kept showing the vote of each member on each question and the absence or failure of any member to vote. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of findings of facts obtained by testimony under oath. A quasi-judicial decision is effective upon filing the written decision with the Secretary to the board and signed by the chair or other duly authorized member of the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The Secretary to the Board shall certify that proper notice has been made

(10) *Oaths.* The chair of the board or any member acting as chair are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(11) *Subpoenas.* The Board of Adjustment, through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160D-1402 may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(12) *Standing.* The Board of Adjustment must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments

(11) *Re-hearings and appeals from a decision of the Board of Adjustment.*

a. *Rehearing.* An application for a rehearing shall be made in the same manner as provided for an original appeal within a period of thirty days after the board's decision has been filed with the Secretary of the Board or his/her designee. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions of the case, shall be presented in writing or graphically. The board shall deny a rehearing, if, in its judgment, such change in facts, evidence or conditions has not been proven. In the event that the board finds that a rehearing is warranted, it shall thereupon proceed in the same manner as for the original hearing.

b. *Waiting period required.* Upon the denial of an original application or adverse ruling on appeal, or upon the denial of an application for which a rehearing has been conducted, whichever is applicable, a similar application may not be filed for a period of ninety days (90) after the date of denial of the original application.

c. *Appeals.*

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition

C. *The Board of Commissioners.* The Town Board of Commissioners shall have the following duties related to this article:

1. To review and from time to time initiate changes to this article.

2. To decide upon any application or request for amendment to this article or the zoning maps.
3. To take any other action not delegated to the Planning Board or Board of Adjustment as the board may deem desirable and necessary to implement the provisions of this article.

3.3 Permits.

(A) *Permit required.* No building or land shall hereafter be used or occupied and no building or structure shall be erected, expanded or moved until a zoning permit as required by this article shall have been issued. The form and content of such permit, when not expressly set out in this article, shall be determined by the Zoning Administrator and may include any information required for the applicant to demonstrate an intent to comply with the zoning regulations. All permits and other development approvals shall be provided in writing. Zoning permit forms shall be available at the Planning and Inspections office, and the Town website. Applications for permits must be made by a person with a property interest in the property or a contract to purchase the property on which the development is proposed.

(B) *Permit type.* Permits shall be required for any use by right, unless specifically exempted by this article and/or special uses.

(C) *Permits for uses by right and uses with supplemental standards.* A permit for a use by right and a use with supplemental standards shall be obtained from the Zoning Administrator. Applications for a permit shall be made on a form provided by the Zoning Administrator.

(D) *Permits for special uses.* Permits for special uses shall be obtained from the Board of Adjustment. Applications for a special use permit shall be made on a form provided by the Zoning Administrator.

(E) *Permits for Conditional District Zoning.* Permits for Conditional District Zoning shall be obtained from the Town Board of Commissioners. Applications for a conditional district zoning permit shall be made on a form provided by the Planning Director.

(F) *Expiration of permit.* Any zoning permit issued by the Zoning Administrator shall become null and void after a period of one year from the date of issuance of the permit unless a valid building permit has been issued for the work authorized by the permit or, if a building permit is not required, substantial work has not begun. Once a zoning permit has expired, construction on the property in question cannot proceed until a new zoning permit has been issued.

(G) *Condition of approval.* Zoning permits issued on the basis of site plans, architectural renderings, landscaping plans, and other information submitted as part of the zoning permit application process authorize only the use, arrangement, construction, and change set forth in such approved plans and applications. Use, arrangement, construction, or change that differs from that authorized by the permit shall be deemed a violation of this article.

(H) *Right of appeal.* If a request for a zoning permit from the Zoning Administrator is disapproved or if a ruling of the Zoning Administrator is questioned, the aggrieved party

may appeal such ruling to the Board of Adjustment in accordance with Section 3.5.

(I) *Site plan required.*

(1) *Requirement.* Prior to approval and issuance of a zoning permit for any new structure or expansion to an existing structure permitted under this chapter and any new impervious coverage on any lot (excluding single family detached residential) in a designated water supply watershed, all applicants shall be required to submit a site plan as outlined below. All site plans must be reviewed by staff and found to meet submission requirements before any application for a zoning permit is deemed to be complete.

(2) *Single Family Residential Structures.* The site plan shall show the approximate location of the proposed structure on the lot, including distances from side, rear, and/or front setback lines as required. This type of site plan may be drawn by the applicant and does not require an engineer, surveyor, or landscape architect's seal unless such development appears to lie wholly or in part within a federally designated floodplain or a required watershed buffer area.

(3) *All uses except single family residential structures, signs, flags, and similar structures.*

(a) The site plan shall show:

- (i) The approximate location of the proposed structure on the lot, including distances from side, rear, and/or front setback lines and distances from other structures.
- (ii) Adjacent streets and street right-of ways.
- (iii) Adjacent property lines, owners, uses, and zoning districts.
- (iv) The location of any federally designated floodplain.
- (v) The location of any required watershed buffer area.
- (vi) The location of all existing and proposed public easements.
- (vii) The location of any proposed parking and loading and screening which may be required by this section.

(b) These site plans must be sealed by a registered engineer, surveyor, architect or landscape architect licensed to practice in the State of North Carolina.

(c) The Planning Director, at his/her discretion may waive the site plan requirements in (I) (3) (a) and (b) above.

(4) All new development on vacant lots or change in land use on existing lots shall be required to submit the following in addition to the site plan outlined in Section 3.3(F) (2) and (3) above:

(1) *Landscape Plan Requirements:*

Landscape plans shall clearly demonstrate conformance to the intent of all applicable sections of this ordinance. Landscape plans shall be submitted at a scale of 1"=30' or other appropriate scale acceptable to the Administrator, and shall include:

- (i) Planting plan showing location, quantity, and type of proposed plantings including existing trees to remain and new trees as required by Sections 9.2 and 9.7.
- (ii) Planting schedule listing all plant materials by botanical name, common name, quantity, and size at installation.
- (iii) All horizontal landscape construction such as walls, drives, decks, terraces, and other features shall be labeled according to material and finish with spot elevations.

- (iv) All vertical landscape construction such as walls, fences, raised decks, shelters, light standards, signs, flagpoles, trellises, seats, mailboxes, etc. shall be labeled sufficiently to indicate size, materials, and general appearance.
- (iv) For any proposed irrigation, outline performance specifications, and show extent of coverage, and location of rain sensor.
- (v) In an effort to conserve water, landscape plans which utilize existing vegetation, native plants, drought-tolerant ornamental plants, and limited lawn areas are encouraged.
- (vi) Plant names indicated on drawings shall comply with "Standardized Plant Names", copyright 1942, by American Joint Committee on Horticultural Nomenclature.
- (vii) Plants shall comply with sizing and grading standards of the latest edition of "American Standard for Nursery Stock".

(2) Site Lighting Plan Requirements:

Site lighting plans shall clearly demonstrate conformance to Article VIII Section

8.6 Site lighting plans shall be submitted at a scale of 1"=30' or other appropriate scale acceptable to the Administrator, and shall include:

- (i) Location and mounting information for each light;
- (ii) Illumination calculations showing light levels in foot candles at points located on a 10-foot on center grid;
- (iii) A fixture schedule listing fixture design, type of lamp, and wattage of each fixture; and
- (iv) Manufacturer's photometric data for each type of light fixture.

(J) Other requirements. In addition to information required in this subsection, other information or documents deemed relevant by the Zoning Administrator or review board shall be required, such as evidence of approval of sedimentation and erosion control plans, prior to issuance of a zoning permit.

(K) Amendments to and Modification of Permits

(1) Insignificant deviations from zoning or special use permits are permissible and the Zoning Administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernable impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Insignificant deviations may not exceed ten percent (10%) of any measurable standard.

(2) Minor modifications to zoning or special use permits are permissible with the approval of the permit issuing authority. Minor modifications are those that do not significantly change the essential character of the use or activity that has been previously authorized. If such requests are required to be acted upon by the Board of Adjustment, new conditions may be imposed in accordance with Section 3.4. The applicant retains the right to reject such additional conditions by withdrawing his/her request for a modification and may then proceed in accordance with the previously issued permit.

(3) Major changes to zoning or special use permits will be processed as new applications. Major changes are those that significantly change the essential character of the use or activity that has been previously authorized.

(4) The Zoning Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c). The determination of the Zoning Administrator shall constitute the final

decision of the town and is not appealable when the determination falls within category (b) or (c) above.

(L) Permits run with the land. All permits and other development approvals are attached to and run with the land.

(M) Revocation of permit. Any revocation of permit and other development approvals must follow same process as was used for the approval.

3.4 Special Use Permits.

(A) Permit required for uses allowed with a special use permit. No zoning or building permit shall be issued until the Board of Adjustment has approved a use permit for the requested use.

(B) Applicants. A request for a special use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner.

(C) Applications. Applications for all special use permits or amendments to any approved special use permit must be filed with the Zoning Administrator. Applications which are not complete shall be returned to the applicant, with a notation of the deficiencies in the application. The Zoning Administrator has the authority to waive any application requirements where the type of use or scale of proposal makes that information unnecessary or impractical. A complete application will include all of the following:

1. A completed application form signed by all of the property owners of the area proposed for the permit, or a completed application form signed by the developer along with an affidavit signed by all property owners giving the applicant the permission to pursue the permit and to bind the property to the proposal and to conditions which the board might impose.
2. A complete explanation of the proposed use(s) of the property. A site plan as specified in Section 3.3(F).
3. A preliminary subdivision plat which meets all of the requirements of the subdivision ordinance when subdivision of the land is proposed.
4. Documentation containing facts which will be used to support the petition, including but not limited to deed restrictions, letter of sufficiency regarding public water and sewer, proposed homeowners association documents, and appropriate county and state approvals.
5. All appropriate fees.
6. A complete listing of all owners of property within 150 feet of the proposed special conditional use parcel, their addresses, and parcel identification numbers.
7. A synopsis or overview of the project, including information relevant to use, density, lot layout, housing type, planned amenities, and the like.

8. Any other information deemed by the Zoning Administrator to be necessary for sufficient review of the application.

(D) *Public notices.*

- (1) The Planning Department shall mail a notice of public hearing on the proposed special use by first class mail to the property owners located within 150 feet of the proposed special use parcel. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.
- (2) At least 10 days before the public hearing, the Planning Department shall prominently post a notice of the public hearing on the site proposed for special use or on an adjacent public street or highway right-of-way.

(E) *Staff review.*

- (1) *Sketch plan.* Prior to submission of the complete application, all subdivision developers are required to submit a sketch plan for staff review. Preparation and review of the sketch plan shall conform to the requirements of the Town of North Wilkesboro Subdivision Regulations.

(2) *Applications.* The Zoning Administrator, prior to Board of Adjustment review, shall review all applications for a special use permit. Further assessment of a proposed project by the technical review committee shall be at the discretion of the Zoning Administrator based on the scale, complexity, and/or impact of the project. The Zoning Administrator shall determine the number of copies to be submitted by the applicant to ensure that there are sufficient copies to send to the board, the technical review committee, and all other appropriate agencies for review and comment. The applicant shall submit a completed application no later than (20) twenty working days prior to the board meeting at which the application is to be heard. If the application is found to be incomplete or the development is found to be in conflict with the requirements of this section, the developer shall be notified and the application rejected.

(3) *Cooperation.* The developer is strongly encouraged to work closely with staff and neighboring property owners before and during the application and review process to minimize delays and address concerns which may arise in the review process.

(F) *Board of Adjustment action.*

(1) *Review.* The Board of Adjustment shall review the application to determine compliance with this article and all applicable regulations within the Town's planning jurisdiction.

(2) *Required general findings.* No special use permit shall be approved by the Board of Adjustment unless the following general findings of fact are made concerning the proposed special use:

- a) The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to the plan submitted.
- b) The use complies with all regulations and standards of this article.
- c) The use will not substantially injure the value of adjoining property, or the use is a public necessity.
- d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
- e) Public water and sewer service are available in adequate capacity, if needed.

- f) That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area in which it is located.

(G) *Withdrawal or amendment of a special use permit application.* An application for a special use permit may be withdrawn or amended as follows:

- (1) A petitioner may withdraw the petition filed according to this article at any time up to the scheduling of the date of the public hearing on the petition.
- (2) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the Zoning Administrator. On the date scheduled for the hearing, the Board of Adjustment may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- (3) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Zoning Administrator no later than two weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, except that changes proposed by the petitioner, Board of Adjustment, and other interested parties may be presented at the hearing and considered by the Board of Adjustment during their deliberations.
- (4) If the Board of Adjustment deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty days to allow interested parties the opportunity to comment on the amendment to the petition.
- (5) If the Board of Adjustment deems any amendment to be an intensification of the petition, it shall call for a new public hearing.

(H) *Hearing.*

- (1) A special use permit hearing will be conducted as a quasi-judicial hearing before the Board of Adjustment.
- (2) The applicant has the burden of producing competent, material, and substantial evidence establishing that:
 - (a) The proposed special use will comply with all of the lot, size, yard, and other standards of this article, except as may be amended through an approved variance.
 - (b) The proposed special use will comply with all general and specific standards required by the appropriate section of this article for the issuance of a special use permit for this use.

(I) *Decision.* In considering an application for a special use permit, the Board of Adjustment may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relationship to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized. Such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Board of Adjustment may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and

respond to any additional conditions or requirements prior to final action by the Board of Adjustment.

(J) *Consent.* Following decision, the applicant/landowner must provide written consent to the Town to any conditions related to the special use permit.

(K) *Effect of approval.* An approved application for a special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property shall be in conformance with the special use permit and all plans, specifications, and conditions, unless such are amended or the permit terminated by the Board of Adjustment.

(L) *Subdivisions.* Approval of applications involving major subdivisions of land, as defined in the Town of North Wilkesboro Subdivision Regulations, shall be contingent upon preliminary plat approval by the Planning Board. Approval of the plat shall allow the applicant to proceed with the development as approved within the permit.

(M) *Effect of denial.*

(1) If the Board of Adjustment denies an application for a special use permit, a reapplication for that special use on that property shall not be made within one year of the date of denial.

(2) The Board of Adjustment may allow re-submission of the application within the one-year restricted period, however, if it determines that since the date of action on the prior application one of the following criteria has been met:

(a) The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the special use permit should be developed; or

(b) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or

(c) There has been a substantial change in conditions or circumstances, outside the control of the applicant, which justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

(N) *Amendment to an approved special use permit.*

(1) Any major change to a development approved by special use permit shall require an amendment to the special use permit by the Board of Adjustment. Any proposed change in use, increase in density or intensity, decrease in open space and common recreational facilities, substantial change in the location of uses or streets from what is shown on the approved plans, any change in a condition imposed on the use by the Board of Adjustment, or any other change the Zoning Administrator determines is significant shall be deemed a major change requiring an amendment to the special use permit. Factors to be considered by the Zoning Administrator in determining if a change is substantial include, but are not limited to, the extent of the change, the expected impact on adjacent properties, and the impact on offsite streets and other public infrastructure. Otherwise, the Zoning Administrator may approve minor changes to a permit.

(2) The owner of property which is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits.

(3) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this zoning ordinance.

(O) *Appeals.* Any petition for review by superior court shall be filed with the clerk of superior court within thirty days after a written copy of the decision of the Board of Adjustment is filed in the office of the Zoning Administrator or is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later.

(P) *Recognition of previously approved special use permits.*

Special use permits which have been previously granted by the Board of Adjustment of the Town of North Wilkesboro and special use permits previously granted by the Wilkes County Board of Adjustment will be recognized for building permit and other administrative purposes during the period of time the project was vested by the ordinance under which it was approved. After the vesting period, if construction of the development has not begun or there is no valid building permit in effect for the property, or the special use permit will be considered null and void.

(Q) *Revocation of a special use permit.*

(1) If at any time the Zoning Administrator determines that construction inconsistent with the approved special use permit is occurring within the development, he/she shall issue a stop work order on such construction, and he/she shall notify the responsible parties of the violation who will immediately cease and desist further work on the project. If the nonconforming construction is not brought into compliance with the permit or the applicant has not filed an appeal with the Board of Adjustment within thirty days, the Zoning Administrator may initiate a revocation of the special use permit. The Zoning Administrator may also act to suspend the issuance of any additional building permits within the development if he/she has reason to believe that such construction will not be in conformance with the approved permit or such construction will increase or reinforce the degree of nonconformance.

(2) If the nonconformance involves a completed, unoccupied building, no certificate of occupancy shall be granted for such building until the violation is corrected. If the nonconformance involves initial construction or provision of any of the public facilities, open space, required landscaping, or similar common features of the approved permit, no building permits or certificates of occupancy will be issued within the development until the violation is corrected or a new special use permit has been granted by the Board of Adjustment.

(3) Action to revoke a permit shall be taken by the Board of Adjustment after receiving a request from staff. Such a request shall be in writing and shall declare that the applicant and all property owners within the development, as recorded at the Register of Deeds office, have been notified at least ten days before the meeting of the pending action and the date, time, and place of the Board of Adjustment meeting at which the request will be made. Said applicant and property owners shall have the right to appear before the Board of Adjustment at said meeting and show cause why the Board of Adjustment should not revoke the permit. Notification shall be deemed given when written notice is sent by first class mail to the property owner at the address shown on the most recent property tax records and one or more signs are posted in prominent locations on the subject site reasonably calculated to give notice of the action.

(R) *Expiration of a special use permit.*

(1) Approval of a special use permit shall confer upon the developer all vested rights as set forth in this ordinance.

(2) In order for a special use permit to remain in effect for a particular development, a valid building permit must be issued for construction within the time period vested. If at any time after this date, construction has not been completed and no valid building permits are outstanding for construction within the development, the special use permit shall expire. No further construction may occur within the development until the Board of Adjustment has issued a new special use permit. Application for a new special use permit shall follow the procedures outlined in this article.

3.5 Appeals.

(A) The Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination made by the Planning Director or Zoning Administrator pertaining to this ordinance. If the official who made the administrative decision (or his or her successor) is no longer employed by the Town, they must appear as a witness in the appeal.

(B) *Standing.* Any person who has standing under G.S. 160D-14-2(d) or the Town may appeal an administrative decision to the Board of Adjustment.

(C) *Judicial challenge.* A person with standing may bring a separate and original civil action to challenge the validity or constitutionality of an ordinance or development regulation or that it is ultra vires, preempted, or otherwise in excess of statutory authority without filing an appeal under subsection (A).

(D) *Time to appeal.* An appeal to the Board of Adjustment shall be made within thirty days from receipt of the written notice of the order, requirement, decision, or determination made by the Zoning Administrator, or Planning Director. In the absence of evidence to the contrary, notice pursuant to G.S. 160D- 4-3(b) given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

(E) *Record of decision.* An appeal, specifying the grounds thereof, shall be filed with the Planning Director on a form provided by the Planning Director.

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

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

(G) The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination with reference to the appeal.

3.6 Variances.

(A) When unnecessary hardships would result from carrying out the strict letter of this article, the Board of Adjustment shall vary any of the provisions of this article relating to the use, construction or alteration of buildings or structures or the use of the land, except those specifically related to water supply watershed requirements, so the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done. For variances to the requirements of a water supply Watershed Overlay District, see Article VI, Section 6.5(B)(3)(P).

(B) Anyone requesting a variance shall file such with the Zoning Administrator on a form provided by the Zoning Administrator. Applications shall be filed at least 20 working days prior to the Board of Adjustment meeting at which it will be heard. After filing, the request shall be heard at the next available Board of Adjustment meeting.

(C) The Board of Adjustment, in considering an application for a variance, shall give due consideration to the following:

- (1) No nonconforming use of land or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the granting of a variance.
- (2) The request for a variance for a use that is expressly, or by inference, prohibited in the district involved shall not be granted.

- (3) The fact that property may be utilized more profitably will not be considered in granting a variance
- (D) The Board of Adjustment, before granting a variance, shall make all of the following findings:
 - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self- created hardship.
 - (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (E) The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this article. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this article.

3.7 Amendments.

(A) *Authority.* The Town Board shall have the authority to amend the zoning text and maps as follows, except that amendments to this text which affect one or more watershed requirements, shall also follow the procedures outlined in Section 6.5(B) (3)(p) for amendments.

(B) *Initiation.* Any amendment to the zoning text or map, except for the classification of property to a conditional district, may be initiated by:

- (1) The Town Board or the Planning Board.
- (2) The property owner(s), upon filing an official petition including a complete application.
- (3) A petitioner other than a board or property owner
- (4) Downzoning of a property shall not be initiated by a third party without written permission from the property owner

(C) *Application for a text amendment.* A petition for amendment to the text of this article shall consist of:

- (1) A completed application form.
- (2) A written justification for the requested amendment including consistency of the proposal with town planning policies.
- (3) All appropriate fees.
- (4) Any other information deemed necessary by the Zoning Administrator or Planning Board

(D) *Application for a map amendment.* A petition for amendment to the zoning map shall consist of:

- (1) A completed application form.
- (2) A list of adjoining properties, including tax parcel numbers and the name and address of each owner. For the purposes of this section, adjoining property owners shall include owners of properties lying across a public or private street.
- (3) A map of the parcel and its relationship to the general area in which it is located.
- (4) All appropriate fees.
- (5) Any other information deemed necessary by the Zoning Administrator or Planning Board.

(E) *Conditional district rezoning.*

(1) *Initiation.* Only the property owner(s) may initiate the classification of property to a conditional district, or an agent authorized by affidavit to act on the owner's behalf. The developer is strongly encouraged to work closely with staff and/or Zoning Administrator and neighboring property owners before and during the application and review process to minimize delays and address concerns that may arise.

(2) *Petition.* A request for rezoning to a conditional district shall include an official petition consisting of the following:

- a) A completed application form.
- b) A list of adjoining properties, including tax parcel numbers and the name and address of each owner. For the purposes of this section, adjoining property owners shall include owners of properties lying within one hundred feet of the subject property if located across a public or private street.
- c) A map of the parcel and its relationship to the general area in which it is located.
- d) All appropriate fees.
- d) A site plan as outlined in Section 3.3(F).
- f) A written description or notation on the map explaining the proposed use of all land and structures, including the number of residential units, permitted uses, yard requirements or the total square footage of any nonresidential development and planned amenities.
- g) A preliminary subdivision plat that meets all of the requirements of the subdivision ordinance, including type and quantity for submission, where subdivision of land is proposed. Any other information deemed necessary by the Zoning Administrator or Planning Board.

(3) *Conditions placed on modifications or changes of conditional district rezoning.* The following changes and/or modifications to a Conditional District ordinance and site plan require consideration and approval by the Town Board of Commissioners. All other changes and/or modifications require consideration and approval by the Planning Director. However, if in the judgment of the Planning Director, the requested changes and/or modifications alter the basic development concept, the Planning Director may require concurrent approval by the Planning Board and Town Board of Commissioners.

- a. Land area being added or removed from the Conditional District.
- b. Modification of special performance criteria, design standards, or other requirements specified by the Conditional District ordinance.
- c. A change in land use or development type beyond that permitted by the Conditional District ordinance.
- d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
- e. When there is an increase in the total number of residential dwelling units originally authorized by the Conditional District ordinance.
- f. When the total floor area of a commercial or industrial classification is increased more than ten percent (10%) beyond the total floor area originally authorized by the Conditional District ordinance.

- g. When the Town Board of Commissioners mandates their consideration and approval, as a condition of approval, if any change or variation is proposed to the Conditional District site plan and Conditional District ordinance.

(4) *Additional Requirements for Planned Developments.* In addition, the following must be submitted prior to the public hearing for Planned Development Conditional District rezonings:

- a) Evidence of unified control of the area of the proposed district.
- b) Statement of agreement of all present owners and their successors in title to proceed with the proposed development according to regulations in effect when the map amendment creating the PD district is established. This statement shall be filed at the Wilkes County Register of Deeds on the subject property after approval is made for the amendment. All costs associated with filing shall be at the owner's expense.
- c) Statement of agreement of all present owners and their successors in title to provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the Town Board of Commissioners for completion of the development according to approved plans and for continuing operation and maintenance of areas and facilities not provided at public expense; and such dedications, contributions, or guarantees as required for public facilities and services. This statement shall be filed at the Wilkes County Register of Deeds on the subject property after approval is made for the amendment. All costs associated with filing shall be at the owner's expense.
- d) Statement of agreement of all present owners to bind future successors in title to any commitments made under (b) and (c) above.
- e) Detailed proposals in accordance with (b) and (c) above as a basis for specific modification of applicable regulations where such modification is intended to serve public purposes.

(5) *Conditions.* Prior to the action on the proposed amendment (which may also include a period after the public hearing) any Planning Board or Town Board of Commissioners member (or any group of members not comprising a majority of such board) may meet with the petitioner to discuss the proposed plan and suggest features to be included in the rezoning proposal. The specifics of the plan may be negotiated to address community issues or concerns and to ensure that the spirit and intent of this article are preserved. During the public hearing, the Town Board may suggest additional features to be included or reflected in the proposal prior to taking action on the request. Any modifications and/or conditions, the Board must obtain the applicant's/landowner's written consent to conditions and/or modifications related to a conditional zoning approval in regards to enforceability.

(6) *When development has not begun within two years.* The property owner shall commence construction in accordance with the approved development plan within two years after the rezoning. If the Planning Board determines that construction has not commenced in accordance with the plan within such time period, it may, at its discretion, recommend to the Town Board that the Town rezone the property to an appropriate general-use zoning district.

(F) *Copies.* The Zoning Administrator shall determine the number of copies of each petition and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate staff, agencies, and boards for review and comment.

(G) *Withdrawal or amendment of petition.*

- (1) A petition filed according to this article may be withdrawn by the petitioner at any time up to the scheduling, by the Town Board, of the date of the public hearing on the petition.
- (2) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the town clerk. On the date scheduled for the hearing, the Town Board of Commissioners may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- (3) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Zoning Administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, Town Board of Commissioners, and other interested parties may be presented at the hearing and considered by the Planning Board and Town Board of Commissioners during their deliberations.
- (4) If the Town Board of Commissioners deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty days to allow interested parties the opportunity to comment on the amendment to the petition.
- (5) If the Town Board deems any amendment to be an intensification of the petition, it shall call a new public hearing.

(H) *Citizen comments.* If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the Town Board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-7-5 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

(I) *Hearing.*

- (1) The Town Board of Commissioners may refuse to call for a public hearing on any petition for amendment to the zoning text or zoning map if, in the board's opinion, such petition lacks merit.
- (2) Notice of public hearings required under these regulations shall be in accordance with the North Carolina General Statutes.

(3) Notice of any request for a change in the zoning map shall state that the Planning Board and Town Board of Commissioners may consider the application of any of the zoning districts to the property, not just the classification requested.

(4) Conduct of public hearing.

- a) No amendment shall be adopted until after the Town Board of Commissioners has held a public hearing on the proposed amendment.
- b) The hearing shall be conducted in accordance with rules and procedures established by the Mayor and Town Board of Commissioners.
- c) When presenting a petition for the reclassification of property to a general-use district, as opposed to a conditional zoning district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.

(J) *Recommendation and decision.*

(1) No proposed amendment shall be approved unless it is first submitted to the Planning Board for a recommendation. If the Planning Board does not make a recommendation to approve, approve with conditions, deny, or defer a decision on the proposed amendment within thirty- one calendar days after the petition has been referred to it, then the Planning Board shall be considered to have recommended deferral for additional deliberation. The petition, along with the recommendation of the Planning Board, shall be placed on the agenda of the Town Board of Commissioners at its next regular meeting.

(2) The Town Board of Commissioners, after receiving the recommendation of the Planning Board, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications. Any modifications and/or conditions, the Board must obtain the applicant's/landowner's written consent to conditions and/or modifications related to a conditional zoning approval in regards to enforceability.

(3) The Planning Board shall include, in its written recommendation and report to the Town Board, comments on the consistency of the proposed change with the adopted Comprehensive Plan and with any other relevant plans that have been adopted by the Town Board of Commissioners.

(4) The Town Board of Commissioners shall include in making its decision, comments on the consistency of the requested change to the adopted Comprehensive Plan. For zoning map amendments, the Town Board of Commissioners shall adopt a statement of reasonableness. The statement of reasonableness may consider, among other factors:

- (i) the size, physical conditions, and other attributes of any 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 and the development 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.

(5) Both boards in their recommendations and/or decisions shall consider all of the following:

- a) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
- b) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
- c) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, stormwater drainage systems, water supplies, and wastewater and refuse disposal.
- d) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.

(6) When considering a petition to reclassify property to a general use district, the Planning Board and the Town Board of Commissioners shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.

(7) In approving an amendment to reclassify property to a general-use district or, with the consent of the petitioner, to a conditional district, the Town Board of Commissioners may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to any other classification or classifications permitted by this article.

(8) The Town Board of Commissioners may modify any proposed text amendment upon withdrawal or modification of the petition or further public hearings, when, in the opinion of the board, such a change would not require a separate public hearing.

(K) *Effect of the denial of a petition.*

- (1) A petition for the reclassification of property that has been denied in whole or in part shall not be re-submitted within one year of the date of the Town Board of Commissioners' action on the original petition.
- (2) The Town Board of Commissioners may, however, allow re- submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
 - a) There has been a similar change in the zoning district classification of an adjacent property.
 - b) The Town Board of Commissioners has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed.
 - c) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification.
 - d) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition. This shall not include a change in the ownership of the subject property nor in the case of a petition for reclassification to a conditional or overlay district, a change in the scale or features of the development proposed in the prior petition.

3.8 Determinations

A determination is a final and binding order, requirement, or determination regarding an administrative decision. The Zoning Administrator is authorized to make determinations. Any determination shall be provided in writing, by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner.

Article IV. Enforcement and Penalties

4.1 Purpose and Intent.

This section provides for the methods of notification and penalties involved in enforcement of this Ordinance. Whenever possible, it is desirable to gain voluntary compliance with the provisions of this Ordinance without the necessity of pursuing formal enforcement measures.

(A) Violation.

It is unlawful and a violation of this ordinance to establish, create, expand, occupy, or maintain any use, land development activity, or structure, including, but not limited to, signs and buildings, that violates or is inconsistent with any provision of this Ordinance. Approvals and authorizations include, but are not limited to Special Use Permits, Sign Permits, Building Permits, Certificates of Zoning Compliance, Certificates of Occupancy, Variances, development plans, site plans, landscaping plans, and conditions of such permits and plans. It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance.

(B) Violators.

Violators include but are not limited to, any person (s) who owns, leases, occupies, manages, or builds any structure or land development activity in violation of this Ordinance, and any person(s) who owns, leases, or occupies a use in violation of this Ordinance. A violation may be charged against more than one violator. For the purpose of Article IV of this Ordinance, the term "person" is defined to include but not be limited to any individual, group of individuals, or any corporation, partnership, association, company, or business, trust, joint venture, or other legal entity. In addition, one or more of the following persons may be held responsible for a violation of this Ordinance, and be subject to the remedies and penalties provided in this Section:

- (1) An owner of the property on which the violation of this Ordinance occurs, any tenant or occupant of that property who has control over, or responsibility for, its use or development, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance.

(C) Responsibility.

The Zoning Administrator shall enforce this Ordinance and the remedies authorized under this Section. The Zoning Administrator shall have the authority to settle any violations that involve the payment of money to the governing body.

4.2 Enforcement Procedures.

(A) Inspections and Investigations.

A program of inspections and investigations to determine compliance with the Zoning Ordinance and orders, plans, permits, certificates, and authorizations issued under the Zoning Ordinance, is hereby authorized. This program shall be conducted under the general authority of the Zoning Administrator. On receiving complaints or other information indicating a violation of this Ordinance, the Zoning Administrator or Zoning Enforcement Officer shall investigate the situation and determine whether a violation exists. Inspections shall be during reasonable hours and the inspector must present credentials and consent of the premises owner or an administrative warrant to inspect areas not open to the public.

(B) Initial Notice of Violation.

On determining that a violation exists, the Zoning Administrator shall, whenever possible, make contact with the violator either in person or via telephone to discuss the violation. 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 and shall be recorded in the file. The notice shall describe the nature of the violation and its location, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Zoning Administrator to discuss the violation and how it may be corrected. The Zoning Administrator may provide the alleged violator additional notices of violation. This notice is an administrative determination subject to appeal as provided in Section (D) below.

(C) Final Notice of Violation; Correction Order.

The Zoning Administrator's final written notice of violation (which may be the initial notice) shall also order correction of the violation, specify a reasonable time period in which the violation must be corrected, state the remedies and penalties authorized in Section 4.3 the Zoning Administrator may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Board of Adjustment if the correction order is the initial notice.

The final 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 and shall be recorded in the file.

A notice of a new violation is not required where a notice of a violation of the same kind has been issued to the same violator at the same property within the previous two (2) years. In such cases, the violator may be charged with a continuing violation without further notice, as provided in Section 4.4 E. below. A notice is also not required where action is taken under Sections 4.3 A. 1., 2., or 6.

(D) Appeal to the Board of Adjustment.

Any person aggrieved by the Zoning Administrator's determination of a violation or a correction order may appeal that determination or order to the Board of Adjustment in accord with the provisions of Section 3.5 (C) of this Ordinance, including payment of the appropriate fee. An appeal generally stays all further actions to enforce a notice of violation, correction order, or Stop Work Order, until the Board of Adjustment has made a decision concerning the appeal. Civil Penalty citations that follow the initial notice of violation may not be appealed to the Board of Adjustment. The Board shall hear the appeal and may affirm, modify, or revoke the Zoning Administrator's determination of a violation. If there is no appeal, the Zoning Administrator's determination of the nature and degree of the violation are final.

(E) Failure to Comply with Notice or Board of Adjustment Decision.

If the violator does not comply with a notice of violation, correction order, Stop Work Order, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to enforcement action as prescribed by G.S.160D-403 or by this Ordinance.

(F) Extension of Time Limit to Correct Violation.

The recipient of an initial notice of violation, correction order, or Stop Work Order, or the owner of the property on which the violation occurs, may, within thirty (30) days of the receipt or posting of the initial notice of violation or correction order, whichever is earlier, submit to the Board of Adjustment, a written request, to be filed with the Zoning Administrator, for extension of the specified time limit for correction of the violation. In cases where an appeal of the notice of violation has been properly filed with the Board of Adjustment, the thirty (30) day period shall commence upon receipt of the notice of the Board of Adjustment decision concerning the violation or correction order. The Zoning Administrator shall assist individuals in the preparation of said statement in cases where an individual(s) is/are unable to prepare a written statement. The Zoning Administrator will recommend whether the time limit should be extended. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit, for reasons beyond the control of the person requesting the extension, the Board of Adjustment may extend the time limit as reasonably necessary to allow timely correction of the violation.

(G) Enforcement Action After Time Limit to Correct Violation.

Following the time limit for correction of the violation, including any stay or extension thereof, the Zoning Administrator shall determine whether the violation has been corrected. If the violation has been corrected, the Zoning Administrator shall take no further action against the alleged violator. If the violation has not been corrected, the Zoning Administrator may act to impose one or more of the remedies and penalties specified in the notice of violation, correction order, or Stop Work Order.

(H) Emergency Enforcement Without Notice.

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in Section 4.3.

4.3 Remedies, Penalties, Enforcement Action.

(A) General.

The Zoning Administrator may pursue one (1) or more of the following remedies and penalties described below or in Section 4.4, or otherwise authorized by common law or statute, to prevent, correct, or abate a violation of this Ordinance. Use of one (1) of the authorized remedies and penalties does not preclude the Zoning Administrator from using any other authorized remedies or penalties, nor does it relieve any party to the imposition of one (1) remedy or penalty from imposition of any other authorized remedies or penalties.

(1) Permit Revocation:

In accord with the provisions of this Ordinance, the Zoning Administrator, upon a written determination may revoke any permit, certificate, or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance. Any permit, certificate, or authorization mistakenly issued in violation of State law or local ordinance, or issued on the basis of misrepresentations by the applicant, owner, or owner's agent may be revoked without such written determination.

(2) Permit Denial or Conditioning:

As long as a violation of this Ordinance remains uncorrected, the Zoning Administrator may deny or withhold approval of any permit, certificate, or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs. The Zoning Administrator may also condition a permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.

(3) Injunctive and Abatement Relief in Superior Court:

A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NC General Statute 160A-175. The Zoning Administrator shall have the authority to execute an order of abatement if the violator does not comply with such order, and the costs of the execution shall be a lien on the property in the nature of a mechanic's or material man's lien.

(4) Judicial Action to Collect Civil Penalty:

A civil action in the nature of a debt may be filed in any court of competent jurisdiction to collect an unpaid civil penalty imposed under Section 4.4 below.

(5) Stop Work Order:

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of a Stop Work Order, the Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or lands, or to prevent any illegal act, conduct, business or use in or about the premises.

The stop work order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefore, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the local government that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

The person(s) conducting the violating activity and/or the property owner may appeal the Stop Work Order to the Board of Adjustment pursuant to Section 4.2 (D) of this ordinance.

4.4 Civil Penalty.

(A) General.

The Zoning Administrator, after consultation with the Town Manager, may impose one or more civil penalties and issue one or more Civil Penalty citations for a violation as provided below. If the violator does not pay the penalty, the Zoning Administrator may collect it in a court through a civil action in the nature of a debt.

(B) Notice of Civil Citations.

Notice of civil citations 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 civil citation may be posted on the property. The notice shall include a copy of the notice of violation, the amount of the penalty, information about where to pay the penalty, the deadline for payment, which shall be ten (10) days from the date of the notice, and the possibility of civil enforcement.

(C) Amount.

The following Civil Penalty amounts are hereby established:

Action	Fine
Notice of Violation (includes Final Notice of Violation)	Correct Violation within time allotted in Notice of Violation – no fine
First Civil Penalty citation	\$50.00
Second Civil Penalty citation for same offense	\$100.00
Third Civil Penalty citation for same offense	\$250.00
Fourth Civil Penalty citation for same offense	\$500.00

In addition to civil penalties rendered, the violator may be required to pay any and/or all attorney's fees in the collection of monetary penalties.

(D) Continuing Violations.

The Zoning Administrator may issue a Civil Penalty citation for a violation that continues without being corrected. The violator in such cases may be assessed a penalty for each day of the continuing violation. An initial Civil Penalty citation for a single violation must be issued before a Civil Penalty citation for a continuing violation is issued. If the violator has failed to pay the penalty and correct the violation after the initial Civil Penalty citation, the violator is subject to a Civil Penalty citation for a continuing violation with a daily penalty. An initial Civil Penalty citation is not required if the Town has previously issued a Civil Penalty citation to the violator for the same violation at the same location within the previous two (2) years. The Zoning Administrator may give a single notice of a Civil Penalty citation for a continuing violation. The notice must contain a copy of the notice of violation and must state that the violation is continuing, that a daily penalty of a specified amount is being imposed, and that the penalty is cumulative.

(E) Settlement of Claims.

The Town Attorney is authorized to determine the amount of payment that will be accepted in full and final settlement of some or all of the claims the Board of Commissioners may have in connection with the violation. The Town Attorney shall indicate in writing the claims from which the violator is released. If the violation has not been remedied, payment shall not release a violator from potential civil prosecution or a claim for injunctive relief and/or an order of abatement.

Article V. Rules of Construction, Interpretation, and Definitions

5.1 Rules of Construction.

For the purposes of these regulations, the following rules of construction apply.

(A) Interpretations shall be guided by statements of intent.

(B) The term "this ordinance" shall refer to the Town of North Wilkesboro Zoning Ordinance.

(C) The words "shall", "must", and "will" are mandatory, implying an obligation or duty to comply with the particular provision.

(D) The word "may" is permissive, except when the context of the particular use is negative, then it is mandatory (i.e. may not.).

(E) The word "should", whether used in the positive or the negative, is a suggested guideline.

(F) References to "days" will always be construed to be business days, excluding weekends and Town-observed holidays, unless the context of the language clearly indicates otherwise.

(G) For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined in Section 5.3. Except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.

(H) Words used in the present tense include the future tense, and words used in the future tense include the present tense.

(I) Words used in the singular number include the plural, and words used in the plural number include the singular.

(J) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company, as well as an individual.

(K) The word "lot" includes the word "plot", "parcel" or "tract".

(L) The word "building" includes the word "structure", and the word "structure" includes the word "building".

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

(N) Words used in the masculine gender include the feminine gender.

(O) The word "street" includes the words road, avenue, place, way, drive, lane, boulevard, highway, and any other facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians

(P) The terms "Town Board" and "Board of Commissioners" shall mean the Town Board of Commissioners of the Town of North Wilkesboro, North Carolina.

(Q) The term "Planning Board" shall mean the Planning Board of the Town of North Wilkesboro, North Carolina.

(R) The term "Zoning Administrator" shall mean the Zoning Administrator of the Town of North Wilkesboro, North Carolina.

(S) The term "Subdivision Administrator" shall mean the subdivision administrator of the Town of North Wilkesboro, North Carolina.

(T) The term "Manager" or "Town Manager" shall mean the Town Manager of the Town of North Wilkesboro, North Carolina.

(U) The term "Board of Adjustment" shall mean the Board of Adjustment of the Town of North Wilkesboro, North Carolina.

(V) The term "state" shall mean the State of North Carolina.

(W) Any reference to an article shall mean an article of the Town of North Wilkesboro Zoning Ordinance, unless otherwise specified.

5.2 Interpretation.

(A) **Zoning boundaries.** Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the Zoning Administrator shall employ the following rules of interpretation.

(1) Where the zoning maps show a boundary line located within a street or alley right-of-way, railroad or utility line right-of-way, easement or waterway, it shall be considered to be in the center of the right-of-way, easement or waterway. If the actual location of such right-of-way, easement or waterway varies slightly from the location as shown on the zoning maps, then the actual location shall control.

(2) Where the zoning maps show a district boundary to approximately coincide with a property line or city, town or county border, the property line or border shall be considered to be the district boundary, unless otherwise indicated on the zoning map.

(3) Where the zoning maps show a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the zoning maps to determine the boundary's distance from other features shown on the map.

(4) If, because of error or omission in the zoning maps, any property within the jurisdiction of this ordinance is not shown as currently being in a zoning district, such property will be classified as "R10", until changed by amendment.

(5) Where district boundaries appear to be parallel to the centerline of streets, easements or rights-of-way, such district boundaries shall be construed to be parallel thereto and at such a distance there from as is indicated on the zoning maps.

(6) The Zoning Enforcement Officer shall decide the exact location of zoning district boundary lines when a question arises concerning boundary lines shown on the zoning maps. This decision may be appealed to the Board of Adjustment.

(B) ***Split tracts and fractional requirements.*** The Zoning Enforcement Officer shall employ the following rules with respect to split tracts and fractional requirements:

(1) Where a district boundary line divides a lot or tract in single ownership, the district requirements for the most restricted portion of such lot or tract shall be extended to apply to the whole, provided such extensions shall not include any part of a lot or tract more than thirty-five feet beyond the district boundary line. The term "most restrictive" shall refer to all zoning restrictions except lot or tract size.

(2) When any requirement of this ordinance results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the nearest lower whole number shall apply.

(3) Whenever a density calculation for a legal lot of record results in less than one dwelling unit being permitted, one dwelling unit will be permitted subject to the remaining provisions of this ordinance.

(C) ***General rules of conflict.***

(1) In the event of a conflict between the text of this article and any caption, figure, illustration, or table included herein, the text of this article shall control.

(2) In the event there is a conflict in limitations, requirements or standards applying to any individual use or structure, the more stringent or restrictive provision shall apply.

(D) ***Distance measurements.*** Distance separations are required for many uses in this article. Unless otherwise specified, the following rules shall apply in determining such measurements:

(1) Where lot separation is required, measurements shall be made from lot line to lot line using the shortest straight-line distance between lots.

(2) Where separation between a building, structure, parking area, buffer, driveway or similar feature on a development site and any other feature on the same or abutting site is required or is part of a regulation contained herein, such separation shall be measured between the closest points on the feature using the shortest straight line distance between the two.

5.3

Definitions.

For the purpose of interpreting this ordinance, certain words and terms used in this ordinance are defined as follows. Except as defined herein, all other words used in this ordinance shall have their usual, customary dictionary meaning.

ABANDONED. A use shall be deemed to be abandoned when:

- a) the use is physically and objectively discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or
- b) the premises are devoted to another use; or
- c) the characteristic equipment and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within thirty days.

All of the above events are considered abandonment, regardless of the intent of the owner, lessee or occupant and regardless of any circumstances beyond the control of such parties that prevent continuation of the use.

ABATTOIRS. A facility used for slaughtering and processing of animals and the refining of their byproducts.

ABUTTING PROPERTIES. Properties having common boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

ACCESSORY COMMUNICATION ANTENNAE. An antennae configuration that is attached to a building, water tower, or other existing structure where the communication facility is customarily incidental to the main or principal building or structure.

ACCESSORY DWELLING UNIT. See *“Dwelling Unit, Accessory, Attached” and “Dwelling Unit, Accessory, Detached”*.

ACCESSORY STRUCTURE OR USE. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. This includes freestanding satellite dishes, any other devices that access satellites, and amateur radio antennae.

ACCESSORY USE. See *“Use, Accessory”*.

ADAPTIVE REUSE. A rehabilitation, reconstruction or renovation of existing buildings or structures for any use other than its current use.

ADDITION. (Applies only to the Floodplain Overlay District.). An extension or increase in the floor area or height of a building or structure.

ADJACENT PROPERTY. A tract that is contiguous or abutting with the subject property assuming that intervening railroads, roads, and other rights- of-way do not exist.

ADULT ESTABLISHMENT. A principal or accessory structure or use of land which meets the definition of adult establishment as set forth in G.S. 14-202.10 et. seq. and the North Wilkesboro code of Ordinances, but excluding massage therapy.

ADULT USES. A structure or use of land which meets any definition of adult establishment as outlined in G.S.14-202.10 (Licensed health massage/body work therapists shall not be considered an adult massage business).

AGRICULTURAL INDUSTRY. A commercial poultry or swine production, cattle or swine feed lot, fur bearing animal farm, commercial plant production (not retail nurseries) on more than two acres, commercial fish or poultry hatchery, and other similar activities.

AIRCRAFT. An airplane, helicopter, or other machine capable of flight. Including all fixed-wing or rotary-wing crafts.

AIRPORT. (Applies only to the Airport Overlay District.). A landing field(s), parking and service facility, passenger and baggage terminal(s), and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. This term shall also be used in reference to the Wilkes County Airport.

AIRPORT ELEVATION. (Applies only to the Airport Overlay District.). A measurement of the highest point of the airport's useable landing area, measured in feet above mean sea level (1301.0').

ALLEY. A service way providing a secondary means of public access to abutting property. Alleys shall not be used for sole frontage of a property.

ALTERATION. A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing use.

ALTERATION OF A WATERCOURSE (Applies only to the Floodplain Overlay District) a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

AMENDMENT. A change by the Town Board to the text of these regulations or the official zoning maps.

AMORTIZATION. A provision requiring a non-conformance to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

AMUSEMENT, COMMERCIAL INDOOR. A business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

AMUSEMENT, COMMERCIAL OUTDOOR. A business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, Par 3 golf course, golf driving range, or go-cart course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters, raceways, drag strips, or motorcycle courses.

ANIMAL UNIT. (Applies only to the Watershed Overlay District.). A unit of measurement developed by the U.S. Environmental Protection Agency that is used to measure the impact of animal operations on a water supply watershed. One animal unit is equivalent to 1 head of cattle excluding mature dairy and veal cattle; 0.7 mature dairy cows; 2.5 swine weighing more than 55 pounds; 10 swine weighing 55 pounds or less; 55 turkeys; 100 chickens; and 1 veal calf.

APPEAL. An action requesting reversal or modification of an interpretation or decision made by the Zoning Administrator or Floodplain Administrator in the application of these regulations.

APPLICANT. A person seeking approval under these regulations for any form of development or use of land.

APPROACH SURFACE. (Applies only to the Airport Overlay District.). A surface

longitudinally centered on the extended runway centerline of the airport, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 6.5(A) (3) B. In plan, the perimeter of the approach surface coincides with the perimeter of the approach.

ARCHITECT. A person licensed to practice architecture in the State of North Carolina.

AREA OF SHALLOW FLOODING. (Applies only to the Floodplain Overlay District.). A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. (Applies only to the Floodplain Overlay District). See “**SPECIAL FLOOD HAZARD AREA (SFHA)**”

ARENA. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

ARMORY. A Federal or state military facility engaged in the storage and maintenance of weapons and munitions.

ARTIFICIAL OBSTRUCTION. An object or material which is not a natural obstruction, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of a stream.

ARTS AND CRAFTS STUDIO. A place used for the creation of objects, made one at a time, by hand. Such creation includes, but is not limited to, wood working, tin-smithing, silver-smithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, and sculpting.

ASPHALT AND CONCRETE PLANT AND CONTRACTORS. A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes only those uses in the following NAICS groups:

23811 Poured Concrete Foundation and Structure Contractors,

324121 Asphalt Paving Mixture and Block Manufacturing

ASSEMBLY HALLS. A public or private facilities used or intended as venues for gatherings, not including churches, courthouses, town halls or community centers.

AUCTION HOUSE. A structure where gatherings are held and organized for the auction, bidding and sale of merchandise.

AUTOMATIC TELLER MACHINE. A type of banking and financial service(s) with automated or self- service banking features with no staff or personnel provided.

AUTOMOTIVE PARKING LOTS AND DECKS. Land and/or structures used principally for temporary parking of motor vehicles.

AUTOMOTIVE REPAIR. See "**Motor Vehicle Repair and Maintenance**".

AWNING. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

BALANCE OF WATERSHED. (Applies only to the Watershed Overlay District.). An area within a designated water supply watershed that is not a critical area as defined in this article.

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans. This definition includes only those uses in the following NAICS groups:

5221 Depository Credit Intermediation

5222 Non-depository Credit Intermediation

BAR. An establishment where the principal use is to serve spirituous liquors and/or beer to be consumed on the premises. Usually furnished with counters and stools. Food may or may not be served.

BASEMENT. (Applies only to the Floodplain Overlay District.). An area of the building having its floor subgrade (below ground level) on all sides.

BASEFLOOD. (Applies only to the Floodplain Overlay District.). Means the flood level having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). (Applies only to the Floodplain Overlay District.). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

BED AND BREAKFAST ESTABLISHMENT. An owner-occupied residential building providing rooms for temporary overnight lodging and breakfast for more than three but not more than eight guests on a paying basis.

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

BEST MANAGEMENT PRACTICES (BMPS). (Applies only to the Watershed Overlay District.) A structural or non-structural management-based practice used singularly or in combination to reduce non- point source pollution entering receiving waters in order to achieve water quality protection goals. Acceptable BMPs shall consist of only those described in the Department of Environmental Quality's latest Stormwater Design Manual at <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design>

BEST MANAGEMENT PRACTICES (BMP), NON-STRUCTURAL. A non-engineered methods used to control the amount of non-point source pollution entering the receiving waters. These may include land-use controls and vegetated buffers.

BEST MANAGEMENT PRACTICES (BMP), STRUCTURAL.

An engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply.

BILLIARD, POOL ROOM. A commercial indoor recreational establishment primarily to provide tables for the playing of billiards, pool, and similar games.

BOARDING OR ROOMING HOUSE. A residential dwelling, or part thereof, in which lodging is provided to more than three but not more than eight paying guests on a weekly or longer basis and where the rooms rented neither individually nor collectively constitute separate dwelling units.

BOWLING ALLEY. A commercial indoor recreational establishments providing lanes and equipment for bowling.

BREAKAWAY WALL. (Applies only to the Floodplain Overlay District). a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BREWERY. An establishment primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to the primary use of producing beverages in accordance with state ABC permits.

BREW PUB. An eating establishment engaged in the incidental retail production of beer,

ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to an eating establishment and producing beverages in accordance with state ABC permits.

BROADCAST STUDIO. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

BUFFER. (See also “*Screening*”.) A strip of land with natural or planted vegetation, located between a structure or use and a front, side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

BUFFER WITHIN WATERSHED AREA. (Applies only to the Watershed Overlay District.) 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.

BUILD-TO LINE. A line extending through a lot that is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation must be erected; intended to create an even building façade line on a street. The build- to line is established on the record plat (final plat).

BUILDING. one-and two-family dwelling or portion thereof, including townhouses, that is used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

See *Accessory Structure or Use*”

BUILDING. (Applies only to the Floodplain Overlay District). See “*Structure*”.

BUILDING AREA. An area of a zoning lot remaining after the minimum setback requirements of this ordinance have been satisfied.

BUILDING CONTRACTORS, GENERAL. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition generally includes those uses in the following NAICS groups:

- 238140 Masonry Contractors,
- 238150 Glass and Glazing Contractors,
- 238160 Roofing Contractors,
- 238170 Siding Contractors,
- 238210 Electrical Contractors and Other Wiring Installation Contractors,
- 238220 Plumbing, Heating, Air-Conditioning Contractors,
- 238290 Other Building Equipment Contractors,
- 238310 Drywall and Insulation Contractors,
- 238320 Painting and Wall Covering Contractors,
- 238330 Floor Contractors,
- 238340 Tile and Terrazzo Contractors,
- 238350 Finish Carpentry Contractors,
- 238990 All Other Specialty Trade Contractors

BUILDING CONTRACTORS, HEAVY. An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment. This definition generally includes those uses in the following NAICS groups:

237110 Water and Sewer Line and Related Structures Construction,
237120 Oil and Gas Pipeline and Related Structures Construction,
237310 Highway, Street and Bridge Construction,
237990 Other Heavy and Civil Engineering Construction,
238120 Structural Steel and Pre-cast Concrete Contractors,
238910 Site Preparation Contractors

BUILDING FOOTPRINT. An outline of the total area covered by a building's exterior walls at the ground level.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in the calculation of building height.

BUILDING LINES. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

BUILDING MATERIALS SUPPLY. An establishment engaged in selling lumber and a general line of building materials and hardware to the public. This definition includes only those uses in the following NAICS group:

4441 Building Materials and Supplies Dealers

BUILDING PRESENTATION. Direction of the architectural front façade of a building in relation to the street or public space.

BUILDING, PRINCIPAL. A building in which the principal use of the zoning lot is conducted.

BUILDING SITE. (See also "**Development**".) An area of land or property where development is undertaken.

BUILDING WALL. Entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or forty-five feet in height of a building, whichever is less.

BUILT-UPON AREA. (Applies only to the Watershed Overlay District.) That portion of a development project and/or lots that are 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.)

BULK STORAGE OF PETROLEUM PRODUCTS (TANK FARMS). Storage on a zoning lot of two thousand five hundred gallons water capacity or more of flammable liquid, or two thousand gallons water capacity or more of flammable gas, excluding "storage tanks, above ground" and "fuel dealers" as defined herein. This definition includes all uses listed in the following NAICS group:

4247 Petroleum and Petroleum Products Merchant Wholesalers

BUS/TRANSIT SHELTER. A freestanding structure less than one hundred square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

CALIPER. Diameter measurement of a tree-trunk.

CAMPGROUND. Also see "**Recreational Vehicle Park and Campground**". A plot, parcel, or tract of land upon which two (2) or more Campsites are located, established, or maintained for occupancy by Camping Units as temporary living quarters for recreation, education, or vacation purposes. A Campground includes any Summer Camp or any other land area which is consistent with this definition.

CANOPY. A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building.

CANOPY TREE. A species of tree which normally grows to a mature height of thirty- five feet or more with a minimum mature crown width of thirty feet and meets the specifications of the American Nursery Stock Standards published by the American Horticultural Society.

CARPORT. A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

CAR WASH, AUTOMATIC. An unattended, automated, mechanical facility for the washing of automobiles, small recreational vehicles, and light trucks wherein the customer remains in the vehicle during the service.

CAR WASH, FULL SERVICE. An attended facility wherein the customer pays for the labor, materials, and equipment necessary to wash or otherwise clean an automobile, small recreational vehicle, or light truck. This type of car wash may or may not be partially automated. Typically, the customer does not remain in the vehicle during the service.

CAR WASH, INDUSTRIAL. A mechanical facility for the washing, vacuuming, and waxing of large automobiles and heavy machinery.

CAR WASH, SELF SERVICE. A facility wherein the customer provides labor and where no self- propelled wash racks are provided.

CEMETERY. Land and facilities, including any burial grounds, mausoleums, columbariums, offices, and chapels, used for the burial of the dead.

CEMETERY, LICENSED. Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under state law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the state.

CERTIFICATE OF COMPLIANCE. A certificate issued by the Zoning Administrator setting forth that a lot, building, structure, or use complies with the zoning ordinance and that the same may be used for the purposes stated therein. For the storage of any chemical or chemically reactive products.

CERTIFICATE OF OCCUPANCY. A certificate issued by the building inspector setting forth that a building, structure, or use complies with all North Carolina State Building Codes in effect within the Town's jurisdiction.

CHANGE OF USE. A change in the use of a structure or land for which a certificate of compliance is required.

CHEMICAL STORAGE FACILITY. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHILD CARE INSTITUTION. A facility providing residential and non- residential care for thirteen or more children under the age of twenty-one, who are handicapped or who are without the benefit of parents who can provide for those children's basic physical, emotional, educational, spiritual, and/or other special needs.

CHURCH OR RELIGIOUS INSTITUTION. A facility of a church, temple, synagogue, or other non- profit religious organization operated for worship and which may include religious training or study.

CHURCH OR RELIGIOUS INSTITUTION, COMMUNITY SCALE. A church or religious institution in which the seating capacity in the sanctuary or main activity area is greater than six hundred persons.

CHURCH OR RELIGIOUS INSTITUTION, NEIGHBORHOOD SCALE. A church or religious institution in which the seating capacity in the sanctuary or main activity area is six hundred persons or less.

CIRCUSES, CARNIVALS, REVIVAL GROUNDS. A temporary, seasonal or occasional

use of vacant, unimproved property for recreational activities or meetings outdoors or housed in tents.

CLINIC. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, psychologists, social workers, or other medical personnel and are not lodged overnight.

CLINICAL LABORATORIES. A commercial facility engaged in specimen analysis for medical purposes.

CLINIC, VETERINARY. See “*Veterinary Services*”.

CLUB OR LODGE, NON-PROFIT. A building or land used for the activities of a non-profit private club or social organization and not adjacent to, operated as, or in connection with a public tavern, cafe, or other place open to the public.

CLUB, PRIVATE. A for-profit establishment as defined in N.C.G.S. 18 B-1000 (5) which holds an ABC Permit from the State of North Carolina.

CLUSTER DEVELOPMENT. A grouping of buildings and built-upon areas in order to conserve and/or protect natural resources and to provide for innovation in the design of a development project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

CLUSTER HOUSING. A development pattern where the dwelling units are grouped or "clustered" on a density basis for the total land area of the development, rather than spread evenly throughout the site on a lot-by-lot basis. A cluster housing development includes permanent open space and greenways usually owned and maintained by a homeowner's association or developer.

COLISEUMS AND STADIUMS. A structures or facilities designed, intended or used primarily for public gatherings; indoor exhibitions, galleries or conventions; or indoor or outdoor spectator events including but not limited to professional and amateur sporting events, concerts, theatrical presentations, and motor vehicle racing.

COLLECTOR STREET. See “*Street, Collector*”.

COLLEGE OR UNIVERSITY. An institution of higher education offering undergraduate and/or graduate degrees.

COLUMBARIUM. A structure of vaults lined with recesses for urns containing cremated human remains, or any other structure or space, including a space of ground, used or intended to be used for the placement of urns containing cremated human remains.

CO-LOCATION. Siting of two or more separate wireless antennas on the same support structure.

COMMUNITY CENTER. A building used for recreational, social, educational, and cultural activities, open to the public and usually owned and operated by a public or non-profit group or agency.

COMMUNITY THEATER. An establishment owned and operated by a bona fide nonprofit organization that has installed permanent staging and seating areas and is engaged solely in the business of sponsoring or presenting amateur or professional theatrical events to the public.

COMMERCIAL COMMUNICATION TOWER. See “*Telecommunication Tower*”.

COMPOSTING FACILITY. (Applies only to the Watershed Overlay District.) A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

CONDITIONAL ZONING DISTRICT. A zoning district in which additional conditions may be placed upon the development by the Town Board of Commissioners as part of the rezoning process.

CONGREGATE CARE FACILITY. A licensed multi-unit facility which provides housing,

part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities to meet the needs of the elderly. Congregate care facilities do not include nursing care institutions or similar institutions devoted primarily to the care of the chronically ill or incurable.

CONICAL SURFACE. (Applies only to the Airport Overlay District.) A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand feet.

CONSTRUCTION, START OF. First placement of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work at the point of placing the foundation, or beyond the state of excavation or the placement of a manufactured home on a foundation. This definition does not include the installation of streets or walkways nor does it include the installation of temporary buildings on the property, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

CONTIGUOUS AREA. An area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

CONVENIENCE STORE. An retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than five thousand square feet.

CONVENTIONAL SUBDIVISION. A subdivision which complies with the standard lot dimensions of Section 6.6 of the North Wilkesboro Zoning Ordinance and the development standards found in the North Wilkesboro Subdivision Ordinance.

CORNER LOT. See "*Lot, Corner*".

CORRECTIONAL INSTITUTION. A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each a full twenty-four hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

CRITICAL AREA. (Applies only to the Watershed Overlay District.) An 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.

CRITICAL ROOT ZONE. The area under a tree, which includes all land within the drip-line of the tree. The drip-line is measured by a vertical line extending from the outermost portion of a tree's canopy to the ground.

CUL-DE-SAC. See "*Street, Cul-de-sac*".

CULTURAL FACILITY. An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

DATA CENTER. An establishment primarily engaged in providing infrastructure for data hosting or data processing services. These

establishments may provide specialized hosting activities, such as Web hosting, streaming services or application hosting, provide application service provisioning, or may provide general time share mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services.

DAY CARE. Child or adult care arrangement for three or more individuals who receive care away from their primary residence by persons other than their parents, children, grandparents, aunts, uncles, brothers, sisters, first cousins, nieces, nephews, guardians, or full-time custodians, where care is provided on a regular basis at least once per week for more than four but less than twenty-four hours per day.

DAY CARE CENTER. A day care facility in which day care is provided for thirteen or more children when any child is preschool-age, or sixteen or more other children and/or adults.

DAY CARE HOME, LARGE. A facility in which day care is provided for six to twelve preschool-age children or up to fifteen other children and/or adults.

DAY CARE HOME, SMALL. A facility in which day care is provided for up to five preschool-age children, or up to eight other children and/or adults.

DECIDUOUS. A plant or tree with foliage that is totally shed annually.

DEED RESTRICTION. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the Wilkes County Register of Deeds. Also known as a restrictive covenant.

DENSITY, GROSS RESIDENTIAL. Number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

DENTAL LABORATORY. See "*Laboratory, Medical or Dental*"

DESIGN FLOOD (Applies only to the Floodplain Overlay District). See "**REGULATORY FLOOD PROTECTION ELEVATION.**"

DETENTION STRUCTURE. A permanent structure designed for the temporary storage of storm water runoff in order to reduce the peak rate of discharge from a site.

DEVELOPER. A person actively engaged in the development of land. See "**Applicant**".

DEVELOPMENT. Carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

a) Except as provided in subsection c) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development":

- (1) Reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
- (2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a property or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
- (3) Alteration of the shore or bank of a pond, lake, river, or other waterway;
- (4) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
- (5) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
- (6) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

b) "Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

c) For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a zoning permit:

- (1) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;
- (2) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
- (3) A change in use of land or structure from a use within a specified category of use to another use in the same category;
- (4) A change in the ownership or form of ownership of any parcel or structure;
- (5) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or
- (6) The clearing of survey cuts or other paths of less than four feet in width.

DEVELOPMENT. (Applies only to the Floodplain Overlay District). Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT ACTIVITY (Applies only to the Floodplain Overlay District). Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) (Applies only to the Floodplain Overlay District). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DISCHARGING LANDFILL. (Applies only to the Watershed Overlay District.). 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.

DISPOSAL. (Applies only to the Floodplain Overlay District.). (as defined in NCGS 130A-290(a)(6)), Discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISTILLERIES. An establishment primarily engaged in one or more of the following:

- (1) distilling potable liquors (except brandies);

- (2) distilling and blending liquors; and
- (3) blending and mixing liquors and other ingredients.

DISTURBED AREA. An area subject to erosion due to the removal of vegetative cover and/or earthmoving activities.

DORMITORY. A dwelling containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution and which is co-located with and subordinate to such institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

DOUBLE FRONTAGE LOT. See "*Lot, Double Frontage*".

DRIVE-THROUGH SERVICE WINDOW. A customer service facility located within the principal structure as an accessory to an office or retail establishment.

Enabling the customer to transact business without exiting the motor vehicle.

DRY CLEANING AND LAUNDRY PLANTS. A building, portion of a building, or premises used for cleaning fabrics, textiles, apparel, or articles of any sort by immersions in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. This definition includes only those uses which meet this definition and have the following NAICS group:

8123 Drycleaning and Laundry Services

DRY CLEANING AND LAUNDRY SERVICES. A building, portion of a building, or premise used for the collection and distribution of dry cleaning or the cleaning of fabrics, textiles, apparel, or articles of any sort without the immersion of such articles in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. It is intended that uses in this category shall not pose a significant threat to the health and safety of the public or adjacent uses and that such may legally discharge all liquid waste into a public sanitary sewer or private septic system.

DWELLING. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. The term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY, ATTACHED. A second dwelling unit connected to a residential building.

DWELLING UNIT, ACCESSORY, DETACHED. A dwelling unit located within an accessory structure, which is located more than ten feet from the principal structure.

DWELLING UNIT, EFFICIENCY. A dwelling unit in which the sleeping and living areas are contained in the same room.

EASEMENT. A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

EASEMENT, NEGATIVE ACCESS. An easement that allows no driveway or other vehicular access to a lot from an adjacent public street.

EASEMENT, SIGHT. An easement that grants the right to maintain an unobstructed view across property, which is located at a street intersection.

ELECTRONIC GAMING OPERATIONS. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to

computers and gaming terminals, to conduct games of chance and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes but is not limited to internet cafes, internet sweepstakes, or cyber cafés. This does not include any lottery approved by the State of North Carolina. Typically age restrictions apply.

ELEVATED BUILDING. (Applies only to the Floodplain Overlay District). A building without a basement which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT. (Applies only to the Floodplain Overlay District.). Advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a special flood hazard area floodplain, which may impede or alter the flow capacity of a floodplain.

ENGINEER. A person licensed to practice engineering and use the title in the State of North Carolina.

EROSION. Wearing a way of land surface by the action of wind, water, gravity, or any combination thereof.

EROSION CONTROL ACT. North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments. (Regulated by NCDEQ)

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

EXHIBITION BUILDING. A structure or facility designed, intended, or used primarily for public gatherings, indoor exhibitions, galleries, or conventions.

EXISTING BUILDING AND EXISTING STRUCTURE. (Applies only to the Floodplain Overlay District). Any building and/or structure for which the “start of construction” commenced before the original effective date of the floodplain management regulations adopted by the Town of North Wilkesboro.

EXISTING DEVELOPMENT. (Applies only to the Watershed Overlay District.) Projects that are built or projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of the amendment incorporating water supply watershed regulations into the North Wilkesboro Zoning Ordinance based on at least one of the following criteria:

a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or

b) Possessing an outstanding valid building or zoning permit;

EXISTING LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Wilkes County Register of Deeds 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.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME

SUBDIVISION. (Applies only to the Floodplain Overlay District.). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the Town of North Wilkesboro.

EXTERIOR FEATURES.

Architectural style, general design, and general arrangement of the exterior of a structure,

including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

FAÇADE. Exterior wall of a building extending from grade to the top of the parapet, wall, or eaves that is exposed to public view.

FAIRGROUNDS. An area of land use including, but not limited to: agricultural related office buildings, animal judging shows, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

FAMILY. Individuals related by blood, marriage, or adoption, occupying a premises and living as a single, non-profit housekeeping unit, including domestic servants, and live-in help. The following individuals shall be included in this definition:

- a) a single person or married couple;
- b) a single person or married couple's biological, foster or adopted child, a step- child, or other legal ward;
- c) a single person or married couple's parents, siblings, aunts, uncles, nieces, nephews, and persons of preceding or succeeding generations denoted by the prefixes of grand, great or great-great;
- d) spouses of any persons named in the above groups;
- e) cousins, who are defined to be relatives who are descendants from a common grandparent. A family may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

FAMILY MEMBERS, DIRECT. Direct lineal descendants (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather and grandmother); and brothers, sisters, nieces and nephews.

FAMILY SUBDIVISION. (Applies only to the Watershed Overlay District.) A division of a tract of land to:

- a) convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or
- b) divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

FARM, BONA FIDE. (*Bona fide farms are exempt from the exercise of municipal extraterritorial jurisdiction.*) A property employed for agricultural purposes as defined in General Statute 106-581.1. For purposes of determining whether a property is being used for a bona fide farm, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a) A farm sales tax exemption certificate issued by the Department of Revenue.
- b) A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105- 277.3.
- c) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d) A forest management plan.

(The above definition relates to zoning and should not be associated with tax or other definitions.)

FARM PRODUCT SALES. Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

FARMER'S MARKET. Seasonal selling or offering for sale at retail of farm products, occurring in a pre-designated area, where the vendors are generally individuals who have produced the farm products.

FARMHOUSE CLUSTER. A rural subdivision for up to six house lots accessed by a private drive.

FEED AND FLOUR MILL. Establishments primarily engaged in milling flour or meal from grains (except rice) or vegetables, and/or preparing flour mixes or doughs.

FEED AND SEED STORE. Establishments primarily engaged in the retail sale of supplies directly related to the day-to-day activities of agricultural production.

FENCE. A vertical structure constructed of metal, vinyl or wooden material which encloses an area of ground.

FENCE OR WALL, OPAQUE. A vertical structure constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through.

FENESTRATION. Design and positioning of windows and doors in a building or structure.

FLAG. A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature which represents a country, state, or other political subdivision.

FLAMMABLE FUEL STORAGE. The storage of flammable or other hazardous liquids at a below grade location in compliance with applicable state laws.

FLEA MARKET. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers.

FLOOD. A temporary rise in stream flow or stage that results in water over topping stream banks and inundating areas adjacent to the watercourse. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters; and/or

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD OR FLOODING. (Applies only to the Floodplain Overlay District). A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). (Applies only to the Floodplain Overlay District). An official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM). (Applies only to the Floodplain Overlay District). An official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

FLOOD INSURANCE. (Applies only to the Floodplain Overlay District.). Insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). (Applies only to the Floodplain Overlay District.). An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (See also DFIRM).

FLOOD INSURANCE STUDY (FIS). (Applies only to the Floodplain Overlay District.). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN. (Applies only to the Floodplain Overlay District.). Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. (Applies only to the Floodplain Overlay District). The Planning Director or his/her designee.

FLOODPLAIN DEVELOPMENT PERMIT. (Applies only to the Floodplain Overlay District.). Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity in a floodplain.

FLOODPLAIN MANAGEMENT. (Applies only to the Floodplain Overlay District.). Operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. (Applies only to the Floodplain Overlay District.). Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPRONE AREA. See "**FLOODPLAIN**".

FLOODPROOFING. (Applies only to the Floodplain Overlay District.) A combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOOD-RESISTANT MATERIAL. (Applies only to the Floodplain Overlay District.) Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY. (Applies only to the Floodplain Overlay District.). Channel of a river or other watercourse including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY ENCROACHMENT ANALYSIS. (Applies only to the Floodplain Overlay District.). An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

FLOODWAY FRINGE. (Applies only to the Floodplain Overlay District.). An area lying outside the floodway, but within the floodplain.

FLOOD ZONE. (Applies only to the Floodplain Overlay District.). A geographical area

shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOOR. Top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA. Sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

FLOOR AREA RATIO (FAR). Total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

FOOD AND BEVERAGE STORE. An establishment primarily engaged in selling food or beverages for home preparation and consumption off premises. This definition includes only those uses in the following NAICS group: 445 Food and Beverage Stores

FOOD TRUCK: A motorized vehicle or mobile food unit (trailer) which is temporarily parked on a lot where food items are sold to the general public.

FOOT CANDLE. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FREEBOARD. (Applies only to the Floodplain Overlay District). Height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

FRONTAGE, BUILDING. Façade of a structure facing the street.

FREEWAY OR EXPRESSWAY. A divided highway with full control of access and grade separation of all intersections.

FRONT LOT LINE. See "*Lot Line, Front*".

FRONT YARD. See "*Yard, Front*".

FRONTAGE BUILDOUT. Portion of lot frontage which has a building or wall running parallel to it.

FRONTAGE, LOT. Lot boundary which coincides with a public street or space.

FUEL DEALER. Establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels. This definition includes only those uses in the following NAICS group:

45431 Fuel Dealers

FUNCTIONALLY DEPENDENT FACILITY. (Applies only to the Floodplain Overlay District). A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries. This definition includes only those uses in the following NAICS group:

8122 Death Care Services

GASOLINE STATION, LARGE. A retail establishment which primarily sells gasoline to the public and which may include a convenience store, garages for passenger vehicle repair

with associated vehicle storage areas, and an automatic carwash as accessory uses.

GASOLINE STATION, NEIGHBORHOOD. A retail establishment which primarily sells gasoline to non-commercial vehicle operators, having no more than two canopies and eight separate pumping stations, and providing only minor passenger vehicle repairs.

GENERAL RETAIL. See “***RETAIL, GENERAL***”.

GOLF COURSE. An area designed for golf, having at least nine holes, each with a tee, fairway, and green, and may have one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

GOLF DRIVING RANGE. An open air golf practice facility.

GOVERNMENT OFFICES. Offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state, and local governments. This definition includes only those uses in the following NAICS group:

92 Public Administration

GRADE. Elevation of the land or land which is level at a specific point.

GRADE, EXISTING. The elevation along the ground surface of a site as exhibited on the Town’s online GIS mapping at two foot or four foot contour intervals, or as surveyed and mapped at a contour interval of not more than four feet, by a licensed surveyor.

GRADE, FINISHED. Elevation at the top of the ground, walk, or terrace where the ground, walk, or terrace intersects the exterior walls of a structure or the vertical supports of a sign.

GREENWAY. A linear open space along a natural or constructed corridor, which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas.

GROSS FLOOR AREA. Total area of any buildings in the project, including the basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the buildings such as boiler rooms and maintenance shops.

GROUND COVER. Any plant material that reaches an average height of not more than twelve inches.

GROUND LEVEL. (Applies only to the Floodplain Overlay District). Existing average elevation of the land.

GROUND SIGN. See “***Sign, Ground Mounted***”.

GROUP CARE FACILITY. A transitional housing facility for more than twenty residents, licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care, and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes:

- a) To assist them in recuperating from the effects of or refrain from the use of drugs or alcohol;
- b) To provide emergency and temporary shelter for persons in distress such as runaway children and battered individuals; and,
- c) To provide shelter and support for older adults and persons who are handicapped.

A Group Care Facility shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

GROUP DEVELOPMENT. A group of two or more principal structures built on a single lot, tract, or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses, or other enterprises, as permitted in the zoning district of site location. Examples would be: cluster

type subdivisions, row houses, apartment courts, housing projects, school and hospital campuses, shopping centers, and industrial parks.

GROUP HOME A. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care, and rehabilitation services in a supportive family environment for not more than six residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, and abused individuals. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11) b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

GROUP HOME B. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than twelve residents, exclusive of supervisory personnel, including but not limited to handicapped persons, older adults, foster children, and abused individuals. This unit shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C- 3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

HABILITATION FACILITY A. Facility in which eight or fewer handicapped persons receive habilitation services, rehabilitation services, or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses "schools, elementary or schools, secondary". These facilities are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

HABILITATION FACILITY B. Facility in which more than eight handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses "schools, elementary or schools, secondary". These facilities are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

HANDICAPPED PERSON. An individual with a physical or mental impairment which substantially limits one or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes children, but does not include persons who are dangerous to others as defined by N.C.G.S. 122C-3(11) b.

HAZARDOUS MATERIAL. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA), Section 302, Extremely Hazardous Substances; The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Hazardous Substances; Section 311 of the Clean Water Act (CWA) (oil and hazardous substances); or any solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- b) Pose a substantial present or potential hazard to human health or the environment when

improperly treated, stored, transported, disposed of or otherwise managed.

HAZARDOUS MATERIALS TREATMENT FACILITY. A building, structure or use of land devoted (or intended to be devoted) primarily to changing by any method, technique or process (including incineration or neutralization) the physical, chemical, or biological character of any hazardous material so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation.

However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- a) A facility which manufactures hazardous materials from component non-hazardous materials;
- b) A facility or location for the long term or perpetual storage of hazardous materials; or
- c) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

HAZARDOUS SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of 13 NCAC 7. Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and/or reactive. Health hazards include, but are not limited to, chemicals, which are carcinogens, toxins, corrosives, and/or irritants.

HAZARD TO NAVIGATION. (Applies only to the Airport Overlay District.) An obstruction determined to have an adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS WASTE MANAGEMENT FACILITY. A commercial facility which accepts hazardous waste from the general public or from another facility for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for its own use. As defined in NCGS 130A, Article 9 130A-290(a) (9), is a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HEIGHT, AIRPORT. (Applies only to the Airport Overlay District.) Height of a structure or tree above mean sea level elevation, unless otherwise specified.

HEALTH SERVICES, MISCELLANEOUS. Outpatient care centers such as kidney dialysis centers, blood banks, birth control clinics, mental health and drug treatment centers, and similar uses. This definition includes only those uses in the following NAICS group(s):

- 6214 Outpatient Care Centers,
- 6215 Medical and Diagnostic Laboratories,
- 62199 All Other Ambulatory Health Care Services

HEIGHT, BUILDING. See *“Building Height”*.

HELICOPTER LANDING PAD. Designated takeoff and landing area from which helicopter departures and approaches are intended to originate or terminate.

HELIPORT. Helicopter terminal facility for general public transportation with support facilities. May include, in addition to the landing pad(s), passenger and cargo facilities; maintenance, overhaul, fueling, service, and storage facilities; tie-down areas, hangars, parking, and other necessary buildings and open spaces.

HELISTOP. Limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. Which includes the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance

facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities.

HIGHEST ADJACENT GRADE (HAG). (Applies only to the Floodplain Overlay District). Highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE. Any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Natural and Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

HOMELESS SHELTER. A supervised publicly or privately operated shelter and services designed to provide temporary living accommodations to individuals or families who lack a fixed, regular, and nighttime residence.

HOME OCCUPATIONS. A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

HORIZONTAL SURFACE. (Applies only to the Airport Overlay District.) A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration. This definition includes only those uses in the following NAICS group:

622 Hospitals

HOTEL. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Hotels may or may not provide onsite parking, and access to hotel rooms is generally provided through interior hallways.

HUD. United States Department of Housing and Urban Development.

IMPERVIOUS SURFACE COVER. Structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the "zoning ordinance", wooden slatted decks and the water area of a swimming pool are considered pervious.

IMPROVEMENT. A structure or constructed feature not included under the definition of structure.

INDEPENDENT LIVING FACILITY. An unlicensed facility providing living arrangements for the elderly and their spouses in single family, duplex, or multi-family

units designed to allow a predominately independent lifestyle within the framework of a larger, unified, health maintenance environment.

INDUSTRIAL DEVELOPMENT. (Applies only to the Watershed Overlay District.) Any nonresidential development that requires a National Pollutant Discharge Elimination Systems (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 development any product or commodity.

INFILL DEVELOPMENT. Construction of a building on a vacant parcel located in a predominately built up area.

JAIL. A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

JUNKYARD. Use of more than six hundred square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof regardless of whether such material is for sale.

KENNEL. A parcel of land on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold on a commercial basis.

LABORATORY, MEDICAL- An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession. This definition includes only those uses in the following NAICS groups:

3391 Medical Equipment and Supplies Manufacturing,

6215 Medical and Diagnostic Laboratories

LANDFILL, CONSTRUCTION AND DEMOLITION. Landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). Landfill that is limited to receiving off-site land clearing waste, concrete, brick, concrete block, gravel and rock, untreated and unpainted wood, and yard trash. This definition shall also include and apply to land clearing activities associated with subdivision construction.

LANDFILL, SANITARY. Facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

LANDOWNER. Owner of a legal or equitable interest in real property, including the heirs, devise, successors, assigns and personal representative of such owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for purposes of submitting a proposed site-specific development plan in the manner allowed by this Ordinance.

LANDSCAPE ARCHITECT. A person licensed by the North Carolina Board of Landscape Architects to practice and use the title of landscape architect in the State of North Carolina.

LANDSCAPING. Installation and maintenance of trees, shrubs, plant materials, and/or ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

LARGE MATURING TREE. A tree whose height is greater than thirty-five feet at maturity and meets the specification of American Nursery Stock Standards published by American Horticultural Society.

LARGER THAN UTILITY RUNWAY. (Applies only to the Airport Overlay District.).

A runway that is constructed for and intended to be used by propeller driven or jet powered aircraft of greater than twelve thousand five hundred pounds maximum gross weight.

LAUNDRY AND LINEN SUPPLY SERVICE. Establishments primarily engaged in supplying laundered items, such as table and bed linens, towels, diapers, and types of uniforms.

LETTER OF MAP CHANGE (LOMC) (Applies only to the Floodplain Overlay District). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LIBRARY, PUBLIC. A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.

LIGHT DUTY TRUCK. (Applies only to the Floodplain Overlay District). Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

(a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(c) Available with special features enabling off-street or off-highway operation and use.

LINEAR FRONTAGE. Length of a property abutting a public right-of-way from one side lot line to another.

LIVESTOCK SALES AND AUCTIONS. Commercial establishment where livestock are collected for sale or auction.

LODGE. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities adjacent to and ancillary to current operations of the same ownership which are restricted to guests, members, staff, or employees of a corporation, non-profit business, or other business entity without payment of compensation. Design and architecture will be complementary of the surrounding buildings. No sales of goods to the general public and services may include meals. Additionally included are common facilities for reservations and cleaning services, combined utilities, meeting rooms,

on-site management and reception services.

LOGO. A trademark or symbol used to represent a business, church, nonprofit, or any other type of organization.

LOT. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

LOT, ADJACENT. See “*Adjacent Property*”.

LOT, CORNER. A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets a side lot line at an interior angle of less than one hundred thirty-five degrees.

LOT, COVERAGE. Portion of the lot area expressed as a percent that is covered by impervious surface cover.

LOT, DOUBLE FRONTAGE. A lot having frontage and access on two or more public streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three or more streets.

LOT, INTERIOR. A lot other than a corner lot with frontage on only one street.

LOT, REVERSE FRONTAGE. A lot having frontage on two or more streets, one of which is a minor or less important street in the community, the access to which is restricted to the minor street.

LOT, THROUGH. See “*Lot, Double Frontage*”.

LOT LINE. A line or series of connected line segments bounding a lot.

LOT LINE, FRONT. The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

LOT LINE, INTERIOR. A side lot line, which separates one lot from another lot.

LOT LINE, REAR. Lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the Zoning Administrator shall designate the rear lot line.

LOT LINE, SIDE. A lot line other than a front or rear lot line.

LOT, ZONING. A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a building or zoning permit as being that land which is proposed for development under a single development plan.

LOT OF RECORD. A lot described by plat or by metes and bounds which has been recorded in the office of the Wilkes County Register of Deeds.

LOT WIDTH. Horizontal distance between the side lot lines at the building setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

LOWEST ADJACENT GRADE (LAG). (Applies only to the Floodplain Overlay District.). Elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR. (Applies only to the Floodplain Overlay District.). Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MAINTAINED EASEMENT. A recorded right-of-way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

MAP REPOSITORY (Applies only to the Floodplain Overlay District). The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

MAJOR VARIANCE. (Applies only to the Watershed Overlay District.). A variance that results in any one or more of the following:

- a) The complete waiver of a watershed management requirement;
- b) The relaxation, by a factor of more than 10%, of any watershed management requirement that takes the form of a numerical standard;
- c) The relaxation of any watershed management requirement that applies to a development proposal granted a Special Density Allocation.

MANUFACTURED HOME. A structure, substantially assembled in a manufacturing plant that contains a certification label signifying the home meets or exceeds the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards. The structure must also be transportable in one or more sections, which in the traveling mode is eight feet or more in width, or forty 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.

MANUFACTURED HOME PARK. A development site containing spaces leased or intended to be leased for occupancy by manufactured homes used as residential dwellings regardless of whether such homes are provided as part of the lease and including all uses accessory to the residential use. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

MANUFACTURED HOME SPACE. Land in a manufactured home park allotted to or designated for the accommodation of one manufactured home.

MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

MANUFACTURING A. A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components.

Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. This definition may include the uses in the following NAICS groups:

- 3149 Other Textile Product Mills,
- 3156 Apparel Manufacturing,
- 3369, Other Transportation Equipment Manufacturing,
- 3399 Other Miscellaneous Manufacturing,
- 33991 Jewelry and Silverware Manufacturing,
- 33641 Aerospace Product and Parts Manufacturing

MANUFACTURING B. A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components or tobacco products, and the fabrication of wood, leather, paper, water or plastic products. Because of the nature of its operations and products, Manufacturing B could impact immediately adjoining properties

due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS groups:

- 313 Textile Mills,
- 322 Paper Manufacturing,
- 337 Furniture and Related Product Manufacturing,
- 3119 Other Food Manufacturing,
- 3122 Tobacco Manufacturing,
- 3169 Other Leather and Allied Product Manufacturing,
- 3219 Other Wood Product Manufacturing,
- 3231 Printing and Related Support Activities,
- 3261 Plastics Product Manufacturing,
- 3341 Computer and Peripheral Equipment Manufacturing,
- 3342 Communications Equipment Manufacturing,
- 3343 Audio and Video Equipment Manufacturing,
- 3344 Semiconductor and Other Electronic Component Manufacturing,
- 3351 Electric Lighting Equipment Manufacturing,
- 3353 Electrical Equipment Manufacturing,
- 3391 Medical Equipment and Supplies Manufacturing

MANUFACTURING C. A manufacturing establishment primarily engaged in the processing and manufacturing of materials or products not otherwise classified under Manufacturing A, Manufacturing B, or other use defined in this section. Manufacturing C includes the processing and manufacturing of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous, or toxic materials in the manufacturing processes. Because of the nature of its operations and products, Manufacturing C may impact surrounding properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS groups:

- 331 Primary Metal Manufacturing,
- 3133 Textile and Fabric Finishing and Fabric Coating Mills,
- 3161 Leather and Hide Tanning and Finishing,
- 321114 Wood Preservation,
- 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing,
- 3221 Pulp, Paper and Paper Board Mills,
- 3241 Petroleum and Coal Products Manufacturing,
- 3259 Other Chemical Product and Preparation Manufacturing,
- 3262 Rubber Product Manufacturing,
- 3271 Clay Product and Refractory Manufacturing,
- 3272 Glass and Glass Product Manufacturing,
- 3279 Other Nonmetallic Mineral Product Manufacturing,
- 3329 Other Fabricated Metal Product Manufacturing,
- 3333 Commercial and Service Industry Machinery Manufacturing,
- 3353 Electrical Equipment Manufacturing,
- 3359 Other Electrical Equipment and Component Manufacturing,
- 3369 Other Transportation Equipment Manufacturing

MARKET VALUE. Building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MASSAGE AND BODY WORK THERAPY. Massage or body work therapy as defined by the North Carolina Massage and Bodywork Therapy Practice Act, G.S. 90-621 et. seq., provided by a person licensed by the NC Board of Massage and

Bodywork Therapy as provided therein to perform such therapy.

MASSING. Shape and form a building or assemblage of buildings assumes through architectural design.

MEAT PACKING PLANT. An establishment primarily engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products. The definition includes all uses in the following NAICS group:

3116 Animal Slaughtering and Processing

MEDICAL AND SURGICAL OFFICES. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state. This definition includes only those uses in the following NAICS groups:

6211 Offices of Physicians,

6212 Offices of Dentists,

6213 Offices of Other Health Practitioners

MEDICAL OR DENTAL LABORATORY. See **LABORATORY, MEDICAL OR DENTAL**

MICROBREWERY. An establishment primarily engaged in the wholesale production and distribution of beer, ale, porter and other fermented malt beverages. Areas for demonstration, education or tasting are included in this definition and are incidental to the primary use of producing beverages in accordance with state ABC permits. A microbrewery produces less than 15,000 US barrels (460,000 US gallons) per year.

MINOR VARIANCE. (Applies only to the Watershed Overlay District.) A variance that does not qualify as a major variance.

MIXED USE BUILDING. Combination of both commercial and residential uses within a single building, wherein at least fifty percent of the heated floor area contains residential dwelling unit(s).

MIXED USE DEVELOPMENT. A planned development where two or more use categories (commercial, residential, industrial, institutional, etc.) are incorporated on a single development site.

MOBILE HOME. See "*Manufactured Home*".

MOBILE HOME PARK. See "*Manufactured Home Park*".

MOBILE HOME SUBDIVISION. See "*Manufactured Home Subdivision*".

MOBILE OFFICE. A structure intended for office use comprised of one or more components each of which was substantially assembled in a manufacturing plant and designed to be transported to the site, and is constructed to U.S. Department of Housing and Urban Development (HUD) standards (North Carolina State Building Code is not applicable).

MODULAR HOME. A dwelling unit which is constructed in compliance with the North Carolina State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation or other acceptable means established by the North Carolina State Building Code.

MOTEL. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Motels provide on-site parking and access to most rooms is provided directly from a parking area.

MOTOR VEHICLE. A vehicle which is self-propelled and every vehicle designated to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term motor vehicle shall not include vehicles or implements used in farming or construction

but shall include all forms of motorized watercraft.

MOTOR VEHICLE, INOPERATIVE. A motor vehicle which meets at least one of the following criteria:

- a) Vehicle is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether said vehicle possesses a currently valid inspection certificate;
- b) Vehicle lacks a current inspection certificate, or displays an expired certificate;
- c) Vehicle is partially dismantled or wrecked;
- d) Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move; or
- e) Vehicle has expired license plate or is unlicensed.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in bodywork, painting, or customizing of automobiles or other motor vehicles. This definition includes only those uses in the following NAICS group: 81112 Automotive Body, Paint, Interior and Glass Repair

MOTOR VEHICLE DISMANTLING AND WRECKING YARD. Any open area of more than two hundred square feet used for storing or dismantling inoperative motor vehicles. This definition includes only those uses in the following NAICS groups:

- 4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers,
- 4239 Miscellaneous Durable Goods Merchant Wholesalers

MOTOR VEHICLE REPAIR AND MAINTENANCE. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting. This definition includes only those uses in the following NAICS groups:

- 8111 Automotive Repair and Maintenance,
- 81112 Automotive Body, Paint, Interior and Glass Repair

MOTOR VEHICLE SALES, RENTAL AND LEASING. An establishment where automobiles, other motor vehicles, or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit. This definition includes only those uses in the following NAICS groups:

- 4411 Automobile Dealers,
- 4412 Other Motor Vehicle Dealers,
- 45393 Manufactured (Mobile) Home Dealers,
- 5321 Automotive Equipment Rental and Leasing

MOTOR VEHICLE STORAGE YARD. An outdoor area for the storage of more than one wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair, or other disposition. This definition does **not** include the following NAICS groups:

- 423140 Motor Vehicle Parts (Used), Merchant Wholesalers,
- 423930 Recyclable Material Merchant Wholesalers,
- 441310 Automotive Parts and Accessories Stores,
- 441320 Tire Dealers

MULTIPLE BUILDING SITE. A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

MULTIFAMILY. See "*Residential Building, Multi-family*".

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history. This definition includes only those uses in the following NAICS group:

7121 Museums, Historical Sites and Similar Institutions

NAICS. North American Industry Classification System, 2017.

NATURAL OBSTRUCTION. A rock, tree, gravel, or similar natural matter which is an obstruction and has been located within the floodway by a non-human cause.

NCDEQ. North Carolina Department of Environmental Quality.

NC DOT. North Carolina Department of Transportation.

N.C.G.S. or G.S. North Carolina General Statute

NEIGHBORHOOD RECREATION AREA. Public or private tennis, basketball or other recreation courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in a specific area or neighborhood in which the facility is located. Neighborhood recreation areas may include accessory uses such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

NEW CONSTRUCTION. (Applies only to the Floodplain Overlay District.). Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures. Initial floodplain management regulations and includes any subsequent improvements to such structures.

NIGHTCLUB. A place of entertainment generally open in the evening offering entertainment such as music, space for dancing and/or a stage area; and usually serving alcoholic beverages and food for consumption on the premises.

NONCONFORMING LOT. Any lot of record which does not meet the dimensional requirements established in these regulations as adopted or amended.

NONCONFORMING STRUCTURE. Structure which does not comply with all of the requirements established in these regulations as adopted or amended.

NONCONFORMING USE. Use of land or buildings which does not comply with all of the requirements established in these regulations adopted or amended.

NON-ENCROACHMENT AREA. (NEA) (Applies only to the Floodplain Overlay District.). Channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

NONPRECISION INSTRUMENT RUNWAY. (Applies only to the Airport Overlay District.). A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.

NONSTORE RETAIL. See "*Retail, Non-store*".

NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL. Establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which are grown at the establishment. This definition includes only those uses in the following NAICS group(s):

4442 Lawn and Garden Equipment and Supplies Stores,

444220 Nursery, Garden Center, and Farm Supply Stores

NURSING CARE INSTITUTION. A licensed healthcare facility, however named, governmental or non-governmental, which provides in-patient care to six or more non-

related persons for whom planned and continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A nursing care institution may be designed and marketed specifically for the elderly, physically handicapped, or both, but not specifically for mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

OBSTRUCTION. (Applies only to the Airport Overlay District.). Structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 6.5A.

OFF-STREET PARKING. Parking which occurs on a lot and not on a street or other public right-of-way.

OFFICE. A use or structure in which business or professional services are conducted or rendered.

OFFICE, MISCELLANEOUS. Office uses not specifically listed and defined elsewhere in this ordinance as a principal use.

OFFICE, PROFESSIONAL. See “*Professional Office*”.

OPEN SPACE. Land used for recreation, natural resource protection, amenities, protection of important rural and town vistas and/or buffer yards. Open space may include, but is not limited to, lawns, walkways, active recreation areas, playgrounds, wooded areas, and greenways.

OPEN SPACE, COMMON. Land within a development not in individually owned lots, which is designated and intended for the common use or enjoyment of the residents of the development or the public at large.

OPTICAL SERVICES. An establishment where health practitioners engage in the practice of optometry by providing patients with eye examinations to determine visual acuity or the presence of visual problems. Optical services also include the prescription and sale of such products as eyeglasses, contacts, or other instruments intended to enhance visual perception.

ORNAMENTAL TREE. A tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

ORTHOPEDIC SUPPLY HOUSES. A place where prosthetic appliances, surgical dressings, crutches, surgical sutures, and personal industrial safety devices are prepared and distributed.

OUTDOOR DISPLAY, RETAIL. An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items, which require outdoor display. This definition includes only those uses in the following NAICS groups:

- 4411 Automobile Dealers,
- 4412 Other Motor Vehicle Dealers,
- 4539 Other Miscellaneous Store Retailers

OUTDOOR LIGHTING. Light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

OUTDOOR STORAGE. An area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, but excluding temporary construction and related activities and closed bay docks.

OUTPARCEL. A separately leased or owned lot developed apart from but linked functionally to a larger development site.

OWNER. A full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

OVERLAY DISTRICT. A zoning district which combines with one or more of the zoning districts established by this ordinance and has additional regulations. In such case the property involved is subject to the requirements of both districts.

PACKAGE SEWER TREATMENT PLANT. A pre-fabricated set of devices used in the storage, treatment and ultimate discharge or reclamation of sanitary sewer or industrial wastes of a liquid nature.

PARAPET WALL. A building wall which extends to or above a flat roofed platform or building roof.

PARCEL. See "Lot".

PARK. Land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

PARK, NEIGHBORHOOD. A Town or County owned park intended to serve the recreational needs of people living or working within a one-half mile radius of the park.

PARK, REGIONAL. A Town or County owned park intended to serve the recreational needs of all residents of the town and perhaps a large portion of the county with activities and natural features not included in most other types of parks, and often based on a specific natural feature or scenic or recreational opportunity.

PARKING, LOT OR DECK. A principal or accessory use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

PEDESTRIAN ORIENTED DEVELOPMENT. Development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which equally balance the needs of the pedestrian and car.

PERSON. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PERSONAL SERVICES. Establishment primarily engaged in providing a service(s) to individuals such as a beauty and/or barber shop, a dry-cleaning establishment, advertising, or computer services but shall not include any use which may be defined as adult entertainment. Personal Services include uses in the following list of NAICS groups:

- 5419 Other Professional, Scientific and Technical Services (except 54194 VS),
- 5617 Services to Buildings and Dwellings,
- 81143 Footwear and Leather Goods Repair,
- 8121 Personal Care Services,
- 8123 Dry Cleaning and Laundry Services, (excluding Dry Cleaning and Laundry Plants),
- 8129 Other Personal Services (except 81293 "Parking Lots and Garages")

PERVIOUS SURFACE COVER. A penetrable surface cover that allows precipitation to infiltrate into the ground.

PHARMACY. A place where drugs and medicines are prepared and dispensed by prescription from a hospital, medical or dental clinic.

PLANNED DEVELOPMENT. A tract or parcel of land or a building developed for residential, commercial, or a mixture of the two, to be used as an integrated unit under single

ownership or control and covering no more than two hundred acres in area. Development shall be based on a plan that allows for flexibility of design not available under normal zoning district requirements.

PLANNING BOARD. Planning Board of the Town of North Wilkesboro.

PLANTING YARD. Area where required plantings are located.

PLAT. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

PLAZA. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

POST-FIRM. (Applies only to the Floodplain Overlay District.). Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

POST OFFICE. Facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail services for the general public, such as stamps, postcards, or postal insurance.

POSTAL FACILITY, NEIGHBORHOOD. A facility that has: distribution boxes (cluster boxes) and collection services for the general public; no mail carriers or retail services; and is located in a neighborhood where most of the users are within walking distance of the facility.

PRECISION INSTRUMENT RUNWAY. (Applies only to the Airport Overlay District.). A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS), Geographical Positioning System (GPS), or a Precision Approach Radar (PAR); or a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRE-FIRM. (Applies only to the Floodplain Overlay District.). Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

PREMISES. See "Lot".

PRIMARY STREET FRONTAGE. Street to which the main/front façade of a building faces. Typically the street with the most traffic.

PRIMARY SURFACE. (Applies only to the Airport Overlay District.). A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface is one thousand feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING OR STRUCTURE. A building or structure containing the principal use of the lot.

PRINCIPAL USE. Primary purpose or function that a lot serves or is proposed to serve.

PRINCIPALLY ABOVE GROUND. (Applies only to the Floodplain Overlay District.). Structures where at least 51% of the actual cash value of the structure is above ground.

PROCESSING FACILITY. A building or an enclosed space used for the collection and processing of recyclable material or for the purpose of preparing materials for efficient shipment.

PROFESSIONAL OFFICE. An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies. This definition includes only those uses in

the following NAICS groups:

- 5111 Newspaper, Periodical, Book, and Directory Publishers,
- 5112 Software Publishers,
- 5231 Securities and Commodity Contracts Intermediation and Brokerage,
- 5241 Insurance Carriers,
- 5242 Agencies, Brokerages, and Other Insurance Related Activities,
- 5312 Offices of Real Estate Agents and Brokers,
- 5411 Legal Services,
- 5412 Accounting, Tax Preparation, Bookkeeping, and Payroll Services,
- 5413 Architectural, Engineering, and Related Services,
- 5415 Computer Systems Design and Related Services,
- 5416 Management, Scientific, and Technical Consulting Services,
- 5418 Advertising, Public Relations, and Related Services (except 54185 Outdoor Advertising),
- 5511 Management of Companies and Enterprises,
- 56144 Collection Agencies,
- 56145 Credit Bureaus,
- 5615 Travel Arrangement and Reservation Services.

PROGRESSIVE CARE COMMUNITY. An area of land including one or more buildings under unified management, planned and developed as a unit to provide for the traditional residency and care of the elderly in a full range of living and care arrangements which includes at least two of the following: independent living and care, congregate care, or nursing care institutions.

PROJECT AREA. Area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations. See "*Development*".

PROJECTING SIGN. See "*Sign, Projecting*".

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

PROPOSED RIGHT-OF-WAY LINE. Margin of a thoroughfare's right-of-way at its ultimate intended width, determined by:

- a) the thoroughfare's classification; and
- b) dimensional requirements or location criteria as established in the subdivision ordinance.

PUBLIC. Under the control or responsibility of the Town Board of Commissioners on behalf of the general population, rather than individual or private control.

PUBLIC BUILDINGS AND FACILITIES. Offices and facilities of the executive, judicial, legislative, administrative and regulatory branches of the federal, state and local governments, not including correctional facilities and public works facilities and yards. May employ buffered or screened open storage and parking.

PUBLIC SAFETY FACILITIES. Police, fire, rescue, emergency response, ambulance service facilities and any combination thereof.

PUBLIC SAFETY/NUISANCE. (Applies only to the Floodplain Overlay District). Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons; or anything that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PUBLIC WORKS FACILITY. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the N.C. Utilities Commission.

QUARRY. An operation for the dredging, digging, extraction, mining, or quarrying of stone,

sand, gravel, or minerals for commercial purposes.

RADIO AND TELEVISION STATIONS. An establishment primarily engaged in providing radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

RAILROAD FREIGHT YARDS. Facilities located on railroad lines, usually at or near rail stations, engaged in the loading and unloading of freight and in the transfer of freight cars.

REDEVELOPMENT. Demolition and reconstruction of a building or a portion of a building.

REAL ESTATE SIGN. See “*Sign, Real Estate*”.

REAR LOT LINE. See “*Lot Line, Rear*”.

REAR YARD. See “*Yard, Rear*”.

RECEPTION HALL/EVENT VENUE. A place to allow for various private gatherings such as weddings, receptions, arts and craft shows, corporate meetings, and receptions.

RECREATIONAL FACILITY, PUBLIC. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, golf courses, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

RECREATION SERVICES, INDOOR. Establishments engaged in providing indoor recreation services. Which may include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. This definition includes only those uses in the following NAICS groups:

6116 Other Schools and Instruction,

711 Performing Arts, Spectator Sports, and Related Industries,

7111 Performing Arts Companies,

71394 Fitness and Recreational Sports Centers

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation may include any accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use. This definition includes only those uses in the following NAICS groups:

7112 Spectator Sports,

7139 Other Amusement and Recreation Industries

RECREATIONAL VEHICLE. A vehicle other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreational purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE (RV). (Applies only to the Floodplain Overlay District). A vehicle, which is:

- a) built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) designed to be self-propelled or permanently towable by a light duty truck; and
- d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- e) Is fully licensed and ready for highway use.

For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not

meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

RECREATIONAL VEHICLE PARK AND CAMPGROUND. Any lot or parcel of land used or intended to be used for the accommodation of two or more recreational vehicles or non-vehicle campers for transient dwelling purposes.

RECYCLING CENTER. A facility where recovered resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include Motor Vehicle Parts (Used) Merchant Wholesalers, NAICS Group 423140, which is listed as a separate use.

REFERENCE LEVEL. (Applies only to the Floodplain Overlay District.) Top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99, or AO.

REGULATORY FLOOD PROTECTION ELEVATION. (Applies only to the Floodplain Overlay District.). "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMEDY A VIOLATION (Applies only to the Floodplain Overlay District.). To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

RESIDENTIAL BUILDING. A building that contains one or more dwelling units.

RESIDENTIAL BUILDING, DUPLEX. A building which contains two dwelling units and which occupies one zoning lot.

RESIDENTIAL BUILDING, MULTI-FAMILY. A building which contains three or more dwelling units. This definition includes condominiums and apartment complexes.

RESIDENTIAL BUILDING, SINGLE FAMILY. A building which contains one dwelling unit and which occupies its own zoning lot. This term includes modular housing units.

RESIDENTIAL BUILDING, TOWNHOUSE. A building which contains three or more dwelling units where each unit occupies a separate lot of record.

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.

RESIDENTIAL, GROUND-FLOOR. Dwelling units constructed within commercial districts on the ground story of a building with the ground story being established from the primary street frontage of the building.

RESIDENTIAL, UPPER-STORY. Dwelling units constructed within commercial districts on stories above the ground story of a building with the ground story being established from the primary street frontage of the building.

RESTAURANT (WITH DRIVE-THROUGH SERVICE). An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT(WITHOUT DRIVE-THROUGH SERVICE). An establishment that serves prepared food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tearooms, and outdoor cafes.

RESORT. A use of property that includes three or more recreational amenities that require significant acreage for operation. A Resort may also include lodging for the users and visitors and may require membership to utilize the property and amenities. Recreational amenities may include, but are not limited to: event space, pro shop, clubhouse including alcohol sales, tiny homes/cabins, dog training, clay target shooting, archery, axe throwing, glamping, primitive camping, restaurant, trails for motorized or unmotorized vehicles, aquatic recreation activities including swimming pools and spas, tennis courts, basketball courts, multipurpose fields, pickleball courts, fishing, kayaking, game lands, horse and equestrian trails, agrotourism and other associated activities and events.

RETAIL, GENERAL. An establishment primarily engaged in selling goods to the public. This definition includes only those uses in the following NAICS groups:

- 44131 Automotive Parts and Accessories Stores (indoor sales only),
- 442 Furniture and Home Furnishings Stores,
- 443 Electronics and Appliance Stores,
- 44413 Hardware Stores,
- 446 Health and Personal Care Stores,
- 448 Clothing and Clothing Accessories Stores,
- 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores
- 452 General Merchandise Stores,
- 453 Miscellaneous Store Retailers

RETAIL, NONSTORE. Establishment that retails merchandise using non-store methods, such as the broadcasting and publishing of direct-response advertising, direct solicitation, and electronic shopping. This definition includes only those uses in the following NAICS groups:

- 4541 Electronic Shopping and Mail-Order Houses,
- 4542 Vending Machine Operators,
- 4543 Direct Selling Establishments (excluding Onsite Fuel Storage)

RETAIL STORE, LARGE. A single retail or wholesale use which occupies more than 25,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

RETAIL STORE, MEDIUM. A single retail or wholesale use which occupies between 15,000 and 25,000 square feet of gross floor area, typically requires moderate parking to building area ratios, and has a local sales market.

RETAIL STORE, SMALL. A single retail or wholesale use which occupies less than 15,000 square feet of gross floor area, typically requires low parking to building area ratios, and has a local or neighborhood sales market.

RIDING STABLES. An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, or where horses maybe hired for riding.

RIGHT-OF-WAY. The legal right of public passage.

RIVERINE. (Applies only to the Floodplain Overlay District.). Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROOF LINE. Highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

ROOF PITCH. A comparison of the vertical rise to the horizontal run of a roof structure above a building.

ROOF SIGN. See “*Sign, Roof*”.

ROOMING HOUSE. See “*Boarding or Rooming House*”.

RUNWAY. (Applies only to the Airport Overlay District.). A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SALVAGE YARD. Non-residential property used for the storage, collection, and/or recycling of any type of inoperable equipment, and including, but not limited to vehicles,

SANITARY LANDFILL. See “*Landfill, Sanitary*”.

appliances and related machinery.

SATELLITE DISH. A type of receive-only antenna that is dish-shaped and is used to receive satellite signals, primarily television transmissions.

SAWMILL. A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SENSITIVE AREA. An area not suitable for development which includes the occupancy of animal and plant habitats that are rare and valuable due to their special role in an ecosystem, which could be disturbed by human activities and development. These areas are known to include wetlands, floodplains, and geologically hazardous sites.

SERVICE ROAD. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

SCHOOL, ELEMENTARY AND SECONDARY. A public or private institution providing instruction to students in kindergarten through grade twelve.

SCHOOL, PRIVATE. A structure used primarily by and for educating any two or more age or grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children age six or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, PUBLIC. A structure used primarily by and for educating any two or more age or grade levels in grades kindergarten through twelve and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of state law. Any school for children age six or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, VOCATIONAL OR PROFESSIONAL. A structure used providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or elementary or secondary school.

SCREENING. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to visually shield or obscure one abutting or nearby structure or use from another.

SEDIMENTATION. Solid particulate matter, both mineral and organic, that has been or is being transported off the site where land disturbing activity is taking place or into a lake or natural watercourse.

SEDIMENTATION AND EROSION CONTROL PLAN. Plan that shows the measures, structures, or devices that control the soil material within the land area under responsible control of the person conducting the land disturbing activity (Regulated by NCDEQ).

SERVICES A, BUSINESS. An establishment primarily engaged in providing service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. This definition includes only those uses in the following NAICS groups:

- 5322 Consumer Goods Rental,
- 5414 Specialized Design Services,
- 5415 Computer Systems Design and Related Services,
- 5614 Business Support Services,
- 56141 Document Prep Services

SERVICES B, BUSINESS. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. This definition includes only those uses in the following NAICS groups:

- 5323 General Rental Centers,
- 5418 Advertising, Public Relations, and Related Services,

15617 Services to Buildings and Dwellings,
8113 Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance,
8114 Personal and Household Goods Repair and Maintenance,
8123 Dry Cleaning and Laundry Services

SERVICES, PERSONAL. See “*Personal Services*”.

SERVICE STATION. See “*Gasoline Station, Large*” or “*Gasoline Station, Neighborhood*”.

SETBACK. Minimum required horizontal distance between a structure and the lot line or street centerline.

SETBACK, ESTABLISHED. The required horizontal distance between a structure and the lot line or street centerline established by existing structures along a block front.

SETBACK, REQUIRED. The minimum required horizontal distance between a structure and the lot line or street centerline as required by this ordinance.

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

SHOOTING RANGE, INDOOR. A completely enclosed structure used for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR. Land used for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOPPING CENTER. A building or group of buildings with two or more uses, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. Shopping centers shall be construed to include all outparcels, whether or not developed, and shall allow any permitted uses within the zoning district in which it is located except for those uses that require outdoor storage.

SHOPPING CENTER, LARGE. A shopping center totaling 75,000 square feet or more of gross floor area.

SHOPPING CENTER, MEDIUM. A shopping center containing between 25,000 and 75,000 square feet of gross floor area.

SHOPPING CENTER, SMALL. A shopping center totaling 25,000 square feet or less of gross floor area.

SHRUB. A woody, branching plant of relatively low height; may be evergreen or deciduous.

SIGHT DISTANCE TRIANGLE. Triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line at a distance of thirty-five feet from the point of intersection.

SIGHT EASEMENT. See “*Easement, Sight*”.

SIGN. Form of publicity, visible from off the premises where the sign is located, directing attention to an individual activity, business, service, commodity, or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structures or supports, provided, however, that the following shall not be included in the application of the regulations herein:

- a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- b) Flags and insignia of any government except when displayed in connection with commercial promotion.
- c) Legal notice, identification information, or directional signs erected by governmental

bodies.

d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

f) Signs not exceeding two square feet providing directional information to places of worship.

SIGN AREA. Area of a sign face.

SIGN FACE. Portion of the sign that is or can be used to identify, advertise, or communicate information or that is used to attract the attention of the public for any purpose. This definition includes any frame, structural member, or other part of the sign when such is designed or used, including the use of color or lighting, to attract the attention of the public.

SIGN HEIGHT. Distance from the base of the sign at normal grade to the top of the highest attached component of the sign, as detailed in Section 10.3(G).

SIGN STRUCTURE. Frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign and poles or supports used to elevate or support the frame.

SIGN, ANIMATED. Sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, BANNER (OUTDOOR ADVERTISING). Sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

SIGN, BEACON. Sign with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source; also, any light with one or more beams that rotate or move.

SIGN, BILLBOARD. Off-premises sign, generally but not always consisting of a rigidly assembled sign, display, or device that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters.

SIGN, CAMPAIGN OR ELECTION. Sign that advertises a candidate or issue to be voted upon on a definite election day.

SIGN, CANOPY (AWNING). Sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding a marquee (see "**Sign, Marquee**").

SIGN, CHANGEABLE COPY. Sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the remaining face or the surface of the sign.

SIGN, CONSTRUCTION. Sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

SIGN, COPY. Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

SIGN, DIRECTIONAL OR INCIDENTAL. On-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "entrance", "exit", "parking", "one-way", "warning", "no trespassing", or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

SIGN, DIRECTORY. Sign other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of

buildings that is centrally located and intended to provide direction.

SIGN, FLAG. Fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

SIGN, FLASHING. Sign that uses an intermittent or flashing light source to attract attention.

SIGN, FREESTANDING. Sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

SIGN, GOVERNMENTAL. Sign, symbol, or device erected and maintained by a federal, state, county, or municipal government, or any such governmental agency, in the performance of their duties such as regulatory signs, wayfinding/identification/directional signs, welcome signs, school informational signs, legal notice signs and traffic control signs.

SIGN, GROUND MOUNTED. Sign which extends from the ground or which has a support which places the bottom thereof less than three feet from the ground.

SIGN, INCIDENTAL. Sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is to be located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives which are free of any commercial, advertising, or similarly unrelated message.

SIGN, IDENTIFICATION. Sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

SIGN, KIOSK. Freestanding sign consisting of three to five sides that lists names of businesses located on a property, in a building, or within the immediate area.

SIGN, MARQUEE. Sign attached to, in any manner, a marquee. A marquee is a permanent roof-like-structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MEMORIAL OR PLAQUE. Sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, engraved into or attached to a building surface.

SIGN, MONUMENT. Freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than twelve inches above the adjacent grade.

SIGN, OFF-PREMISES. Sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

SIGN, ON-PREMISES. Sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

SIGN, PENNANT. Lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, PERMANENT BANNER. Banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame, excluding flags. See "*Sign, Flag*".

SIGN, PLANNED DEVELOPMENT. Sign for two or more uses planned, developed, and managed as a unit and related in location, size, and type. This includes outparcels included within the development.

SIGN, PORTABLE. Sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the

business.

SIGN, PROJECTING. Wall sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, REAL ESTATE. Sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

SIGN, RESIDENTIAL. Sign located in a district zoned for residential uses.

SIGN, ROOF. Sign erected and constructed wholly or partially on or over the roof or parapet of a building.

SIGN, SUSPENDED. Sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY. Sign that is not permanently installed in the ground or affixed to any structure or building.

SIGN, WALL. Sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, and that is supported by such wall.

SIGN, WINDOW. Sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes of glass and is visible from the exterior of the window.

SIGNIFICANT TREE. Tree other than a pine tree with a caliper of eighteen inches or more.

SINGLE FAMILY DWELLING. See "*Residential Building, Single Family*".

SITE PLAN. Scaled plan showing uses and structures proposed for a parcel of land as required by this ordinance, which includes lot lines, streets, building sites and buildings, reserved open space, major landscape features (natural and man-made), and the location of proposed utility lines, when applicable, in addition to other features which may be required by this ordinance.

SMALL MATURING TREES. Tree whose height is less than thirty-five feet at maturity and meets the specifications of American Nursery Stock Standards published by American Horticultural Society.

SOLAR COLLECTOR. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The device may be roof-mounted or ground-mounted as an accessory use. In order to qualify as an accessory use the solar collector(s) shall be designed to produce no more than 150 percent of the on-site use's energy consumption.

SOLAR FARMS. Nonresidential solar collection applications designed to facilitate the capture and conversion of solar energy for the purpose of supplying it to utility companies rather than for personal use on the property in which it is collected. For the purposes of this definition, the amount of energy being produced by the solar collectors is for an area greater than the principal use on the site.

SOLID WASTE. Hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

a) Fowl and animal fecal waste;

b) Solid or dissolved material in any of the following:

1) Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than three thousand gallons or which discharge effluents to the surface

- waters;
- 2) Irrigation return flows; or
- 3) Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
- c) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
- d) Radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E); or

Mining refuse covered by the North Carolina Mining Act (G.S. 74), and regulated by the North Carolina Mining Commission (as defined under G.S. 143 B-290).

SOLID WASTE DISPOSAL FACILITY. Facility involved in the disposal of solid waste as defined in NCGS 130A-290(a) (35).

SOLID WASTE DISPOSAL SITE. Place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method as defined in NCGS 130A-290(a)(36).

SPECIAL FLOOD HAZARD AREA (SFHA). (Applies only to the Floodplain Overlay District). Land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as determined in Section 6.5 (C) of this ordinance.

SPECIAL USE PERMIT. A Permit that allows a use of land upon approval by the Board of Adjustment as part of a quasi-judicial process.

SPECIMEN TREE. A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

START OF CONSTRUCTION. (Applies only to the Floodplain Overlay District.). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STORAGE AND SALVAGE YARD. Land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, and similar items. This definition does not include motor vehicle storage yard, motor vehicle dismantling operations, or junkyards.

STORAGE TANKS, ABOVE GROUND. Storage tanks located above ground which are accessory to industries or businesses in their operations and are used to store chemicals, fuels, water, and other liquids and materials.

STORAGE TANK, WATER. A standpipe or elevated tank used to store a supply of water or to maintain equal pressure on a water system.

STORY. Part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of

the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.

STREAM, PERENNIAL. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions and identified on United States Geological Survey Quadrangle Maps by solid blue lines.

STREAM BUFFER. 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 stream buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

STREET. A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.

STREET, ARTERIAL. A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area or region to another. Also referred to as a major thoroughfare. Major and minor arterials are identified on the Town's online GIS map, hereby incorporated by reference.

STREET, COLLECTOR. A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street. Major and minor collectors are identified on the Town's online GIS map, hereby incorporated by reference.

STREET, CUL-DE-SAC. A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

STREET, MINOR RESIDENTIAL. A streets whose primary function is to provide direct access to residential property.

STREET, MINOR NON-RESIDENTIAL. A street whose primary function is to provide direct access to commercial-industrial property.

STREET, RURAL. A street designed for and located in non-urban and non-urbanizing areas.

STREET, URBAN. A street designed for and located in urban or urbanizing areas.

STREET, PARALLEL FRONTAGE ROAD. A public or private street adjoining or parallel to an arterial street designed to provide access to abutting property in place of the arterial.

STREET, PRIVATE. An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by a public agency.

STREET, PUBLIC. A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of North Wilkesboro or the State of North Carolina.

STREET LINE. The outer boundary of a street right-of-way.

STREET ORIENTATION. See "***Building Presentation***".

STREET RIGHT-OF-WAY. Public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of North Wilkesboro or Wilkes County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of North Wilkesboro; or has otherwise been established as a public street prior to the adoption of this ordinance.

STREET VISTA. A view framed by buildings at the termination of the axis of a

thoroughfare or large neighborhood street.

STREET PLANTING YARD. The Area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping.

STREETSCAPE. An area within a street's right-of-way that may contain sidewalks, street furniture, landscaping or trees, and similar features.

STRUCTURE. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, and similar accessory construction; however, it does not include landscape features such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, small non-permanent shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, or cemetery marker monuments.

STRUCTURE. (Applies only to the Floodplain Overlay District). A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

STRUCTURE, DETACHED. Structure, which is separated from an adjacent structure by at least ten feet, as measured from any part of the structure.

STUDIOS. A working place or place of study for a painter, sculptor, photographer, dancer or person engaged in a similar artistic pursuit. This definition includes only those uses in the following NAICS group(s):

- 541430 Graphic Design Services,
- 541921 Photography Studios, Portrait,
- 541922 Commercial Photography,
- 611610 Fine Arts Schools

SUBDIVISION- all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town's Ordinance.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (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.

SUBSTANTIAL DAMAGE. (Applies only to the Floodplain Overlay District.). Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its undamaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period

for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. See definition of "**SUBSTANTIAL IMPROVEMENT**".

SUBSTANTIAL IMPROVEMENT. (Applies only to the Floodplain Overlay District.).

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

SURVEYOR. A person licensed to practice land surveying in the State of North Carolina.

SWIMMING POOL, PRIVATE. A swimming pool intended for the private, noncommercial use of a single family residence.

SWIMMING POOL, PUBLIC. Any other pool that does not fall into the category of a private pool. These can include, but are not be limited to, homeowners' association, residential developments, or private clubs.

TECHNICAL REVIEW COMMITTEE (TRC). An ad hoc committee headed by the Planning Director and composed of the Fire Chief, Police Chief, Public Services Director, and any administrative staff deemed necessary by the Planning Director to serve as a review body that will ensure conformance to all Town standards for development.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET. (Only applies to the Floodplain Overlay District) a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

TELECOMMUNICATIONS. Personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio, paging, and similar services that currently exist.

TEMPERATURE CONTROLLED. (Only applies to the Floodplain Overlay District). Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

TEMPORARY STORAGE UNIT. Type of portable storage trailer or similar structure placed on the property of a residence or business for the sole purpose of temporarily storing household or business goods. Temporary storage units may be no larger than 16 feet in length, eight feet in width, and eight feet in height.

TEMPORARY STRUCTURE. A building placed on a lot for a specific purpose which is to

beremoved within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, guardhouses, and produce stands.

TERMINAL, BUS OR TAXI. A facility for the storage, maintenance, and dispatch of buses or taxis, and associated customer ticketing and waiting areas. This definition includes only those uses in the following NAICS group:

485 Transit and Ground Passenger Transportation

TERMINAL, FREIGHT. Facility for handling freight, with or without storage and maintenance facilities. This definition includes only those uses in the following NAICS groups:

492 Couriers and Messengers,

48849 Other Support Activities for Road Transportation

TESTING AND RESEARCH LABORATORY. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc. This definition includes only those uses in the following NAICS group:

5417 Scientific Research and Development Services

THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles. This definition includes only those uses in the following NAICS group:

512132 Drive-In Motion Picture Theaters

THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons. This definition includes only those uses in the following NAICS group:

512131 Motion Picture Theaters (except Drive-Ins)

THOROUGHFARE. See "*Street, Arterial*".

THOROUGHFARE PLAN. Most recent map adopted by the Town Board which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

TIRE RECAPPING SHOPS. Establishments primarily engaged in repairing, retreading, and rebuilding tires from natural or synthetic rubber. This definition includes only those uses in the following NAICS group: 326212 Tire Re-treading

TOWNHOUSE. See "*Residential Building, Townhouse*".

TOXIC SUBSTANCE. 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 offspring or other adverse health effects.

TRACT. Contiguous land and bodies of water being used or disturbed or to be used or disturbed as a unit, regardless of ownership.

TRADITIONAL NEIGHBORHOOD. Neighborhood that incorporates design principles that produce compact, mixed use, pedestrian scaled communities designed to:

- a) Promote independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
- b) Reduce traffic congestion and road construction costs by reducing number and length of car trips.
- c) Use or allow for future use of alternative forms of transportation by organizing

appropriate building densities.

d) Improve security of public spaces organized to stimulate informal surveillance by residents and business operators.

e) Enhance the sense of community and improve security through the provision of a range of housing types and workplaces in proximity to one another.

f) Provide accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

TRANSITIONAL SETBACK OR YARD. Area, if any, along a thoroughfare, which lies between:

a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line; and

b) the minimum setback or yard line measured from the proposed right-of-way line.

TRANSITIONAL SURFACES. (Applies only to the Airport Overlay District.). Surfaces extending outward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway centerline.

TRANSITIONAL USE. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

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

UNDERSTORY TREE. A species of tree which normally grows to a mature height of fifteen to thirty-five feet in height and meets the specifications of the American Standards published by American Horticultural Society.

UNIVERSITY, COLLEGE AND JUNIOR COLLEGE. A use, whether privately owned or publicly-owned, providing academic education beyond the high school level.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use.

USE, PRINCIPAL. Primary or predominant use of any lot or parcel.

USE, TEMPORARY. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

USGS. United States Geological Survey.

UTILITIES. Facilities of any agency that provide the general public with electricity, gas, oil, water, sewage, electronic sign, or rail transportation. The term "utility" shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

UTILITIES SERVICE AREA. An area which contains any surface-mounted heating, ventilation, or air conditioning equipment or freestanding above-ground devices, such as utility boxes, booster boxes, switch gear, and transformers, which are part of an underground utilities system.

UTILITY SERVICE AREA, PRIVATE. An area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or

UTILITY SERVICE AREA, PUBLIC. An area, on either private or public property, which contains utility structures owned by a utility for the service of one or more premises, but excluding utility substations.

VARIANCE. Relief from the requirements of this ordinance granted by the Board of Adjustment.

VESTED RIGHT (ZONING). A right established pursuant to the provisions of this ordinance to undertake and complete the development and use of property.

VETERINARY SERVICES. Facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies. This definition includes only those uses in the following NAICS groups:

54194 Veterinary Services,

81291 Pet Care (except Veterinary) Services

VIOLATION. (Applies only to the Floodplain Overlay District). Failure of a structure or other development to be fully compliant with the Town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 6.5 (C) Floodplain Overlay District (FPO) Article 4 Administration B. Floodplain development application, permit and certificate requirements.

VISUAL RUNWAY. (Applies only to the Airport Overlay District.). A runway intended solely for the operation of aircraft using visual approach procedures.

WALL SIGN. See "**SIGN, WALL**".

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products. This definition includes only those uses in the following NAICS group: 4931 Warehousing and Storage

WAREHOUSING, SELF STORAGE. Establishments primarily engaged in the rental or leasing of mini- warehouses and self-storage units. This definition includes only those uses in the following NAICS group: 531130 Lessors of Mini Warehouses and Self-Storage Units

WASTE. Surplus materials resulting from on-site construction or processing activities and disposed of at other locations.

WASTE INCINERATOR. A site with one or more facilities that use thermal combustion processes to destroy or alter the character or composition of waste products, not including hazardous waste management facilities, for the sole purpose of the disposal of waste.

WASTE TRANSFER STATION. A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

WATER DEPENDENT STRUCTURE. Structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment, and the water is then used principally as a source for a public water supply.

WATER SURFACE ELEVATION (WSE). (Applies only to the Floodplain Overlay District.). Height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE. (Applies only to the Floodplain Overlay District.). A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least

periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATERSHED. (Applies only to the Watershed Overlay District.). Entire land area contributing surface drainage into a specific stream, creek, lake, or other body of water.

WATERSHED BUFFER. (Applies only to the Watershed Overlay District.). A natural or vegetated area through which storm water 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.

WATERSHED CRITICAL AREA. (Applies only to the Watershed Overlay District.). 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).

WATERSHED PROTECTED AREA. (Applies only to the Watershed Overlay District.). The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

WETLANDS. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WHOLESALE TRADE A. An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, and construction contractors; or for professional business uses; or to other wholesalers. Merchandise is stored inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk lots for redistribution in smaller lots are conducted inside enclosed buildings in such a way as to have a minimal impact on surrounding properties. Operations with over twenty-five percent of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS groups:

- 4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers,
- 4232 Furniture and Home Furnishing Merchant Wholesalers,
- 4233 Lumber and Other Construction Materials Merchant Wholesalers,
- 4234 Professional and Commercial Equipment and Supplies Merchant Wholesaler,
- 4236 Household Appliances and Electrical and Electronic Goods Merchant Wholesalers,
- 4237 Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers,
- 4239 Miscellaneous Durable Goods Merchant Wholesalers,
- 4241 Paper and Paper Products Merchant Wholesalers,
- 4242 Drugs and Druggists' Sundries Merchant Wholesalers,
- 4243 Apparel, Piece Goods, and Notions Merchant Wholesalers,
- 4244 Grocery and Related Product Merchant Wholesalers,
- 4248 Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers,
- 4249 Miscellaneous Non-durable Goods Merchant Wholesalers (except 424910 Farm Supplies Merchant Wholesalers)

WHOLESALE TRADE B. An establishment primarily engaged in selling durable and non-

durable goods to retailers; to industrial, commercial, institutional, farm, and construction contractors; or to professional business uses; or to other wholesalers. Merchandise may be stored outside or inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk lots for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over twenty-five percent of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS groups:

- 4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers (except 42314 Motor Vehicle Parts (Used) Merchant Wholesalers),
- 4235 Metal and Mineral (excluding Petroleum) Merchant Wholesalers,
- 4238 Machinery, Equipment and Supplies Merchant Wholesalers,
- 4245 Farm Product Raw Material Merchant Wholesalers,
- 4246 Chemical and Allied Products Merchant Wholesalers,
- 42491 Farm Supplies Merchant Wholesalers

WINERY. This industry comprises establishments primarily engaged in one or more of the following:

- (1) growing grapes and manufacturing wine and brandies;
- (2) manufacturing wine and brandies from grapes and other fruits grown elsewhere; and
- (3) blending wines and brandies. Areas for demonstration, education or tasting are included in this definition and are incidental to the primary use of producing beverages in accordance with state ABC permits.

Additionally this can include a manufacturing facility engaged in the production and sale of wine or wine-like beverages.

WOODLANDS. Area of trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

WORKING DAY. A day on which the offices of the Town are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Board.

YARD. Area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT. Yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this ordinance.

YARD, INTERIOR SIDE. Yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

YARD, REAR. Yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this ordinance.

YARD, STREET SIDE. Yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement, and between the side lot line and the side building setback line as required in this ordinance.

ZERO LOT LINE. Location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.

ZONING LOT. See "**LOT, ZONING**".

ZONING PERMIT. A permit issued by the Zoning Administrator or designee which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance.

Article VI. Zoning Districts

6.1 Zoning Districts Established.

Types of zoning districts. All areas within the zoning jurisdiction of the Town of North Wilkesboro are hereby divided into zoning districts within which the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. Zoning districts within the Town of North Wilkesboro shall fall within one of the following three categories.

(A) Conventional zoning districts. Each conventional district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A conventional district may be replaced by a conditional district or layered with an overlay district.

(B) Conditional zoning districts.

1. Most conditional districts are established as parallel or counterpart districts to a conventional district. In such cases, references in the zoning ordinance to the conventional district shall be construed to also include the counterpart conditional district. In addition, there are several districts which exist only as conditional districts and do not have counterpart conventional districts.

2. Each conditional district with a counterpart conventional district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this article. All regulations and uses which apply to a conventional district also apply to the counterpart conditional district, and no use shall be allowed in the conditional district that is not allowed in its counterpart conventional district.

3. Additional conditions which may be placed upon the development by the petitioner as part of the rezoning process shall be binding upon property within a conditional district in perpetuity or until the property is re-zoned by the Town Board. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of the development that is integral to meeting the spirit and intent of this ordinance or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the Town, presented by the petitioner during the public hearing as part of the rezoning petition, and agreed to by the Town Board of Commissioners during the rezoning process.

4. This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals

(C) Overlay districts. Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Thus, where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district. A zoning map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other zoning map change. In certain areas, two or more overlay districts may apply.

6.2 Districts Named.

DISTRICT ABBREVIATION	DISTRICT NAME
R20	Rural Residential
R10 & R10-CD	Low Density Residential
R6 & R6-CD	High Density Residential
OI & OI-CD	Office and Institutional District
NB & NB-CD	Neighborhood Business District
CBD	Central Business District
GB & GB-CD	General Business District
HB & HB-CD	Highway Business District
LI & LI-CD	Light Industrial District
GI & GI-CD	General Industrial District
MF-CD	Multi-Family Conditional District
PD-CD	Planned Development Conditional District
AO	Airport Overlay District
WSO	Watershed Overlay District
FPO	Floodplain Overlay District
COD	Corridor Overlay District

6.3 Zoning District Boundary Interpretation.

A. Where district boundaries are shown within a street or alley right-of way, railroad or utility line right-of-way, recorded easement, or navigable or non- navigable waterway, such boundaries shall be construed to be in the center of the right-of-way, easement, or waterway.

B. Where district boundaries are so indicated that they approximately follow lot lines, or town, city, or county borders, such lines shall be construed to be said district boundaries, unless otherwise indicated.

C. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is shown, such distance shall be determined by use of the scale shown on the official zoning maps.

D. Where a district boundary line divides a single lot, each part of the lot shall be used in conformity with the standards established by these regulations for the district in which that part is located.

E. If, because of error or omission in the maps, any property within the jurisdiction of this ordinance is not shown as being in a zoning district, such property will be classified as

"OPEN" until changed by amendment.

F. When a zoning case file contains detailed, verifiable information regarding the boundary, that information will be used as the correct boundary location.

G. In instances where none of the above methods are sufficient to resolve the boundary location, the Board of Adjustment shall establish the boundary location.

6.4 Conventional and Conditional Districts.

(A) *Rural Residential District (R20).*

(1) Intent. This district provides a location for low density and light commercial uses in a suburban or rural setting in areas that are not yet urbanized and do not have all urban-type utilities. This district will usually be composed of more rural, open land outside the town corporate limits.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards.

a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(B) *Low Density Residential District (R10 and R10-CD).*

(1) Intent. This district is a moderate-density neighborhood consisting of single-family residences along with limited private and public community uses.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(C) *High Density Residential District (R6 and R6-CD)*

(1) Intent. This district is a high-density neighborhood including single-family houses, duplexes and limited private and public community uses.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(D) *Office and Institutional District (OI and OI-CD).*

(1) Intent. This district is established as a relatively high-density area intended primarily for offices, institutions and commercial activities not involving the sale of merchandise at retail, and public and private community uses.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted

upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(E) *Neighborhood Business District (NB and NB-CD).*

(1) Intent. This district is intended for the use of those businesses and other uses which are properly and necessarily located in and near residential areas and which cater to the everyday needs of a limited residential area.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(F) *Central Business District (CBD).*

(1) Intent. This district is the central core of the town and is established for those uses which normally require a central location and which provide merchandise and services to be used by the entire town and its environs. It is intended that this district shall develop and be maintained as a tight-knit core of commercial and cultural activity.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(G) *General Business District (GB and GB-CD).*

(1) Intent. This district provides a location for those businesses and services which do not necessarily require a central location but which are more properly located out from the central core of commercial activity.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(H) *Highway Business District (HB and HB-CD).*

(1) Intent. These districts are designed primarily to serve the town as compact and efficient retail shopping, consumer services and wholesaling areas along designated highways and thoroughfares within town and surrounding ETJ. They also provided space for indoor and outdoor recreational uses which require large lots.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(I) Light Industrial District (LI and LI-CD).

(1) Intent. These districts are established to allow light manufacturing, wholesale sales, research centers, limited retail sales, and accessory land uses incidental to and in support of heavier industrial uses.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(J) General Industrial District (GI and GI-CD).

(1) Intent. This district is designed primarily to allow industrial land uses, including, but not limited to, manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals and a broad variety of specialized commercial and industrial operations.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

Dimensional requirements and design standards. All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(K) Multi-Family Conditional District (MF-CD).

(1) Intent. The multi-family conditional district is established to accommodate multi-family projects which due to their design and/or scale may not be compatible with existing single family residential neighborhoods. This district is intended to accommodate duplex, triplex, patio homes, apartments, condominiums, and townhouse developments which may not as a whole integrate well into existing neighborhoods due to intensity of use.

(2) Permitted uses. Uses permitted by right and uses with conditions as listed in the table of uses in Section 6.7.

(3) Dimensional requirements and supplemental standards.

a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6 and the specific conditions in Article XI.

b) Maximum residential density shall be 10 dwelling units per acre, unless otherwise granted by the Town Board of Commissioners during the conditional district rezoning process.

c) Multifamily developments with thirty (30) or more units shall have an on-site resident manager. This manager shall have on-site office hours of twenty (20) hours per week. These office hours must be posted on or near the door to the manager's office, and these hours must be between the hours of 8:00 a.m. and 6:00 p.m. Management shall post on or near the door to the manager's office an emergency contact number that enables residents to speak to a live

person (not a recording) whenever the on-site manager does not have office hours.

d) Multifamily developments that contain four (4) or more dwelling units and that are located immediately adjacent to existing single-family residential districts shall have an opaque vegetative buffer at least thirty (30) feet in width between the proposed development and any adjacent property zoned for single-family residential use. No buildings or parking shall be located within the buffer required by this subsection.

(L) *Planned Development Conditional District (PD-CD).*

(1) Intent. The planned development (PD) conditional district is established to permit flexibility in site design and land use codes for specialized projects and uses that are to be planned, developed and managed on a unified basis. Planned development proposals should be able to be supported by the existing, surrounding transportation systems and should be harmonious with surrounding development. Developers must conduct a pre-application meeting with town staff before submission of any application materials. Staff shall discuss details of the project, town policies, the town's vision for the property, and address concerns.

(2) Permitted uses. Proposed uses shall be submitted by developer as part of the application process.

(3) Dimensional requirements and supplemental standards.

a) Lot sizes shall be determined on a case-by-case basis and will depend on the design of the development and the types of uses proposed. However, developments may be subject to all overlay district requirements.

b) PD projects shall be a maximum of two hundred acres in size. All proposals shall conform to this size requirement except that proposals for tracts of less than thirty-five acres adjoining existing planned developments or the CBD district may be considered as long as they demonstrate that they are, in function and design, an extension of the existing CBD district.

c) The area of the PD shall be divided into blocks, streets, lots, and open space.

d) There shall be a substantial mix of housing types in exclusively residential PD projects; however, no more than sixty-five percent of dwelling units shall be multi-family housing.

e) Similar land uses shall front across each street. Dissimilar categories shall abut at rear lot lines when possible.

f) All uses shall be conducted completely within enclosed buildings, except that sidewalk sales, cafes, and open-air markets shall be permitted.

g) All streets and alleys shall terminate at other streets or alleys (e.g., cul-de-sacs and dead end streets shall be minimized).

h) Every PD that contains more than 20 dwelling units shall provide at least one square, or park or other form of open space no smaller than one acre. No portion of such neighborhood shall be more than six hundred feet from a square, park or open space.

i) The overall PD development must conform to the Town's adopted Comprehensive Plan.

6.5 Overlay Districts.

(A) Airport Overlay District (AO)

(1) Intent. It is the intent of the requirements under this article to restrain influences which are adverse to the property and safe conduct of aircraft operations in the vicinity of the Wilkes County airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning.

(2) Permitted uses. Uses permitted by right, uses with supplemental standards conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and supplemental standards.

(a) Airport height limitation zones. In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. Such zones are shown on the official zoning map described in Section 6.5(A) (3) (d) of this article. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established as sub-classifications of the airport overlay district and are defined as follows:

1. Precision Instrument Runway Approach Zone (AO-A1). The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet wide. The approach zone expands outward uniformly to a width of sixteen thousand feet at a horizontal distance of fifty thousand feet from the primary surface. Its center-line is the continuation of the centerline of the runway.

2. Runway Larger Than Utility Visual Approach Surface (AO-A2). The inner edge of this surface begins at and corresponds with the width of the primary surface and is one thousand feet wide. This surface rises uniformly at a 20:1 slope to a width of one thousand five hundred feet at a horizontal distance of five thousand feet from the primary surface along the extended runway centerline.

3. Runway Larger Than Utility with a Visibility Minimum as Low as Three-Fourths-Mile Non-precision Instrument Approach Zone (AO-A3). The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet wide. The approach zone expands outward uniformly to a width of four thousand feet at a horizontal distance often a thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

4. Transitional zones (AO-T). The transitional zones are the areas beneath the transitional surfaces.

5. Horizontal zone (AO-H). The horizontal zone is established by swinging arcs of ten thousand feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

6. Conical zone (AO-C). The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand feet.

(b) Airport environs height limitations. Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created under this article to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Precision Instrument Runway Approach Zone (AO- A1). Slopes fifty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline; thence slopes upward forty feet horizontally for each foot vertically to an additional horizontal distance of forty thousand feet along the extended runway centerline.

2. Runway Larger Than Utility Visual Approach Zone (AO-A2). The inner edge of this surface begins at and corresponds with the width of the primary surface and is one thousand feet wide. This surface rises uniformly at a 20:1 slope to a width of one thousand five hundred feet at a horizontal distance of five thousand feet from the primary surface along the extended runway centerline.

3. Runway Larger Than Utility With a Visibility Minimum as Low as Three- Fourths-Mile Non-precision Instrument Approach Zone (AO-A3). Slopes thirty-four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline.

4. Transitional zone (AO-T). Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet above the airport elevation which is one thousand three hundred and one feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of five thousand feet measured at ninety-degree angles to the extended runway centerline from the edge of the approach surface.

5. Horizontal zone (AO-H). Established at a height of one hundred fifty feet above the airport elevation or an elevation of one thousand four hundred fifty-one feet above mean sea level.

6. Conical zone (AO-C). Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation, or an elevation of one thousand six hundred fifty-one feet above mean sea level.

7. Excepted Height Limitations. Nothing in this article shall be

construed as prohibiting the erection, alteration, or maintenance of any structure or growth of any tree at or to a height which is below the limitations set forth herein.

(c) Airport zoning related to sanitary landfill location.

Due to the increased attraction of birds in the vicinity of sanitary landfills and the potential hazards which birds create to aircraft operations, the following provisions shall apply:

1.No sanitary landfill shall be located within ten thousand feet from a runway of any airport.

2. Sanitary landfills which are proposed to be located farther than ten thousand feet from a runway of any airport but within the conical surface will be reviewed on a case by case basis by the Board of Adjustment, which may in turn consult with the FAA. If, in the opinion of the board of adjustment or the FAA, the proposed landfill poses a threat to safe aircraft operations, then the landfill shall not be allowed in the proposed location.

(d) Protective area map.

The protective surfaces and zones herein established are shown on the drawings entitled "Official Zoning Map —Airport Overlay" which are a separate but integral part of this section, and are kept on file in the office of the Planning Director.

(e) Use Restriction.

Notwithstanding any other provision of this article, no use may be made of land or water within any zone established hereunder in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(f) Nonconforming uses.

1.Regulations Not Retroactive. The regulations prescribed in this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article and is diligently prosecuted to completion thereafter. The foregoing provisions, however, are subject to Section 2.3.

2.Marketing and Lighting. Notwithstanding the preceding provision of this article, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Wilkes County airport board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction, provided that Wilkes County agrees to bear all cost and expense for such installation, operation and maintenance.

(g) Permits and variances.

1. Issuance of Permit. No certification of zoning compliance, shall

be issued by the Zoning Administrator under Section 3.1 of this ordinance with respect to any use within an "AO" zone unless said use complies with all of the requirements of this article; provided, however, that:

- In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any use or structure except in cases where, because of terrain, land contour, or topographic features, such use or structure would extend above the height limits prescribed for such zones.
- In areas lying within the limits of the approach zones, no permit shall be required for any use or structure except in cases where such use or structure would extend above the height limit prescribed for such approach zones.
- In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any use or structure except when such use or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree, in excess of any of the height limits established in Section 6.5A(3)(b).

2. Applications. In addition to the requirements of Section 3.3 of this ordinance, applications for building or zoning compliance (certifications of zoning compliance) shall contain such further information as may reasonably be required by the Zoning Administrator in order to determine whether the proposed use complies with the requirements of this article.

3. Nonconforming Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto, or than it is when the application for a permit is made.

4. Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than sixty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the requirements of this article.

5. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article may apply to the Board of Adjustment for a variance from such regulation in accordance with the procedures of Section 3.6 of this ordinance. The application for a

variance shall be accompanied by a written determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace and the airport.

Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article. Additionally, no application for variance to the requirements of this article may be considered by the Board of Adjustment unless a copy of the application has been furnished to the airport manager and the Wilkes County airport board for advice as to the aeronautical effects of the variance. If the airport manager and/or the airport board does not respond to the application within thirty days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

6. Obstruction Marking and Lighting. Subject to the provisions of Section 6.5(A) 3(f), any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this article and is reasonable under the circumstances, may be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit Wilkes County, at its own expense, to install, operate, and maintain the necessary markings and lights.

(B) Watershed Overlay District (WSO).

(1) Intent. It is the purpose of this section to protect the quality of drinking water for the Town of North Wilkesboro by setting standards for the development that occurs within designated public water supply watershed areas. It is further intended that the establishment of watershed regulations reflect the protection of critical environmental areas in accordance with the State of North Carolina's Water Supply Watershed Protection Rules.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7

(3) Dimensional requirements and supplemental standards.

(A) Adoption date and effective date. The provisions of this article were adopted on September 9th, 1993 and shall become effective on September 30, 1993.

(B) Authority and enactment. The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143-214.5, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Governing Board of North Wilkesboro does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of North Wilkesboro.

(C) Jurisdiction. The provisions of this article shall apply within the areas designated as a public water supply watershed by the N.C. Environmental Management Commission and shall be defined and established on the Town’s online GIS map with the layer labeled “Water Supply Watershed” which is adopted simultaneously herewith. The watershed map and all explanatory matter contained thereon accompanies and is hereby made a part of this article.

(D) Exceptions to applicability.

i. Nothing contained herein shall repeal, modify, or amend any federal or state law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this article amend, modify, or restrict any provisions of the Code of Ordinances of the Town of North Wilkesboro; however, the adoption of this article shall and does amend any and all ordinances, resolutions, and regulations in effect in the town of North Wilkesboro at the time of the adoption of this article that may be construed to impair or reduce the effectiveness of this article or to conflict with any of its provisions.

ii. It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

iii. Existing development, as defined in this article, is not subject to the requirements of this article. Expansions to structures classified as existing development must meet the requirements of this article, however, the built- upon area of the existing development is not required to be included in the density calculations.

iv. A pre-existing lot owned by an individual prior to the effective date of the ordinance codified in this article, regardless of whether or not a vested right has been established, may be developed for single-family residential purposes without being subject to the restrictions of this article.

(E) Establishment of watershed review board. The North Wilkesboro Planning Board shall act as the watershed review board on all subdivision regulation and zoning ordinance matters.

(F) Establishment of watershed areas. The purpose of this section is to list and describe the watershed areas herein adopted. For the purposes of this article the Town of North Wilkesboro and its extraterritorial jurisdiction are hereby divided into the following areas, as appropriate: *WS-II-CA (Critical Area)*; *WS-II-BW (Balance of Watershed)* *WS-IV-CA (Critical Area)*; *WS-IV-P (Protected Area)*.

(G) Watershed area uses permitted.

(1) *WS-II Watershed Areas—Critical Area (WS-II-CA)*. In order to maintain a predominately undeveloped land use intensity pattern, single-family dwellings shall be allowed at a maximum of one dwelling unit per two acres. All other residential and nonresidential development shall be allowed at a maximum six percent built-upon area. New sludge application sites and landfills are specifically prohibited.

Allowed Uses:

(a) Agriculture subject to the provisions of the most current federal farm bill. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten 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 minute) scale topographic maps or as determined by local government studies. Animal operations greater than one hundred animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;

(b) Silviculture, subject to the provisions of Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);

(c) Residential development, including both single-family and all other residential;

(d) Nonresidential development, excluding:

(i) the storage of toxic and hazardous materials unless a spill containment plan is implemented;

(ii) landfills; and

(iii) sites for land application of sludge/residuals or petroleum contaminated soils. New industrial development is required to incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

Density and Built-upon Limits:

(a) Single-Family Residential. Development shall not exceed one dwelling unit per two acres on a project by project basis. No residential lot shall be less than two acres, except within an approved cluster development.

(b) All Other Residential and Nonresidential. Development shall not exceed six percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(2) ***WS-II Watershed Areas, Balance of Watershed (WS- II-BW)***. In order to maintain a predominately undeveloped land use intensity pattern, single-family residential uses shall be allowed at a maximum of one dwelling unit per acre. All other residential and nonresidential development shall be allowed at a maximum twelve percent built-upon area. New discharging landfills are specifically prohibited.

Allowed Uses:

- (a) Agriculture subject to the provisions of the most current federal farm bill.
- (b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- (c) Residential development, including both single-family and all other residential;
- (d) Nonresidential development, excluding: (i) the storage of toxic and hazardous materials unless a spill containment plan is implemented, and (ii) no new discharging landfills. New industrial development is required to incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

Density and Built-Upon Limits:

- (a) Single-Family Residential. Development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except with an approved cluster development.
- (b) All Other Residential and Nonresidential. Development shall not exceed twelve percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- (c) In addition to the development allowed under subsections (a) and (b) of this section, new development and expansions to existing development may occupy up to ten percent of the protected area with up to seventy percent built-upon area on a project-by-project basis, when approved as a special density allocation (SDA). The watershed review board is authorized to approve SDA's consistent with the provisions of this article. Projects must, to the maximum extent practical, incorporate best management practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract(s) on which the project is to be developed.

(3) *WS-IV Watershed Areas—Critical Area (WS-WIV-CA)*. Only new development activities that require an erosion/sedimentation control plan under state law or approved local programs are required to meet the provisions of this article when located in the WS-IV watershed. In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two dwelling units per acre. All other residential and nonresidential development shall be allowed twenty-four percent built-upon area. New sludge application sites and landfills are specifically prohibited.

Allowed Uses:

(a) Agriculture subject to the provisions of the most current federal farm bill. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten 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 minute) scale topographic maps or as determined by local government studies. Animal operations greater than one hundred animal units shall employ Best Management Practices July 1, 1994 recommended by the Soil and Water Conservation Commission.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209).

(c) Residential, including both single-family and all other residential.

(d) Nonresidential development, except the storage of toxic and hazardous materials unless a spill containment plan is implemented; landfills; and sites for land application of sludge/residuals or petroleum contaminated soils.

Density and Built-Upon Limits:

(a) Single-family residential development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half acre, except within an approved cluster development.

(b) All other residential and nonresidential development shall not exceed twenty-four percent built-upon area on a project-by-project basis.

For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract(s) on which the project is to be developed.

(4) ***WS-IV Watershed Areas Protected Area (WS-IV-P)***. Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this article when located in a WS- IV BW watershed. In order to address or accommodate a moderate to high land use intensity pattern, single-family residential uses shall develop at a maximum of two dwelling units per acre. All other residential and nonresidential development shall be allowed at a maximum of twenty-four percent built-upon area.

Allowed Uses:

- (a) Agriculture, subject to the provisions of the most current federal farm bill
- (b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209).
- (c) Residential development, including single-family and all other residential.
- (d) Nonresidential development, excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.

Density and Built-Upon Limits:

- (a) Single-family residential development shall not exceed two dwelling units per acre on a project-by- project basis. No residential lot shall be less than one-half acre, except within an approved cluster development.
 - (b) All other residential and nonresidential development shall not exceed twenty-four 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(s) on which the project is to be developed.
 - (c) In addition to the development allowed under subsections (i) and (ii) of this section, new development and expansions to existing development may occupy up to ten percent of the protected area with up to seventy percent built-upon area on a project-by-project basis, when approved as a special density allocation (SDA). The watershed review board is authorized to approve SDAs consistent with the provisions of this article. Projects must, to the maximum extent practical, incorporate best management practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract(s) on which the project is to be developed.
- (H) Cluster development. Clustering of development is allowed in all watershed areas (except WS-I) under the following conditions:
- i. Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies;
 - ii. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow. Stormwater detention is required and must be designed by an engineer licensed in

the state of North Carolina;

iii. The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be recorded with the property deeds at the register of deeds.

iv. Alternatively, the remainder of the undeveloped property may be deeded to the Town for future green-ways, parks, conservation areas, or other greenspace. Acceptance of such property is at the discretion of the Town.

v. In order to meet the built-upon area requirements, multiple tracts of land may be included in a cluster development and are not required to be contiguous, but must be in the same watershed.

(I) Buffer areas required.

i. A minimum thirty-five foot vegetative buffer for the 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.

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

(J) Rules governing the interpretation of watershed area boundaries. Where uncertainty exists as to the boundaries of the watershed areas, as shown on the watershed map, the following rules shall apply:

i. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries;

ii. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Town of North Wilkesboro as evidence that one or more properties along these boundaries do not lie within the watershed area;

iii. Where the watershed area boundaries lie at a scaled distance more than twenty-five feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map;

iv. Where the watershed area boundaries lie at a scaled distance of twenty-five feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line:

v. Where other uncertainty exists, the Zoning Administrator shall interpret the

watershed map as to location of such boundaries. This decision may be appealed to the Board of Adjustment.

(K) Existing development. Any existing development, as defined in this article, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this article, however, the built-upon area of the existing development is not required to be included in the density calculations.

(L) Watershed protection permit. For the purposes of this section, Watershed Protection Permit shall mean a Zoning Permit on which the Zoning Administrator has indicated that property is in a watershed.

1. Except where a single-family residence is constructed on a lot deeded prior to the effective date of the ordinance codified in this article, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any zoning or building permit be issued nor shall any change in the use of any building or land be made until a watershed protection permit has been issued by the Zoning Administrator. No watershed protection permit shall be issued except in conformity with the provisions of this article.
2. Watershed protection permit applications shall be filed with the Zoning Administrator. The application shall include a completed application form and supporting documentation deemed necessary by the Zoning Administrator.
3. Prior to issuance of a watershed protection permit, the Zoning Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this article.
4. A watershed protection permit shall expire if a zoning or building permit for such use is not obtained by the applicant within twelve months from the date of issuance.
5. Watershed occupancy permit. For the purposes of this section, Watershed Protection Occupancy Permit shall mean a Certificate of Occupancy on which the Zoning Administrator has indicated zoning approval.
6. The Zoning Administrator shall issue a watershed protection occupancy permit certifying that all requirements of this article have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.
7. A watershed protection occupancy permit, either for the whole or part of a building, shall be applied for coincident with the application for a watershed protection permit and shall be issued or denied within ten days after the erection or structural alterations of the building.
8. When only a change in use of land or existing building occurs, the Zoning Administrator shall issue a watershed protection occupancy permit certifying that all requirements of this article have been met coincident with the watershed protection permit.
9. If the watershed protection occupancy permit is denied, the Zoning Administrator shall notify the applicant in writing stating the reasons for denial.
10. No building or structure which has been erected, moved, or structurally altered may be occupied until the Zoning Administrator has approved and issued a watershed protection occupancy permit.
11. Public health, in general. No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare.

(O) Abatement.

- i. The Zoning Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- ii. The Zoning Administrator shall report all findings to the watershed review board. The Zoning Administrator may consult with any public agency or official and request recommendations.
- iii. Where the watershed review board finds a threat to water quality and the public health, safety and welfare, the board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

(P) Additional requirements for variances within water supply watersheds.

- i. The Zoning Administrator shall notify in writing each local government having jurisdiction in the watershed and any entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the zoning administrator prior to a decision by the watershed review board. Such comments shall become a part of the record of proceedings of the watershed review board.
- ii. If the application calls for the granting of a major variance (See 5.3 Definitions), and if the watershed review board decides in favor of granting the variance, the board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
 - The variance application;
 - The hearing notices;
 - The evidence presented;
 - Motions, offers of proof, objections to evidence, and ruling on them;
 - Proposed findings and exceptions;
 - The proposed decision, including all conditions proposed to be added to the permit.

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

1. If the commission concludes from the preliminary record that the variance qualifies as a major variance and that (i) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (ii) the variance, if granted, will not result in a serious threat to the water supply, then the commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The commission shall prepare a commission decision and send it to the watershed review board. If the commission approves the variance as proposed, the board shall prepare a final decision granting the proposed variance. If the commission approves the variance with conditions and stipulations, the board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
2. If the commission concludes from the preliminary record that the variance qualifies as a major variance and that (i) the property owner can secure a

reasonable return from or make a practical use of the property without the variance or (ii) the variance, if granted, will result in a serious threat to the water supply, then the commission shall deny approval of the variance as proposed. The commission shall prepare a commission decision and send it to the watershed review board. The board shall prepare a final decision denying the variance as proposed.

(Q) Special density allocations.

i. The watershed review board may grant special density allocations (SDAs) to project sites in the WS-II-BW and WS-IV-BW watershed areas. The SDAs may permit up to seventy percent built-upon area on a project by- project basis without requiring installation of stormwater control devices. No more than ten percent of the WS-II-BW and WS-IV-BW watershed areas may be developed under SDAs. At no time may the built-upon area of a SDA project site exceed seventy percent of the total SDA project site

ii. SDA requests must be submitted to the zoning administrator, who shall preview the request and submit it to the watershed review board. The watershed review board will review the SDA request, and either approve or deny the request. If the request is denied, the applicant may redesign the project and resubmit the request.

iii. If the request is approved by the watershed review board, the zoning administrator shall issue a SDA permit. The permit shall be null and void if construction has not begun for one year from date of issuance. A record of all SDA permits shall be kept on file in the office of the zoning administrator.

iv. The following review criteria will be used by the watershed review board to evaluate SDA requests. The review criteria will be used to encourage applicants to maximize development in the SDA project areas, as well as incorporate measures to improve the water quality and aesthetics of the project area. Projects must meet five out of the ten criteria in order to qualify. Review Criteria for Evaluating SDA Requests consists of:

1. 5 or more full-time employees added;
2. \$200,000 or more tax base added;
3. <2 acres used for project;
4. +50 ft. stream buffer;
5. Landscaping plan submitted;
6. Multiple story building;
7. Subdividing unneeded acreage;
8. Use of grass swales.
9. Use of stormwater control measures included in the most recent NCDEQ Stormwater Design Manual, including but not limited to: Sand filters; Water quality ponds; Artificial wetlands; Pervious pavement; Level spreader;
10. Reservation of land for public use as approved by Planning Board.

(C) Flood Overlay District (FPO).

Article 1. Statutory Authorization, Findings of Facts, Purpose and Objectives.

A. Statutory Authorization.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

B. Findings of Fact.

(1) The flood prone areas within the jurisdiction of Town of North Wilkesboro are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

C. Statement of Purpose.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives.

The objectives of this ordinance are to:

(1) Protect human life, safety, and health;

(2) Minimize expenditure of public money for costly flood control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

Article 2. Definitions.

See Zoning Ordinance Section 5.3 Definitions for a complete list

Article 3. General Provisions.

A. Lands to which this Ordinance Applies.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including the Extra-Territorial Jurisdictions (ETJs), as allowed by law of Town of North Wilkesboro.

B. Basis for Establishing the Special Flood Hazard Areas.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated March 2nd, 2009 for Wilkes County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this Zoning Ordinance, and all revisions thereto. Additionally, the most recent updated Flood Insurance Rate Maps adopted by FEMA are declared to be part of this ordinance.

C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 6.5 (C) Article 3, B of this overlay district ordinance.

D. Compliance.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the Board of Commissioners; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

G. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Town of North Wilkesboro or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of North Wilkesboro from taking such other lawful action as is necessary to prevent or remedy any violation.

Article 4. Administration.

A. Designation of Floodplain Administrator.

The Planning Director, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

B. Floodplain development application, permit and certification requirements.

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 6.5 (C) Article 3, B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 6.5 (C) Article 3, B;
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 6.5 (C) Article 3, B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in Section 6.5 (C): Article 3, B; Article 4, C; or Article 5, D;
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) The certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

- (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
 - (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
 - (e) Usage details of any enclosed areas below the lowest floor.
 - (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 6.5 (C) Article 5, B, subsections (6) and (7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 6.5 (C) Article 3, B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 6.5 (C) Article 5, F have been met.
- (g) The flood openings requirements.
- (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
 - (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) Certification Requirements.

(a) Elevation Certificates

The use of the FEMA Elevation Certificate is required for the purchase of flood insurance and mandatory for CRS participation.

(i) *Elevation Certificate (FEMA Form 086-0-33)* is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(ii) *Elevation Certificate (FEMA Form 086-0-33)* is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(iii) A final *Finished Construction Elevation Certificate (FEMA Form 086-0-33)* is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

(i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a *Floodproofing Certificate (FEMA Form 086-0-34)*, with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The FEMA Floodproofing Certificate is optional at the time of permitting the structure but recommended to ensure compliance with this ordinance and properly permit the structure.

(ii) A final *Finished Construction Floodproofing Certificate (FEMA Form 086-0-34)*, with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of

Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 6.5 (C) Article 5, B(3)(b).

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(i) Recreational Vehicles meeting requirements of Section 6.5 (C) Article 5, B (6) (a);

(ii) Temporary Structures meeting requirements of Section 6.5 (C) Article 5, B (7); and

(iii) Accessory Structures that are 150 square feet or less or less and meeting requirements of Section 6.5 (C) Article 5, B (8).

(4) Determinations for Existing Buildings and Structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Inspector, shall:

(a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(d) Notify the applicant if it is determined that the work constitutes substantial

improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B (3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 6.5 (C): Article 4, B (3) and Article 5, B (2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- (11) When BFE data has not been provided in accordance with the provisions of Section 6.5 (C) Article 3, B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Section 6.5 (C) Article 5, D (2) (c), in order

to administer the provisions of this ordinance.

(12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 6.5 (C) Article 3, B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.

(13) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(17) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(18) Follow through with corrective procedures of Section 6.5 (C) Article 4, D.

(19) Review, provide input, and make recommendations for variance requests.

(20) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 6.5 (C) Article 3, B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

(22) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

D. Corrective Procedures.

(1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(a) That the building or property is in violation of the floodplain management regulations;

(b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(a) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

(3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least one-hundred and eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Commissioners by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local Board of Commissioners shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Commissioners following an appeal, the owner

shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

E. Variance Procedures.

- (1) The Board of Adjustment as established by the Town of North Wilkesboro, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) Functionally dependent facilities if determined to meet the definition as stated in Section 6.5 (C) Article 2 of this ordinance, provided provisions of Section 6.5 (C) Article 4, E (9) (b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) Any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Section 6.5 (C) Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with

existing local laws or ordinances.

(10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(a) The use serves a critical need in the community.

(b) No feasible location exists for the use outside the Special Flood Hazard Area.

(c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

(d) The use complies with all other applicable federal, state and local laws.

(e) The Town of North Wilkesboro has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

Article 5. Provisions for Flood Hazard Reduction.

A. General Standards.

In all Special Flood Hazard Areas the following provisions are required:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

(a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

(b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and

requirements for the original structure.

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 6.5 (C) Article 4, E (10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 6.5 (C) Article 4, B (3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
- (16) Buildings and structures that are located in more than one flood hazard area shall

comply with the provisions associated with the most restrictive flood hazard area.

B. Specific Standards.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Section 6.5 (C) Article 3, B, or Section 6.5 (C) Article 5, D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 5.3 Definitions of the Zoning Ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 5.3 Definitions of the Zoning Ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 6.5 (C) Article 5, G (2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 6.5 (C) Article 4, B (3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Section 5.3 Definitions of the Zoning Ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Section 6.5 (C) Article 5, B (4).
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and

approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) Shall not be temperature-controlled or conditioned;

(c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

(d) Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;

(v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) Not a substantial improvement, the addition and/or improvements must be

designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

(b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

(ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

(ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(6) Recreational Vehicles. Recreational vehicles shall either:

(a) Temporary Placement

(i) Be on site for fewer than 180 consecutive days; or

(ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)

(b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

(b) The name, address, email address and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored in accordance with the provisions of Section 6.5 (C) Article 5, A (1);

(f) All service facilities such as electrical shall be installed in accordance with the provisions of Section 6.5 (C) Article 5, A(4); and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 6.5 (C) Article 5, B (4) (d).

An accessory structure with a footprint less than 150 square feet or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 6.5 (C) Article 5, B (2). Elevation or floodproofing certifications

are required for all other accessory structures in accordance with Section 6.5 (C) Article 4, B (3).

(9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 6.5 (C) B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

(i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

(a) Fences in regulated floodways and Non- Encroachment Areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 6.5 (C) Article 5, F of this ordinance.

(b) Retaining walls, sidewalks and driveways in regulated floodways and Non-Encroachment Areas. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 6.5 (C) Article 5, F of this ordinance.

(c) Roads and watercourse crossings in regulated floodways and Non Encroachment Areas. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 6.5 (C) Article 5, F of this ordinance.

(d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

C. *Reserved.*

D. *Standards for Floodplains without Established Base Flood Elevations.*

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 6.5 (C) Article 3 B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Section 6.5 (C) Article 5, A, shall apply:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) The Base Flood Elevation (BFE) used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

(a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Section 6.5 (C) Article 5, A and B.

(b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 6.5 (C) Article 5, B and F.

(c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 6.5 (C) Article 3, B and utilized in implementing this ordinance.

(d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Section 5.3 Definitions of the ordinance. All other applicable provisions of Section 6.5 (C) Article 5, B shall also apply.

E. Standards for Riverine Floodplains with Base Flood Elevations (BFE) but without Established Floodways or Non-Encroachment Areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Section 6.5 (C) Article 5, A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

F. Floodways and Non-Encroachment Areas.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 6.5 (C) Article 3, B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (2) If Section 6.5 (C) Article 5, F (1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met in addition to all other applicable zoning requirements:
 - (a) The anchoring and the elevation standards of Section 6.5 (C) Article 5, B (3); and
 - (b) The encroachment standards of Section 6.5 (C) Article 5, F (1).

G. Standards for Areas of Shallow Flooding (Zone AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 6.5 (C) Article 5, A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot, above the highest adjacent grade; or at least (2) feet where a depth is not provided) above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 6.5 (C) Article 5, I (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 6.5 (C) Article 4, B (3) and Article 5, B (2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

H. Standards for Areas of Shallow Flooding (Zone AH).

Located within the Special Flood Hazard Areas established in Section 6.5 (C) Article 3, B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations (BFE) are derived from detailed hydraulic analyses are shown in this zone. In addition to Section 6.5 (C) Article 5, A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Article 6. Legal Status Provisions.

A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted April 5th, 1994 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Town of North Wilkesboro enacted on April 5th 1994, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Wilkes County is 2002.

B. Effect upon outstanding floodplain development permits.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

C. Severability.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

D. Effective date.

This section of the ordinance shall become effective June 24th, 2021.

(D) Corridor Overlay Districts (CO)

(1) Intent. It is the intent to encourage development practices that maintain and/or enhance the natural beauty and scenic quality of an identified highway corridor for the benefit of the motoring public and to protect the health, safety, and welfare of the motoring public by reducing impediments such as light glare, distractions, and visual clutter/obstructions.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and supplemental standards.

(A) In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land adjoining highways 18, 268, 115, and 421 business. Such areas are determined by a 500 foot corridor (250 feet from the centerline on each side of the highway) running parallel with the aforementioned highways. Such zones are shown on the official zoning map described in Section 6.5(D) (3) (J). The requirements of the COD shall be applied in addition to any other applicable land use controls. In the event that COD standards conflict with other existing development requirements, the more restrictive regulations apply and shall be applied to the following:

1. The development of vacant land;
2. Redevelopment or expansion of existing site ground coverage, which includes buildings, accessory uses or structures, parking and outdoor storage areas; and

3. Any change in use that increases development intensity and results in increased traffic, water or air pollution. Examples of changes in use that may increase development intensity include, but are not limited to: alteration from a residential use to a commercial use or from a commercial use to an industrial use.

(B) Structure Height. Structures within the COD shall be limited in height to a maximum of 40 feet as measured from the finished ground floor elevation to the highest point of the roof or structure. Chimneys, cupolas, and steeples are not included in measuring a structure's height.

(C) Right-of-way Setback. Structures within the COD shall be set back no less than 50 feet from the right-of-way or no closer than 100 feet of centerline of the specific highway (18, 268, 115, 421 business).

(D) Buffer yard. A buffer yard of 25 feet shall be provided and maintained immediately adjacent to and along each side of the right-of-way.

1. Composition. To the greatest extent possible, existing planting material within the buffer yard shall be retained – particularly mature trees and rare specimens. Where adequate plant material is absent or to be removed, a landscaped buffer consisting of two canopy trees and two understory trees per 100 linear feet of property frontage shall be installed. In addition, one upright shrub per eight linear feet of property frontage shall also be installed.

2. Permitted Structures. The following structures may be built within the required buffer yard:

- a. Pedestrian or bicycle paths;
- b. Planters, retaining walls, fences, park tables and seating, hedges, and other landscaping structures; and
- c. Utility lines (above or below ground), their support structures, and minor structures accessory to utility lines, provided that they generally cross rather than run along the length of the buffer yard.

(E) Maximum Impervious Surface. The maximum permitted coverage by impervious surfaces shall be 80 percent of the total lot area, unless regulated by the watershed overlay district. The more stringent will apply in this case.

(F) Parking and Loading.

(G) 1. Parking.

- a. Location Requirements. No vehicular or equipment parking except automobile parking shall be permitted in the yard area adjacent to the highway. When more than 20 off street parking spaces are provided, no more than 75 percent of the off-street parking spaces may be located in the yard directly facing the highway.

- b. Right-of-way Setbacks. All automobile parking shall be set back at least 25 feet from the right-of-way of the highway.

2. Loading. All loading shall be from the side or rear of the principal structure as viewed from the highway. If loading is performed on the side of the building, as viewed from the highway, screening meeting the following standards shall be provided:

- a. The screen shall be composed of view obscuring evergreen vegetation (used individually, or in combination with), a wall, semi opaque fence, or berm designed to obscure views from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.
- b. One upright shrub shall be installed per four linear feet of any screen wall or fence that faces off-site. These plantings shall be placed such that they obscure the screen wall or fence.
- c. Plants must be at least two feet tall at the time of installation and reach the desired height within three to five years of planting. Berms, when provided, must be covered with plant materials within three to five years.

(G) Outdoor Storage.

1. Locational Requirements. Outdoor storage areas shall not be placed in front yard or in a yard adjacent to, or facing, the highway.

2. Screening. Outdoor storage areas must be fully screened from view from the highway. Screening meeting the standards above for loading areas shall be installed.

(H) Exterior Lighting. All exterior lighting shall be constructed or located so that the light source is not directly visible from a vehicle traveling the highway and does not project glare onto the highway or access roads. The use of full cutoff lighting fixtures is required.

(I) Signs.

1. Maximum Height: 12 feet.
2. Type. Ground-mounted, monument, wall, canopy/awning, directional/incidental, window, and flag signs only are permitted.
3. Landscaping. Appropriate landscaping shall be required at the base of all signs within the COD.
4. Maximum Area. Monument sign size will be determined on the underlying zoning district and may be permitted up to 12 feet tall. Wall signs will be permitted to have the percentage coverage of the underlying zoning district.
5. Shielding of Illuminated Signs. All illuminated signs must be shielded in such a manner that no direct glare from the light source can be seen from the highway or thoroughfare or from above.
6. Prohibited signs.
 - a. Animated signs
 - b. Flashing signs
 - c. Roof signs
 - d. Off-premise outdoor advertising signs

(J) Overlay area map.

The zones herein established are shown on the Town's online GIS map with the

layer labeled “Corridor Overlay District”, and are a separate but integral part of this section.

(K) Nonconforming uses. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article and is diligently prosecuted to completion thereafter.

6.6 Dimensional Requirements.

Table 1. General Requirements

District	Minimum Residential Lot Size (Sq. Ft.) ¹	Minimum Non-Residential Lot size (Sq. Ft.) ¹	Minimum Lot Width (feet) ²	Minimum Public Street Frontage (feet)	Maximum Building Height (feet) See Section 7.8
R20	20,000	40,000	100	40	35
R10	10,000	20,000	75	40	35
R6	6,000	20,000	50	40	35
OI	6,000	10,000	60	40	50⁴
NB	0	0	0	40	35
CBD	0	0	0	0	80
GB	0	0	50	40	50
HB	0	0	100	40	50
LI	0	0	50	40	80⁴
GI	0	0	50	40	80⁴
MF-CD	2 acres³	NA	100	50	Varies ⁵
PD-CD	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)
WSO	Varies: See Section 6.5(B)	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District
AO	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District	Varies: See Section 6.5 (A)
FPO	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District
CO	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District	40

¹Lot area requirements may be larger depending on location within WS-II or WS-IV watershed area.

²Lot width to be measured at minimum required setback.

³Maximum residential density shall be 10 units per acre.

⁴Height may be increased 1 foot for every additional 1 foot of setback provided for the building or portion of the building exceeding the height limit.

⁵determined during rezoning process

Table 2. Setback Requirements

District	Principal Residential Structure Minimum Setbacks in Feet			Principal Non-Residential Structure Minimum Setbacks in Feet		
	Front ¹	Side ³	Rear	Front	Side	Rear
R20	40	12	35	40	20	35
R10	35	10	30	40	15	30
R6	30	8	25	30	12	30
OI	25	8	25	25	8	25
NB	10	5	15	10	5	15
CBD	None	None	None	None	None	None
GB	10	None/25²	20	10	None/25²	20
HB	20	None/25²	10	20	None/25²	10
LI	30	None/30²	None/30²	30	None/30²	None/30²
GI	40	None/30²	None/30²	40	None/30²	None/30²
MF-CD	50	50	50	50	50	50
PD-CD	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)
WSO	same as the underlying district			same as the underlying district		
AO	same as the underlying district			same as the underlying district		
FPO	same as the underlying district			same as the underlying district		
CO	see 6.4(D)(3)(C) / same / same			same as the underlying district		

¹Front setbacks may be waived in accordance with Section 2.3(C) (6)

²Setbacks must be met when abutting a residential district.

³Side setbacks for corner lots shall be increased by 10 feet.

6.7 Table of Uses.

(A) Use Table Guidance

The following table lists uses permitted in each zoning district by issuance of a zoning permit according to the below denotations:

- Permitted (P):** A “P” in the Table of Uses indicates that the use is allowed by right in the designated zoning district and may also be required to adhere to any underlying zoning districts.
- Permitted with Supplemental Standards (PSS):** A “PSS” in the Table of Uses indicates that the use is allowed with additional standards and they are referenced accordingly.
- Special Use Permit (S):** An “S” in the Table of Uses indicates that the use is allowed only with a valid Special Use Permit. A Special Use Permit is issued through the Board of Adjustment through a quasi-judicial hearing.
- Underlying District (U):** A “U” in the Table of Uses indicates that the use also falls within an overlay district. Those standards in the overlying district will prevail.
- Not Permitted (-):** A “-” in the Table of Uses indicates the use is not permitted.
- If a use is not listed in the table of uses then it is considered an unlisted use and shall be evaluated and determined by the Zoning Administrator

how the use will be classified based on 6.7 (B) Procedure for Evaluating Unlisted Uses. Any use not permitted, prohibited, or restricted by this Ordinance as an “unlisted use” shall only be permitted if approved by the Zoning Administrator pursuant to the following provisions:

(B). Procedure for Evaluating Unlisted Uses

Where a particular use category or use type is not specifically allowed under this Ordinance or is also not prohibited or restricted by this Ordinance, the Zoning Administrator may permit the use category or type if the criteria of subsection (1) below are met. The Zoning Administrator shall give due consideration to the intent of this Ordinance concerning the district(s), involved, the character of the uses specifically identified, and the character of the use(s) in question.

(1) **Criteria for Evaluating Unlisted Uses:** In order to determine that the proposed use(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Zoning Administrator shall assess all relevant characteristics of the proposed use of the proposed use, including but not limited to the following:

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

(2) **Determination of Unlisted Use(s) by the Zoning Administrator:** All determinations by the Zoning Administrator made pursuant to this section shall be in writing. In making the determination described in this section, the Zoning Administrator shall initiate an amendment to this Ordinance if the particular use

or category of use(s) is likely to be common or to recur frequently, or if the omission is likely to lead to public uncertainty and confusion.

The uses are as follows:

P = Permit from Planning Department S = Special Use Permit from Board of Adjustment PSS= Permit from Planning Department; use must meet additional standards "-" = Not permitted	DISTRICTS															SUPPLEMENTAL STANDARDS	
	USE	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO		CO
Agricultural Uses																	
Agricultural industry	PSS	-	-	-	-	-	-	-	P	P	P	P	U	U	U	U	11.1-1
Agriculture, bona-fide farms, including processing or sale of products grown on the same zoning lot, excluding agricultural industry	PSS	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	See Article 5.3 Definitions
Agriculture implement sale, repair, rental or storage	PSS	-	-	-	-	-	-	-	P	P	P	-	U	U	U	U	11.1-2
Livestock sales and auctions	-	-	-	-	-	-	-	-	PSS	P	P	-	U	U	U	U	11.1-3
Commercial Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CO	SUPPLEMENTAL STANDARDS	
Adult establishments	-	-	-	-	-	-	-	-	-	PSS	-	-	U	U	U	U	11.2-1
Amusements, commercial, indoor	-	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Amusements, commercial, outdoor	-	-	-	-	-	-	-	-	PSS	PSS	-	-	U	U	U	U	11.2-2
Arts and crafts studio	-	-	-	-	-	-	P	P	P	P	P	-	U	U	U	U	
Automatic teller machine	-	-	-	-	P	P	P	P	P	P	P	U	U	U	U	U	

Commercial Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CO	SUPPLEMENTAL STANDARDS
Banking and financial services	-	-	-	-	P	P	P	P	P	P	-	U	U	U	U	
Bar	-	-	-	-	-	-	P	P	P	-	-	U	U	U	U	
Bed and breakfast establishment	S	S	S	-	S	S	S	S	S	S	S	U	U	U	U	11.2-3
Brewpub	-	-	-	-	-	-	P	P	P	P	-	U	U	U	U	
Broadcast studios (radio and television)	-	-	-	-	P	-	-	P	P	P	-	U	U	U	U	
Building materials supply	-	-	-	-	-	-	-	P	P	P	P	U	U	U	U	
Car wash, automatic	-	-	-	-	-	-	-	PSS	PSS	PSS	-	U	U	U	U	11.2-4
Car wash, full service	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Car wash, industrial	-	-	-	-	-	-	-	-	PSS	PSS	PSS	U	U	U	U	11.2-5
Car wash, self-service	-	-	-	-	-	-	-	PSS	PSS	-	-	U	U	U	U	11.2-6
Club, Private	-	-	-	-	-	PSS	PSS	P	P	-	-	U	U	U	U	11.2-7
Construction vehicle sales, repair, leasing, maintenance, or storage	-	-	-	-	-	-	-	P	P	P	P	U	U	U	U	
Convenience store	-	-	-	-	-	PSS	P	P	P	-	-	U	U	U	U	11.2-8
Dry cleaning and laundry services	-	-	-	-	-	P	P	P	P	-	-	U	U	U	U	
Farmers market	-	-	-	-	-	-	P	P	P	-	-	U	U	U	U	
Feed and seed stores	-	-	-	-	-	-	P	P	P	-	-	U	U	U	U	
Flea markets	-	-	-	-	-	-	-	PSS	PSS	-	-	U	U	U	U	11.2-9
Food and beverage store	-	-	-	-	-	P	P	P	P	-	-	U	U	U	U	
Food Truck	-	-	-	-	PSS	-	PSS	PSS	PSS	PSS	PSS	U	U	U	U	11.2-10
Fuel dealer	-	-	-	-	-	-	-	PSS	PSS	PSS	PSS	U	U	U	U	11.2-11
Gasoline station, large	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	

Commercial Uses	R20	R10	R6	MF - CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CO	SUPPLEMENTA L STANDARDS
Gasoline station, neighborhood	-	-	-	-	-	PSS	PSS	P	P	-	-	U	U	U	U	11.2-12
General retail	-	-	-	-	-	-	P	P	P	PSS	-	U	U	U	U	11.2-27
Heavy machinery sales, repair, leasing, maintenance or storage	-	-	-	-	-	-	-	P	P	P	P	U	U	U	U	
Home occupations	PSS	PSS	PSS	-	PSS	U	U	U	U	11.2-13						
Hotel	-	-	-	-	-	-	P	P	P	-	-	U	U	U	U	
Junk yard	-	-	-	-	-	-	-	-	-	-	PSS	-	-	-	U	11.2-14
Kennel	PSS	-	-	-	-	PSS	-	P	P	-	-	U	U	U	U	11.2-15
Laundry and linen supply service	-	-	-	-	-	-	P	P	P	P	P	U	U	U	U	
Lodge	-	-	-	-	-	-	P	P	P	P	-	U	U	U	U	
Motel	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Motor vehicle paint or body shop	-	-	-	-	-	-	-	P	P	P	-	U	U	U	U	
Motor vehicle sales, rental and leasing (Franchised)	-	-	-	-	-	-	-	PSS	PSS	-	-	U	U	U	U	11.2-16A
Motor vehicle sales, rental and leasing (Non-Franchised)	-	-	-	-	-	-	-	S	S	-	-	U	U	U	U	11.2-16B
Motor vehicle repair and maintenance	-	-	-	-	-	-	-	P	P	P	-	U	U	U	U	
Motor vehicle storage yard	-	-	-	-	-	-	-	PSS	PSS	PSS	PSS	U	U	U	U	11.2-17
Nightclub	-	-	-	-	-	-	S	S	S	-	-	U	U	U	U	11.2-18
Nursery, lawn and garden supply store, retail	-	-	-	-	-	S	-	PSS	PSS	PSS	PSS	U	U	U	U	11.2-19

Commercial Uses	R20	R10	R6	MF - CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CO	SUPPLEMENTAL STANDARDS
Outdoor display and sales of merchandise	-	-	-	-	-	-	-	PSS	PSS	PSS	-	U	U	U	U	11.2-20
Outdoor storage	-	-	-	-	PSS	-	-	-	-	PSS	PSS	U	U	U	U	11.2-21
Parking lot or deck	PSS	PSS	PSS	PSS	PSS	PSS	P	P	P	P	P	U	U	U	U	11.2-22
Pawn shop	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Raceways and drag strips	-	-	-	-	-	-	-	-	-	-	S	U	U	U	U	11.2-23
Restaurant, with drive-through service	-	-	-	-	-	-	-	P	P	P	-	U	U	U	U	
Restaurant, without drive-through service	-	-	-	-	-	P	P	P	P	P	-	U	U	U	U	
Retail, non-store	-	-	-	-	PSS	PSS	P	P	P	P	-	U	U	U	U	11.2-24
Retail store, large	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Retail store, medium	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Retail store, small	-	-	-	-	-	P	P	P	P	-	-	U	U	U	U	
Riding stables	PSS	-	-	-	-	-	-	PSS	-	-	-	U	U	U	U	11.2-25
Shopping center, large	-	-	-	-	-	-	-	-	P	-	-	U	U	U	U	
Shopping center, medium	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Shopping center, small	-	-	-	-	-	P	P	P	P	-	-	U	U	U	U	
Shooting range (indoor)	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Shooting range, outdoor	S	-	-	-	-	-	-	-	-	-	-	U	U	U	U	11.2-26
Studios (art, dance, music, or photographic)	-	-	-	-	P	P	P	P	P	-	-	U	U	U	U	
Theater, indoor	-	-	-	-	-	-	P	P	P	-	-	U	U	U	U	
Theater, drive-in	-	-	-	-	-	-	-	P	P	-	-	U	U	U	U	
Veterinary services	-	-	-	-	P	P	P	P	P	-	-	U	U	U	U	

Industrial Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSC	FPO	CO	SUPPLEMENTAL STANDARDS
Abattoirs	-	-	-	-	-	-	-	PSS	-	P	P	U	U	U	U	11.3-1
Asphalt and concrete plant and contractors	-	-	-	-	-	-	-	-	-	-	P	U	U	-	U	
Auto wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards	-	-	-	-	-	-	-	-	-	-	PSS	U	U	-	U	11.3-2
Brewery	-	-	-	-	-	-	P	P	P	P	P	U	U	U	U	
Building contractors, general	-	-	-	-	P	-	P	P	P	P	P	U	U	U	U	
Building contractors, heavy	-	-	-	-	-	-	-	PSS	PSS	P	P	U	U	U	U	11.3-3
Bulk storage of petroleum products	-	-	-	-	-	-	-	-	-	P	P	U	U	U	U	
Data Centers									P	P	P	U	U	U	U	
Distilleries	-	-	-	-	-	-	P	P	P	P	P	U	U	U	U	
Dry cleaning and laundry plants	-	-	-	-	-	-	-	-	-	P	P	U	U	U	U	
Feed and flour mills	-	-	-	-	-	-	-	-	-	P	P	U	U	U	U	
Laboratory (analytical, experimental testing, research and development)	-	-	-	-	-	-	-	-	-	P	P	U	U	U	U	
Laboratory, medical or dental	-	-	-	-	P	-	-	P	P	P	-	U	U	U	U	
Landfill, land clearing and inert debris	PSS	-	-	-	-	-	-	-	-	PSS	PSS	U	U	U	U	11.3-4
Landfill, construction and demolition	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	
Landfill, sanitary	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	
Manufacturing A	-	-	-	-	-	-	-	-	P	P	P	U	U	U	U	
Manufacturing B	-	-	-	-	-	-	-	-	-	-	P	U	U	U	U	
Manufacturing C	-	-	-	-	-	-	-	-	-	-	P	U	U	U	U	
Meat packing plant	-	-	-	-	-	-	-	-	-	P	P	U	U	U	U	
Microbrewery	-	-	-	-	-	-	P	P	P	P	P	U	U	U	U	
Printing or binding	-	-	-	-	P	P	P	P	P	P	-	U	U	U	U	

Industrial Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CO	SUPPLEMEAL STANDARDS
Quarries or other extractive industries	-	-	-	-	-	-	-	-	-	-	S	U	U	U	U	11.3-5
Saw mills	-	-	-	-	-	-	-	-	-	-	P	U	U	U	U	
Solar Farms										PSS	PSS	U	U	U	U	11.3-6
Storage and salvage yard	-	-	-	-	-	-	-	-	-	-	PSS	U	U	-	U	11.3-7
Terminal, freight	-	-	-	-	-	-	-	-		PSS	PSS	U	U	U	U	11.3-8
Tire recapping shops	-	-	-	-	-	-	-	PSS	-	PSS	PSS	U	U	U	U	11.3-9
Warehousing (excluding self-storage)	-	-	-	-	-	-	-	PSS	PSS	P	P	U	U	U	U	11.3-10
Warehousing, self-storage	-	-	-	-	-	S	-	PSS	PSS	PSS	PSS	U	U	U	U	11.3-11
Waste incineration	-	-	-	-	-	-	-	-	-	-	P	U	U	U	U	
Waste transfer station	-	-	-	-	-	-	-	-	-	-	S	U	U	U	U	11.3-12
Wholesale trade A	-	-	-	-	-	-	-	P	P	P	P	U	U	U	U	
Wholesale trade B	-	-	-	-	-	-	-	-	P	P	P	U	U	U	U	
Winery	-	-	-	-	-	-	P	P	P	P	P	U	U	U	U	
Governmental And Institutional Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CO	SUPPLEMENTAL STANDARDS
Child care institution	PSS	-	-	-	P	PSS	-	P	P	-	-	U	U	U	U	11.4-1
Church or religious institution, neighborhood scale	PSS	PSS	PSS	-	P	P	-	P	P	-	-	U	U	U	U	11.4-2
Church or religious institution, community scale	PSS	PSS	PSS	-	P	-	-	P	P	-	-	U	U	U	U	11.4-2
Civic, fraternal, cultural, and community facilities not otherwise listed	PSS	-	-	-	P	P	P	P	P	-	-	U	U	U	U	11.4-3
Club or lodge, private non-profit	PSS	-	-	-	P	P	P	P	P	-	-	U	U	U	U	11.4-3
College or university	PSS	-	-	-	P	-	PSS	P	P	PSS	-	U	U	U	U	11.4-4
Community center	PSS	-	-	-	P	P	-	P	P	-	-	U	U	U	U	11.4-5
Congregate care facility	PSS	-	-	-	P	-	-	P	P	-	-	U	U	U	U	11.4-12
Correctional institution	-	-	-	-	-	-	-	-	-	S	S	U	U	U	U	11.4-6
Daycare center	PSS	-	-	-	PSS	PSS	PSS	PSS	PSS	PSS	-	U	U	U	U	11.4-7
Daycare, large home	PSS	PSS	PSS	-	PSS	PSS	PSS	PSS	PSS	-	-	U	U	U	U	11.4-8

Governmental And Institutional Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CO	SUPPLEMENTAL STANDARDS
Daycare, small home	PSS	PSS	PSS	-	PSS	PSS	PSS	PSS	PSS	-	-	U	U	U	U	11.4-8
Reserved																
Funeral home	-	-	-	-	P	-	-	P	P	-	-	U	U	U	U	
Government offices, courthouses, and similar governmental facilities not otherwise listed	P	P	P	P	P	P	P	P	P	P	P	U	U	U	U	
Group care facility	PSS	-	-	-	PSS	-	-	PSS	PSS	-	-	U	U	U	U	11.4-9
Group home A	PSS	PSS	PSS	-	-	-	-	-	-	-	-	U	U	U	U	11.4-10
Group home B	PSS	-	-	-	-	-	-	-	-	-	-	U	U	U	U	11.4-10
Habilitation facility - A	-	-	-	-	P	P	P	P	P	-	-	U	U	U	U	
Habilitation facility - B	-	-	-	-	P	-	-	P	P	-	-	U	U	U	U	
Homeless shelter	-	-	-	-	-	-	-	PSS	PSS	-	-	U	U	U	U	11.4-11
Institutional uses, not otherwise listed	-	-	-	-	P	-	-	P	P	-	-	U	U	U	U	
Library, public	P	-	-	-	P	P	P	P	P	-	-	U	U	U	U	
Museum or art gallery	P	-	-	-	P	P	P	P	P	-	-	U	U	U	U	
Nursing care institution	PSS	-	-	-	P	-	-	P	P	-	-	U	U	U	U	11.4-12
Post office	P	-	-	-	P	P	P	P	P	-	-	U	U	U	U	
Postal facility, neighborhood	P	-	-	-	P	P	P	P	P	-	-	U	U	U	U	
Progressive care community	PSS	-	-	-	P	-	-	P	P	-	-	U	U	U	U	11.4-13
Public safety stations including police, fire, and rescue services	P	-	-	-	P	P	P	P	P	P	P	U	U	U	U	
Public works facility	P	-	-	-	P	-	P	P	P	P	P	U	U	U	U	
Schools, elementary and secondary, including school stadiums (public)	PSS	-	-	-	PSS	-	PSS	PSS	PSS	-	-	U	U	U	U	11.4-14
Schools, vocational, private, or professional	PSS	-	-	-	PSS	-	PSS	PSS	PSS	PSS	-	U	U	U	U	11.4-15

Governmental And Institutional Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FP O	CO	SUPPLEMENTAL STANDARDS
Wireless Telecommunication Facilities	S	S	S	S	S	S	S	S	S	S	S	U	U	U	U	NW Wireless Communication Ordinance
Utilities, above ground	PSS	PSS	PSS	-	PSS	PSS	PSS	PSS	PSS	PS S	PSS	U	U	U	U	11.4-16
Utilities, below ground	P	P	P	-	P	P	P	P	P	P	P	U	U	U	U	
Commercial yard waste composting	-	-	-	-	-	-	-	-	-	-	P	U	U	U	U	
Professional Office And Medical Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FP O	CO	SUPPLEMENTAL STANDARDS
Clinics	-	-	-	-	P	P	P	P	P	P	-	U	U	U	U	
Health services, miscellaneous	-	-	-	-	P	-	P	P	P	P	-	U	U	U	U	
Hospital	-	-	-	-	P	-	-	P	P	P	-	U	U	U	U	
Medical and surgical offices	-	-	-	-	P	P	P	P	P	P	-	U	U	U	U	
Offices, professional	-	-	-	-	P	P	P	P	P	P	P	U	U	U	U	
Optical services	-	-	-	-	P	P	P	P	P	-	-	U	U	U	U	
Orthopedic supply houses	-	-	-	-	P	P	P	P	P	P	-	U	U	U	U	
Pharmacy	-	-	-	-	-	P	P	P	P	-	-	U	U	U	U	
Recreational Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FP O	CO	SUPPLEMENTAL STANDARDS
Arenas	S	-	-	-	-	-	-	P	P	P	P	U	U	U	U	11.6-1
Assembly halls, coliseums, armories, ballrooms and exhibition buildings	-	-	-	-	P	-	-	P	P	-	-	U	U	U	U	
Reception Hall/Events Venue	-	-	-	-	-	-	P	P	P	-	-	U	U	U	U	
Golf course and driving range	PSS	PSS	PSS	-	-	-	-	PSS	PSS	-	-	U	U	U	U	11.6-2
Park and open space areas	P	P	P	-	P	P	P	P	P	P	P	U	U	U	U	
Recreation services, indoor	S	-	-	-	P	P	P	P	P	P	-	U	U	U	U	
Recreation services, outdoor	PSS	PSS	PSS	-	PSS	PSS	PSS	PSS	PSS	PSS	PSS	U	U	U	U	11.6-3
Recreational vehicle park	S	-	-	-	-	-	-	PSS	-	-	-	U	U	U	U	11.6-4
Swimming Pool (Private)	PSS	PSS	PSS	-	-	-	-	-	-	-	-	U	U	U	U	11.6-5
Swimming Pool (Public)	PSS	PSS	PSS	-	PSS	PSS	PSS	PSS	PSS	PSS	PSS	U	U	U	U	11.6-6
Resort	S	-	-	-	-	-	-	PSS	PSS	PSS	PSS	U	U	U	U	11.6-7

Residential Uses	R20	R10	R6	MF- CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSC	FPO	CO	SUPPLEMENTAL STANDARDS
Accessory dwelling unit- attached	PSS	PSS	PSS	-	-	PSS	PSS	-	-	-	-	U	U	U	U	11.7-1
Accessory dwelling unit- detached	PSS	PSS	-	-	-	-	-	-	-	-	-	U	U	U	U	11.7.1
Boarding or rooming house for up to 2 boarders	PSS	PSS	PSS	-	-	-	-	-	-	-	-	U	U	U	U	11.7-2
Cluster subdivisions	S	S	S	-	-	-	-	-	-	-	-	U	U	U	U	11.7-3
Dormitory	S	-	-	P	S	-	S	-	-	-	-	U	U	U	U	11.7-4
Manufactured Home	PSS	-	-	-	-	-	-	-	-	-	-	U	U	U	U	11.7-5
Manufactured home, temporary	S	S	-	-	-	-	-	-	-	-	-	U	U	U	U	11.7-6
Manufactured home park	PSS	-	-	-	-	-	-	-	-	-	-	U	U	U	U	11.7-7
Manufactured home subdivision	PSS	-	-	-	-	-	-	-	-	-	-	U	U	U	U	11.7-8
Residential building, duplex	PSS	-	PSS	P	-	-	-	-	-	-	-	U	U	U	U	11.7-9
Residential building, multi-family	PSS	-	-	P	-	-	-	PSS	PSS	-	-	U	U	U	U	11.7-10
Residential building, single family	P	P	P	-	-	-	-	-	PSS	-	-	U	U	U	U	11.7-11
Residential building, townhouse	PSS	-	PSS	P	-	-	-	-	-	-	-	U	U	U	U	11.7-10
Upper-Story Residential	-	-	-	-	-	-	P	P	-	-	-	U	U	U	U	
Ground-Floor Residential	-	-	-	-	-	-	S	PSS	PSS	-	-	U	U	U	U	11.7-12
Service Uses	R20	R10	R6	MF- CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSC	FPO	CO	SUPPLEMENTAL STANDARDS
Cemetery	PSS	-	-	-	PSS	PSS	-	PSS	PSS	-	-	U	U	U	U	11.8-1
Columbarium	PSS				PSS	PSS		PSS	PSS			U	U	U	U	11.8-2
Personal services	-	-	-	-	P	P	P	P	P	-	-	U	U	U	U	
Services A, business	-	-	-	-	P	-	-	P	P	P	-	U	U	U	U	
Services B, business	-	-	-	-	P	-	-	P	P	P	P	U	U	U	U	
Terminal, bus or taxi	-	-	-	-	-	-	P	P	P	-	-	U	U	U	U	

Miscellaneous Uses	R20	R10	R6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CO	SUPPLEMENTAL STANDARDS
Airports	S	-	-	-	-	-	-	-	-	S	S	U	U	U	U	
Alternative Landscaping	PSS	PSS	PSS	PSS	PSS	PSS	PSS	PSS	PSS	PSS	PSS	U	U	U	U	11.9-4
Fairgrounds	-	-	-	-	-	-	-	-	PSS	-	-	U	U	U	U	11.9-1
Hazardous waste management facility	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	
Heliport	-	-	-	-	PSS	-	-	-	-	PSS	PSS	U	U	U	U	11.9-2
Temporary Recreation Vehicle Park	PSS	PSS	PSS	PSS	PSS	PSS	PSS	PSS	PSS	PSS	PSS	U	U	U	U	11.9-5
Temporary storage units	PSS	PSS	PSS	-	-	-	-	PSS	PSS	PSS	PSS	U	U	U	U	11.9-3
Recycling center	-	-	-	-	-	-	-	-	-	P	P	U	U	-	U	

Article VII. General Regulations.

7.1 Conformity Required.

No person may use, occupy, or sell any land, structure, or building or authorize or allow the use, occupancy, or sale of any land, structure, or building under his/her control except in accordance with all of the applicable provisions of this article. For the purpose of this article, the use or occupancy of structures and buildings shall relate to anything and everything that is done to, on, or in the land, structures, or buildings.

7.2 Street Frontage Required.

Any lot on which a building (or buildings) is to be erected or used is to be established shall abut a public street, with the following exceptions:

(A) Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least fifteen feet in width connecting said lot to a public street may be used as if it abutted a street, provided that it is served by a driveway located on said easement.

(B) Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least fifteen feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street, provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.

(C) In the ETJ, all new subdivisions must meet town standards for public street frontage as defined in Section 6.6. However, up to three single-family residential lots may be served by a privately-maintained, recorded easement with a minimum twenty-foot width if such easement was recorded prior to this ordinance's adoption.

7.3 One Principal Building Per Lot; Exceptions.

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings may be erected on a single lot as permitted by use and district regulations. Accessory structures or uses shall not be permitted as principal uses.

7.4 Lot Size.

No building lot (development site), even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the performance standards for spacing of structures, building mass and scale, and street frontage relationships cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

7.5. Lot of Record.

Where the owner of a lot of official record in any district at the time of adoption of this ordinance, or the successor in title thereto, does not own sufficient contiguous land to enable him/her to conform to the minimum lot size requirements of this ordinance, such lot may be used as a building site; provided, however, that the setback requirements outlined in Section 6.6 (Table 2.) of this ordinance are met for the applicable district or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at the adoption of this ordinance or at any time after its adoption, and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or as several lots if the lots can be divided into several lots, each of which meet the minimum requirements if this chapter for the district in which such lot or lots are located.

7.6 Yard Designation.

(A) On lots which abut more than one street, the front of the lot shall be parallel to the more prominent street. Exceptions may be made to this rule by the Zoning Enforcement Officer based upon the arrangement of existing and proposed streets and drives and the orientation of buildings on adjoining lots. Where neither street is more prominent than the other, the Zoning Enforcement Officer shall decide which street shall be the front based upon these same criteria.

(B) Where multiple buildings are permitted on a single lot of record, each building shall generally front upon a pedestrian oriented street, either external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.

(C) On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Zoning Enforcement Officer. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

7.7 Through Lots.

If both the front and rear yards of a lot abutting public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street. This requirement shall not apply to alleys.

7.8 Height Limitation Exceptions.

(A) The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; and shall not apply to monuments, water towers, observation towers, chimneys, smokestacks, conveyors and flag poles.

(B) When adjacent to a lot or lots located in a residential district, any part of a non-residential structure which extends above the height limit shall, at a minimum, be separated from adjacent residential lots by a distance equal to its height measured from the ground.

7.9 Structures and Uses Limited in Yards.

- (A) No principal building or structure shall be located within any required setback or yard.
- (B) No principal building or structure shall be located within any required buffer or screen.
- (C) Permitted fences and walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in a required yard, as long as the sight triangle on corner lots is protected.
- (D) Permitted signs may be located in an established front or side yard abutting a public street.
- (E) Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in required yards. This restriction shall not apply to:
 - (1) A driveway which crosses a required yard to provide access from a public street to a parking area; or
 - (2) Driveways and parking areas for a detached or duplex residential dwelling; or
 - (3) Plazas associated with civic buildings or campus quadrangles that have been designed and approved for occasional use as secondary parking areas; or
 - (4) Yards included within specific streetscape plans adopted by the Town Board in which the plans include limited parking and access in adjacent yards; or
 - (5) Front yards in the highway business district which meet the requirements for front parking.
- (F) Subordinate structures attached to single family homes, such as decks, garages, porches, and similar features may extend into the required side or rear yard up to twenty-five percent of its depth, and may cover up to twenty percent of its area. Such extensions may not exceed fifty percent of the width of the dwelling at the rear building line.
- (G) Above-ground sewer backflow prevention devices are expressly prohibited in the established front yards of buildings.

7.10 Accessory Structures and Uses.

- (A) In no event shall “accessory use” or “accessory structure” be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
- (B) In residential districts or on lots with residential uses, no accessory structure shall be located within a required front yard or located in front of the front facade of the principal structure, nor within three feet of a property line.
- (C) The number of accessory structures allowed per residential lot shall be determined by lot size.
 - 1. No more than two accessory structures shall be allowed per lot of two acres or less.
 - 2. An additional accessory structure shall be allowed for every three acres of lot remaining.
- (D) No more than two accessory structures shall be utilized for vehicle storage per lot.

(E) No more than one accessory structure shall be utilized in the operation of home occupations.

(F) Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot are permitted in all districts.

(G) Petroleum storage accessory to a permitted principal use or building is permitted.

(H) Temporary buildings and storage of materials are permitted, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.

(I) Manufactured housing (mobile homes) shall not be used as an accessory structure in any district.

(J) Barns and other similar structures accessory to an agricultural use shall not be counted towards the standards outlined in Section 7.10(C).

7.11 Clear Sight Triangle at Street Intersections.

On a corner lot in any residential district no planting, structure, signs, fence, wall or obstruction to vision more than three feet in height measured from the center line of the street shall be placed or maintained within the triangular area formed by the intersecting street edge of pavement line and a straight line connecting points on the edge of pavement lines each of which is 35 feet distant from the point of intersection.

7.12 Building Separation.

All detached accessory structures in all residential districts shall preserve a minimum building separation of ten feet from all principal uses or structures on the same lot. The requirement of the district or the existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards, to be determined by the zoning administrator.

7.13 Standards for Construction; Developer Responsibility.

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this document, the Town of North Wilkesboro standards shall control.

7.14 Driveways.

(A) No driveway or other point of access to the street shall be constructed, relocated, or altered unless the driveway has been approved by the Town of North Wilkesboro.

(B) For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets, topography, and other general site characteristics. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have separate driveway access to the public streets bounding the project area.

7.15 Negative Access Easements.

Private negative access easements in which no driveway or other vehicle or pedestrian access is permitted to a lot from an adjacent public street, shall be prohibited, except those easements required by the Town to limit the number of driveways on existing public streets.

7.16 Building Type.

(A) Manufactured housing shall not be used as permanent structures except in the R20 district.

(B) Modular buildings shall not be used as permanent structures unless such are placed on a permanent masonry foundation and meet all of the other design standards for buildings in the district in which they are located.

(C) Mobile Offices shall only be a temporary use for a period of less than 6 months, typically for construction office use, and shall not be used as a permanent building in any district. The use for construction purposes only would be allowed for a period of up to 1 year with cause, provided that a second temporary permit is requested and provided. Added renewal periods of 6 months can be requested, upon staff approval.

7.17 Combination Uses.

(A) When a combination use comprises two or more principal uses, as outlined in Section 6.7, that require different types of permits (zoning or special use), then the permit authorizing the combination use shall be:

- (1) A special use permit if any of the principal uses combined requires a special use permit.
- (2) A zoning permit in all other cases.

7.18 Benchmark Regarding Non-Conforming Lot Size and Setbacks.

(A) All properties built before 1963 in the North Wilkesboro town limits that are considered to be non-conforming as to lot size and setbacks will be permitted to continue use and be built back in place as any other permitted structure. Lots may not be divided to be non-conforming past the effective date of this ordinance.

Article VIII. Design Standards.

8.1 Purpose and Applicability.

In order to insure that new development, renovations, reconstructions are designed, sized, and sited to complement the area in which they are located and the character of the town in general; to minimize traffic hazards and situations which endanger public safety; and to protect existing development and property values through the promotion of high standards of design and compatibility; to provide for a high quality of life for our citizens by promoting a variety of housing styles, transportation choices, and well planned parks and open spaces; the following standards shall apply to all development in all zoning districts unless otherwise noted.

8.2 Design Standards for Buildings.

(A) *Arcades, awnings, and canopies.*

In order to promote the appropriate use of arcades, awnings, and canopies, the following standards shall apply to all arcades, awnings, and canopies on all buildings, unless otherwise noted.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
Awnings and canopies shall be self-supporting from the wall; no supports shall rest on or interfere with the use of pedestrian walkways or streets.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U
In no case shall any awning, canopy or arcade extend beyond the street curb or interfere with street trees or public utilities.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U
No awning on any commercial, office, or institutional building, which encroaches on a sidewalk, shall extend out from the building more than two-thirds the width of the sidewalk or nine feet, whichever is less, nor shall it at any point be less than seven and one half feet above the sidewalk.	X	-	-	X	X	X	X	X	X	X	X	U	U	U	U

(B) *Building height and width.*

In order to define urban street space, foster compatibility between development sites, and to emphasize the downtown as the core of the community, the following standards shall apply to all buildings, unless otherwise noted.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
Additions and new construction should maintain the existing building wall pattern by extending the building front from side lot line to side lot line, except that an appropriate architectural wall or similar design feature may be used instead of a building extension.	-	-	-	-	X	-	-	-	-	-	-	U	U	U	U	

(C) *Building presentation.*

In order to have buildings that successfully address public streets and public places, the following standards shall apply to all buildings, unless otherwise noted.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
Building façades shall be substantially parallel to the front property line except that corner buildings may be oriented to address the corner	-	X	X	X	X	X	X	X	X	X	X	U	U	U	U	
Each dwelling in a duplex located on corner or through lot may front a separate street whenever practicable except where access is restricted or where the Town determines that access to an adjacent street is not desirable.	X	-	X	X	-	-	-	-	-	-	-	U	U	U	U	
Any side of a building that faces an arterial or collector street shall be treated as a building façade.	-	-	-	X	X	X	X	X	X	X	X	U	U	U	U	

(D) *Façades, windows, and roofs.*

In order to have well designed façades that add to the town’s architectural inventory and that provide visual interest to the pedestrian, the following standards shall apply to all façades, windows, and roofs.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
Display windows on commercial buildings shall be transparent glass.	-	-	-	-	X	-	-	-	-	-	-	U	U	U	U
With the exception of metal sheeting for roofs with its associated gutters and downspouts, no exterior metal building shall be visible to the public. Metal buildings shall be permitted provided they are covered with a masonry, stucco, or synthetic stone façade. Other covering materials subject to staff review and approval include vinyl siding (which should simulate wood grain) and other manufactured materials. Vinyl siding shall be anchored to the exterior envelope sufficiently to avoid the appearance of deformation or bowing across the façade.	-	-	-	-	X	-	-	-	-	-	-	U	U	U	U

(E) *Location.*

In order to use location as a means of encouraging compatibility of design and use on individual development sites and between zoning districts, the following standards shall apply to all lots, unless otherwise noted.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
Multi-family, mixed use, nursing care, and progressive care community buildings containing dwellings shall be set back a minimum of fifteen feet from internal driveways and parking areas.	-	-	-	X	X	-	-	-	-	-	-	U	U	U	U

(F) *Residential design.*

In order to promote thoughtful residential design that will result in the creation and maintenance of strong, vibrant neighborhoods, the following standards shall apply to all residential buildings, unless otherwise noted.

<p>"X" means that the standard is required.</p> <p>"-" means that the standard is not required.</p> <p>"U" means that standards in the underlying district prevail.</p>	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
Decks and patios shall be installed only on the side or rear of the house. (This shall not in any way affect handicap ramps or the use of decking materials in the creation of a front porch.)	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	
Porches shall be permitted to extend up to five feet into a required front yard.	X	X	X	X	-	-	-	-	-	-	-	U	U	U	U	

(G) *Size, scale, and compatibility of design.*

In order to promote compatibility of design within the built environment while encouraging creativity and variety, the following standards shall apply to all buildings, unless otherwise noted.

<p>"X" means that the standard is required.</p> <p>"U" means that standards in the underlying district prevail.</p>	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
Large multi-family buildings, except single family detached residential buildings, shall be broken down in scale by exterior architectural features (e.g., by designing the façade to mimic the appearance of multiple contiguous buildings.	-	-	X	X	X	-	-	-	-	-	-	U	U	U	U	
Wall articulations (or breaks in the façade or roofline) shall be designed into all multi-family residential buildings not less than every forty feet or more than every ten feet along the building façade.	-	-	X	X	X	-	-	-	-	-	-	U	U	U	U	

8.3 Design Standards For Lots.

(A) *Lot size and configuration.* The following standards shall apply to all lots, unless otherwise noted.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
Flag lots and zero frontage lots shall be permitted to serve above-ground utility sites.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U

(B) *Access.* The intent of these standards is to promote safe, convenient, and sufficient access to all properties by vehicles, pedestrians, and bicyclists. The following standards shall apply to all uses, unless otherwise noted.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
Vehicular access to a development containing multiple destinations (e.g., malls, strip centers, multiple building developments, etc.) shall be provided, when practical, by means of a shared driveway, side street, or frontage road.	-	-	-	-	X	X	X	X	X	-	-	U	U	U	U
The approaches to loading and unloading areas in mixed use and commercial districts shall be designed to minimize conflict with on site vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.	-	-	-	-	X	X	X	X	X	X	X	U	U	U	U
Whenever feasible, at least one driveway or other vehicular link shall be provided between adjacent mixed use and commercial properties, such as shops and offices that require public access.	-	-	-	-	X	X	X	X	X	X	X	U	U	U	U
Shared driveways are encouraged.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U

8.4 Design Standards for Parking and Loading/Unloading Areas.

In order to have safe, well-designed parking areas that successfully accommodate the pedestrian and are subordinate in design and appearance to adjacent buildings, the following standards apply to all accessory and principal use parking lots in all districts unless otherwise noted.

(A) Location.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
Available, on-street parking directly in front of the zoning lot shall count toward fulfilling the parking requirement of that lot.	-	-	-	-	X	-	X	-	-	-	-	U	U	U	U

(B) Connectivity.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
New parking areas on adjacent non-residential and non-industrial lots shall be connected unless the town determines that such connection is not feasible.	-	-	-	-	X	X	X	X	X	X	X	U	U	U	U

(C) Paving.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
All driveway and parking areas shall be paved with asphalt, concrete, brick pavers, crushed rock, stone, or similar material except for areas used for overflow, special events, and peak parking. (This standard does not apply to single family detached residential lots and shall only apply to that portion of an industrial lot that is used for and serves employee and/or visitor parking.)	X	X	X	X	X	X	X	X	X	X	X	U	U	-	U	
Any surface used for overflow, special events, and peak parking shall be maintained with healthy, living turf grass or similar ground cover. If a living ground cover cannot be maintained, the surface shall be paved with asphalt, concrete, pervious pavement, crushed rock, stone, or similar material.	X	X	X	X	X	X	X	X	X	X	X	U	U	-	U	
Any non-paved surface used for parking or driveways on industrial sites shall be maintained with crushed rock, stone, gravel, or similar material.	-	-	-	-	X	X	X	X	X	X	X	U	U	-	U	

(D) Aisles.

"X" means that the standard is required. "U" means that standards in the underlying district prevail.	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
No more than thirty parking spaces shall be contained within one parking aisle.	X	-	-	X	X	X	X	X	X	X	X	U	U	U	U	
Aisles shall be a minimum of twenty four feet in width if serving two-way traffic and a minimum of twelve feet in width if serving one-way traffic.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	
No parking aisle serving the general public that contains more than ten parking spaces shall dead-end. Any parking aisle that dead ends shall be provided a suitable turnaround.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	

(E) Spaces and Loading/Unloading Areas.

<p>"X" means that the standard is required.</p> <p>"U" means that standards in the underlying district prevail.</p>	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
Required parking shall be provided on-site or adjacent to the development site requiring the parking. Shared parking areas are encouraged and shall be permitted whenever the Zoning Administrator determines that the minimum parking requirements can be met for each use.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	
Parking spaces shall be clearly marked on the ground for all uses except single family detached residential.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	
Wheel stops, curbs, or other devices shall be provided in such locations as to prevent any vehicle from encroaching either on a public right-of-way, required planting yard, or an adjacent property.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	
All parking lots including ingress/egress are to be curbed with concrete curbing. Asphalt, railroad ties or other materials are not allowed.	-	-	-	X	X	X	X	X	X	X	X	U	U	U	U	
No parking space shall measure less than nine feet in width and eighteen feet in length.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	

(E) Spaces and Loading/Unloading Areas (Continued)

<p>"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.</p>	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
<p>Parking shall be provided at the rate of one space per five hundred square feet of gross floor area except for the following:</p> <p>a) Office uses shall have at least one space per three hundred gross square feet of building area.</p> <p>b) Warehouse uses shall have at least one space per each employee on the shift with highest employment plus one space per each vehicle in business use.</p> <p>c) Schools shall have at least one space per employee, one space per five students, and one space per each school bus kept on site.</p> <p>d) Private parking is not required for uses located within the CBD district.</p> <p>e) Shopping centers shall have at least three spaces per one thousand square feet of gross floor area.</p> <p>f) Industrial uses shall have at least one space per one thousand square feet of gross floor area.</p> <p>g) Single family and duplex residential units shall have at least two spaces per unit.</p> <p>h) Multi-family residential units shall have at least one and one-half spaces per unit.</p> <p>i) Civic, social and fraternal organizations shall have at least one space per two hundred fifty square feet of gross floor area.</p> <p>j) Auditoriums and places of public assembly shall have at least one space per six seats or one space per fifty square feet of gross floor area if no seats are provided.</p> <p>k) Flea markets shall provide at least three spaces for each one hundred square feet of sales space.</p>	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	

(E) Spaces and Loading/Unloading Areas (Continued)

<p>"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.</p>	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
<p>In addition to required parking spaces, drive-thru facilities shall provide a minimum of five stacking spaces per drive-thru facility, window, or bay, except for the following:</p> <p>a) Fast-food restaurants shall have an additional five stacking spaces. A minimum of five of the total stacking spaces shall be located at or prior to the ordering station.</p> <p>b) Non-automated car washes shall only be required to have a minimum of two stacking spaces per bay, one of which is located for use as a dry down area.</p> <p>c) Automated car washes shall be required to have an additional two stacking spaces per bay.</p>	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U
Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U
Adequate on site turnaround area shall be provided for all parking spaces.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U
Adequate on site turnaround area shall be provided for all loading and unloading areas.	-	-	-	X	X	X	X	X	X	X	X	U	U	U	U

8.5 Design Standards for Services and Utilities.

In order to subordinate the appearance of services and utilities on individual sites and throughout the town's jurisdiction, the following standards shall apply to all services and utilities in all districts unless otherwise noted.

(A) Mechanical equipment.

<p>"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.</p>	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
<p>Mechanical equipment at ground level shall be placed on the parking lot side of buildings away from public streets and buildings on adjacent sites, except for non-multi-family residential uses and industrial buildings in the LI and GI districts. All such equipment shall be substantially screened from public view in accordance with Town screening standards with fencing or landscaping.</p>	-	-	-	X	X	X	X	X	X	-	-	U	U	U	U

(B) Utility lines and equipment.

<p>"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.</p>	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
<p>All utility equipment (includes meters, boxes, valves, etc. but does not include overhead power lines, light poles, and similar equipment) shall be designed and located to be as inconspicuous as possible and shall not be located on the street-side of a principal structure.</p>	-	-	-	X	X	X	X	X	X	-	-	U	U	U	U
<p>All utility lines serving new development or subdivisions shall be placed underground.</p>	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U
<p>Utilities shall run along alleys whenever practical.</p>	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U

(C) Trash, garbage, and recycling.

<p>"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.</p>	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
<p>All dumpsters and dumpster storage areas shall be located away from public streets and substantially screened.</p>	-	-	-	X	X	X	X	X	X	X	X	U	U	U	U

(D) Drive-thru windows and similar accessories.

<p>"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.</p>	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
<p>Drive-thru windows, freestanding ATM's, fuel pumps and similar devices shall be placed only in areas that will not interfere with the safe movement of pedestrians and vehicles in parking and driveway areas.</p>	-	-	-	-	X	X	X	X	X	X	X	U	U	U	U
<p>Drive-thru services are discouraged in the CBD district. If provided, they shall be located to the rear or side of buildings away from public streets.</p>	-	-	-	-	X	-	-	-	-	-	-	U	U	U	U

(E) Engineered stormwater control facilities.

"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
All stormwater detention and/or retention ponds and basins shall be designed as an integral part of the development site and shall be aesthetically pleasing (e.g. neatly landscaped, well-maintained vegetated slopes, decorative fencing if fencing is used, etc.)	X	X	X	X	-	X	X	X	X	X	X	U	U	U	U

8.6 Design Standards for Lighting.

(A) In order to reduce light pollution and light trespass, the following standards shall apply to all lighting in all districts except on single-family detached residential lots, unless otherwise noted.

"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.	DISTRICTS														
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO
Projections of light shall be confined to stay within property lines to prevent light trespass.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U
Light poles shall be limited to thirty feet in height.	-	-	-	-	-	X	-	X	X	X	X	U	U	U	U
Light poles shall be limited to twenty feet in height.	X	X	X	X	X	-	X	-	-	-	-	U	U	U	U
All exterior lighting shall use cut-off fixtures to minimize the component of light above horizontal (glare).	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U
Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all lighting requirements herein for as long as the emergency exists.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U

(B) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

1. Fixture (luminaire). The light source shall be completely concealed within an opaque housing and shall not be visible from any street right of way.
2. Light Source (lamp). Only incandescent, florescent, metal halide, LED, or color corrected high- pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one site or Planned Unit Development.
3. Mounting. Fixtures must be mounted in such a manner that its cone of light does not cross any property line of the site.
4. Illumination Levels. All site lighting shall be designed so that the level of illumination as measured in foot candles (fc) at any one point meets the standards in the table below. Minimum and maximum levels are as measured at any one point. Facilities not listed in the table shall not be illuminated.

Type of Lighting	Minimum Level	Maximum Level
Canopy Area Lighting	2.0 fc	20.0 fc
Canopy Area - ATMs	2.0 fc	30.0 fc
Commercial Parking Lots	0.2 fc	10.0 fc
Residential Parking Lots	0.2 fc	8.0 fc
Active Sports Facilities	20 fc	50 fc
Golf Driving Ranges	2.0 fc	10.0 fc
Miniature Golf Courses	0.2 fc	15.0 fc
Walkways and Streets	0.2 fc	8.0 fc
Landscape and Decorative	0.2 fc	5.0 fc

(C). Commercial Parking Lot Lighting

All commercial parking lots shall be required to provide lighting meeting the standards of Sec. 8.6 (A) and (B) during night-time hours of operation.

(D). Canopy Area Lighting

All development that incorporates a canopy area over fuel sales, automated bank machines, or similar installations shall be required to provide lighting for the canopy area meeting the standards of Sec. 8.6 (A) and (B). For the purposes of this Article, the canopy area shall be defined as that area immediately below the canopy. Remaining areas shall be lighted according to the applicable standard in Sec. 8.6

(A) and (B).

Article IX. Landscaping, Fences, and Walls

9.1 Applicability.

- (A) The provisions of sections 9.2 through 9.8 shall apply to all new development.
- (B) The provisions of sections 9.2 through 9.8 shall not apply in the CBD district.

9.2 General Provisions; Landscaping.

(A) Landscaping, trees, and plant material shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plant material in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season.

(B) A screening fence or wall area shall be maintained by the property owner, in good condition, throughout the period of the use of the lot.

(C) To the extent possible, existing trees, vegetation, and unique features, shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.

(D) Trees shall be a minimum of 3 feet in height, with a minimum diameter of 1.5 inches, immediately after planting. Trees shall reach an expected height of 25 to 35 feet at maturity. Trees shall be planted 25 to 35 feet on center depending on species.

(E) Evergreen trees shall be a minimum of 3 feet immediately after planting.

(F) Shrubs and hedges shall be a minimum of 1 foot in height immediately after planting.

(G) Ground cover may include any plant material that reaches an average height of not more than 12 inches. Alternative materials may be used in lieu of grass provided they present a finished appearance and provide reasonably complete coverage at the time of planting.

(H) Plants that restrict sight visibility at intersections of streets or driveways, such as tall shrubs or low branching trees, shall be avoided.

(I) Where lot size, shape, topography or existing structures make it not feasible to comply with the provisions of this ordinance, the Planning Director may modify these provisions provided the alternate proposal will afford a degree of landscaping screening and buffering equivalent to or exceeding the requirements of these regulations.

9.3 Front Landscaped Area.

A front landscaped area shall be required for all multi-family, and non-residential uses. The required landscaped area shall be contiguous to the front lot line of the property and have an average width of 10 feet. The area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, 1 tree and 10 shrubs shall be planted within the front landscaped area for each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use of the lot but not to negate access or screen the use from view.

94 Buffer Area.

A buffer area shall be required to separate and screen incompatible land uses from each other. A buffer area shall be required along all boundaries of a two-family, multi-family, or a nonresidential lot abutting a less intensive use. Such buffer shall comply with the following minimum standards.

(A) A buffer area shall be located within the boundaries of the subject property. The buffer may be located on abutting property, provided the owners of all abutting properties agree in writing to the proposal. Said agreement must be recorded and run with the land and provide stipulations for maintenance and upkeep, as deemed necessary.

(B) The minimum width of the buffer area shall be following the buffer matrix below:

Proposed Use							
Single-Family (SF)	-	-	-	-	-	-	
Two-Family (TF)	5	-	-	-	-	-	
Office (OF)	10	5	-	-	-	-	
Commercial (CM)	15	10	5	-	-	-	
Multi-Family (MF)	15	10	5	-	-	-	
Industrial (IND)	25	20	15	10	10	-	
	SF	TF	OF	CM	MF	IND	Adjacent Use

(C) The buffer area shall consist of trees and shrubs of such a type, height, spacing and arrangement to effectively buffer the activity on the lot from the neighboring area. At a minimum, the planting shall consist of 5 trees and 10 shrubs per 100 linear feet for 5-10 foot buffers, 10 trees and 15 shrubs per 100 linear feet for 15-20 foot buffers, and 20 trees and 20 shrubs per 100 linear feet for 25 foot buffers.

(D) An earthen berm, fence, or wall of a location, height, design, and material approved by the Department of Planning and Inspections may be substituted for any portion of the required planting and/or buffer area. Fences and walls, if substituted, shall be constructed of materials similar to the materials of the main building. Trees and shrubs shall supplement earthen berms, fences, or wall areas.

95 Landscaped Parking Area.

Parking areas shall comply with the following minimum standards.

(A) All uses required to have 20 or more off-street parking spaces shall have at least 10 square feet of interior landscaping, within the paved portion of the parking area, for each parking space and at least one tree for every 10 parking spaces or fraction thereof.

(B) Each interior landscaped area shall contain a minimum of 200 square feet and shall be planted with shrubs and trees.

(C) A curbed landscaped area shall be provided along the perimeter of any parking area. The required landscaped area shall have a minimum width of 3 feet and shall be planted with 2 trees and 10 shrubs per 100 linear feet of perimeter area.

(D) Interior landscaped areas shall be spaced throughout the lot to reduce the visual impact of long rows of parked cars. At a minimum, landscaped areas shall be distributed approximately once every 10 spaces for residential and once every 15 spaces for other developments.

(E) Curbed landscaped areas shall be provided at the ends of parking aisles and shall be planted with shrubs and/or trees.

(F) The required number of parking spaces may be reduced by one parking space for each 150 square feet of interior planting area, not exceeding 10%.

9.6 Unoccupied Lot Areas.

All areas of a developed lot not occupied by buildings, structures, pedestrian and vehicle circulation ways, off-street parking and outside storage shall be appropriately improved with ground cover, trees, shrubbery or mulch. No exposed soils shall be permitted after issuance of the Certificate of Occupancy, except for agricultural activities or extraction of earth products.

9.7 Planting List.

The following trees and shrubs by way of example but not by way of limitation are suitable for use in the North Wilkesboro area:

Large Trees (mature height 35 feet or greater and 35 feet spacing).

Sugar Maple	Littleleaf Linden	Ginkgo
Red Maple	White Oak	Southern Magnolia
Scarlet Oak	Japanese Scholartree	English Oak
Pin Oak	London Plane-tree	Japanese Katsuratree
River Birch	Schumard Oak	Japanese Zelkova
Chinese Elm	Tulip Poplar	Willow Oak
Black Gum		

Medium Trees (mature height 25 to 35 feet and 30 feet spacing).

Mountain Silverbell	Weeping Cherry	Sourwood
Kwansan Cherry	Thornless Honeylocust	Yellowwood
Eastern Redbud	Ironwood	Mountain Ash
Pistachio	Yoshino Cherry	Redwood Linden
Golden-Rain-Tree	American Holly	Saucer Magnolia

Small Trees (mature height less than 25 feet and 25 feet spacing).

Japanese Maple	Crabapple	Japanese Dogwood
Amur Maple	Flowering Dogwood	Russian Olive
Smoketree	Wax Myrtle	Crepe Myrtle
Star Magnolia		

Shrubs (mature height approximately 36 inches).

Evergreen

Warty Barberry	Mugo Pine	Dwarf Burford
Holly Juniper	Japanese Holly	Euonymous (Spindle Tree)
Azalea	Latherleaf Viburnum	

Deciduous

Forsythia	Potentilla	Oakleaf Hydrangea
Dwarf Burning Bush	Ornamental Grass Varieties	Nandina
Thunberg Spirea	Oregon Holly Grape	Japanese Flowering Quince
Viburnum	Red Chokeberry	Dwarf Nandina

Screening Plants (installation height 3-4 feet).

American Holly	Hetz Juniper	Arborvitae
Burford Holly	Eastern Red Cedar	Wax Myrtle
Nellie Stevens Holly	Japanese Black Pine	

98 Design Standards for Fences and Walls.

(A) General.

"X" means that the standard is required. "- " means that the standard is not required. "U" means that standards in the underlying district prevail.	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
Fences and walls shall be maintained in good order.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	
Fences shall not contain permanent advertising, signs, logos, or other lettering on the fence exterior unless expressly permitted by the Zoning Administrator.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	
Fences and walls shall be installed and maintained so as to not interfere with the sight distance requirements of this ordinance or the sight distance needs of drivers in parking areas and at entrance and exit locations.	X	X	X	X	X	X	X	X	X	X	X	U	U	U	U	

(B) Material and Design.

<p>"X" means that the standard is required.</p> <p>"-" means that the standard is not required.</p> <p>"U" means that standards in the underlying district prevail.</p>	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
Razor wire, concertina wire, and similar high security fencing material shall not be used in any area unless substantially screened from public view.	X	X	X	X	X	X	X	X	X	-	-	U	U	U	U	
Barbed wire shall be permitted in the R20 district where it is accessory to a permitted agricultural use and in the LI and GI districts.	X	-	-	-	-	-	-	-	-	X	X	U	U	U	U	
Electric fencing shall only be permitted in the R20 district where it is accessory to a permitted agricultural use or it may be permitted with a temporary zoning use permit, see section 11.9-4.	X	-	-	-	-	-	-	-	-	-	-	U	U	U	U	

(C) Height.

<p>"X" means that the standard is required.</p> <p>"-" means that the standard is not required.</p> <p>"U" means that standards in the underlying district prevail.</p>	DISTRICTS															
	R20	R10	R6	MF-CD	CBD	OI	NB	GB	HB	LI	GI	AO	WSO	FPO	CO	
<p>In Residential districts:</p> <p>1. In required rear or side yards, the maximum height of a fence or wall shall be 6 feet.</p> <p>2. In required front yard, the maximum height of a fence or wall shall be 5 feet.</p>	X	X	X	X	-	-	-	-	-	-	-	U	U	U	U	
<p>In Commercial and Industrial districts:</p> <p>1. In required rear or side yards, the maximum height of a fence or wall shall be 8 feet.</p> <p>2. In required front yard, the maximum height of a fence or wall shall be 6 feet.</p>	-	-	-	-	X	X	X	X	X	X	X	U	U	U	U	

Article X. Signage.

10.1 Purpose and Scope.

This section is intended to regulate and control signs and their placement throughout the town of North Wilkesboro for the following purposes:

- (A) To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the continued economic attractiveness of the town;
- (B) To create a more productive, enterprising, professional business atmosphere;
- (C) To allow signs appropriate to the planned character and development of each zoning district;
- (D) To ensure that permitted signs do not become a hazard or nuisance;
- (E) To promote traffic safety;
- (F) To prevent business and advertising signs from conflicting with public safety signs;
and
- (G) To protect and enhance the value of properties.

10.2 Applicability.

(A) It shall be unlawful to construct, enlarge, modify, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Town or its designee.

(B) Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance.

10.3 General Provisions.

The following regulations shall apply to all signs.

(A) Construction Standards.

(1) All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.

(2) All temporary signs shall be constructed of materials and printed on by inks capable of withstanding normal weather conditions.

(3) All signs, except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(B) Electrical Standards.

All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.

(C) Maintenance of Signs.

All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance.

(D) Obstructions Prohibited.

No sign shall be placed so as to obstruct the clear sight triangle at a street intersection nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.

(E) Relation to Other Building Elements.

(1) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.

(2) Sign material, style and color shall complement the building facade in terms of design, scale, color, and materials.

(3) Individual shop signs in a single storefront shall relate to each other in terms of design, size, color, placement on the building, and lettering style.

(4) Signs placed on the inside of the window areas shall conceal no more than forty percent of the area of the window on which the signs are located.

(F) Sign Lighting.

(1) Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs if non-flashing and non-moving may be mounted on the inside of store windows.

(2) Signs shall be lighted with indirect light sources (e.g. backlighting); knockout signs are encouraged. Ground-mounted and/or wall-mounted floodlights may also be used if the light is directed only on the sign and not onto adjacent properties, roadways, and the night sky and the light fixtures are fully shielded from view through the use of landscaping.

(G) Sign Height Computation.

Signs shall be computed as the lower of:

1) existing grade prior to construction, or

2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. The calculation of the height of any sign placed upon a berm or mound shall include the height of the berm or mound.

(H) Sign Area Computation.

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(I) Sign Area Computation for Multi-faced Signs. The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one point. When a sign is composed of two or more sign faces, only one of which can be viewed from any one point, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one of the faces.

(J) Forfeiture of Illegal Signs Placed On or Over Public Property. Any sign installed or placed on or over public property, except in conformance with the requirements of this section, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this section and the Town Code of Ordinances, the Town shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of such sign(s). The Town shall reserve the right at confiscation to hold the illegal signs for a period of 5 business days at the Town garage, or other facility designated by the Town Manager, whereby the owner may receive them. After 5 business days, the signs may be disposed of.

(K) Digital/Electronic Reader or Message Boards. These signs shall not be allowed in any residential zone or in the CBD, NB and OI districts. However, they shall be allowed in all other commercial and industrial districts at a rate of one sign per establishment. Area computation for these signs shall be included in the total sign area permitted in the underlying zoning district. Message frequency shall be limited to one message every five minutes and shall be solid state and shall not flash, blink, scroll, or be animated in any way. Digital/electronic reader or message board signs that are less than 16 sq. ft. in area, however, shall be allowed to change a solid-state message every three seconds and be allowed to scroll as the only animation feature allowed.

10.4 Sign Placement.

The following provisions shall apply to the placement of all signs in all districts.

(A) In General.

(1) Signs must be located entirely on private property, unless otherwise permitted by this section.

(2) No sign may be located so that it blocks the sight triangle at any driveway or public street intersection.

(B) Wall Signs.

(1) Wall mounted signs shall not extend above the eave or parapet of any building.

(C) Freestanding Signs.

(1) All parts of freestanding signs must be set back behind the property line.

(2) No freestanding sign shall be located closer than fifteen feet from another structure on the same zoning lot.

(3) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this article or the Town Board on Town right-of-way.

(D) Temporary Signs.

(1) Temporary signs shall be located on private property unless expressly permitted by this section to be posted on public property.

(2) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

(E) Billboards Signs

(1) Billboard signs are permitted only in the General Industrial, Light Industrial, and Highway Business Districts. In the Highway Business District, billboard signs are permitted only on property directly adjacent or adjoining Highway 421 Bypass, and such signs shall be directed toward traffic on Highway 421 Bypass.

(2) No billboard sign shall be permitted closer than one hundred feet to a lot zoned for residential purposes or to a residential use.

(3) No billboard sign shall be placed or constructed within one thousand linear feet of another billboard sign on the same side of the road.

(4) Only one billboard sign shall be allowed for each two hundred feet of lot frontage in single ownership.

(5) Billboard signs attached to a building structure shall not be higher than the wall to which they are attached. Outdoor advertising signs shall not be mounted on the rooftop of any building.

(6) Billboard signs may be illuminated, provided such illumination is placed and shielded so as to prevent the direct rays of illumination from being cast upon neighboring lots and/or vehicles approaching on a public street from any direction.

(7) Billboard signs shall not be permitted within a five hundred foot radius of the intersecting centerline within an interchange on a limited access highway.

(8) Angled projections shall not exceed 30 degrees.

(9) Where digital billboard faces are to be used, the message shall change no more than once per hour and shall not be animated, flash, blink, or scroll in any way or manner.

(F) Multi-Tenant Signage.

(1) Multi-tenant developments include two or more of any separate and distinct non-residential permitted establishments, which are located on the same premises (e.g. shopping centers, business parks, etc.). Multi-tenant signs are permitted only in the General Business, Highway Business, General Industrial, and Light Industrial Districts. Multi-tenant signs may be substituted for, but not in addition to other freestanding signs. Multi-tenant signs shall not be allowed on the same premises as billboard signs.

(a) Type: Freestanding on premise.

(b) Number: One freestanding except two shall be permitted if the development has direct vehicular access from two or more public streets. If two are allowed the said signs shall be freestanding signs and they shall be located at least one hundred feet apart and front along the two separate streets and not along the same street.

(c) Maximum Area: The maximum total allowable sign area shall be determined by multiplying the total number of tenant spaces located on the premises times 25 square feet. In no case shall any multi-tenant sign exceed 125 square feet.

(d) Maximum Height: Multi-tenant signs shall not exceed 15 feet in height for signs with five tenant spaces or less. Multi-tenant signs with more than five tenant spaces shall not exceed 20 feet in height.

(e) Multi-tenant signage must be coordinated in terms of colors and fonts, with the exception of trademark colors, fonts and logos.

(f) A multi-tenant sign plan shall be submitted at the time of application of a multi-tenant sign permit. The sign plan shall depict sign material, height, individual panel sizes, dimensions, and total sign area. Each tenant space used in computation of the maximum sign area shall be represented on the sign plan. No individual sign panel shall be larger than the maximum sign area allowed by the underlying zoning district.

(g) All signage on the premises, including building signage and billboard signs, must be in conformance with all current sign regulations upon installation of a multi-tenant sign.

(2) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public is exempt, however; for individual zoning lots greater than 25 acres consisting of exclusively multi-tenant usage, one ground-mounted sign may be allowed for each individual business provided that:

- (a) The maximum sign height shall be no more than 5 feet;
- (b) The maximum square footage shall be no more than 15 square feet;
- and
- (c) The sign shall be located in front of the front façade of the building and within the landscaped area.

10.5 Permanent Signs by Zoning District.

Signs shall be permitted and prohibited within certain zoning districts as follows:

Permanent Signs By Sign Type and Zoning District

SIGN TYPE	R-20	R-10	R-6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	CO
Canopy/Awning	-	-	-	-	S	S	S	S	S	S	S	S
Directional/Incidental ¹	P	P	P	P	P	P	P	P	P	P	P	P
Directory	-	-	-	-	S	S	S	S	S	S	S	S
Flag	P	P	P	P	P	P	P	P	P	P	P	P
Freestanding	S ₂	S ₂	S ₂	P	-	-	-	S	S	S	S	S
Marquee	-	-	-	-	-	-	S	-	-	-	-	-
Monument	S	S	S	S	S	S	S	S	S	S	S	S
Billboard/Outdoor Advertising	-	-	-	-	-	-	-	-	S	S	S	-
Planned Development	S	S	S	S	S	S	S	S	S	S	S	-
Portable	-	-	-	-	P	-	-	P	P	P	P	-
Projecting	-	-	-	-	-	-	S	-	-	-	-	-
Suspended	-	-	-	-	-	-	S	S	S	-	-	-
Wall	S	S	S	S	S	S	S	S	S	S	S	S
Window	-	-	-	P	P	P	P	P	P	P	P	P

¹ Some signs in this category may be permitted without a permit

² Only permitted for nonconforming businesses zoned residential

P = permitted without a permit

S = Permitted only upon issuance of a valid sign permit “-“= not permitted

*Sign types not specifically listed in this table are not permitted

10.6 Sign Height.

The following provisions shall apply to the height of all signs.

(A) Supporting elements of freestanding signs shall not extend above the sign face and shall be included in the measurement of sign height.

(B) Maximum sign height shall be limited by the type of sign and the zoning district in which it is located, as follows:

Maximum Sign Height by Sign Type (in feet):

SIGN TYPE	R-20	R-10	R-6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	CO
Canopy/Awning	-	-	-	-	NA	NA	NA	NA	NA	NA	NA	N/A
Directional/Incidental	4	4	4	4	4	4	4	4	4	4	4	4
Directory	-	-	-	-	6	8	8	8	8	8	8	8
Flag	*	*	*	*	*	*	*	*	*	*	*	*
Freestanding	5	5	5	5	5	-	-	15	15	15	15	-
Marquee	-	-	-	-	-	-	NA	-	-	-	-	-
Monument	6	6	6	6	6	5	5	8	8	8	8	12
Billboard/Outdoor Advertising	-	-	-	-	-	-	-	-	30	30	30	-
Planned Development	6	6	6	6	6	6	6	15	15	8	8	-
Portable	-	-	-	-	5	-	-	5	5	5	5	-
Projecting	-	-	-	-	-	-	NA	-	-	-	-	-
Suspended	-	-	-	-	-	-	NA	-	-	-	-	-
Wall	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	N/A
Window	-	-	-	NA	NA	NA	NA	NA	NA	NA	NA	N/A

*Shall not exceed twice the maximum building height permitted or 40 feet, whichever is less.

10.7 Number of Signs Permitted.

The number of signs by sign type permitted on an individual zoning lot shall be as follows:

Maximum Number of Signs Per Sign Type Per Zoning Lot:

SIGN TYPE	R-20	R-10	R-6	MF-CD	OI	NB	CBD	GB	HB	LI	GI	CO
Canopy/Awning	-	-	-	-	1 ¹							
Directional/Incidental	2 ²											
Directory	-	-	-	-	2	2	2	2	2	2	2	2
Flag	4	4	4	4	4	4	4	4	4	4	4	4
Freestanding	1	1	1	1	1	-	-	1	1	1	1	-
Marquee	-	-	-	-	-	-	1	-	-	-	-	-
Monument*	1 ²											
Billboard/Outdoor Advertising	-	-	-	-	-	-	-	-	4	4	4	-
Planned Development	1 ²	-										
Portable	-	-	-	-	1	-	-	1	1	1	1	-
Projecting	-	-	-	-	-	-	1 ¹	-	-	-	-	-
Suspended	-	-	-	-	-	-	1 ¹	1 ¹	1 ¹	-	-	-
Wall	1 ²	1 ³	1 ³	1 ²	1 ²	1 ⁵						
Window	NA	N/A										

¹Per storefront.

²Per street front.

³Up to three wall signs may be allowed if the total sign area of all wall signs combined does not exceed the maximum area requirements in Section 10.8 for wall signs.

⁴See Section 10.4(E).

⁵Wall signs will be permitted to have the percentage of the underlying zoning district.

* A maximum of one (1) freestanding sign may be substituted for one (1) monument sign in the GB, HB, LI and GI zoning districts provided the total number of monument and freestanding signs does not exceed the number of monument signs permitted for the site.

10.8 Sign Area by Zoning District.

The amount of sign area permitted for each sign on a zoning lot shall be as follows:

SIGN TYPE	R-20	R-10	R-6	MF-CD	OI	NB	CB D	GB	HB	LI	GI	CO
Canopy/Awning	-	-	-	-	*	*	*	*	*	*	*	*
Directional/Incidental	2	2	2	2	2	2	2	2	2	2	2	2
Directory	-	-	-	-	18	18	18	18	18	18	18	18
Flag	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Freestanding	36	36	36	36	36	-	-	40	50	50	50	-
Marquee	-	-	-	-	-	-	1	-	-	-	-	-
Monument	36	36	36	36	36	36	36	60	75	60	60	4
Billboard/Outdoor Advertising	-	-	-	-	-	-	-	-	300	300	300	-
Planned Development	36	36	36	32	64	64	64	64	64	64	64	-
Portable	-	-	-	-	32	-	-	32	32	32	32	-
Projecting	-	-	-	-	-	-	3	-	-	-	-	-
Suspended	-	-	-	-	-	-	#	-	-	-	-	-
Wall	2	2	2	2	2	2	2	2	2	2	2	2
Window	-	-	-	3	3	3	3	3	3	3	3	3

Maximum Sign Area Per Sign Per Zoning Lot (in square feet)

¹Shall not exceed 75% of the size of the marquee.

²Shall not exceed 25% of the wall area of the facade on which it is located.

³Shall not exceed 40% of the window area.

⁴Shall be the same square footage as the underlying zoning district.

*Shall not exceed 50% of the canopy or awning.

#Shall not exceed 1/2 the size of the nearest window or door on the same building or facade.

10.9 Permanent Signs Limited.

(A) Notwithstanding Section 10.5 and in addition thereto, the following permanent signs shall be permitted without a sign permit.

(1) Historical markers, regulatory signs, governmental signs, public interest signs, and warning signs erected and maintained by the Town or state or an agent of such.

(2) On-premises directional signs not exceeding four feet in height nor four square feet in area.

(3) Identification signs not exceeding two square feet in area nor two feet in height.

(4) Incidental signs.

(5) Flags on permanent poles.

(6) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.

(7) Traffic control signs on private property, the face of which meets Department of Transportation standards and which contain no commercial message of any kind.

(8) Portable changeable copy signs, which are subject to all dimensional requirements in 10.6-10.8. Such signs shall be outside the road right-of-way and be maintained in good order including being free of mold, cracks, and/or any material defects. They shall be actively used at all times for advertising the business on-site.

(B) Notwithstanding Section 10.5 and in addition thereto, the following permanent signs shall be permitted upon the issuance of a valid sign permit.

(1) Any sign not expressly listed as permitted without a permit shall require the issuance of a valid sign permit prior to installation.

10.10 Temporary Signs Limited.

(A) Temporary signs permitted without a permit. The following temporary signs are permitted without a sign permit in all zoning districts, but shall be in conformance with all other requirements of this ordinance.

(1) Campaign or election signs shall be permitted provided that:

(a) All signs shall be installed no more than 60 days before an election or campaign and removed within seven days after the election or campaign for which they were made. No signs shall be permitted in the right-of-way of municipally maintained or owned streets or on public property; excluding on election or primary days.

- (2) Real estate signs provided that:
 - (a) Signs shall not be illuminated.
 - (b) Signs shall be removed within seven days after the sale is closed or rent or lease transaction finalized.
 - (c) On-Premise
 - i. Signs advertising all residential lots buildings, units, or spaces or for lease shall not exceed six (6) square feet in area nor five (5) feet in height.
 - ii. Signs advertising all non-residential lots, buildings, units, or spaces, for sale or for lease shall not exceed a sign face area of thirty-two (32) square feet or exceed a height of six (6) feet.
 - iii. Only one sign per street front of the advertised property shall be erected. An additional sign per street front will be allowed for open houses/special events.
 - iv. Open house/special event signs must not be placed before 12:00 p.m. on a holiday or Wednesday, and must be removed by 5:00 p.m. on Monday, or the holiday, whichever comes late in the immediate succession.
 - (d) Off-premise directional real estate signs
 - i. Two (2) generic Wilkes County Association of Realtors directional signs may be installed within the public right-of-way at the subdivision entrance and/or nearest intersection(s).
 - ii. Signs cannot exceed two (2) square feet in area and three feet in height from the ground.
 - iii. A maximum of four (4) directional signs are allowed per intersection and no signs may point in the same direction.
 - iv. Open house/special event lead in signs shall be limited to five
- (5) off premise signs placed at relevant intersections. Such signs must not be placed before 12:00 p.m. on a holiday or Wednesday, and must be removed by 5:00 p.m. on Monday, or the holiday, whichever comes late in the immediate succession.
 - v. Open house/special event lead in signs cannot exceed four (4) square feet in area and four (4) feet in height.
- (3) Construction signs are permitted provided that:
 - (a) Signs located on residential lots, excluding multi-family sites, shall not exceed six square feet in area. The maximum height of such signs shall be six feet.
 - (b) Signs for all multi-family development sites and nonresidential uses shall not exceed a sign face area of thirty-two square feet or a height of six feet.
 - (c) Signs are confined to the site of construction.
 - (d) Only one sign per street front of the property under construction shall be erected.
 - (e) Signs shall not be illuminated.
 - (f) Signs shall be removed within seven days after the completion of the project.
- (4) Temporary farm products signs are permitted provided that:
 - (a) Signs are located on the premises where the products are sold.

- (b) Signs advertising products produced on-site only.
- (c) Signs shall not exceed twenty-four square feet in area nor five feet in height.
- (d) Only one sign shall be erected.
- (e) Signs shall be removed within seven days of the termination of sale activities.

(5) Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, are permitted provided that:

(a) Signs shall not exceed thirty-two square feet in area nor five feet in height unless approved by the Town Manager for signs located on public property.

(b) Signs shall be erected no sooner than fourteen days before and removed seven days after the event.

(6) Holiday lights and decorations.

(7) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.

(8) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

(B) Temporary signs requiring a permit. Temporary signs permitted upon issuance of a valid sign permit shall be limited as follows:

(1) Temporary banners in commercial districts, provided that:

(a) Only one banner per establishment shall be allowed at a time.

(b) All banners shall be attached in total to a building wall or permanent canopy extending from a building.

(c) No paper banners shall be allowed.

(d) Banners shall be erected for a period not to exceed two weeks.

(e) No more than six such signs per establishment shall be erected within a calendar year.

(f) No banner shall extend above the second occupiable floor level of a building.

(2) Temporary off-premise signs or banners for special community events, open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations, provided that:

(a) Temporary signs shall be located outside of the public right-of-way or at least eleven feet from the edge of any public street if the right-of-way cannot be determined.

(b) Every temporary off-premise sign or banner shall be separated by a distance of four hundred feet from any other such temporary off-premise sign on the same side of a street, and by a distance of two hundred feet from any other sign on the opposite side of a street.

(c) Nothing in this provision shall be construed to authorize the

posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.

(d) Any temporary sign not expressly permitted without a permit

10.11 Prohibited Signs.

Notwithstanding Section 10.5 and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

(A) Signs extending into the public right-of-way other than those expressly permitted by this article or otherwise approved by the Board of Commissioners, if placed along public streets.

(B) Roof signs.

(C) Flashing, fluttering, swinging, wind-activated, rotating, and animated signs.

(D) Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.

(E) Illuminated or highly reflective signs which hamper the vision of motorists or cyclists.

(F) Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs.

(G) Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs.

(H) Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs.

(I) Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public street right-of-way or property unless expressly authorized by this article or the Board of Commissioners.

(J) Off-premises signs advertising adult establishments.

(K) Off-premises signs on parcels of land that are zoned residential, used primarily for residential purposes, or which do not include an active permitted use as established by this article.

(L) Inflatable devices; excluding balloons.

- (M) High intensity searchlights.
- (N) Any object displayed in a manner which is intended to attract attention to a site, product, or event.
- (O) Any sign listed as not permitted in Section 10.5
- (P) Any sign not expressly permitted by this article.

Any sign, structure, or other form of advertising defined as a sign herein that is erected or placed anywhere in North Wilkesboro after adoption of this ordinance that is not in compliance with the provisions of this section shall be subject to the enforcement provisions outlined in Article IV of the North Wilkesboro Zoning Ordinance.

10.12 Obsolete Signs & Enforcement of Regulations.

- (A) Signs or parts of signs which advertise or pertain to a business which no longer exists or that has not been in business for 90 days or more shall be deemed to be an obsolete sign.
- (B) Obsolete signs are prohibited and shall be removed by the owner or his agent within 90 days of termination of the business.
- (C) The sign structure for an obsolete sign shall be removed by the owner or his agent within 90 days of termination of the business.

Article XI. Supplemental Standards for Certain Uses.

Note: These conditions apply only to uses “Permitted with Supplemental Standards Conditions” or by “Special Use Permit” in the applicable zoning district as shown in Section 6.7., Table of Uses.

11.1 AGRICULTURAL USES

11.1-1 Agricultural Industry.

(A) There shall be a separation of no less than two hundred fifty feet between structures housing the agricultural industry and the closest point of any property located in a residential district or developed for residential or mixed use purposes.

(B) The use shall be located on a lot containing no less than six acres.

(C) Agricultural uses shall maintain a minimum ten foot vegetated 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 scale (7.5 minute) topographic maps.

11.1-2 Agriculture Implement Sales and Service.

(A) Outdoor storage of implements and equipment shall be located in the rear or side yard only.

(B) Outdoor storage shall be screened with opaque fencing or appropriate vegetation.

11.1-3 Livestock Sales and Auctions.

(A) There shall be a separation of no less than one hundred feet between structures housing the sale or auction and/or confinement of livestock and the closest point of any property located in a residential district or developed for residential or mixed use purposes.

(B) The use shall be located on a lot containing no less than six acres.

(C) Sales and auctions shall maintain a minimum ten foot vegetated 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 scale (7.5 minute) topographic maps.

11.2 COMMERCIAL USES

11.2-1 Adult Establishments.

(A) No adult establishment shall be located within one thousand five hundred feet (determined by a straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of any church, school, day care, public park, residence or playground as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.

(B) No adult establishment shall be located within one thousand five hundred feet (determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.

(C) No more than one adult establishment may be located within the same structure.

(D) Mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.

(E) Patrons of adult establishments shall be separated from entertainers, performers or entertainment employees by a minimum of six feet.

(F) All performers or entertainment employees of adult establishments shall perform on an elevated stage or platform, elevated from the main floor by at least three feet.

(G) No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible to the public or an adjacent property or use, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

(H) Only one flat wall sign announcing the establishment's name is permitted per adult use. The sign cannot exceed one square foot for each foot of linear building frontage.

(I) All windows, doors, entries and the like for all adult uses shall be so located, covered, screened or otherwise treated that any view of the interior of the establishment are not possible from any public or semipublic area, street or way.

(J) No adult use, except for an adult motel, may remain open at any time between the hours of 1:00 a.m. and 6:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and 1:00 p.m. on Sundays.

(K) No patron or employee parking shall be allowed in the rear yard of the property.

(L) Side and rear yards shall be buffered with an opaque vegetative screen at least six feet in height and with a minimum buffer width of 20 feet regardless of the adjoining use or adjoining zoning district.

11.2-2 Amusements, Commercial, Outdoor.

(A) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential or mixed use district;

(B) No permanently established amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within two hundred feet of the closest point of any abutting property located in a residential district;

(C) Hours of operation shall be no earlier than 8:00 a.m. and no later than 12:00 midnight.

11.2-3 Bed and Breakfast Establishments.

(A) The bed and breakfast facility shall be compatible in scale of structure and scale of development with residential structures in the neighborhood in which it is located. The principal use of such dwelling structures is residential. The exterior of the structure shall be harmonious with surrounding properties. The bed and breakfast use shall be operated in a primary, single- family residential structure and not in any accessory structure.

(B) The operation shall be conducted by persons who own and reside within the dwelling unit. It shall be permissible to employ the equivalent of one full-time person to assist in the operation.

(C) The use shall be located in a structure that was originally constructed as a dwelling.

(D) The structure must contain at least one full bathroom for the exclusive use of the owner and other members of the immediate household, plus a minimum of one private bathroom for every two guest bedrooms. Each full, discrete bathroom must include a minimum of a commode, a sink and a bath or shower and meet current building code requirements.

(E) The rental of rooms shall be on a daily or weekly basis to tourists, vacationers or similar transients. The rental period shall not exceed 14 consecutive days in any thirty-day period.

(F) There shall be no cooking facilities or kitchen-type appliances in the rental dwelling rooms. Only a breakfast meal may be provided in a common area by the owner of the facility. It is intended by this subsection that meals may be provided only to registered guests of the facility. No meals shall be served to the general public.

(G) Smoke alarms shall be installed in all rental rooms and in common areas.

(H) The total rented dwelling rooms shall be a minimum of three and not exceed eight. The total occupancy, including the owner(s), shall not exceed ten persons. Each room must have access to a hall or exterior door

(I) Parking shall be provided on the parcel on the basis of one space per rental dwelling room in addition to two spaces for the owner(s). Such parking areas shall be maintained in a dust- free, rut-free condition and shall be visually screened with a vegetated buffer if adjacent to an existing residential structure or a vacant lot on which a residential structure can be built. Parking shall not be permitted in front yards.

(J) Events conducted for compensation (ex. weddings, receptions, and parties) shall be permitted only if there is sufficient overflow parking available on site or off-street. Overflow parking does not have to be paved or graveled but must be on a suitable, even surface.

(K) Only one 12 sq. ft. sign is allowed on the lot advertising the bed and breakfast. If freestanding, the sign shall be limited to 4 feet in height and must be earth-tone in color and composition and be made of wood.

(L) No display of goods, products, services, or other advertising shall be visible from outside the building.

(M) No dwelling may be used as a bed and breakfast unless and until it shall have been permitted by the Wilkes County Health Department.

(N) Lighting of the premises shall be harmonious with surrounding property. Lighting shall not create glare or interfere with the reasonable enjoyment of adjacent properties.

(O) Noise generated within the structure shall not exceed a volume normally associated with residential occupancy. Between 9:00 p.m. and 6:00 a.m., noise originating within the structure shall not be audible beyond the property lines.

(P) The Town shall issue a permit if all the requirements of this subsection and other applicable provisions of the Town Code have been met. The permit shall remain in effect for a period of one (1) year and may be suspended or revoked if a violation of standards is found. The permit shall be renewed each year, upon request, by the Planning Director unless it is determined that the use of the dwelling is not in compliance with the Town Code. The use of the building as a bed and breakfast shall cease if the permit is not kept in effect.

(Q) There shall be no other bed and breakfast inn within 600 feet of the property measured in horizontal distance (straight line). This distance requirement may be reduced by the approving authority with a determination that public health, safety and welfare shall be preserved.

(R) No alcoholic beverages shall be served on the premises to paying guests.

11.2-4 Car Wash, Automatic.

(A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.

(C) Car washes accessory to a principal use shall be located in the side or rear yard only.

(D) All ports or bays must be perpendicular to an adjoining road or right-of-way

11.2-5 Car Wash, Industrial.

(A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.

(C) Car washes accessory to a principal use shall be located in the rear yard only.

11.2-6 Car Wash, Self-Service.

(A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.

(C) All ports or bays must be perpendicular to an adjoining road or right-of-way

11.2-7 Clubs, Private.

(A) Private clubs shall be open to members of the club and their guests only.

(B) Hours of operation shall be no earlier than 8:00 a.m. and no later than 1:00a.m. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.

(C) Outdoor seating areas for private clubs shall not be permitted within two hundred fifty feet of a residential use or a residentially zoned lot.

(D) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than one hundred feet from any point of the property containing the club.

11.2-8 Convenience Store.

(A) No outdoor sales, storage or display of goods shall be allowed with the exception of live plants.

11.2-9 Flea Markets.

(A) All structures associated with the market shall be at least three hundred linear feet from any lot located in a residential district.

(B) Side and rear yards shall be buffered with an opaque vegetative screen at least six (6) feet in height and with a minimum buffer width of ten (10) feet regardless of the adjoining zoning district.

(C) All flea markets shall be serviced by an operable onsite restroom.

(D) Hours of operation shall be limited to weekends no earlier than 7:00 am and no later than 5:00 pm when abutting a residential use or district.

(E) Overnight storage of all merchandise shall be indoors.

(F) The premises shall be kept maintained and clear of debris and trash.

(G) No on-street parking is permitted.

(H) Parking spaces and aisles shall be adequately delineated and separated from the vendor areas to ensure safe circulation. Parking shall be in accordance with Section 8.4.

(I) Noise must be limited to such a level as to not disturb neighbors and be in accordance with all Town of North Wilkesboro ordinances and regulation.

(J) There shall be a designated onsite supervisor responsible for supervising all flea market activity.

11.2-10 Food Trucks.

(A) Sanitation: The food trucks vendor is responsible for the proper disposal of waste and trash associated with the operation. Under no circumstances shall grease or graywater be released or disposed of in the Town's sanitary sewer system, on the ground, street, sidewalk or anywhere other than an approved grease disposal facility.

Permit: A copy of the approved zoning permit shall be kept in the food truck. Prior to the issuance of the food truck permit, the vendor shall provide evidence of having obtained a NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, a Wilkes County Environmental Health Permit, and a means for the disposal of grease within an approved grease disposal facility.

11.2-11 Fuel Dealers.

(A) All storage tanks, pumping equipment, loading and unloading must be located in the rear yard and in a fenced area.

(B) All tanks and structures cannot be within 100 feet of a residentially zoned lot.

11.2-12 Gasoline Station, Neighborhood.

(A) Hours of operation shall be no earlier than 6:00 a.m. and no later than midnight when this use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.

(B) Any accessory motor vehicle repair service shall store any wrecked, partially dismantled, or inoperative vehicles located on-site in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this article for outdoor storage.

(C) The overnight storage of all merchandise and vehicles shall be indoors and all repair work and similar activities shall be conducted entirely within enclosed structures.

(D) All fuel pumps shall be located a minimum of twenty feet from any adjacent property line.

(E) All fuel pumps and canopies shall be located in the side or rear yard only. On corner lots, fuel pumps and canopies located in side yards shall be on the side of the principal structure located away from the street intersection.

(F) In Neighborhood Business zones, no outdoor sales, storage or display of goods shall be allowed with the exception of live plants.

11.2-13 Home Occupations.

(A) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.

(B) A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling and may not occupy more than one such accessory structure.

(C) The use may not employ any person who is not a resident of the dwelling.

(D) A home occupation housed within the dwelling shall occupy no more than twenty-five percent of the total floor area of the dwelling.

(E) There shall be no visible outside display of stock in trade which is sold on the premises.

(F) There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation.

(G) Operation of the home occupation shall not be evident from any dwelling on an adjacent lot, nor from a street.

(H) Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.

(I) The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.

(J) Home occupations which draw clients to the dwelling on a regular basis shall be limited to 2 clients at one time.

(K) Outdoor kilns used for the firing of pottery shall be provided with a semi- opaque screen to obstruct the view from the street and from adjacent properties located in residential districts and shall have a secured work area.

(L) No advertising signs or signs that would be considered nonresidential in nature shall be permitted.

11.2-14 Junk Yard.

(A) No stacking of vehicles shall be allowed.

(B) The entire perimeter of the junkyard shall be enclosed by an opaque fence or vegetative screen at least six feet in height.

(C) The lot containing the junkyard must be a minimum of five acres.

(D) When lots are adjacent to residentially zoned lots or residential uses, a minimum setback of seventy five feet.

11.2-15 Kennel.

(A) Any structure which houses animals which is not fully enclosed shall be located at least one hundred feet from any lot line and two hundred fifty feet from a residential or mixed use district.

(B) Any run located partially or wholly outdoors shall be located at least one hundred feet from any lot line and two hundred fifty feet from a residential or mixed-use district.

(C) A maximum of twelve dogs shall be permitted in outside runs.

11.2-16 Motor Vehicle Sales, Rental, and Leasing:

(A) Franchised dealerships shall be permitted with conditions in the General Business (GB) and Highway Business (HB) districts under the following conditions:

(1) NC-DMV: Must be able to meet all license requirements as found in Form LT-415 (NC Minimum Dealer License Requirements).

(2) Minimum required lot area for vehicles: 15,000sf (0.34 Acre).

(3) Minimum required lot area for any combination of passenger vehicles, boats, transport tractor and trailers: 60,000sf (1.37 Acres).

(4) Parking Lot type: All proposed parking areas must be paved with asphalt

or concrete, including those for customer parking.

(5) Parking Lot layout: Aisle spacing and parking spacing must conform to Article 8.4.

(6) Vehicle Location: Vehicles may not be located within 5 feet of any property line/road right of way line, and may not be located within 20 feet of any property line abutting a residential district. Furthermore, no automobiles may be placed within any public right of way.

(7) Screening: All boundaries of a property containing such uses that directly adjoin a Single Family residential district (R-20, R-10, and R-6) shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet or a vegetative screen/buffer as outlined in Article 9.4.

(8) Outdoor Vehicle Display Area Screening: All outdoor vehicle display areas shall be screened by a perimeter vegetative buffer in accordance with Section 9.4. No vehicles displayed for sale or awaiting work or pick-up shall be located within a required landscape area, or in any public rights-of-way.

(9) Combination Uses: Vehicle bays may not face the street front. All accessory or subordinate uses must meet all applicable Town ordinances.

(B) Special Use Permit Required for Non-Franchised Dealerships: All such uses that are not manufacturer- franchised dealership must obtain a Special Use Permit.

11.2-17 Motor Vehicle Storage Yard.

(A) A motor vehicle storage yard created or expanded after the adoption date of this article shall have an enclosed storage area not exceeding one acre.

(B) No repair work shall be done on motor vehicles while stored in the storage yard. No parts or other articles may be removed from the vehicles except for security purposes, nor shall any parts or articles be sold. The sale of whole vehicles shall be permitted only to satisfy a mechanic's lien or by order of a law enforcement agency.

(C) Fencing shall be set back a minimum of ten feet from public street rights-of- way.

(D) Vertical stacking of motor vehicles is prohibited.

(E) Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with state and federal laws.

(F) Tractor-trailers, tankers and/or any vehicle carrying a hazardous material shall be stored only in motor vehicle storage yards located in the LI or GI districts. A motor vehicle storage yard which stores a tanker which has contained a hazardous substance shall be enclosed by a minimum six-foot high fence which shall be locked during non-operating hours. In addition, a spill containment structure certified by a registered professional engineer as being adequate for spill containment is required. No tanker shall be stored closer than three hundred feet from any residential zoning district or lot containing a legal conforming residential use.

(G) No Motor Vehicle Storage Yard may be a principal use on a lot within the Corridor Overlay District. All existing lots in the COD shall become conforming within 60 days of the date of this ordinance.

11.2-18 Nightclub.

(A) Separation Requirement: All nightclubs in the GB and HB districts shall be located no closer than 500 feet to any residential district or use, church, or school as measured from property line to property line.

(B) Special Use Permit: In issuing a Special Use Permit for this use, the Board of Adjustment shall consider the surroundings, intensity of the land use, access and other relevant factors and apply conditions as they deem it warranted.

11.2-19 Nursery, Lawn and Garden Supply Store, Retail.

(A) Up to two storage containers/trailers are permitted to be placed on the lot.

(B) Where permitted as a principal use on a lot, the area of storage for live plants shall be no closer than ten feet from an abutting street right-of-way, and the area of storage for all other items shall be no closer than forty feet from an abutting street right-of-way.

11.2-20 Outdoor Display and Sales of Merchandise.

All display and sales of merchandise shall be conducted completely within enclosed buildings, except where expressly permitted below:

(A) Outdoor seating for restaurants, provided that such:

- (1) Shall not be located in any street right-of-way where handicap access, pedestrian and/or vehicular movement is inhibited;
- (2) Shall be permitted only along the business tenant bay or storefront façade; and
- (3) Shall not block the entrance to the business or building.

(B) Outdoor display or sales of merchandise accessory to a principal use, provided that:

- (1) Shall not be located in any street right-of-way where handicap access, pedestrian and/or vehicular movement is inhibited;
- (2) Shall be located against the building façade;
- (3) Shall be permitted only along the business tenant bay or store front façade;
- (4) Shall not block the entrance to the business or building;
- (5) Shall not exceed ten percent of the gross floor area of each non-related and separately operated use;

(6) Shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day.

11.2-21 Outdoor Storage.

(A) Items must be placed within an enclosed building or approved outdoor storage area at the end of each business day.

(B) Up to two storage trailers are permitted to be placed on a single lot or in conjunction with a single principal use.

(C) Only vehicles and equipment awaiting or in process of repair which are not visibly damaged or are not used or intended to be used as “parts” vehicles shall be permitted.

(D) Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any front yard abutting a street.

(E) Where permitted as a principal use on a lot, the area of storage shall be no closer than twenty-five feet from an abutting street right-of-way.

(F) All areas established for outdoor storage, including security fencing of such areas, shall be screened from view from the public street(s) and from all abutting properties by an opaque or vegetative screen at least six-feet in height.

(G) Where permitted as a principal use on a lot in the Corridor Overlay District (COD), the area of storage shall not be in a front yard or any yard adjacent to, or facing the highway. All existing lots in the COD shall become conforming within 60 days of the date of this ordinance.

11.2-22 Parking Lot or Deck.

Parking lots and decks not accessory to a building on the same development site shall meet all requirements elsewhere herein for such uses, except that:

(A) Parking lots, as a principal use, within residential districts shall only service uses allowed within residential zoning districts.

(B) Parking lots in residential districts shall maintain a minimum 5-foot buffer from all shared property lines that directly adjoin residential uses or zones wherein a vegetative screen shall be planted that is 3-4 feet in height at planting and 6 feet in height at maturity and provides full screening of the lot from adjoining property owners around the shared property line.

(C) Where the property line fronts a road right-of-way in residential districts, the screen must be a minimum of 3 feet in height and no more than 6 feet at maturity and shall be planted up to the property line along the applicable perimeter.

(D) Parking lots in all nonresidential areas must meet screening and landscaping requirements as given in Article IX.

(E) Parking decks shall, to the maximum extent practicable, meet the design standards for buildings.

11.2-23 Raceways and Drag Strips.

- (A) The use shall be located on a lot of at least thirty-five acres.
- (B) Vehicular access to the use shall be provided only by way of a major or minor arterial.
- (C) A minimum separation of one hundred feet, fully vegetated, shall be provided between the fenced use area and any abutting property line.
- (D) Existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- (E) Hours of operation shall be no earlier than 8:00 a.m., Monday to Saturday, or 12:00 p.m., Sunday; and no later than 11:00 p.m.

11.2-24 Retail, Non-store.

- (A) All deliveries by truck must be made between the hours of 8:00AM and 5:00PM.

11.2-25 Riding Stables.

- (A) Lots shall maintain a fence shall be maintained around the entire perimeter of the lot housing the stable.
- (B) All buildings and animal waste storage shall be fifty feet from any property line.

11.2-26 Shooting Range, Outdoor.

- (A) All new shooting ranges shall be designed, constructed, and operated in strict compliance with the National Rifle Association (NRA) standards specified in the latest edition of "The NRA Range Sourcebook". In addition, construction standards shall comply with all appurtenant North Carolina Building and Fire Codes.
- (B) All shooting stations on a range facility shall be located a minimum of one hundred fifty (150) feet from any property line.
- (C) Warning signs meeting NRA guidelines for shooting ranges shall be posted at one hundred foot intervals along the entire perimeter of the range facility.
- (D) All outdoor shooting ranges stations shall be located at least 500 feet from any occupied dwelling, excluding those dwellings occupied by the range owner and staff of the range.
- (E) Hours of operation shall be during daylight hours and not before noon on Sundays.
- (F) The permittee shall carry a minimum of \$500,000 general liability insurance. Such insurance shall name the Town as an additional insured party and shall save and hold the Town, it selected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The Town shall be notified of any policy changes or lapses in coverage.

11.2-27 Retail Uses in Industrial Districts.

- a) Retail uses, not including storage areas, shall only occupy 25% of the total structures' footprint.
- b) Uses accessory to primary industrial uses shall not be included in these standards.
- c) Retail spaces within an industrial area shall have direct access to a major or minor thoroughfare.
- d) Parking requirements shall be calculated based on the uses.

11.3 INDUSTRIAL USES

11.3-1 Abattoirs.

(A) All activities associated with the slaughtering of animals shall be screened from public view.

(B) There shall be a separation of no less than fifty feet between structures housing the slaughtering activity and/or the confinement of animals and the closest point of any property located in a residential district or developed for residential or mixed use purposes.

11.3-2 Auto wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards.

(A) A minimum of two acres for the site shall be provided.

(B) The site shall be completely enclosed by a solid or opaque fence in conjunction with required landscape materials. The fencing shall extend from the surface of the ground to a uniform minimum height of at least six feet from the ground at any given point. All business activity, including storage of vehicles or other materials, shall be conducted within the fenced area.

(C) No dismantling, disassembling, salvaging, wrecking, or processing operation on the premises shall be carried on between the hours of 9:00 P.M. and 7:00 A.M.

(D) Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

11.3-3 Building contractors, heavy.

(A) All outdoor storage of equipment and building materials shall be kept at least fifty linear feet from any adjacent residential use and shall be located in a side or rear yard only and shall be screened for public view.

11.3-4 Landfill, land clearing and inert debris (LCID).

(A) Any on-site LCID landfill must comply with the regulations of the State of North Carolina’s Division of Waste Management.

(B) An LCID landfill cannot be the principal use of the lot.

(C) Any such landfill must be closed in an approved fashion within six months of completion of construction or within twelve months of cessation of construction, if the development project has not been completed.

(D) The location of any such landfill must be indicated on the preliminary subdivision plan and the final subdivision plat, if applicable. Further, any parcel or lot which contains any part of any such landfill must have notification of the existence of the landfill recorded as part of the deed for the lot or parcel.

(E) No portion of any such landfill may be located within fifty feet of any property line which constitutes the external boundary of the project. This includes structures, equipment storage, parking areas, and fill areas, except that access drives may cross this area.

11.3-5 Quarries or other extractive industries.

(A) Operations Affected by Regulations. Mining operations which affect more than one acre of land, including borrow pits which disturb more than one acre of land at any one time, shall meet the following regulations:

(B) Dimensional Requirements. Dimensional requirements for mining operations are specified below. Buildings shall meet the setback and other dimensional requirements of the underlying zoning district.

Dimensional Requirements for Mining Operations - Required Minimum Distance from any Public Right-of-Way or from Property that is Adjacent to:

Mining Activity	GI Zoning District
Any extraction area, road, or pit.	50 feet
Any crushing of rock, processing of stone, gravel, or other material.	100 feet
Any blasting.	200 feet

(C) Easements. No excavation shall take place within easements for underground transmission lines for oil, natural gas, or other potentially hazardous material.

(D) Fencing. Any excavation to a depth greater than five feet shall be fenced. However, no fencing shall be required on any property where such fencing would be impracticable, as determined by the Zoning Administrator, by reason of location of such property in a floodplain.

(E) Hours of Operation. Quarry drilling, blasting, and crushing, except in cases of emergency involving safety on the site, shall not be operated on Sunday and may not be operated earlier than 7:00 A.M. nor later than 6:00 P.M. on any other day.

(F) Access. The site of the mining operation shall have direct access onto a major or minor thoroughfare. Any road which the mining operation accesses may be required to be improved to necessary industrial capacity as a condition of approval.

(G) Spillage and Effluent. The loading of trucks shall be accomplished in such a way as to prevent spillage on roads. The effluent of extraction or processing going into streams must comply with requirements of State law.

(H) Flooding. Whenever a mining operation would in the course of its operation create a flooding hazard, the operator, before commencing any such excavation, and at such other times during the excavation as may be necessary, shall erect such dikes, barriers, or other structures as will afford the same protection as if no excavation were made. No mining operation shall impede the flow of any watercourse.

(I) Operational Statement. The petitioner will file an operational statement with the Zoning Administrator which shall include the following:

- (1) The approximate date to begin operation and its expected duration;
- (2) Estimated type and volume of extraction;
- (3) Description of method of operation, including the disposition of topsoil, overburden, and by-products;
- (4) Description of equipment to be used in the extraction process; and
- (5) Any phasing of the operation and the relationship of the various phases.

(J) Temporary or Permanent Discontinuance of Operations. Notice of intent to discontinue temporarily a mining operation shall be filed with the Zoning Administrator in advance of such temporary discontinuance. Notice of intent to discontinue permanently a mining operation shall be filed with the Zoning Administrator not less than three months in advance.

(K) Maintenance. During any period that a mining operation is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

(L) Reuse or Rehabilitation of Site. Notice of permanent discontinuance of mining operation shall include a plan for reuse or rehabilitation of the site. Except where redevelopment for another permitted use is in progress on the site of a

discontinued mining operation, the last operator shall perform the following within one year:

- (1) Buildings and Equipment. All buildings and equipment shall be removed;
- (2) Materials. All nonregulated waste piles, overburden, and other materials shall be graded so that the material assumes its natural angle of repose. These materials shall be planted with vegetation so as to prevent erosion;
- (3) Walls. Any quarry walls shall be cleared of loose materials;
- (4) Water Collection and Drainage. Any excavation shall be so graded as to provide for natural drainage; if the collection of water in an excavation is unavoidable, the area shall be fenced.

(M) Other Requirements. The operator of any mining operation shall file with the Zoning Administrator, in addition to any exhibits required elsewhere in this Ordinance, evidence of ownership or control of property, plans for rehabilitation, and notices of intent, as required herein. The Zoning Administrator shall inspect the premises annually to determine that all specific conditions are being met. Violation of the requirements herein shall make the operator liable to the penalties set forth in this ordinance.

(N) Sand Dredging Operations. In addition to complying with the applicable provisions of this section, sand dredging operations shall be conducted in a manner which does not result in the erosion of the banks of a stream.

11.3-6 Solar Farms

(A) The solar farm shall conform to the NAICS 221114 description of a ground mounted solar powered energy system.

(B) Solar power electric generation structures shall not exceed a height of 25 feet.

(C) Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located.

(D) Active solar systems shall be screened from routine view from public right-of-way or adjacent residentially zoned property.

11.3-7 Storage and Salvage yard.

(A) No dismantling, disassembling, salvaging, wrecking, or processing operation on the premises shall be carried on between the hours of 9:00 p.m. and 7:00 a.m.

(B) Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

(C) All activities associated with storage, wrecking, or processing shall be fully screened from public view.

11.3-8 Terminal, freight.

(A) The area designated for truck parking shall be located no closer than forty feet from an abutting street right-of-way.

(B) The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen. Wherever security fencing is desired, it shall be placed on the interior side of the screening materials.

(C) The use shall be located on or have direct access to a major or minor arterial; truck terminals shall not be sited such that collector streets are regularly traversed to access the larger capacity road.

11.3-9 Tire recapping shops.

(A) Up to two storage trailers are permitted in conjunction with the use.

(B) The area of storage shall not be placed in any front yard or side yard abutting a street.

(C) The area of storage shall be no closer than forty feet from an abutting street right-of-way.

(D) All areas established for outdoor storage, including security fencing of such areas, shall be screened from view from any adjacent residential use or residentially zoned lot by an opaque screen with a minimum height of six feet.

11.3-10 Warehousing (excluding self-storage).

(A) All warehousing operations shall be served directly off a major or minor arterial.

11.3-11 Warehousing, self-storage.

(A) The only commercial uses permitted on the site of a self-service storage facility use shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site;

(B) A security or caretaker quarters use may be established on the site of a self-storage facility;

(C) Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address;

(D) Except as provided in this section, all property stored on the site of a self- service storage facility use shall be entirely within enclosed buildings;

(E) Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

1. The storage shall occur only within a designated area. The designated area shall be clearly delineated;
2. The storage area shall not exceed 25 percent of the buildable area of the site;
3. The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building and/or solid fencing with landscaping on the outside of the fence;
4. Storage shall not occur within the area set aside for minimum building setbacks;
5. No dry stacking of boats shall be permitted on site; and
6. No vehicle maintenance, washing or repair shall be permitted.

(F) Vehicle storage shall be permitted and if stored within a structure all NC Building and Fire Codes shall be met in regards to storage and ingress/egress;

(G) The development shall not encroach into any buffer required by this ordinance; the minimum required setback from any property line shall be the greater of any required buffer or setback;

(H) If separate structures are constructed, there shall be a minimum separation of 10 feet;

(I) The following on-site circulation standards shall apply:

1. Interior parking shall be provided in the form of aisle ways adjacent to the storage bays. These aisle ways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisle ways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted;

2. The one-or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows;

3. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.

(J) Outdoor lighting.

Only if a facility abuts a residentially zoned property, a photometric plan will be required at the time of permitting and levels must remain 10.0 fc or below and light shall not trespass over the abutting property lines;

(K) No exterior loudspeakers or paging equipment shall be permitted on the site;

(L) Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public street; and

(M) The exterior facades of all structures shall receive uniform architectural treatment; only masonry, stucco, and painting of surfaces are allowed. No metals facades shall be allowed.

11.3-12 Waste transfer station.

(A) Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.

(B) The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least twenty feet from the public street right-of- way and one hundred feet from abutting property lines.

(C) A minimum separation of one hundred feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year round opaque buffer from abutting properties.

(D) The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid (opaque) fence, planted on the exterior side with a semi- opaque vegetative screen with expected height of at least eight feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

(E) The active use areas of the site shall be separated by one hundred feet from all public streets.

(F) That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen.

(G) No active area will be located within one hundred feet of any property line or within two hundred feet of abutting property located in a residential district or developed for residential, institutional, or mixed use.

(H) Vehicular access to the proposed use will not be provided by a minor collector or neighborhood street, and access roads to the site will connect directly to a designated arterial.

11.4 GOVERNMENT AND INSTITUTIONAL USES.

11.4-1 Child care institution.

(A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed if no other is provided. On corner or through lots, a minimum twenty-foot setback as measured from the abutting street right-of-way line shall be required.

(B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.

(C) Outdoor activities are limited to the fenced area between 8:00 a.m. and 10:00 p.m.

(D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

11.4-2 Church or religious institution, community scale.

(A) Exterior lighting shall be directed or screened per 8.6 Design Standards for Lighting.

(B) Convents, rectories, parsonages, or similar uses may be placed on the site as accessory uses.

(C) Accessory uses such as church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such

(1) No merchandise or merchandise display shall be visible from outside the building;

(2) All signs advertising the primary and accessory uses shall be regulated per Article X. Signage.

(D) Direct access to the site shall be provided by a publicly accessible road.

**11.4-3 Civic, fraternal, cultural, and community facilities not otherwise listed;
Club or lodge, private non-profit**

(A) Such use has direct access to an arterial or collector street.

(B) No active part of the site (buildings, parking, recreational areas, etc.) are permitted within fifty feet of an adjacent single family residential use.

(C) An auditorium or assembly hall is only permitted provided that:

(1) Such use is permitted as a principal use in the district; or

(2) Such use is limited to a seating capacity of no more than one hundred fifty people.

11.4-4 College or university.

(A) Schools shall be located on streets sized to accommodate normal traffic volumes of existing uses plus the additional traffic projected to be generated by the school(s).

(B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected height at maturity minimum six feet), six feet on center at installation.

11.4-5 Community center.

(A) Any community center having a seating capacity in excess of five hundred persons shall have direct access to a major or minor arterial.

11.4-6 Correctional institution.

(A) The principal structure and any accessory use or structure (excluding property boundary fencing) shall be located at least five hundred feet from any property located in a residential district or mixed-use district.

(B) An opaque screen shall be constructed on the exterior of security fencing wherever it is adjacent to a street or property in a residential or mixed-use district.

(C) The use shall be located on a lot of at least ten acres if the facility has beds for more than one hundred inmates.

(D) The use will be located on a lot of at least five acres if the facility has beds for one hundred or fewer inmates.

11.4-7 Daycare center.

(A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed if no other is provided. On corner or through lots, a minimum twenty-foot setback as measured from the abutting street right-of-way line shall be required.

(B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.

(C) Outdoor activities are limited to the fenced area between 8:00 a.m. and 10:00 p.m.

(D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

11.4-8 Daycare, large and small home.

(A) A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling. All building and lot standards for residential dwellings shall be maintained.

(B) No outdoor play shall be permitted after dark and care shall not be provided on a twenty-four hour basis.

(C) The facility shall be staffed by persons residing in the dwelling in which the day care is located except that no more than one non-resident may work at a daycare home.

(D) The day care shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character. Signage is not allowed.

(E) The owner of the daycare home shall reside on premises.

11.4-9 Group care facility.

(A) Management. The group care facility A or B shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, on-premises management/supervisory personnel, and admission standards that allow only residents that have a commitment and desire to adjust to society and are not dangerous to others as defined in State law.

(B) Heated Building Area. A minimum of 250) square feet of heated building area shall be provided per resident.

(C) Spacing Requirement. A group care facility may not be located within a distance of one-half mile from any other group care facility. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed group care facility is to be located to the nearest point of the lot line of another group care facility.

11.4-10 Group home A or B.

(A) The zoning lot on which the group home or care facility is proposed shall not be located within a 2,000 LF radius of a zoning lot containing another such facility.

(B) No external evidence of such use, distinguishing the group home from a regular single- family dwelling, shall be visible from adjacent property, public or private.

(C) Each facility shall be designed, built, and maintained to appear as similar to a residential structure as possible.

(D) Buffers and screening shall be provided, as required in Article IX.

(E) Signs shall be limited to one non-illuminated sign with a maximum area of 6 square feet. Said sign shall be attached flush to the wall of the building. No other external evidence of the use for identification or advertising purposes shall be permitted

11.4-11 Homeless Shelter.

(A) Spacing-A homeless shelter shall not be located within 2,000 linear feet of any other homeless shelter, as measured in a straight line from the closest edge of the property occupied by the homeless shelter to the proposed site.

(B) Supervision- An employee or volunteer must maintain continuous on-site supervision during hours of operation.

(C) The facility shall meet the Town's currently adopted Minimum Housing Code and applicable adopted State Building and Fire Codes.

11.4-12 Nursing care institutions and congregate care facilities.

(A) Any facility which is licensed to have more than fifty residents shall maintain a side setback of at least twenty feet and a rear setback of at least forty feet when the side or rear yard is in or abuts a residential district.

(B) Driveway access to accessory structures shall be through the main entrance to the facility.

(C) Accessory structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.

(D) Any portion of a building, which contains living areas, shall be set back a minimum of fifteen feet from internal driveways and parking areas. This standard shall only apply to the living areas of buildings which contain a mixture of uses such as offices, storage and living areas.

(E) No single building shall be greater than 40,000 square feet if located within five hundred feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.

(F) Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding, not intended to mimic traditional wood siding used on residential structures, or unfinished concrete block be permitted.

11.4-13 Progressive care community.

(A) Accessory buildings shall only include accessory dwellings containing no more than four dwelling units, recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings, the use of which shall be for congregate or nursing care.

(B) Driveway access to accessory structures shall be through the main entrance to the community.

(C) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.

(D) Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.

(E) All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the progressive care community.

(F) Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, façade material, and size, type and placement of windows and doors. Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding not intended to mimic traditional wood siding, or unfinished concrete block be permitted.

(G) No single building shall be greater than 40,000 square feet if located within five hundred feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.

(H) No site shall have a density greater than ten units per acre for accessory residential dwellings. For the purposes of calculating density all land lying underneath and within twenty feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.

(I) A minimum of five acres shall be required. All land used for the progressive care community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually and functionally divide the development, including, but not limited to, preventing the free flow of pedestrian and vehicular traffic.

(J) All structures are limited in occupancy to persons aged sixty-two years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.

11.4-14 Schools, elementary and secondary, including school stadiums (public).

(A) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(B) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.

(C) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).

(D) Schools with an anticipated enrollment of 500 or more students shall be on

a lot which abuts an arterial, and primary vehicular access shall be provided from the arterial.

11.4-15 Schools, vocational, private, or professional.

(A) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).

(B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.

(D) Truck driving schools with outdoor maneuvering areas shall be allowed in the LI districts only.

11.4-16 Utilities, above ground.

(A) Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, shall be installed underground, unless subsurface conditions make underground installation not possible or practical.

(B) Facilities used for the operation of aboveground utilities shall, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.

(C) Areas around water towers, water and wastewater treatment facilities, substations, and power plants shall be enclosed by a fence, not easily climbable, at least six feet in height. The fence shall be planted, on the exterior side, with a semi- opaque vegetative screen with expected height of at least six feet at maturity.

**11.5 PROFESSIONAL OFFICE AND MEDICAL USES.
*RESERVED***

11.6 RECREATIONAL USES.

11.6-1 Arenas.

(A) The facility shall have direct access to a major arterial.

(B) All facilities shall be located at least one hundred linear feet from any lot line and three hundred linear feet from a residential district.

11.6-2 Golf course and driving range.

(A) Hours of operation of public or private golf courses and driving ranges will be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

11.6-3 Recreation services, outdoor.

(A) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.

(B) Chain link and similar fencing materials, if used, shall be planted on the exterior side with evergreen shrubs minimum three feet in height at maturity and six feet on center at installation.

(C) Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use nor into the windows of a residential structure.

(D) Outdoor speaker systems shall not be permitted.

(E) Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:00p.m.

11.6-4 Recreational vehicle park.

(A) Density. The maximum density of any recreational park shall be 15 recreational vehicle spaces per acre.

(B) Park Size. The minimum contiguous area of any recreational vehicle park shall be five acres.

(C) Site Area. The minimum area devoted to each recreational vehicle space shall be 1,000 square feet.

(D) Vegetative Buffer. A 20-foot wide vegetative buffer composed primarily of evergreen trees to shield the park and/or campground from view shall be required on the perimeter of a recreational vehicle park and campground including adjacent to any public rights-of-way.

(E) Setbacks. All recreational vehicle spaces shall be located a minimum of 50 feet from all adjacent property lines and public rights-of-way.

(F) Access. Recreational vehicle parks shall have direct access to a major or minor thoroughfare. Recreational vehicle spaces shall only have direct access to an internal private street which accesses a public street. No recreational vehicle space shall have direct vehicular access to a public street.

(G) Floodplains. No recreational vehicle sites shall be located in the floodway. All vehicle spots shall conform to floodplain requirements.

(H) Sanitary Facilities, Sewage and Garbage Disposal. Adequate sanitary facilities, sewage and garbage disposal shall be provided and shall conform to all applicable codes.

(I) Length of Stay. No recreational vehicle shall be used as a permanent place of residence. Occupancy extending beyond 180 days shall be presumed to be permanent occupancy and prohibited in a recreational vehicle park. Additionally, all recreation vehicles must be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions).

(J) An evacuation plan must be developed for evacuation of all residents in the recreational vehicle park. This plan shall be filed with and approved by the floodplain administrator, local emergency management coordinator, and distributed to all first responders including: the North Wilkesboro Fire Department, Police Department, Rescue Squad and Wilkes County EMS. Monitoring of potential flood conditions as well as the notification steps for emergency evacuation during egress of recreational vehicles must be included in the evacuation plan.

(K) Accessory Uses. Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, other uses may be permitted as accessory uses in the district where such uses are not allowed as principal uses, subject to the following restrictions:

- (1) Size. Such establishments and the parking areas related to their operations shall not occupy more than five percent of the gross area of the park.
- (2) Clientele. Such establishments shall be restricted in their use to the occupants of the park.
- (3) Visibility. Such establishments shall present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park.
- (4) Access. Such establishments shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
- (5) Manufactured Homes. No manufactured home may be parked or stored in a recreational vehicle park, except that one manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator.

11.6-5 Swimming Pool (Private).

(A) Private swimming pools are permitted as accessory uses in designated zoning districts.

(B) Outdoor, underground swimming pools shall be enclosed by a fence or equal enclosure not less than four feet in height. All gates or doors shall have self-closing and self-latching devices. However, this fencing requirement is not applicable in cases where the owner's lot or premises is completely enclosed by a fence.

(C) Pools, not including paved areas around the pool perimeter, shall maintain a setback of 5 feet from any property line.

(D) Seasonal, temporary, inflatable pools are exempt from these requirements.

(E) Permanent, above-ground pools must be fully screened with opaque fencing from view of the street and/or abutting properties and must meet setbacks as stated in (C) above.

11.6-6 Swimming Pool (Public).

(A) No construction at the pool site, including, without limiting the foregoing, paved parking areas and aprons or other paved areas adjacent to the pool, shall be closer to any adjoining property owner or to any adjacent street than ten feet,

(B) The pool shall be constructed in compliance with all lawful requirements imposed by the Town, the state or any other appropriate governmental agency relating to the establishment and maintenance of watersheds and relating to the control of pollution and sedimentation,

(C) The pool shall be served by the Town water and sewer system,

(D) The pool site shall have a buffer consisting of natural growth as listed in the table of permitted uses. In addition, the pool must be surrounded by a fence at least four feet in height.

(E) The pool shall cease all operations no later than 10:00 p.m. on any night,

(F) No commercial sales of any type shall be allowed at the pool site,

(G) The bylaws or other governing document for the operation of the pool site shall provide that the pool will be operated at all times without liability or responsibility upon the Town and that, in the event of the cessation of operation of the pool, the Town shall have no obligation regarding the continued maintenance or operation of the same,

(H) The plans for all pool sites shall be submitted to the Town Planning Board for approval prior to construction, and all such sites shall be subject to the approval of the Planning Board, consistent with the requirements of this subsection.

11.6-7 Resort.

(A) There shall be a minimum of ten (10) acres for any Resort use and a minimum of 125 acres for clay target shooting and/or game lands. Clay target shooting and game lands shall also meet all national and state requirements for hunting and recreational shooting.

(B) A Resort must be comprised of a minimum of at least three recreational amenities, not including lodging, all of which must be located on a single parcel.

(C) All shooting areas shall follow the North Carolina Wildlife Resources Commission guidance on distant requirements for discharging a weapon near property lines and/or residences on or adjacent to the areas of shooting. Required permits and additional regulations will be determined through the North Carolina Wildlife Resources Commission and any other regulatory agencies.

(D) If a security gate is installed at the entrances, local government emergency services shall have gated access control.

(E) Rental units are permitted on site at a density of up to sixteen (16) dwelling units per acre.

(F) Setbacks and heights for structures shall be those required in the zoning district in which the use is located.

(G) Structures and dwelling units must comply with the applicable building codes and minimum housing codes.

(H) Caretaker's dwellings shall be allowed at a density rate of (1) per five (5) acres of the site.

(I) If a recreation vehicle park is included, all state, County and Town requirements for a recreational vehicle park must be met in addition to other Resort requirements.

(J) If a shooting range is included, all state, County and Town requirements for a shooting range must be met in addition to other Resort requirements.

11.7 RESIDENTIAL USES.

11.7-1 Accessory dwelling unit-attached,detached

An accessory dwelling may be attached, within, or separate from the principal dwelling.

(A) Only one accessory dwelling is allowed per residential lot of record in conjunction with the principal structure.

(B) The property shall retain a single family appearance from the street.

(C) Mobile and certified modular homes cannot serve to meet the requirements of this use.

(D) The accessory dwelling must meet the setback requirements of the underlying zone and be ten feet from any other structures.

(E) A detached accessory dwelling may be a dwelling only or may combine a dwelling with a garage, workshop, studio, or similar accessory use not to exceed two stories including the accessory use.

(F) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.

(G) A detached accessory dwelling shall be located in the rear yard.

(H) The principal use of the lot shall be residential and the principal structure on the lot shall be a residential building (single family, duplex, multi-family, or townhouse).

(I) In NB and CBD districts, the accessory dwelling unit cannot be street or ground level.

The ground level is determined where the primary front façade of the building is facing the street or right-of-way.

(J) In R10 districts, lots must have an additional 5,000 sq. ft. of lot area in addition to the minimum 10,000 sq. ft. required for a detached accessory dwelling unit.

11.7-2 Boarding or rooming house for up to 2 boarders

(A) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.

(B) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

11.7-3 Cluster subdivisions

(A) All lots within the development shall be accessed solely by interior streets, except that lots used for permitted non-residential uses may have driveway access to adjacent streets if approved by the Town.

(B) No non-residential use in the development shall be permitted within one hundred fifty feet of the perimeter of the development site unless the adjacent zoning district permits such use.

(C) The overall density of the cluster subdivision shall not exceed that of a un-clustered subdivision. Land remaining undeveloped as a result of clustering shall be dedicated for open space either to the Town of North Wilkesboro, an approved homeowners' association, or a non-profit entity, after obtaining consent.

11.7-4 Dormitory.

(A) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.

(B) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

11.7-5 Manufactured home.

(A) All homes shall be oriented to ensure that the longer side is parallel, or as close as possible, to the centerline of the public roadway, unless otherwise approved by the Zoning Administrator.

(B) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to: brick masonry, concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

(C) The towing tongue shall be removed, under skirted or screened with shrubbery. Such shrubbery shall be of a height to ensure a total visual barrier of the towing apparatus, and maintained continuously.

11.7-6 Manufactured home, temporary

(A) Temporary manufactured homes shall only be permitted for reasons of personal hardship defined as:

- (1) A short-term medical emergency within the immediate family.
- (2) Cases of fire or destruction of a primary residence requiring temporary relocation.

(B) Homes shall be permitted for a period not to exceed twelve months.

(C) All homes shall be placed on the lot in harmony with existing site-built structures.

(D) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to: brick masonry, concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

(E) The towing tongue shall be removed, under skirted or screened with shrubbery. Such shrubbery shall be of a height to insure a total visual barrier of the towing apparatus, and maintained continuously.

(F) The home shall be placed in a side or rear yard only but shall not be located in a side yard that abuts a public street. The home shall meet all setbacks for accessory structures in the district where located.

11.7-7 Manufactured home park.

(A) Ownership and Management.

- (1) All parks must be under unified development control and ownership.

(2) All parks containing over 20 homes shall provide a resident manager or contracted management company who can be reached during normal business hours.

(B) Minimum Park Area. Manufactured home parks shall:

(1) be located on a minimum two-acre tract (with a minimum of three manufactured home spaces at first occupancy) and shall not exceed four homes per gross acre.

(2) specifically designate a passive recreational area equaling at least two hundred square feet per home space in parks containing ten or more home spaces.

(C) Minimum Home Spacing. A manufactured home shall be sited so that:

- (1) it is located at least twenty feet from adjacent homes; and

(2) a minimum ten-foot setback from all interior roads is maintained.

(3) home spaces shall be properly staked.

(D) Signs and Markers.

(1) Each manufactured home park shall have located at its entrance, perpendicular to the public road, a permanent non-lighted sign not to exceed sixteen square feet and not less than twelve square feet, indicating the park name in a minimum of six-inch letters on both sides of the sign.

(2) Each proposed home space in a manufactured home park shall be clearly marked by a permanent home space number sign or marker. The home space number shall be of a size (numbers shall be at least three inches high), reflectivity and color, and in a location which is readily identifiable by emergency personnel and inspectors. All home space numbers shall be consistent within a park and must be approved by the Town.

(E) Design Standards for Sites and Homes.

(1) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry; concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

(2) The towing tongue shall be removed, under skirted, or screened with shrubbery. Such shrubbery shall be of a height to ensure a total visual barrier of the towing apparatus, and maintained continuously.

(F) Utilities and Roadways.

(1) The site proposed shall have an accessible, adequate, safe and potable supply of water capable of furnishing a minimum of six gallons per minute at a minimum pressure of twenty pounds per square inch per mobile home space. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the Wilkes County Health Department.

(2) All water piping shall be constructed and maintained in accordance with state and local laws; the water piping system shall not be connected with non-potable or questionable water supplies, nor subject to the hazards of back-flow or back-siphonage.

(3) Individual water service connections shall be provided for direct use at each mobile home space and shall be so constructed that they will not be damaged by the parking of mobile homes.

(4) Where an individual water system is used to serve the mobile home park, with water obtained from wells, such system shall have been approved by the county health officer and shall have been drilled or driven. Springs or other sources of supply shall not be used, except after approval by the Wilkes County Health Department.

(5) Every well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of one hundred feet shall be maintained between the water supply and any sewage disposal facility.

(6) The site proposed shall provide sewage disposal which shall comply with state and local plumbing laws and regulations.

(7) Each mobile home space shall be provided with at least a four inch sewer connection. The sewer connection shall be provided with suitable fittings, so that a watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connections shall be so constructed that they can be closed when not linked to a mobile home.

(8) Sewer lines shall be constructed in accordance with recommendations and standards of the public works department. All sewer lines shall be adequately vented and shall be laid with sufficient earth cover to prevent breakage from traffic.

(9) Where the sewer lines of the mobile home park are not connected to a public sewer, a sewage-treatment plant or septic tank and field system approved by the Wilkes County Health Department shall be provided. The effluent of a sewage treatment plant shall not be discharged into any waters of the state, except with prior approval of the appropriate state authority and the Wilkes County Health Department.

(10) The disposal plant shall be located where it will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any properties in the vicinity. The approval of the Wilkes County Health Department shall be obtained on the type of treatment proposed and on the design of the disposal plant prior to construction.

(11) All roadways intended for public dedication and acceptance must be built to standards specified in the Town's Subdivision Ordinance.

(12) All private roadways in the park must be at least 24 feet wide. In addition, all private drives must be kept in good condition; free of potholes, ruts, and other driving hazards.

(13) All utilities must be underground.

(G) Refuse and Garbage.

1)The site proposed shall provide racks or holders for all refuse containers. Racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. There shall be one rack or holder to each mobile home space of a sufficient size to accommodate a refuse container of thirty two gallon maximum capacity. The developer should provide for garbage pick-up at least once a week.

2)All common dumpsters must be screened from view with vegetation or appropriate fencing.

11.7-8 Manufactured home subdivision.

(A) All lots shall be arranged and all homes oriented to ensure that the longer side is parallel, or as close as possible to the centerline of the public roadway, unless otherwise approved by the Zoning Administrator.

(B) Only manufactured homes are permitted in manufactured home subdivisions.

11.7-9 Residential building, duplex.

Duplexes are permitted on corner or through lots in R-20 and R-6 districts according to the following standards:

(A) The entrances to each unit may face different streets.

(B) The dwelling shall meet the minimum front yard setback from both streets upon which a unit faces.

(C) Structures originally constructed as single-family homes may not be converted to duplex dwellings.

11.7-10 Residential building, multi-family; townhouse

(A) Standards for multi-family and townhouse developments in the General Business and Highway Business Districts.

(1) Primary access to the development site shall be from a state or Town- maintained street. The developer may be required to provide turn lanes and other off-site transportation improvements to ensure safe and adequate access; ownership of the roadway will determine if necessary.

- (2) Site design shall include the following:
- a) Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.

(3) Design standards:

All buildings shall include at a minimum five of the following decorative features:

- 1) Decorative shake
- 2) Board and batten
- 3) Decorative porch railings/posts
- 4) Shutters
- 5) Decorative/functional air vents on roof or foundation
- 6) Recessed windows
- 7) Trim around windows
- 8) Decorative windows
- 9) Decorative brick/stone
- 10) Decorative gables
- 11) Decorative cornices
- 12) Tin/metal roof

Additional design standards will apply per Article VIII, Design Standards.

(B) Standards for multi-family and townhouse developments located within the MF-CD district.

(1) Open space shall account for a minimum of twenty-five percent of the total land area of the development site. (Note: Watershed regulations may require more pervious coverage.) For the purpose of this article, open space may include wooded areas, yards, playgrounds, and other active recreation space.

(2) Private active recreation space shall be provided for all complexes containing more than twenty dwelling units at the rate of one hundred square feet per dwelling unit. Such space may also count towards the unobstructed open space requirements outlined in Section (B) (1) above. Recreation space shall be designed to reduce any impact of night lighting or noise on nearby dwelling units located on or adjacent to the site. Said areas shall be developed and maintained in a neat and orderly condition in order to provide a safe, healthful, and attractive living environment. Common recreational areas shall be easily accessible by pedestrian walkways so they can be conveniently and safely reached and used. Furthermore, common recreational areas shall be constructed on substantially flat (no more than five percent grade) land which is well drained and otherwise capable of serving the purposes intended. No streets, access easements, rights-of-way, parking areas, or required buffer shall be used or counted towards the required recreational space.

(C) Standards for duplex and townhouse developments located within the R-20 and R-6 districts.

- (1) All buildings shall be constructed to mimic single family or duplex residential dwellings in design, materials, and orientation to the street to the maximum extent practicable.
- (2) No more than four units per building shall be permitted.
- (3) The entrances to each unit in the building may face different streets.
- (4) The building shall meet the minimum front yard setback from each street upon which a unit faces and shall meet all other applicable setbacks for the district in which it is located.
- (5) The lot shall have at least one and one-half times the minimum lot area, if any, for the district.
- (6) Any front or side yard off street parking shall be designed in scale and appearance to mimic parking for single family or duplex residential dwellings.
- (7) Common parking facilities shall be screened from the property line exterior to the development site and shall not be visible to adjacent single-family parcels. Such parking facilities shall not be designed for more than twelve parking spaces and shall not be closer than one hundred feet to another such parking facility.

11.7-11 Single-Family Residential in Highway Business Zoning

(A) Single-Family Residential shall be allowed in Highway Business (HB) zoning under the following circumstances:

- (1) The property has an existing residential structure which will be reoccupied and complies with North Carolina State Building Code; or,
- (2) New SFR construction is permitted on HB lots along Sparta Road (NC-18) provided that the property is not at the intersection of an arterial road and a connector road and is not directly adjacent to commercial use on either side of the property. Manufactured Homes are not allowed in HB zoning.

11.7-12 Ground Floor Residential

(A) Ground-Floor Residential shall be allowed in Central Business District zoning with a Special Use Permit under the following circumstances:

- (1) The building footprint must be larger than 4,500 square feet.
- (2) The ground floor of the building must be raised at least one floor above the alley.
- (3) Residential use may not take more than 40% of the ground floor area and must be the farthest use from the primary street frontage in a building.
- (4) Residential units must be a minimum of 800 squarefeet.
- (5) Retail and Restaurant, without drive-through service, may be the only ground floor non-residential land use in the building.
- (6) No residential use is allowed in any basement units.
- (7) No entrance from residential use to commercial use is allowed.
- (8) No entrance, other than a side hallway along the property line mirroring existing CBD facades, is allowed from residential units to the street front.

(B) Ground-Floor Residential shall be allowed in the General Business District and the Highway Business District permitted by supplemental standards as follows:

- (1) Up to two (2) units will be permitted on one parcel
- (2) Residential use may not take more than 40% of the ground floor area
- (3) Maximum square footage of the ground floor residential space is 1,000 square feet
- (4) A separate entrance for each unit shall grant access to the exterior
- (5) The units shall meet all applicable adopted Minimum Housing Code and State Building and Fire Code requirements.

11.8 SERVICE USES.

11.8-1 Cemetery.

(A) Tombstones, crypts, monuments and mausoleums must be located at least twenty-five feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least twenty feet from any side or rear lot lines in cemeteries (or cemetery expansions).

(B) Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty feet from any side lot line abutting a residential district and forty feet from any such rear lot line.

(C) Not with standing any other provisions of this article, a minimum of three acres shall be needed for any cemetery being developed as a principal use.

11.8-2 Columbaria.

(A) Columbaria structures shall be permitted as part of a cemetery and shall meet the conditions of use for a cemetery as defined in 11.8-1.

(B) Columbaria structures shall be permitted as accessory uses to a church (by definition) and shall meet the following requirements:

- (1) Columbaria structures shall not significantly change the exterior appearance of the site visible from public rights-of-way and adjacent properties. Columbaria structures shall be constructed with minimum impact to surrounding areas.

- (2) Columbaria structures or area of internment shall not constitute a significant portion of the site.
- (3) Columbaria structures shall meet the setbacks of the underlying zoning district.
- (4) Columbaria structures shall not exceed eight feet in height.
- (5) A buffer shall be required to screen incompatible uses from one another. The Planning Director will have the authority to waive this requirement.

11.9 MISCELLANEOUS USES.

11.9-1 Fairgrounds.

- (A) Direct access to the site shall be provided by a major or minor arterial.
- (B) For outdoor flea markets only, the lot shall be at least three hundred linear feet from any lot located in a residential district.

11.9-2 Heliport.

- (A) Non-emergency use (i.e., uses other than for public safety or medical purposes) of private heliports between the hours of 10:00 p.m. and 6:00a.m. is prohibited.
- (B) Landing pads for on-grade heliports shall be set back a minimum of one hundred feet from any property line and four hundred feet from buildings used for residential purposes, public or private schools, hospitals, or public parks. These distance requirements may be reduced one foot for each one foot of the elevation above ground level for elevated helistops.
- (C) The helistop or heliport landing area shall be constructed of a material free of dust and loose particles which may be blown about by the down blast of the helicopter rotor.
- (D) Lighting is to be provided according to Federal Aviation Administration requirements and is to be oriented as much as possible away from adjacent uses.
- (E) An on-ground helistop shall be surrounded by a fence or other barrier which prohibits access except at controlled access points. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.

11.9-3 Temporary storage units

- (A) Temporary storage units placed on sites for a period of time less than 7 days shall not require a permit.
- (B) A temporary permit may be issued by the Zoning Administrator allowing a temporary storage units to be placed on the property of a residence or business for the sole purpose of storing household or business goods provided that:
 - (1) the residence or business is undergoing remodeling or moving to and/or from another location;
 - (2) the temporary storage units may not be used for living quarters;
 - (3) the temporary storage units are no larger than to 16 feet in length, eight feet in width, and eight feet in height;

- (4) the site shall have no more than two temporary storage units; and
- (5) the permit may not be issued for a period longer than 90 days but may be extended by the written approval of the Planning Board if valid reasons are given to merit such an extension.

11.9-4 Temporary Alternative Landscaping

(A) A temporary Zoning permit may be issued by the Zoning Administrator allowing grazing by goats only to be placed on a property for up to (14) fourteen days per permit cycle in all zoning districts. Only five (5) permits will be issued a year total on specified property.

Conditions placed on temporary zoning use follow:

(B) All conditions will be required to obtain a temporary Zoning permit for temporary alternative landscaping:

- (1) electric fences must be labeled with safety precautions and cannot be within the right of way, a site plan will be required at time of permitting
- (2) applicant must provide written and signed permission with contact information from all adjoining property owners
- (3) no structures may be erected to house the goats
- (4) permit will be restricted to extreme or invasive species vegetation removal
- (5) upon expiration of the permit all electric fencing must be removed; and
- (6) the permit will not be extended unless extreme circumstances occur and written approval of the Planning Board if valid reasons are given to merit such an extension.

11.9-5 Temporary Recreation Vehicle Park/Campground

(A) Timeline.

- (1) Campgrounds or Recreation Vehicle Parks shall be temporarily established for no more than three (3) times per calendar year and each term shall be only for (14) fourteen consecutive days.
- (2) The permit shall list the dates of operation for the temporary park or campground.

(B) Utilities.

- (1) Temporary Recreation Vehicles are permitted to park without hooking up water or sewer amenities, provided their internal tank system allows for black/grey waste storage for the entirety of the stay. No dumping shall be allowed except in a designated approved waste dumping station.
- (2) Other utilities will be approved and inspected by the designated user group.

(C) Miscellaneous.

- (1) No retail or food is permitted to be sold from the campers users.
- (2) An evacuation plan must be developed for evacuation of all residents in the recreational vehicle park or campground. This plan shall be filed with and approved by the Zoning Administrator, local emergency management coordinator, and distributed to all first responders including: the North Wilkesboro Fire Department, Police Department, Rescue Squad and Wilkes County EMS or applicable volunteer first responders. The plan must include notification steps for emergency evacuation during egress of recreational vehicles and/or campers.
- (3) Emergency service vehicle access must be provided throughout the park at all times.

- (4) The property owner(s) must sign off on the event through the zoning permitting process.
- (5) The Planning & Inspections Department reserves the right to conduct inspections of the Recreation Vehicle Park/campground to ensure the regulations are being met.
- (6) This ordinance shall not apply to the seasonal sales of Christmas trees.
- (7) The property owner is responsible for all trash removal at the site.