



**UNIFIED DEVELOPMENT ORDINANCE
OF THE
TOWN OF KENANSVILLE,
NORTH CAROLINA**

Adopted: March 5, 2018

Town of Kenansville, North Carolina

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John Garner

Mayor Pro Tem

Nelson Baker

Board of Commissioners

Eddie Hobbs
Elwood Garner
Jonathan Guy
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Planning Board

Craig Craft, Chair
Billy Knowles, Vice Chair
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Eastern Carolina Council



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ARTICLE 1 – INTRODUCTORY PROVISIONS

1.1 Title

This document shall officially be known as the “Unified Development Ordinance of the Town of Kenansville, North Carolina” and may be referred to throughout the document as the “UDO” or the “Ordinance”.

1.2 Authority

This Ordinance consolidates the Town’s land use regulatory authority as authorized by the North Carolina General Statutes and is adopted pursuant to the authority granted to the Town of Kenansville by Chapter 160A, Article 19 of the North Carolina General Statutes and any special legislation enacted for the Town by the North Carolina General Assembly.

1.3 Effective Date

This Ordinance shall become effective on March 6, 2018.

1.4 Applicability and Jurisdiction

1.4.1 General Applicability

The provisions of this Ordinance shall apply to the use and development of all land within the corporate limits of the Town of Kenansville, North Carolina and its Extraterritorial Jurisdiction (ETJ) unless such use or development is expressly exempted by a specific section or subsection of this Ordinance.

1.4.2 Application to Governmental Units

Except as stated herein, the provisions of this Ordinance shall apply to:

- (1) Development and use of land owned by the Town;
- (2) Development and use of land by public colleges or universities;
- (3) State and county buildings in accordance with the standards set forth in NCGS 160A-392; and
- (4) To the full extent permitted by law, the development and use of land owned or held in tenancy by the government of the United States.

1.5 Purpose

The purpose of this Ordinance is to protect the public health, safety, and general welfare of the citizens and landowners of Kenansville, and to implement the policies and objectives of the Future Land Use Plan. The intent of this Ordinance is more specifically to:

- 1.5.1 Preserve the overall quality of life for residents of the Town;
- 1.5.2 Protect the character and quality of established residential neighborhoods;
- 1.5.3 Maintain economically vibrant and aesthetically attractive commercial areas;
- 1.5.4 Promote economic development and expand the range of employment opportunities for the citizens of Kenansville;
- 1.5.5 Lessen congestion and ensure safe and functional streets through the provision of an interconnected street network;
- 1.5.6 Promote pedestrian and non-vehicular transportation
- 1.5.7 Preserve the natural resources and environmental quality of the Town and its environs;
- 1.5.8 Ensure the provision of adequate light, air and open space;
- 1.5.9 Ensure the availability of a range of housing options; and
- 1.5.10 Provide for the timely provision of public facilities and services in conjunction with future development.

1.6 Conformance with Adopted Plans

The Kenansville 2020 Future Land Use Plan shall serve as the basic policy guide for the administration of this Ordinance. The Future Land Use Plan serves as the statement of the goals and policies guiding the physical development of the Town and its environs. All development within the jurisdiction of this Ordinance shall be in accordance with the relevant provisions of the Future Land Use Plan as adopted or amended by the Town Board of Commissioners as well as any other relevant plans that have been adopted by the Town.

1.7 General Rules of Interpretation

1.7.1 Literal Interpretation

The language of this Ordinance must be read and interpreted literally. Regulations contained within this Ordinance are no more or less strict than stated.

1.7.2 Rules of Language and Construction

For the purposes of interpreting the general language and sentence construction of this Ordinance, the following rules of construction apply unless the context clearly indicates otherwise:

(1) Meaning of Words

Words listed in Article 14, Definitions, have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their common meaning.

(2) Tense

Words used in the present tense include the future tense. The reverse is also true.

(3) Singular and Plural

Words used in the singular include the plural. The reverse is also true.

(4) Mandatory Terms

The words “shall”, “will”, “must” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision.

(5) Gender

Words used in the male gender include the female gender. The reverse is also true.

(6) Days

Any reference to “days” means calendar days unless otherwise specified.

(7) Reference

Any reference to an Article, Section or Paragraph means an Article, Section or Paragraph of this Ordinance, unless otherwise specified.

(8) Tables, Figures and Illustrations

Tables, figures and illustrations are provided for reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any table, figure or illustration, the text shall govern.

(9) Current Versions and Citations

All references to other town, county, state or federal regulations in this Ordinance are intended to be references to the most current versions and citations, unless otherwise expressly indicated. When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

(10) Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

(11) Delegation of Authority

Whenever a provision appears requiring a specific officer or employee of the Town to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he has authority. Delegation of authority is not allowed when the provisions of this ordinance expressly prohibit such delegation.

(12) Calculations and Rounding

Unless otherwise specified within this Ordinance, all calculations that result in a part or fraction of a whole number must be rounded up to the next highest whole number.

1.8 Conflicting Provisions

1.8.1 Conflict with State or Federal Regulations

If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provisions governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this Ordinance, no land may be developed or used, and no structure may be erected or maintained in violation of any state or federal regulation.

1.8.2 Conflict with Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Town, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls

1.8.3 Conflict with Private Agreements and Controls

This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law. The Town has no responsibility for monitoring or enforcing private agreements.

1.9 Official Zoning Map

1.9.1 Generally

The Official Zoning Map designates the location and boundaries of the zoning districts established by this Ordinance. The Official Zoning Map shall be kept on

file with the Town Clerk and is available for public inspection during normal business hours. The original official version of the map shall be certified by the Town Clerk, and shall bear the seal of the Town. It shall be the final authority as to the status of the current zoning district classification of land within the Town's jurisdiction, and shall only be amended in accordance with the provisions of this Ordinance.

1.9.2 Incorporation by Reference

The Official Zoning Map is hereby incorporated by reference and made part of this Ordinance.

1.9.3 Interpretation of District Boundaries

The Ordinance Administrator shall be responsible for interpretations of the Official Zoning Map in accordance with the following standards:

- (1) A boundary shown on the map as approximately following the centerline of a street, highway or alley is construed as following such centerline.
- (2) A boundary shown on the map as approximately following the parcel boundary is construed as following the parcel boundary as it existed at the time the zoning boundary was established.
- (3) A boundary shown on the map as approximately following a river, stream, lake or other watercourse is construed as following the actual centerline of the watercourse.
- (4) A boundary shown on the map as approximately following the corporate limits of the Town is construed as following that boundary.
- (5) A boundary shown on the map as approximately parallel to, or as an extension of, a feature described above is construed as being actually parallel to, or an extension of, the feature.

1.10 Transitional Provisions

1.10.1 Effect on Valid Building Permits and Vested Rights

Unless the owner consents, this Ordinance does not apply to the completion of the development of buildings or uses for which either:

- (1) Building permits have been issued pursuant to NCGS 160A-417 prior to the effective date of this Ordinance so long as the permits remain valid and unexpired pursuant to NCGS 160A-418 and unrevoked pursuant to NCGS 160A-422; or
- (2) A vested right has been established pursuant to NCGS 160A-385.1 and such right remains valid and unexpired pursuant to NCGS 160A-385.1.

1.10.2 Other Approvals Granted Prior to the Effective Date

Variances, special use permits, subdivision plats, site plans and other similar development approvals that are valid on the effective date of this Ordinance will remain valid until their expiration date if applicable. Development may be completed in accordance with such approvals even if such building, development or structure does not fully comply with the provisions of this Ordinance. If development is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of any re-application.

1.10.3 Applications in Process Prior to Effective Date

Applications for building permits, variances, special use permits, subdivision plats, site plan approvals and other similar development approvals that were submitted in complete form and are pending approval on the effective date of this Ordinance must be reviewed wholly under the terms of the Ordinance. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

1.10.4 Violations Continue

Violations of the previous Ordinance which remain in violation of this Ordinance will continue to be a violation and be subject to penalties and enforcement action under Article 4, Enforcement. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous Ordinances.

1.11 Severability

Should any article, section, clause, phrase or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or the United States, such decision does not affect, impair or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

ARTICLE 2 – ADMINISTRATION

2.1 Administrative Bodies

2.1.1 Administrative Bodies Generally

The following elected and appointed bodies and Town staff have powers and responsibilities in administering, reviewing and approving development applications under this Ordinance:

- (A) Town Board of Commissioners
- (B) Planning Board
- (C) Board of Adjustment
- (D) Ordinance Administrator

2.1.2 Summary of Review and Decision Responsibilities

Table 2-1, Review and Decision Responsibilities, summarizes the administrative bodies that have specific review and decision-making roles under this Ordinance, and their responsibilities.

Table 2-1 Review and Decision Responsibilities

Process	Ordinance Administrator	Planning Board	Board of Commissioners	Board of Adjustment
Zoning Map Amendment	R	R	D	
UDO Text Amendment	R	R	D	
Zoning Permit	D			A
Site Plan	R	D		A
Variance				D
Special Use Permit				D
Subdivision Sketch Plan	R	D		
Minor Subdivision	D			A
Preliminary Plat – Major Subdivision	R	R	D	

R – Review and Recommendation D-Decision A- Appeal

Table 2-1 Review and Decision Responsibilities (Continued)

Process	Ordinance Administrator	Planning Board	Board of Commissioners	Board of Adjustment
Final Plat – Major Subdivision	R	R	D	
Recombination Plat	D			A
Administrative Appeal				D
Establishment of Vested Rights	R	R	D	
Ordinance Interpretation	D			A

R – Review and Recommendation D-Decision A- Appeal

2.1.3 Town Board of Commissioners

(1) Organization

Unless specifically modified in this Ordinance, the Town Board of Commissioners must conform to the rules and procedures provided in the Town Charter.

(2) Powers and Duties

In the application and enforcement of this Ordinance, the Town Board of Commissioners shall have the following powers and duties:

(A) Final Approval Authority

- (i)** Amendments to the text of this Ordinance
- (ii)** Amendments to the Official Zoning Map
- (iii)** Preliminary plats for major subdivisions
- (iv)** Final plats for major subdivisions
- (v)** Establishment of vested rights

2.1.4 Planning Board

(1) Authority and Establishment

The Planning Board is hereby established in accordance with NCGS 160A-361 and 160A-387.

(2) Membership

The Planning Board shall consist of six (6) members, five (5) members residing within the Town shall be appointed by the Town Board of Commissioners and one (1) member residing in the ETJ shall be appointed by the Duplin County Board of Commissioners.

(3) Quorum

A majority of the six (6) members of the Planning Board excluding vacancies shall constitute a quorum.

(4) Voting

An affirmative vote of the majority of the quorum present is required for all decisions of the Planning Board. A vote resulting in a tie shall be treated as a denial of the recommendation or decision.

(5) Powers and Duties

In the application and enforcement of this Ordinance, the Planning Board shall have the following powers and duties:

(A) Review and Recommendation

- (i) Amendments to the text of this Ordinance
- (ii) Amendments to the Official Zoning Map
- (iii) Sketch plans for major subdivisions
- (iv) Preliminary plats for major subdivisions
- (v) Final plats for major subdivisions
- (vi) Establishment of vested rights

(B) Final Approval Authority

- (i) Site plans

2.1.5 Board of Adjustment

(1) Authority and Establishment

The Board of Adjustment is hereby established in accordance with NCGS 160A-388.

(2) Membership

The Board of Adjustment shall consist of six (6) members, five (5) members residing within the Town shall be appointed by the Town Board of Commissioners and one (1) member residing in the ETJ shall be appointed by the Duplin County Commissioners.

(3) Quorum

A majority of the six (6) members of the Board of Adjustment excluding vacancies shall constitute a quorum.

(4) Voting

The concurring vote of five-sixths (5/6) of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of this Ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to grant a Variance from the provisions of the Ordinance. For the purposes of this Section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. (160A-388(e))

(5) Powers and Duties

In the application and enforcement of this Ordinance, the Board of Adjustment shall have the following powers and duties:

(A) Final Approval Authority

- (i)** Variances
- (ii)** Special use permits
- (iii)** Appeals of administrative decisions
- (iv)** Appeals of denials of zoning permits
- (v)** Appeals of denials for minor subdivision approval
- (vi)** Appeals of denials for recombination plat approval
- (vii)** Appeals of Ordinance interpretations
- (viii)** Appeals of denials for site plan approval

2.1.6 Ordinance Administrator

(1) Authority and Establishment

The Town Board of Commissioners shall appoint an Ordinance Administrator to administer and enforce the provisions of this Ordinance. The Ordinance Administrator may select designees to administer and enforce the provisions of the ordinance.

(2) Powers and Duties

In the application and enforcement of this Ordinance, the Ordinance Administrator or their designees shall have the following powers and duties:

(A) Review and Recommendation

- (i)** Amendments to the text of this Ordinance
- (ii)** Amendments to the Official Zoning Map
- (iii)** Site plans
- (iv)** Establishment of vested rights
- (v)** Subdivision sketch plans
- (vi)** Preliminary subdivision plats
- (vii)** Final subdivision plats

(B) Final Approval Authority

- (i)** Zoning permits
- (ii)** Ordinance interpretations
- (iii)** Minor subdivision plats
- (iv)** Recombination plats

(C) Additional Duties

- (i)** Establish application content requirements and a submission schedule for review of applications and appeals.
- (ii)** Maintain the Official Zoning Map and related materials
- (iii)** Enforce the regulations contained within this Ordinance.

- (iv) Maintain the official copy of the Unified Development Ordinance and ensure that it is updated upon the approval of a text amendment.
- (v) Maintain a record of all permits and approvals.

(3) Discretionary Authority

Unless otherwise prohibited by federal, state, local law or ordinance, the Ordinance Administrator has discretionary authority upon written request of the applicant to exceed setback, size, length, or height requirements stated in this Unified Development Ordinance by ten percent (10%). Requests for variances beyond this amount must be referred to the Board of Adjustments. When deciding whether to exercise its discretionary authority, the Ordinance Administrator should be guided by the principles stated in Section 3.2.4.

ARTICLE 3 – REVIEW AND APPROVAL PROCEDURES

3.1 Common Review Procedures

The provisions of this section shall apply to all development application requests under this Ordinance, unless otherwise stated.

3.1.1 Application Requirements

Applications required under this Ordinance shall be submitted on forms, in such numbers, and according to deadlines established by the Ordinance Administrator. No application may be reviewed until it is substantially complete, as determined by the Ordinance Administrator.

3.1.2 Fees

The Town Board of Commissioners shall establish, and may modify from time to time, a schedule of fees that must be paid in full prior to the review of any submitted application.

3.1.3 Public Notice

(1) Contents of Notice

All public notices required under this Ordinance shall comply with NCGS 160A-364. Additionally, all notices, except for posted notices shall:

- (A) Identify the date, time and location of the meeting or public hearing.
- (B) Identify the property involved by the street address (if available) or by the legal description and/or parcel identification number (PIN).
- (C) Describe the nature and scope of the proposed action.
- (D) Indicate that interested parties may appear at public hearings and speak on the matter.
- (E) Include the telephone number and address at which further information may be obtained prior to the meeting or public hearing.

(2) Published Notice

When the provisions of this Ordinance require that notice of a development application be published pursuant to NCGS 160A-364, the Ordinance Administrator shall publish a notice of the meeting or public hearing once a week for two successive weeks in a newspaper having general circulation in the Town. The first notice shall be published not less than 10 days nor more than 25 days prior to the date fixed for the hearing or meeting. In computing such period, the day of publication is not included but the day of the hearing or meeting shall be included.

(3) Mailed Notice

- (A)** When the provisions of this Ordinance require that mailed notice be provided pursuant to NCGS 160A-384, the Ordinance Administrator shall prepare a notice of the public hearing or meeting and deliver the notice via first class mail to the following persons:
 - (i)** The applicant;
 - (ii)** Listed owners of adjacent lands; and
 - (iii)** Any person that has registered with the Town Clerk to receive notice of meetings of Town boards.
- (B)** Mailed notices shall be deposited in the mail no fewer than 10 days and no more than 25 days prior to the date of the public hearing or meeting.
- (C)** The Ordinance Administrator shall prepare an affidavit with affirmation that the required mailed notice procedures have been followed. The affidavit shall be conclusive evidence that the terms of this subsection have been met as set forth in NCGS 160A-384(a).
- (D)** Mailed notices shall not be required when an application to amend the Official Zoning Map includes more than 50 different lots or tracts, owned by at least 50 different landowners, provided that the Town publishes a notice (occupying at least one-half of a newspaper page in a newspaper of general circulation once a week for two consecutive weeks beginning at least 10 but not more than 25 days prior to the public hearing date. Affected landowners residing outside of the Town's jurisdiction or the newspaper's circulation area shall be notified via first class mail in accordance with the procedures set forth in subsections (A) and (B) above.

(4) Posted Notice

- (A)** When the provisions of this Ordinance require that notice be posted pursuant to NCGS 160A-384(C), the Ordinance Administrator shall post the notice on the subject property(ies) at least 10 days prior to the first public hearing or meeting. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. In computing such period, the day of the posting shall not be counted, but the day of the hearing shall be counted. Posted notices shall remain in place until such time that the approving authority has rendered its final decision on the matter.
- (B)** If no part of the subject property is visible from a public right-of-way. The notice shall be posted along the nearest street in the public right-of-way in such a manner as to ensure consistency with the intent of this subsection.

- (C) In addition to the notice posted on the subject property(ies), notice shall also be posted conspicuously within Town Hall at least 10 days prior to the initial hearing or meeting on the matter.
- (D) The Ordinance Administrator shall prepare an affidavit with affirmation that the required posted notice procedures have been followed. The affidavit shall be conclusive evidence that the terms of this subsection have been met.

(5) Constructive Notice

- (A) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements. Minor defects in notices may include, but are not limited to:
 - (i) Errors in legal descriptions; or
 - (ii) Typographical or grammatical errors that do not impede the communication of the notice to affected parties.
- (B) Failure of an affected party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a public hearing or meeting and the location of the subject property(ies) shall be strictly adhered to.
- (C) If question arises at the hearing or meeting regarding the adequacy of the notice, the reviewing or decision-making body shall direct the Ordinance Administrator to make a formal finding as to whether there was substantial compliance with the notice requirements of this Ordinance, and such findings shall be made available to the reviewing or decision-making body prior to further action being taken on the request.

(6) Summary of Notice Requirements

Table 3-1 summarizes the notice requirements for certain development applications.

Table 3-1 Notice Requirements

Process	Published Notice	Mailed Notice	Posted Notice
Zoning Map Amendment	✓	✓	✓
UDO Text Amendment	✓		
Variance	✓	✓	✓
Special Use Permit	✓	✓	✓
Administrative Appeal	✓	✓	
Establishment of Vested Rights	✓	✓	✓

3.1.4 Public Hearings

(1) Application to be Scheduled for Hearing

When an application is subject to a public hearing, as determined by Table 3-2, the Ordinance Administrator shall ensure that the public hearing is scheduled for either:

- (A)** A regularly scheduled meeting; or
- (B)** A meeting specially called for that purpose by the decision-making body reviewing the application.

(2) Timing

The public hearing on the application shall be scheduled so that there is sufficient time for the Ordinance Administrator to properly review the application and for the public notification requirements in NCGS 160A-364 and 160A-384 to be satisfied.

(3) Summary of Public Hearing Requirements

Table 3-2 depicts the decision-making body responsible for conducting a public hearing for certain development applications.

Table 3-2 Public Hearing Requirements

Process	Board of Commissioners	Board of Adjustment
Zoning Map Amendment	✓	
UDO Text Amendment	✓	
Variance		✓
Special Use Permit		✓
Administrative Appeal		✓
Establishment of Vested Rights	✓	

3.1.5 Conditions of Approval

(1) General

When a decision-making body may, according to the express terms of this Ordinance, approve a development application with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions may, as appropriate, ensure compliance with the general goals and policies of this Ordinance or with particular standards of this Ordinance, to prevent or minimize adverse effects from the proposed development on surrounding lands.

(2) Limitations

- (A)** The restrictions and conditions imposed must be related in both type and amount to the impact that the proposed development would have on the public and surrounding lands.
- (B)** All conditions imposed shall be expressly set forth in the motion by the decision-making body to approve the development application.

3.1.6 Deferral of Application

(1) Request Prior to Publication of Notice

An applicant may request that a decision-making body's consideration of an application at public hearing be deferred by submitting a written request for deferral to the Ordinance Administrator prior to the publication of notice for the public hearing. The Ordinance Administrator may grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted.

(2) Request After Publication of Notice

If a request for deferral of consideration of an application by a decision-making body is submitted subsequent to publication of notice, the request for deferral shall be placed on the public hearing agenda and acted upon by the decision-making body. The decision-making body may grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted. If a deferral is granted, the application may be subject to additional application fees to defray the costs of processing the application. Any additional fees must be paid to the Town prior to the re-advertisement of the public hearing notice.

3.1.7 Changes to Application after Notice of Public Hearing

After publication of notice has occurred, changes to an application (including changes to an application at the public hearing) not made solely to satisfy staff or review body recommendations or conditions shall be governed by the provisions of this section.

(1) Clerical Errors

Minor additions, deletions, or corrections constituting clerical errors in an application may be made without referral of the application, as amended, back to the Ordinance Administrator for review and preparation of a staff report, or to any review bodies as is required for the original review of the application.

(2) Major Changes

No substantive changes to a development application related to uses, densities, intensities, street layout, access, open space configuration, building form, or other major element shall be made after notification of a public hearing. Major changes by the applicant after notification of a public hearing require that the original application be withdrawn and a new application be submitted along with any required fees. The resubmitted application must go through the entire review process as if it were a new application in order to ensure the proper review of all changes.

(3) Conditions of Approval

Proposed changes in conditions of approval may be considered by the Town Board of Commissioners or Board of Adjustment without referral back to the Ordinance Administrator or other recommending body.

3.1.8 Withdrawal of Application

(1) Submission of Request

Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Ordinance Administrator, or shall be made

through a verbal request at the public hearing for which the application has been scheduled.

(2) Prior to Notice of Public Hearing

The Ordinance Administrator shall approve a request for withdrawal of an application if it has been submitted prior to public notification of the application.

(3) Subsequent to Notice of Public Hearing

(A) If the request for withdrawal of an application is submitted subsequent to public notification, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the decision-making body.

(B) Whenever an application subject to a requirement for a public hearing before the Town Board of Commissioners is withdrawn after public notification, but prior to a decision by the Town Board of Commissioners, no similar application may be submitted for the same property for a period of 90 days following the withdrawal.

(4) Fees

Fees shall not be refunded for withdrawn applications

(5) Waiting Period

No more than two (2) withdrawals of the same type of development application for the same property may be filed within any single 12-month period, and no similar type of application may be filed for the same land within one year following the second withdrawal.

3.1.9 Notification to Applicant

Within a reasonable period of time after a decision on an application, the Town Clerk shall notify the applicant of the decision in writing. Within a reasonable period of time after the decision, a copy of the decision shall also be made available to the public in the office of the Town Clerk, during normal business hours.

3.1.10 Lapse of Approval

Lapse of approval (also referred to as “expiration”) shall occur as provided by this Ordinance for the various types of development applications. If no provision for lapse is given by this Ordinance for a particular type of development permit or approval, and if no lapse period is imposed as part of an approval by the decision-making body, lapse shall occur if development is not commenced or a subsequent permit authorized by that approval is not obtained within two (2) years.

3.1.11 Examination of Applications and Supporting Documents

At any time upon reasonable request and during normal business hours, any person may examine an application, a finalized staff report and materials submitted in support of or in opposition to an application in the office of the Town Clerk. Copies of such materials shall be made available at a reasonable cost.

3.2 Standards and Procedures for Development Applications

This section includes the review procedures, standards and related information for each of the development application procedures as summarized in Table 2-1, Review and Decision Responsibilities.

3.2.1 Official Zoning Map Amendment

(1) Purpose

The purpose of this section is to provide a uniform means for amending the Official Zoning Map.

(2) Authority

The Town Board of Commissioners may adopt an ordinance amending the Official Zoning Map upon compliance with the provisions of this section.

(3) Initiation

An application to amend the Official Zoning Map may be initiated by the Town Board of Commissioners, the Planning Board, the Ordinance Administrator, a resident of the Town of Kenansville, or any other person having a financial or other interest in land located within the Town's zoning jurisdiction.

(4) Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review and Recommendation by Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written recommendation which he shall present to the Planning Board during the meeting at which it considers the application.

(C) Review and Recommendation by Planning Board

Following the review by the Ordinance Administrator the application shall be forwarded to the Planning Board for its review and recommendation. During the meeting the Planning Board shall consider the application, relevant supporting materials, the Ordinance Administrator's recommendation and any comments given by the public on the matter. Within 30 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Board of Commissioners. In making its recommendation, the Planning Board shall include a written statement summarizing the amendment's consistency with the Future Land Use Plan and any other relevant plans having applicability to the proposed amendment in accordance with NCGS 160A-383.

(D) Review and Action by Board of Commissioners

Following consideration by the Planning Board, the Town Board of Commissioners shall conduct a public hearing to review and consider the application, the relevant supporting materials, the Ordinance Administrator's recommendation, the recommendation of the Planning Board, and the comments given during the hearing (if any). Following the close of the public hearing, the Town Board of Commissioners, shall take one of the following actions:

- (i)** Approve the rezoning application as requested.
- (ii)** Approve the rezoning application with a reduction in size of the area requested.
- (iii)** Approve the rezoning application to a more restrictive base zoning district.
- (iv)** Deny the rezoning application.
- (v)** Remand the rezoning application back to the Planning Board for further consideration.

Regardless of the decision on the application, the Board of Commissioners shall adopt a statement on the proposed amendment's consistency with the Future Land Use Plan and any other relevant plans having applicability to the proposed amendment as well as the reasonableness of the action and how the action furthers the public interest in accordance with NCGS 160A-383. Where a rezoning is approved that has the effect of creating an isolated district (a zoning district surrounded entirely by dissimilar zoning districts) that is less than 10 acres in size, the Board of Commissioners shall also adopt a statement analyzing the reasonableness of the approval of the small scale rezoning in accordance with NCGS 160A-382.

(5) Protest Petitions

(A) General

Applications to amend the Official Zoning Map which are subject to a valid protest petition as set forth in NCGS 160A-385 shall only be approved by an affirmative vote of at least three-fourths (3/4) of the members of the Town Board of Commissioners who are eligible to vote on the matter.

(B) Valid Protest Petitions

For a protest petition to be valid it must be signed by:

- (i)** The owners of at least 20% of the land area within the area subject to the application for amendment; or
- (ii)** The owners of at least five percent (5%) of the land within a 100 foot buffer extending along the perimeter of the area subject to the application for amendment. A street right-of-way shall not be considered in computing the buffer distance, provided that the right-of-way is less 100 feet in width. If an area less than an entire parcel is proposed for rezoning, the buffer shall be computed from the exterior parcel boundary.

In accordance with NCGS 160A-386, no protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of NCGS 160A-385 unless it is in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Town Clerk in sufficient time to allow the Town at least two (2) normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.

3.2.2 Unified Development Ordinance Text Amendment

(1) Purpose

The purpose of this section is to provide a uniform means for amending the text of the Unified Development Ordinance.

(2) Authority

The Town Board of Commissioners may adopt an ordinance amending the text of the Unified Development Ordinance upon compliance with the provisions of this section.

(3) Initiation

An application to amend the text of the Unified Development Ordinance may be initiated by the Town Board of Commissioners, the Planning Board, the Ordinance Administrator, a resident of the Town of Kenansville, or any other person having a financial or other interest in land located within the Town's zoning jurisdiction.

(4) Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review and Recommendation by Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written recommendation which he shall present to the Planning Board.

(C) Review and Recommendation by Planning Board

Following the review and recommendation by the Ordinance Administrator the application shall be forwarded to the Planning Board for its review and recommendation. During the meeting the Planning Board shall consider the application, relevant supporting materials, the Ordinance Administrator's recommendation and any comments given by the public on the matter. Within 30 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Board of Commissioners. In making its recommendation, the Planning Board shall include a written statement summarizing the amendment's consistency with the Future Land Use Plan and any other relevant plans having applicability to the proposed amendment in accordance with NCGS 160A-383.

(D) Review and Action by Board of Commissioners

Following consideration by the Planning Board, the Town Board of Commissioners shall conduct a public hearing to review and consider the application, the relevant supporting materials, the Ordinance Administrator's recommendation, the recommendation of the Planning Board, and the comments given during the hearing (if any). Following the close of the public hearing, the Town Board of Commissioners, shall take one of the following actions:

- (i) Approve the amendment as written;
- (ii) Approve a revised amendment;

- (iii) Reject the amendment; or
- (iv) Remand the application back to the Planning Board for further consideration.

Regardless of the decision on the application, the Board of Commissioners shall adopt a statement on the proposed amendment's consistency with the Future Land Use Plan and any other relevant plans having applicability to the proposed amendment as well as the reasonableness of the action and how the action furthers the public interest in accordance with NCGS 160A-383.

3.2.3 Special Use Permit

(1) Purpose

Special uses are uses that are generally compatible with the other uses permitted in a zoning district, but require individual review of their location, design, configuration, density and intensity of use, and usually require the imposition of conditions to ensure the appropriateness of the use at a particular location.

(2) Authority

The Board of Adjustment is authorized to review and decide applications for Special Use Permits in accordance with this section. Only those uses identified as Special Uses in Table 7-1, Table of Permitted Uses, are authorized to be considered as Special Uses under this section. The designation of a use as a Special Use does not constitute an authorization that such use shall be approved through a Special Use Permit in accordance with this section. Rather, each proposed Special Use shall be evaluated by the Board of Adjustment for compliance with the standards set forth in this section and the applicable standards for the use in Section 7.2, Development Standards for Individual Uses (if appropriate).

(3) Initiation

An application for a Special Use Permit may only be initiated by the owner(s), of the property for which the Special Use Permit is designated. Agents of property owners may apply only after submitting a notarized letter of agency containing the signatures of all owners holding a beneficial interest in the property for which the Special Use Permit is designated.

(4) Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Site Plan Required

A site plan must be submitted as part of the application for a Special Use Permit. The site plan shall conform to the requirements set forth in Section 3.2.5.4, Site Plan Content Standards.

(C) Action by Board of Adjustment

After public notification and scheduling of a public hearing, the Board of Adjustment shall conduct a quasi-judicial public hearing on the application. At the public hearing, the Board of Adjustment shall consider the application, the relevant supporting materials, the site plan and evidence presented at the quasi-judicial public hearing. After the close of the public hearing, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the standards in Section 3.2.3(5), Required Findings of Fact. In accordance with the standards set forth in NCGS 160A-388(E), granting approval or conditional approval of a Special Use Permit shall require an affirmative vote of at least five-sixths (5/6) of the members of the Board of Adjustment who are eligible to vote. All decisions by the Board of Adjustment shall be in writing.

(5) Required Findings of Fact

A Special Use Permit shall only be approved by the Board of Adjustment when each of the following findings have been made:

- (A)** That the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- (B)** That the proposed use is in compliance with all standards in Section 7.2, Development Standards for Individual Uses.
- (C)** That the proposed use is compatible with the character of surrounding property and uses permitted in the zoning district(s) of surrounding property.
- (D)** That the proposed use is configured in a manner to minimize any adverse effects on surrounding lands.
- (E)** That the proposed use will not adversely impact traffic circulation on or in the vicinity of the site.
- (F)** That the proposed use will not be detrimental to the value of adjacent or nearby property.
- (G)** That the proposed use is in full compliance with all other relevant Town laws and ordinances, State and Federal laws, and regulations.

(6) Conditions of Approval

In approving a Special Use Permit the Board of Adjustment may impose additional conditions on the permit approval in accordance with NCGS 160A-381. All additional conditions imposed must be accepted by the applicant.

(7) Effect of Approval

Issuance of a Special Use Permit shall authorize only the particular Special Use that is approved in the permit. All subsequent development and use of the property must be in accordance with the approved Special Use Permit and conditions (if applicable). Nothing in this subsection shall prevent the establishment of a different use of land provided such use is established in accordance with the requirements in this Ordinance.

(8) Recordation

The applicant shall, at his expense, record the Special Use Permit in the office of the Register of Deeds of Duplin County within 30 days of its issuance and provide the Town with evidence of its recordation.

(9) Subsequent Development

Development authorized by the Special Use Permit shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable provisions of the Town. A Special Use Permit does not ensure that the use shall receive subsequent approval for other applications for permit approval unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

(10) Expiration

(A) General

The Town Board of Commissioners may prescribe a time limit within which development activity shall begin or be completed under the Special Use Permit, or both. Failure to begin or complete such development activity within the time limit specified shall void the Special Use Permit. Unless specified otherwise by the Town Board of Commissioners, a Special Use Permit shall automatically expire two years from the date of its issuance if:

- (i)** The development authorized by the permit has not commenced, and no substantial construction, alteration, demolition, excavation or other similar work required by the permit is completed; or
- (ii)** Less than 10% of the total amount of development approved as part of the permit is completed, when construction, alteration, demolition, excavation or other similar work is required; or;

- (iii) The development approved by the Special Use Permit is discontinued and not resumed for a period of one year.

(B) Extension

Upon written application submitted at least 30 days prior to the expiration of the permit period by the applicant, and upon a showing of good cause, the Ordinance Administrator may grant one extension not to exceed six (6) months. Failure to submit an application for an extension within the time limits established by this section shall result in the expiration of the Special Use Permit.

(11) Minor Deviation

Minor field alterations or minor revisions to approved Special Use Permits may be approved by the Ordinance Administrator if the Special Use still meets the intent of the standards established with the original approval. Any other change shall be considered as an amendment. Minor field alterations and revisions include, but are not limited to, small shifts in the location of structures, parking areas, landscaping, utilities, driveways and other site features in order to accommodate the existence of circumstances found during construction that could not have been anticipated prior to the commencement of development activity.

(12) Amendment

A Special Use Permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

3.2.4 Variance

(1) Purpose

The purpose of a Variance is to allow certain deviations from the standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards), when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

(2) Authority

The Board of Adjustment shall review and decide any applications for variances from the requirements of this Ordinance in accordance with this section.

(3) Initiation

An application for a Variance may only be initiated by the owner(s), of the property for which the Variance is designated. Agents of property owners may apply only after submitting a notarized letter of agency containing the signatures of all owners holding a beneficial interest in the property for which the Variance is designated.

(4) Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Action by Board of Adjustment

After public notification and the scheduling of a public hearing, the Board of Adjustment shall conduct a quasi-judicial public hearing on the application. At the public hearing, the Board of Adjustment shall consider the application, the relevant support materials and the sworn testimony given at the public hearing. Within 31 days following the close of the public hearing, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the standards in Section 3.2.4(5), Required Findings of Fact. In accordance with the standards set forth in NCGS 160A-388(e), granting a Variance shall require an affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote. All decisions by the Board of Adjustment shall be in writing.

(5) Required Findings of Fact

The Board of Adjustment shall only grant a Variance after having first held a quasi-judicial public hearing on the matter and having made the following findings of fact in accordance with NCGS 160A-388(d):

- (A)** There are practical difficulties or unnecessary hardships caused by the strict application of the Ordinance requirements; and
- (B)** Any practical difficulties or unnecessary hardships are not the result of the actions of the applicant; and
- (C)** The reasons set forth in the application justify the granting of a Variance, and that the Variance is the minimum action that will make possible the reasonable use of the land or structures; and
- (D)** The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and

(E) In the granting of the Variance, the public health, safety and general welfare have been assured and substantial justice has been done.

(6) Insufficient Justification for Variance

The following circumstances do not constitute grounds for a Variance:

(A) The existence of other nonconforming or conforming uses of land or structures in the same or other districts;

(B) The request for a particular use expressly, or by inference, prohibited in the district; or

(C) Economic hardship or the fact that property may be utilized more profitably with a Variance.

(7) Conditions of Approval

In approving a Variance, the Board of Adjustment may impose additional conditions on the permit approval in accordance with NCGS 160A-381. All additional conditions imposed must be accepted by the applicant.

(8) Recordation

The applicant shall, at his expense, record the written decision on the Variance in the office of the Register of Deeds of Duplin County within 30 days of its issuance and provide the Town with evidence of its recordation.

(9) Subsequent Development

Development authorized by the Variance shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable provisions of the Town. A Variance does not ensure that the use shall receive subsequent approval for other applications for permit approval unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

(10) Variance Runs with the Land

A Variance is not a personal right, but runs perpetually with the land for which the Variance has been granted. As such, the provisions of an approved Variance shall continue with the transfer of ownership of the land.

(11) Appeals

Any appeal from the decision of the Board of Adjustment shall be to the Superior Court for Duplin County by petition for a writ of certiorari. Any petition to the Superior Court shall be filed with the Clerk of Court no later than 30 days after the date the decision of the Board of Adjustment is filed with the Town Clerk, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return

receipt requested) to every aggrieved party who has filed a written request for such copy with the Board of Adjustment at the public hearing, whichever is later.

3.2.5 Site Plan

(1) Purpose

The purpose of this section is to establish the procedures and standards for review and approval of a Site Plan that depicts site and building related details and engineering drawings.

(2) Applicability

All development activity, unless exempted in accordance with Section 3.2.5(3), Exemptions, shall be required to have a Site Plan approved in accordance with this section prior to the issuance of a Zoning Permit.

(3) Exemptions

The following development activity shall be exempted from the requirements of this Section:

- (A)** The construction, alteration or modification of a single-family dwelling or duplex on an individual lot.
- (B)** Internal or external construction that does not increase gross floor area, building height, the density or intensity of use or affect parking, landscaping or buffering requirements.
- (C)** The placement or construction of a detached accessory structure on a lot containing a single-family dwelling or duplex.

(4) Site Plan Content Standards

Site Plans submitted to the Town must contain the following information:

- (A)** Property lines, proposed setbacks and proposed lot coverage;
- (B)** Building location(s) and orientation(s);
- (C)** Building massing and roof form;
- (D)** Street layout;
- (E)** Right of way width and configuration;
- (F)** Public utility location and sizing;
- (G)** Fire protection infrastructure locations;

- (H) Landscaping, buffering and tree preservation and protection;
- (I) Parking, loading and internal circulation layout;
- (J) Fencing, walls and screening;
- (K) Open space configuration;
- (L) Stormwater management;
- (M) Exterior lighting (type and location);
- (N) Sign location, height and type;
- (O) Solid waste storage facilities;
- (P) Locations of existing structures on adjoining parcels;
- (Q) Current zoning and land use of adjoining parcels.

(5) Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for the submission and review of a Site Plan are established in Section 3.1, Common Review Procedures.

(B) Review of Site Plan by Ordinance Administrator

The Ordinance Administrator shall review complete applications for Site Plans within 10 days of their submission and forward any comments regarding the consistency of the proposed Site Plan with this Ordinance to the applicant and the Planning Board prior to the meeting at which the Site Plan will be considered.

(C) Review and Decision by Planning Board

The Planning Board shall review complete applications for Site Plans at their next regularly scheduled meeting following the Board's receipt of comments from the Ordinance Administrator on the proposed Site Plan's consistency with this Ordinance. During the meeting the Planning Board shall, by a simple majority vote, approve, approve with conditions, or deny approval of the Site Plan based on the standards in Section 3.2.5(6), Standards for Approval.

(6) Standards for Approval

A Site Plan shall be approved only upon a finding by the Planning Board that the Site Plan meets the following standards:

- (A) The proposed use (or uses) is allowed in the zoning district in accordance with Table 7-1, Table of Permitted Uses;
- (B) The proposed development and uses in the submitted Site Plan comply with Section 7.2, Use Specific Standards;
- (C) The general layout and design of the proposed development in the submitted Site Plan complies with all relevant standards of this Ordinance; and
- (D) The proposed development complies with all other applicable Town requirements, including Town infrastructure standards.

(7) Conditions of Approval

In approving a Site Plan, the Planning Board may impose appropriate conditions on the permit approval in accordance with Section 3.1.6, Conditions of Approval.

(8) Expiration

Site Plan approvals shall automatically expire at the end of two years following the date of its approval if a Building Permit for at least one structure in the development is not approved. A change in ownership of the land shall not effect this time frame.

(9) Amendments

An approved Site Plan may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

3.2.6 Subdivisions

(1) Purpose and Intent

The purpose of this Section and Article 13, Subdivision Standards, are to promote the health, safety and general welfare of the residents of the Town by:

- (A) Providing for the orderly growth and development of the Town;
- (B) Coordinating streets and roads within proposed subdivisions with the Town's street system, NCDOT transportation improvement plans and with other public facilities and infrastructure;
- (C) Providing easements and rights-of-way for utilities and future streets;
- (D) Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets and other transportation infrastructure in relation to existing or planned streets;

- (E) Ensuring that there is adequate open space and recreation facilities to serve new development; and
- (F) Ensuring that there is proper recordation of landownership and/or property owner association records where applicable.

(2) Applicability

Unless exempted in accordance with Section 3.2.6(3), Exemptions, the following forms of development shall be required to have land subdivided in accordance with the procedures and standards of this Section prior to the transfer of title or sale of any lots, the issuance of a Zoning Permit, or the issuance of a Building Permit for development:

- (A) The division of land into two (2) or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease or building development;
- (B) All divisions of land involving the creation of a new street or the change or modification of an existing street;
- (C) Re-subdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and
- (D) The combination or consolidation of exiting lots of record.

(3) Exemptions

The following actions shall be exempt from the requirements of this Section:

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased, and where the lot sizes comply with the standards set forth in this Ordinance.
- (B) The public acquisition of land for public use by purchase of strips of land for the widening or opening of streets, placement of utilities or establishment of park land.
- (C) The division of land into parcels greater than 10 acres in size where no street right-of-way dedication is involved.
- (D) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town as shown in this ordinance.
- (E) The division of land by Court decree.

Plats for subdivisions that are exempt from the requirements of this section shall be submitted to the Ordinance Administrator who shall sign a Certificate of Exemption (see Appendix B) on the plat. This certificate must be signed prior to recordation of the exempt subdivision plat with the Duplin County Register of Deeds.

(4) Subdivision Sketch Plan

(A) General

The purpose of this section is to establish the procedures and standards for consideration of a Subdivision Sketch Plan. The intent of the Sketch Plan process is to familiarize the Ordinance Administrator and the Planning Board with a potential application for subdivision approval and potential applicants with the applicable process and Town standards.

(B) Applicability

The standards and requirements of this Section shall be applicable to all applications for the subdivision of land unless specifically exempted by Section 3.2.6.4(C), Exemptions.

(C) Exemptions

Applications for minor subdivisions and recombination plats shall be exempt from the requirements of this section.

(D) Required Contents of Sketch Plan

A Sketch Plan shall consist of a boundary survey or other graphic depiction of a lot or site's location relative to other adjacent lands and streets, along with a graphic depiction of the proposed development with sufficient detail to allow the Town to determine the range of applicable standards and procedures that will apply to the proposed development. This depiction shall include, but not be limited to the following:

- (i)** Lot layout;
- (ii)** Street network configuration;
- (iii)** Ingress and egress;
- (iv)** Public utility configuration;
- (v)** Proposed building envelopes;
- (vi)** Proposed open space and recreation areas; and
- (vii)** Topography and natural features.

(E) Review Procedures

(i) Review by Ordinance Administrator

The Ordinance Administrator shall review Sketch Plans within 10 days of the submission of a complete application by the applicant. The Ordinance Administrator shall submit his comments to the applicant and Planning Board prior to the meeting at which the Planning Board will review the Sketch Plan.

(ii) Review by Planning Board

The Planning Board shall review submitted Sketch Plans at their next meeting following the receipt of comments from the Ordinance Administrator. The Planning Board shall review the Sketch Plan and provide written comments and recommendations to the applicant addressing the consistency of the Sketch Plan with the requirements of this Ordinance to the applicant. Following the receipt of the Planning Board's comments and recommendations the applicant may then submit his application for a Preliminary Subdivision Plat.

(5) Subdivision Preliminary Plat

(A) General

A Subdivision Preliminary Plat establishes the general layout and design for the subdivision. Upon the approval of a Subdivision Preliminary Plat, applicants may begin to install streets, public utilities and other infrastructure. Following installation and approval of all required infrastructure, applicants may submit an application for a Subdivision Final Plat. Building Permits may not be issued before approval and recordation of a Subdivision Final Plat.

(B) Required Contents of Preliminary Plat

The required contents of a Subdivision Preliminary Plat are located in Appendix A.

(C) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Subdivision Preliminary Plat are established in Section 3.1, Common Review Procedures.

(ii) Review by Ordinance Administrator

Following the submission of a complete application for Preliminary Plat Approval, the Ordinance Administrator shall review the application and submit his comments to the Planning Board prior to the meeting at which they will review the application.

(iii) Review and Recommendation by Planning Board

Following the receipt of comments from the Ordinance Administrator, the Planning Board shall review the proposed Subdivision Preliminary Plat at its next regularly scheduled meeting. The Planning Board shall review the application for consistency with the standards of this Ordinance and with the recommendations regarding the Sketch Plan that it returned to the applicant. Following its review, the Planning Board shall make a recommendation to the Town Board of Commissioners to approve, conditionally approve or deny approval of the Subdivision Preliminary Plat.

(iv) Review and Decision by Town Board

At its next regularly scheduled meeting following the receipt of a recommendation from the Planning Board, the Town Board of Commissioners shall review and make its decision on the submitted Subdivision Preliminary Plat. During its review, the Town Board shall make its decision to approve, conditionally approve, or deny approval of the Preliminary Plat based on the standards in 3.2.6(5)(D), Standards for Approval.

(D) Standards for Approval

A Subdivision Preliminary Plat shall be approved upon finding the application complies with the standards in Article 13, Subdivision Standards, all other relevant provisions of this Ordinance, and all other relevant Town ordinances, plans and regulations.

(E) Effect of Approval

Approval of a Subdivision Preliminary Plat shall constitute approval of the development with the general lot shapes and alignments of streets identified in the phases depicted on the approved Preliminary Plat. Phases not depicted on an approved Subdivision Preliminary Plat shall not have Preliminary Plat approval. Approval of a Subdivision Preliminary Plat allows the subdivider to proceed with the installation of the required infrastructure and utilities. Approval of a Subdivision Preliminary Plat does not constitute or guarantee approval of a Final Plat. The approval of a Subdivision Preliminary Plat is not a personal right, but one that runs with the land, and, therefore, changes in ownership of the subject property shall not alter the effect of the approval.

(F) Amendment

A Subdivision Preliminary Plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

(G) Installation and Inspection of Required Improvements

Following the construction of all required improvements, or the posting of a Performance Guarantee for required improvements that are not installed or completed, the subdivider shall submit a written request for inspection of those improvements. When all required public improvements and/or Performance Guarantees have been approved by the Town, the subdivider may apply for Subdivision Final Plat Approval.

(H) Performance Guarantees

In lieu of meeting the requirement for the completion, installation, and dedication of any and all public infrastructure improvements (e.g., underground utilities, streets, sidewalks, storm drainage, trees, landscaping, buffer plantings, street lights, etc.) prior to Subdivision Final Plat approval, the Town may accept a performance guarantee in accordance with the standards in this section.

(i) Form of Performance Guarantee

Where required, the owner/developer shall furnish a performance guarantee in any form acceptable to the Town Attorney. Such forms could include the following:

(a) Surety Performance Bond(s)

The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina, and approved by the Town Board of Commissioners. The bond shall be payable to the Town of Kenansville (or its authorized agent) and shall be in an amount equal to one-and-a-half (1 ½) times the entire cost, as a certified estimate by a licensed design professional and verified by the Town Engineer, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town. Any expenses associated with the cost verification by the Town shall be paid entirely by the subdivider.

(b) Cash or Equivalent Security

The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town (or its authorized agent) or in escrow with a financial institution designated as an

official depository of the Town. The amount of deposit shall be equal to one-and-a-half (1 ½) times the entire cost, as certified and estimated by a licensed design professional, and verified by the Town, of installing all required improvements.

(ii) Escrow Guarantee

If cash or other instrument is deposited in escrow with a financial institution, then the developer shall file with the Town of Kenansville (or its authorized agent) an agreement with the financial institution guaranteeing the following:

(a) Exclusivity of Funds

That the escrow amount will be held in trust until released by the Town and may not be used or pledged by the subdivider in any other transaction during the term of the escrow; and

(b) Immediate Release of Funds

That in case of a failure on the part of the subdivider to complete the guaranteed improvements, the financial institution shall, upon notification by the Town of an estimate of the amount needed to complete the improvements, immediately pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

(iii) Default

Upon failure on the part of the subdivider to complete the required improvements in the time required by this Ordinance or as spelled out in the performance bond or escrow agreement, the surety, or financial institution holding the escrow account, shall, if required by the Town, pay all or any portion of the bond or escrow fund to the Town of Kenansville up to the amount required to complete the improvements based on an estimate by the Town. Upon payment, the Town, in its discretion, may expend such portion of these funds, as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the developer any funds not spent in completing the improvements.

(iv) Release of Guarantee Security

The Town may release a portion of any security posted after the improvements are completed and recommended for approval by the Town Engineer. The Town of Kenansville shall approve or

disapprove the improvements within 30 days upon receiving the Town Engineer's recommendation. When the Town approves the improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements approved by the Town.

(I) Expiration of Approval

Preliminary plat approval shall be valid for a period of 12 months from the date of approval of the plat by the Town Board of Commissioners unless an extension of time is applied for and granted by the Town Board, or unless a longer time period is established under applicable vested rights provisions. Preliminary plats whose approval has expired shall be resubmitted in accordance with the provisions of this Section.

(6) Subdivision Final Plat

(A) General

After the inspection and approval of the required public improvements or the posting of a Performance Guarantee for improvements that are not installed or completed, the subdivider shall prepare a Subdivision Final Plat for review in accordance with this section. The subdivider shall receive approval of a Subdivision Final Plat prior to the issuance of Building Permits for structures on lots.

(B) Required Contents of Final Plat

The required contents of a Subdivision Final Plat are outlined in Appendix A.

(C) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Subdivision Final Plat are established in Section 3.1, Common Review Procedures.

(ii) Review by Ordinance Administrator

Following the submission of a complete application for Final Plat Approval, the Ordinance Administrator shall review the application and submit his comments to the Planning Board prior to the meeting at which they will review the application.

(iii) Review and Recommendation by Planning Board

Following the receipt of comments from the Ordinance Administrator, the Planning Board shall review the proposed Subdivision Final Plat at its next regularly scheduled meeting. The

Planning Board shall review the application for consistency with the standards of this Ordinance and with the approved Preliminary Plat. Following its review, the Planning Board shall make a recommendation to the Town Board of Commissioners to approve, conditionally approve or deny approval of the Subdivision Final Plat.

(iv) Review and Decision by Town Board

At its next regularly scheduled meeting following the receipt of a recommendation from the Planning Board, the Town Board of Commissioners shall review and make its decision on the submitted Subdivision Final Plat. During its review, the Town Board shall make its decision to approve, recommend modification of, or deny approval of the Final Plat based on the standards in 3.2.6(6)(D), Standards for Approval.

(D) Standards for Approval

The Final Plat shall:

- (i)** Comply with the standards in Article 13, Subdivision Standards;
- (ii)** Be in substantial conformity with the approved Subdivision Preliminary Plat;
- (iii)** Comply with all other relevant provisions of this Ordinance;
- (iv)** Be consistent with all other relevant Town ordinances and regulations;
- (v)** Indicate the installation of all required improvements, or financial guarantee of the installation; and
- (vi)** Include all required certificates.

(E) Certification

No Subdivision Final Plat may be recorded unless all relevant certificates, as identified in Appendix B, have been signed by the appropriate officials.

(F) Recordation

The subdivider shall file the approved Subdivision Final Plat with the Duplin County Register of Deeds for recording, and shall provide proof of recording to the Ordinance Administrator within 30 days after the date of approval or the Subdivision Final Plat shall expire.

(7) Minor Subdivision

(A) General

The Minor Subdivision procedure shall be utilized for the subdivision of land into 10 or fewer lots provided the development complies with all of the following:

- (i)** The total land area included within the subdivision is 10 acres or less;
- (ii)** No new streets, alleys or other public rights-of-way are created;
- (iii)** No changes are made to the existing streets, alleys or other rights-of-way;
- (iv)** No new utilities are required to be installed to serve the subdivided land;
- (v)** The division of land complies with Article 14, Subdivision Standards; and
- (vi)** No flag lots are created;

(B) Required Contents of Minor Subdivision Plat

A Minor Subdivision Plat shall contain the same information as required by Section 3.2.6(5)(B), Required Contents of Preliminary Plat.

(C) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Minor Subdivision Plat are established in Section 3.1, Common Review Procedures.

(ii) Review and Action by Ordinance Administrator

Applications for Minor Subdivisions shall be reviewed and acted on by the Ordinance Administrator within 10 days of the submission of a complete application. The Ordinance Administrator shall issue his decision to approve, require modification of, or deny approval to the application for Minor Subdivision approval based on the requirements of Section 3.2.6.7(D), Standards for Approval.

(D) Standards for Approval

A Minor Subdivision shall be approved upon a finding that the application complies with the standards in Article 14, Subdivision

Standards, as well as all other relevant provisions of this Ordinance, and all other relevant Town ordinances and regulations.

(E) Certification

No Minor Subdivision Plat may be recorded unless all relevant certificates, as identified in Appendix B, have been signed by the appropriate persons.

(F) Recordation

The subdivider shall file the approved Minor Subdivision Plat with the Duplin County Register of Deeds for recording, and shall provide proof of recording to the Ordinance Administrator within 30 days after the date of approval or the approved plat shall expire.

(G) Amendment

A Minor Subdivision Plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

(8) Recombination Plat

(A) General

This section establishes the procedure for review of a Recombination Plat, or the resubdivision or re-combination of existing lots located in an approved and recorded plat.

(B) Required Contents of Recombination Plat

A Recombination Plat shall contain the same information as required by Section 3.2.6(5)(B), Required Contents of Preliminary Plat.

(C) Review Procedure

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Recombination Plat are established in Section 3.1, Common Review Procedures.

(ii) Review and Action by Ordinance Administrator

Applications for Recombination Plats shall be reviewed and acted on by the Ordinance Administrator within 10 days of the submission of a complete application. The Ordinance Administrator shall issue his decision to approve, require modification of, or deny approval to the application for

Recombination Plat approval based on the requirements of Section 3.2.6(8)(D), Standards for Approval.

(D) Standards for Approval

An application for a Recombination Plat shall be approved upon a finding of the Ordinance Administrator that the application complies with the following:

- (i) All lots comply with the standards and requirements of this Ordinance;
- (ii) Drainage, easements and rights-of-way shall not be changed
- (iii) No existing lots shall be rendered nonconforming
- (iv) The rear portion of a lot shall not be subdivided from the front part unless the original lot had frontage on two streets; and
- (v) The recombination of land shall result in lots that maintain the character of the surrounding area in terms of size, configuration and general lot shape.

(E) Certification

No Recombination Plat may be recorded unless all relevant certificates, as identified in Appendix B, have been signed by the appropriate officials.

(F) Recordation

The subdivider shall file the approved Recombination Plat with the Duplin County Register of Deeds for recording, and shall provide proof of recording to the Ordinance Administrator within 30 days after the date of approval or the approved plat shall expire.

3.2.7 Zoning Permits

(1) Purpose

A Zoning Permit shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of this Ordinance, and to otherwise protect the public health, safety, and welfare of the citizens of the Town.

(2) Applicability

The provisions of this section shall be applicable to all development within the Town's jurisdiction. No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor any Building Permit be issued by Duplin County or any other development activity commence

until the Ordinance Administrator has issued a Zoning Permit in accordance with this section.

(3) Procedure

The applicable requirements for submission and review of an application are established in Section 3.1, Common Review Procedures. The Ordinance Administrator shall review and approve or deny an application for a Zoning Permit in accordance with the standards in Section 3.2.7(4), Zoning Permit Standards. If the application is denied, the reasons for denial shall be provided to the applicant in writing.

(4) Zoning Permit Standards

A Zoning Permit shall be approved upon a finding by the Ordinance Administrator that the application complies with all relevant standards of this Ordinance, as well as any other applicable Town requirements and applicable conditions of approval if any were imposed as part of a preceding approval for the proposed development.

(5) Appeals

The appeal of a decision by the Ordinance Administrator on the issuance of a Zoning Permit shall be heard by the Board of Adjustment in accordance with Section 3.2.9, Appeals of Administrative Decisions.

(6) Expiration

(A) For development activity that requires a Building Permit, the Zoning Permit issued for that activity shall expire and be void six months after the date of its issuance if a Building Permit has not yet been issued.

(B) For development activity that does not require a Building Permit, the Zoning Permit shall expire and be void unless the activity authorized by the Zoning permit has commenced within six months of the date of its issuance.

3.2.8 Zoning Certificate of Compliance

(1) Purpose

A Zoning Certificate of Compliance shall be required in accordance with the provisions of this section in order to ensure that proposed Temporary Use complies with the standards of this Ordinance, and to otherwise protect the public health, safety, and welfare of the citizens of the Town.

(2) Applicability

The provisions of this section shall be applicable to all carnivals, circuses, and fairs within the Town's jurisdiction.

(3) Procedure

The applicable requirements for submission and review of an application are established in Section 3.1, Common Review Procedures. The Ordinance Administrator shall review and approve or deny an application for a Zoning Certificate of Compliance in accordance with the standards in Section 3.2.8(4), Zoning Certificate of Compliance Standards. If the application is denied, the reasons for denial shall be provided to the applicant in writing.

(4) Zoning Certificate of Compliance Standards

A Zoning Certificate of Compliance shall be approved upon a finding by the Ordinance Administrator that the application complies with all relevant standards of the Temporary Use.

3.2.9 Ordinance Interpretation

(1) Authority

Interpretations of all provisions of this Ordinance shall be made by the Ordinance Administrator, including: interpretations of the text of this Ordinance; interpretations of the zoning district boundaries; interpretation of compliance with a condition of approval, and interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district.

(2) Initiation

A written interpretation may be requested by the Town Board of Commissioners, the Planning Board, the Board of Adjustment, any resident or landowner, or any person having an interest in land in the Town.

(3) Procedure

(A) Submission of Request for Interpretation

Before a written interpretation shall be provided by the Ordinance Administrator, a Request for Interpretation shall be submitted to the Town in writing.

(B) Rendering of interpretation

After the Request for Interpretation has been determined to be complete, the Ordinance Administrator shall review and evaluate the request in light of the Future Land Use Plan, this Ordinance, the Official Zoning District Map, and other relevant codes and statutes, consult with the Town Attorney and other affected Town staff, and then render an interpretation.

(C) Form

The interpretation shall be in writing, approved as to form by the Town Attorney, and sent to the applicant by first class mail after the interpretation is made by the Ordinance Administrator.

(4) Appeal

Any aggrieved party objecting to a written interpretation from the Ordinance Administrator may appeal the interpretation to the Board of Adjustment in accordance with Section 3.2.10, Appeals of Administrative Decisions.

(5) Official Record

The Town Clerk shall maintain a record of written interpretations that shall be available for public inspection, upon reasonable request, during normal business hours.

3.2.10 Appeal of Administrative Decisions

(1) Right of Appeal

Any aggrieved party affected by a decision or interpretation of the Ordinance Administrator or other administrative official may appeal such decision or interpretation to the Board of Adjustment in accordance with the provisions of this Section.

(2) Procedure

(A) Initiation

An appeal taken in accordance with this section may be initiated by filing a written Notice of Appeal within 30 days of the date of the decision or interpretation with the Town Clerk.

(B) Contents of Appeal

The written Notice of Appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of that decision or interpretation, and all support materials related to the decision.

(C) Record

Upon receipt of the written Notice of Appeal, the Town Clerk shall transmit all the papers, documents, and other materials relating to the decision or interpretation appealed to the Board of Adjustment. These materials shall constitute the record of the appeal.

(D) Scheduling of Notice and Hearing

- (i) Upon receipt of a Notice of Appeal, the Town Clerk shall schedule a public hearing, and provide public notification in accordance with the standards in Section 3.1, Common Review Procedures.
- (ii) The Board of Adjustment shall hear the appeal at its next regularly scheduled meeting, based upon established scheduling policy, or as soon as is reasonably possible.

(E) Hearing and Decision by Board of Adjustment

At the hearing, the person making the appeal may appear in person or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The Ordinance Administrator shall be given an opportunity to respond, as well as any other Town staff or other person the Board of Adjustment deems necessary. In making its determination, the Board of Adjustment shall consider the application, the relevant support materials and the testimony given at the public hearing. Within 30 days following the close of the public hearing, the Board of Adjustment shall affirm, partly affirm, modify, or reverse the decision or interpretation, based on the record, and the requirements and standards of this Ordinance. Modifying or reversing the decision being appealed shall require an affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote as set forth in NCGS 160A-388(e). All decisions by the Board of Adjustment shall be in writing, and shall be filed by the Town Clerk within five days from the date the decision is made.

(3) Effect of Appeal

A pending appeal stays all proceedings in furtherance of the action appealed, unless the Ordinance Administrator certifies to the Board of Adjustment after the Notice of Appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of competent jurisdiction, on notice to the Ordinance Administrator and on due cause shown.

(4) Appeal

Any appeal from the decision of the Board of Adjustment shall be to the Superior Court for Duplin County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed with the Clerk of Court no later than 30 days after the date the decision of the Board of Adjustment is filed by the Town Clerk, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Board of Adjustment at the public hearing, whichever is later.

3.2.11 Establishment of Vested Rights

(1) Purpose

The purpose of this section is to provide a procedure allowing a landowner to apply for the right to develop land in accordance with a previously-approved Site-Specific Development.

(2) Applicability

Vested rights, in accordance with this section, and North Carolina General Statutes Section 160A-385.1, shall only be available to a landowner with a legally-established and approved Site-Specific Development Plan. For the purposes of this subsection, a Site-Specific Development Plan shall include the following:

- (A)** Development subject to an approved Special Use Permit;
- (B)** Development subject to a Minor Subdivision Plat;
- (C)** Development subject to a Subdivision Preliminary Plat; or
- (D)** Development subject to a Site Plan.

(3) Procedure

(A) Application Submission, Review and Public Notification

The applicable requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review and Recommendation by Planning Board

Following a review by the Ordinance Administrator the application shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant support materials and any public comments given on the application. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Board of Commissioners (unless a longer review period is established by mutual agreement of the applicant and Planning Board). In addition to making a recommendation as to approval or denial of the application and the appropriate period of time to vest a Site-Specific Development Plan, the Planning Board may also recommend the imposition of conditions on the approval in accordance with Section 3.1.6, Conditions of Approval. In no instance shall the application proceed to the public hearing before the Town Board of Commissioners without a recommendation by the Planning Board.

(C) Review and Decision by Town Board of Commissioners

After receipt of a recommendation from the Planning Board, public notification, and the scheduling of a public hearing, the Town Board of Commissioners shall conduct a public hearing on the application. At the public hearing, the Town Board of Commissioners shall consider the application, the relevant support materials, the recommendation of the Planning Board, and the testimony given at the public hearing. After the close of the public hearing, the Town Board of Commissioners shall, by four-fifths (4/5) majority of those present and eligible to vote, approve, approve with conditions, or deny the application based on the standards in Section 3.2.10(4), Vested Rights Standards. In the event the application is approved, the Town Board of Commissioners shall establish the vesting period, which shall not exceed a maximum of five years from the date of approval of the Establishment of Vested Rights.

(4) Vested Rights Standards

The Town Board of Commissioners shall only grant vested rights in accordance with this section after making the following findings of fact:

- (A)** The Site-Specific Development Plan was lawfully established and approved in the appropriate manner by the appropriate decision-making body;
- (B)** The Site-Specific Development Plan has not expired;
- (C)** All required Variances, if any, included as a condition of approval of a Site Specific Development Plan have been obtained; and
- (D)** The Site-Specific Development Plan provides sufficient information to establish the types and intensity of proposed development with reasonable certainty.

In approving the Establishment of Vested Rights, the Town Board of Commissioners may extend the two-year vested rights period to a period of up to five years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions.

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ARTICLE 4 – ENFORCEMENT PROCEDURES

4.1 Purpose

This Article establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

4.2 Compliance Required

Compliance with all the procedures, standards and other provisions of this Ordinance is required by all persons owning, developing, managing, using or occupying land or structures within the Town's jurisdiction.

4.3 Violations

4.3.1 Violations Generally

(1) Failure to Comply with Ordinance or Term or Condition of Approval Constitutes Ordinance Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this chapter.

(2) Permits or Permit Approvals only Authorize Specified Development

Permits or permit approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or development approvals.

4.3.2 Specific Violations

It shall be a violation of this Ordinance to undertake any land development activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

- (1)** Developing land or a structure without first obtaining the appropriate permit or permit approval.
- (2)** Occupying or using land or a structure without first obtaining the appropriate permit or permit approval.
- (3)** Developing land or a structure without complying with the terms or conditions of the permit or permit approval required to engage in development.

- (4) Occupying or using land or a structure in violation of the terms or conditions of the permit or permit approval.
- (5) Subdividing land without first obtaining the appropriate permit or permit approval required to engage in the subdivision.
- (6) Subdividing land without complying with the terms or conditions of the permit or permit approval required to engage in the development.
- (7) Excavate, cut, clear or undertake any land disturbing activity without first obtaining all appropriate permits and permit approvals, and complying with their terms and conditions.
- (8) Install, create, erect, alter or maintain any sign without first obtaining the appropriate permit or permit approval.
- (9) Fail to remove any sign installed, created, erected, altered or maintained in violation of this Ordinance, or for which the permit has expired.
- (10) Create, expand, replace or modify any nonconformity except in compliance with this Ordinance.
- (11) Reduce or diminish the requirements for development, design or dimensional standards below the minimum requirements of this Ordinance.
- (12) Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
- (13) Through any act or omission, fail to comply with any other provisions, procedures or standards required by this Ordinance.

4.4 Responsible Persons

Any person who violates this Ordinance shall be subject to the remedies and penalties set forth in this Article.

4.5 Enforcement Generally

4.5.1 Responsibility for Enforcement

The Ordinance Administrator shall be responsible for enforcing the provisions of this Ordinance in accordance with NCGS 160A-174, 160A-175 and 160A-193.

4.5.2 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. The complaint, stating fully the cause and basis therefore, shall be filed with the Ordinance Administrator, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

4.5.3 Enforcement Procedures

(1) Notice of Violation

When the Ordinance Administrator finds a violation of this Ordinance, he shall take appropriate action to remedy the violation consistent with Section 4.6, Remedies and Penalties. The Ordinance Administrator shall notify, in writing, the person violating this Ordinance. Such notification shall indicate:

- (A)** The nature of the violation;
- (B)** Order the necessary action to abate the violation; and
- (C)** Give a deadline for correcting the violation.

The final Notice of Violation (the initial Notice of Violation may also be the final Notice of Violation) shall state what course of action is intended if the violation is not corrected within the time frame specified by the Ordinance Administrator. The Notice of Violation shall also advise the violator of their rights to appeal the Notice of Violation to the Board of Adjustment (BOA) within 30 days of the date the final Notice of Violation was issued.

(2) Application of Remedies and Penalties

If the owner, occupant, or person responsible for the violation fails to comply with the final Notice of Violation from which no appeal has been taken within 30 days, as provided in the notification, the Ordinance Administrator shall take appropriate action, as provided in Section 4.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

4.5.4 Statute of Limitations

The North Carolina General Assembly passed a bill signed into law by the Governor limiting enforcement of zoning violations. The bill became law in 2017, and is effective October 1, 2018. The law creates a 5-year and a 7-year limitation for enforcing zoning violations, dependent upon on the circumstances of a violation. Reference: Statute of Limitations/Land Use Violations, Senate Bill 0131: Section 2.15(a) (Five years); Section 2.15(b) (Seven years); Section 2.15(c) (Effective date).

4.6 Remedies and Penalties

Any of the following remedies and enforcement powers may be used to administer and enforce this Ordinance following a final Notice of Violation as described in Section 4.5.3, Enforcement Procedures. While the Town may exercise any of the following remedies or penalties at any point following issuance of a final Notice of Violation and the required correction period, the following remedies and penalties are listed in their general order or sequence of application.

4.6.1 Repeat Violations

In addressing repeat violations by the same offender over any three-year period, the Town may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

4.6.2 Civil Penalty

- (1)** In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statutes Section 160A-175, the standards in this Ordinance may be enforced through the issuance of civil penalties by the Ordinance Administrator.
- (2)** Subsequent citations for the same violation may be issued each day by the Ordinance Administrator if the offender does not pay the citation after it has been issued unless the offender has sought an appeal to the actions of the Ordinance Administrator through an Appeal of Administrative Decision.
- (3)** Civil penalties shall be issued in the following amounts:
 - (A)** First citation - \$50.00
 - (B)** Second citation - \$100.00
 - (C)** Third and subsequent citations - \$150.00
- (4)** If the offender fails to pay the civil penalty within 15 days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

4.6.3 Stop Work Order

Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Ordinance Administrator may order the revocation of the Zoning Permit for such work and request a Stop Work Order be issued by the Duplin County Building Inspections Department. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

4.6.4 Revocation of Zoning Permit

The Ordinance Administrator may revoke any Zoning Permit by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance or a permit has been mistakenly issued in violation of this Ordinance.

4.6.5 Injunction

When a violation occurs, the Ordinance Administrator may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

4.6.6 Order of Abatement

In addition to an injunction, the Town may apply for and the court may enter into an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- (1) Buildings or other structures on the property be closed, demolished or removed;
- (2) Fixtures, furniture or other movable property be moved or removed entirely;
- (3) Improvements, alterations or repairs be made; or
- (4) Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

4.6.7 Equitable Remedy

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

4.6.8 Criminal Penalties

Pursuant to North Carolina General Statutes Section 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500).

4.6.9 Execution of Court Decisions

As provided in Section 160A-175(e), if the Violator fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the Court, he may be cited for contempt, and the Town, by and through the Town Attorney, may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien.

The violator may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned upon the defendant's full compliance with the terms of the order of abatement

within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

4.6.10 Deny or Withhold Permits

The Ordinance Administrator may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation and associated civil penalty related to such land, use, or development is corrected.

4.7 Cumulative Penalties

The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

ARTICLE 5 – NONCONFORMITIES

5.1 General Applicability

5.1.1 Purpose and Scope

(1) General

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this chapter is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any subsequent amendments.

(2) Permit, but not Encourage Nonconformities to Continue

It is the intent of this Ordinance to permit most of these nonconformities to continue until they are removed, but not to encourage their survival except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconformities.

5.1.2 Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Article, and are encouraged to receive routine maintenance as a means of preserving safety and appearance.

5.1.3 Determination of Nonconforming Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged nonconformity is located.

5.1.4 Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this section, "minor repair or normal maintenance" shall mean:

(1) Maintenance of Safe Condition

Repairs that are necessary to maintain a nonconforming use, structure, lot of record or sign in a safe condition; and

(2) Maintenance of Land for Safety

Maintenance of land areas to protect against health hazards and promote the safety of surrounding land, structures and uses.

5.2 Nonconforming Uses

5.2.1 General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this subsection.

5.2.2 Change of Use

A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased to operate or been discontinued for a period of 180 days or longer, it shall only be replaced with a conforming use.

5.2.3 Expansion and Enlargement

Except in accordance with this subsection, a nonconforming use shall not be enlarged, expanded in area occupied or intensified. An existing nonconforming use may be enlarged into any portion of the structure where it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity. Such expansion may only be authorized through the review and approval of a Site Plan.

5.2.4 Discontinuance

A nonconforming use shall not be re-established after discontinuance for a period of 180 consecutive calendar days or more. Efforts to renovate or repair the use are not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained, and provided the renovation or repair is completed within 180 days from commencement or repair or renovation, and the use is re-established within 30 days from the time the renovation or repairs are completed. Failure to complete the repairs or renovation within 180 days or re-establish the use within 30 days following repairs or renovation shall constitute discontinuance, and a nonconforming use shall not be re-established.

5.2.5 Accessory Uses

Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within 30 days.

5.2.6 Reconstruction After Casualty Damage

(1) Destruction or Damage Beyond 50% of Tax Value

(A) In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent more than 50% of its structural

replacement cost (tax value) at the time of damage or destruction, shall only be restored in a manner that conforms with the provisions of this Ordinance.

- (B) New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.

(2) Damage of 50% or Less of Tax Value

- (A) In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent of 50% or less of its structural replacement cost (tax value) at the time of damage or destruction, it may be re-built to its previous form if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and repair or restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

- (B) In no event shall repair or restoration increase the degree of nonconformity.

5.3 Nonconforming Structures

5.3.1 General

A nonconforming principal structure containing a conforming use may only continue in accordance with the provision of this Section 5.3.

For a nonconforming principal structure and a nonconforming use see Section 5.2, Nonconforming Uses.

5.3.2 Continuation

Normal repair and maintenance may be performed to allow the continued use of nonconforming structures.

5.3.3 Enlargement

A nonconforming structure shall not be enlarged or expanded in any way that increases the degree of nonconformity. (For example, a structure that has a five (5) foot side yard setback where the Ordinance requires a 10 foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

5.3.4 Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location within the Town's jurisdiction, on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this Ordinance.

5.3.5 Reconstruction After Casualty Damage

(1) Destruction or Damage Beyond 50% of Tax Value

- (A)** In the event a nonconforming structure (or portion of a structure) is damaged or destroyed, by any means, to an extent more than 50% of its structural replacement cost (tax value) at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.
- (B)** New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.

(2) Damage of 50% or Less of Tax Value

- (A)** In the event a nonconforming structure is damaged or destroyed, by any means, to an extent of 50% or less of its structural replacement cost (tax value) at the time of damage or destruction, it may be re-built to its previous form if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and repair or restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.
- (B)** In no event shall repair or restoration increase the degree of nonconformity.

5.4 Nonconforming Lots of Record

No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this section.

5.4.1 Status of Structures on Nonconforming Lots

- (1)** Conforming structures legally established on a nonconforming lot prior to March 2, 2009 may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance.
- (2)** Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance may be continued, enlarged, or redeveloped only in accordance with the standards in Section 5.3, Nonconforming Structures.

5.4.2 Development of Unimproved Lots

(1) Residential Districts

In the residential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family detached dwelling and

customary accessory structures may be developed on any single lot of record existing on March 2, 2009. This provision applies even if the lot of record fails to comply with the standards for area or width in Section 6.5, Dimensional Standards. Development of a single-family detached dwelling on the lot of record shall comply with the other standards in Section 6.5, Dimensional Standards, to the maximum extent practicable.

(2) Nonresidential Districts

In the nonresidential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be developed on any single nonconforming lot of record existing on March 2, 2009, or the date the lot of record became nonconforming, subject to review and approval of a Special Use Permit. This provision shall apply even though the lot of record fails to comply with the standards for lot area that are applicable in the zoning district. In considering the application for a Special Use Permit, the Board of Adjustment shall ensure the design and location of the proposed use is compatible with surrounding uses. Development of the permitted use on the lot of record shall comply with the other standards in Section 6.5, Dimensional Standards, to the maximum extent practicable.

(3) Recombination Required

In the event that a vacant nonconforming lot is located adjacent to a lot under common ownership, and the adjacent lot has sufficient size to allow for a lot line adjustment as a means of bringing the vacant lot closer into conformity with the requirements of the zoning district where its located, then such lot line adjustment shall be required as a condition of approval for development on the vacant nonconforming lot.

5.4.3 Development of Improved Lots in Residential Districts after Casualty

If a legally established single-family attached or detached use is destroyed by casualty on a nonconforming lot in a residential zoning district that was part of a subdivision or division of land evidenced by plat or deed, or both, recorded prior to March 2, 2009, an identical replacement use may be reconstructed within the same footprint as the use destroyed by casualty even though the lot does not meet the minimum lot area or lot width requirements.

5.4.4 Governmental Acquisition of Land in a Residential District

Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in lot width and/or lot area below that required in Section 6.5, Dimensional Standards, shall not render the lot nonconforming.

5.4.5 Change of Nonconforming Lot

A nonconforming lot may be increased in area, width, or both, through a lot line adjustment in accordance with the requirements of the Recombination Plat procedures, to make the lot less nonconforming.

5.5 Nonconforming Signs

5.5.1 General Standards

No nonconforming sign shall be used, erected, altered, repaired, or relocated except in accordance with the standards of this section.

5.5.2 Nonconforming Signs Protected

- (1) Any sign that was lawfully erected prior to March 2, 2009, but that does not conform in one or more respects with the requirements of this Ordinance may remain in use, subject to the requirements of this section and other applicable requirements of this Ordinance. No activity that increases the amount of nonconformity shall be permitted.
- (2) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign that is in conformance with this Ordinance.

5.5.3 Routine Repairs and Maintenance

- (1) Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted, provided such activities are completed in accordance with the requirements in Article 13, Sign Regulations, and provided that the cost of repairs do not exceed 50% of the replacement value of the sign.
- (2) Nonconforming signs representing a danger to the public health or safety as determined by the Ordinance Administrator shall be immediately replaced or removed, and replacement signage shall comply with all requirements of this Ordinance.

5.5.4 Replacement Required

In the event there is a change in use to an existing building (except multi-tenant buildings), and there are one or more on premise nonconforming signs which advertised the former or current business or use, the new occupant shall replace all existing nonconforming signs with new signs or new sign faces that meet all sign requirements for the district.

5.5.5 Damage or Destruction Greater Than 50% of Tax Value

In the event that a nonconforming sign is damaged or destroyed from natural causes to an extent that exceeds 50% of the sign's tax value, then the sign shall only be restored, repaired, or reconstructed in accordance with the standards of Article 12, Sign Regulations. In no instance shall any remnants of the former nonconforming sign structure remain on the site.

5.5.6 Damage or Destruction Less Than 50% of Tax Value

In the event a nonconforming sign is damaged to an extent less than 50% of the sign's tax value, the sign may be repaired in accordance with Section 5.5.3, Routine Repairs and Maintenance.

5.5.7 Abandonment

- (1)** If a nonconforming on premise sign that is affiliated with a business, service, commodity, accommodation, attraction or other enterprise or activity that has for a period of at least 180 days not been operated, conducted or offered, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, landowner, or other person having control over the sign within 30 days.
- (2)** If a nonconforming sign remains blank for a continuous period of 180 days, that sign shall be deemed abandoned and shall, within 30 days after such abandonment, be brought into compliance with this Ordinance or be removed by the sign owner, owner of the land where the sign is located, or other person having control over the sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:
 - (A)** It is associated with a business, commodity, accommodation, attraction service or other enterprise or activity that is no longer operating or being offered or conducted in that location; or
 - (B)** The display becomes illegible in whole or substantial part.
- (3)** Signs associated with a structure that has been demolished or a business that has been moved to another site shall be removed within 60 days following demolition or relocation. In the event an existing use or structure has been demolished or moved to facilitate new construction, all signage associated with the new construction shall comply with the standards in Article 12, Sign Regulations.

5.6 Nonconforming Site Features

The following provisions shall apply to expansions or changes in use on lots with nonconforming site features.

5.6.1 Landscaping Requirements

If there is an expansion to the heated square footage of an existing use by 25% or more, the lot shall fully comply with all requirements in Article 9, Landscaping, Screening, and Buffers.

5.6.2 Off-Street Parking Requirements

Expansions to off-street parking areas which increase the total number of off-street parking spaces by 25% or more, including cumulative expansions following

the effective date of this Ordinance, shall be required to comply with all applicable regulations in Articles 8, 9 and 11.

ARTICLE 6 – ZONING

6.1 Zoning Districts Established

All property within the jurisdiction of the Town of Kenansville shall be divided into zoning districts as outlined in this Article.

6.1.1 Purpose and Intent

The districts enumerated by this Article are established and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live, work, or recreate. More specifically, they are intended to:

- (1) Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Future Land Use Plan.
- (2) Provide appropriately located lands for the full range of nonresidential uses needed by the Town's residents, businesses, and workers, consistent with the goals, objectives, and policies of the Future Land Use Plan.
- (3) Provide for residential housing choice and diversity with varying density together with accessory structures, and nonresidential services as may be compatible with such development.
- (4) Create neighborhoods and preserve existing community character while accommodating new development consistent with the Town's goals and objectives.
- (5) Minimize any negative impacts of nonresidential development on residential districts and uses.
- (6) Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses.
- (7) Create suitable environments for various types of mixed-use development, where business, office, retail, and residential uses are designed and integrated in compatible ways.
- (8) Preserve the unique character and historic resources of the downtown.

6.2 General Use Districts

6.2.1 Agricultural District (AG)

The Agricultural District is established for the purpose to protect working farmland and continuation of agricultural uses until urban density development becomes appropriate for the area. Limited residential development on large lots is permitted within the AG district, however major residential subdivisions are prohibited. Specifically, it is the intent of this district to:

- (1) To protect working farmland from encroachment by dense residential development that may be incompatible with agricultural uses.
- (2) To discourage the premature conversion of land from rural and agricultural uses to urban uses and densities.

6.2.2 Residential – 3 District (R-3)

The Residential-3 (R-3) District is intended to accommodate single-family, duplex, and other creative residential developments on smaller lots. The minimum lot area size within this district is restricted to 3,000 square feet.

6.2.3 Residential – 10 District (R-10)

The Residential-10 (R-10) District is intended to accommodate a mix of detached residential development along with multi-family development and a limited amount of complimentary institutional and nonresidential uses that would not be detrimental to the residential character of the district (such as parks, churches and day care centers). The minimum lot area size within this district is restricted to 10,000 square feet. Nonresidential structures may be constructed in this district only with a special use permit, and may not exceed 10,000 square feet in gross floor area.

6.2.4 Residential – 15 District (R-15)

The Residential-15 (R-15) District is intended to accommodate low density detached residential development along with a limited amount of complimentary institutional and nonresidential uses that would not be detrimental to the residential character of the district (such as parks, churches and day care centers). This district is designed to also allow residential development in areas that are primarily rural and agricultural in nature. Therefore, the density of residential development specifically in these rural and agricultural areas should promote the maximum amount of compatibility between residential and rural/agricultural uses. The minimum lot area size within this district is restricted to 15,000 square feet. Nonresidential structures with a gross floor area of up to 10,000 square feet are allowed within this district by right, and nonresidential structures with gross floor areas of 10,001 to 25,000 square feet may be constructed with a special use permit.

6.2.5 Central Business District (CB)

The Central Business (CB) District is designed for application to the traditional core downtown area of the Town of Kenansville. It is intended to accommodate a wide range of commercial, governmental, professional, civic and residential uses at densities and intensities appropriate for its prominent central location in Town. Within this district, vertically mixed-use development is encouraged, such as retail establishments on ground floors with professional offices or residences on

upper stories. Development patterns within this district will be pedestrian friendly and automobile dependent uses will be discouraged.

6.2.6 General Commercial District (GC)

The General Commercial (GC) District is intended to accommodate a wide range of residential, commercial establishments and professional offices that provide goods and services to the residents of Kenansville and the surrounding area, as well as transient visitors. This district is meant to be applied to the following distinct areas: 1) areas adjacent to major thoroughfares and in locations that will not adversely impact nearby residential development, 2) areas in close proximity to residential areas to encourage and accommodate pedestrian travel to obtain convenience goods and services, and 3) areas adjacent to major transportation arteries.

6.2.7 Office and Institutional District (OI)

The Office and Institutional (OI) District is intended to accommodate a wide range of residential, professional, civic, educational, and governmental uses. Typically, this district will serve as a transitional district between higher intensity and lower intensity uses. Given Kenansville's role as the governmental, medical and educational center of the County, this district is also tailored to provide the maximum accommodation possible to the needs of those uses that form the foundation of Kenansville's prominent role in the region.

6.2.8 Industrial District (I)

The Industrial (I) District is intended to facilitate the growth of industrial development in the Town's jurisdiction. Specifically, this district is meant to accommodate industrial, transportation and warehousing uses which do not, by their nature, cause excessive or environmentally detrimental pollution, including air pollution and water pollution, or emit excessive amounts of light, dust, odors, noise or other environmental pollutants that would cause an undue burden to the residents of the Town of Kenansville and the surrounding area.

6.3 Overlay Districts

6.3.1 Historic Overlay District (HK)

Reserved for future Historic Overlay District (HK).

6.3.2 Manufactured Housing Overlay (MHO)

(1) Purpose and Intent

The Manufactured Housing Overlay (MHO) district is established as a means of providing reasonable opportunities for the placement of manufactured dwellings in the Town's zoning jurisdiction. More specifically, the district is intended to:

- (A) Provide alternative, affordable housing opportunities for low and moderate-income residents in residential areas by allowing for the use of manufactured dwellings.
- (B) Establish requirements designed to assure acceptable similarity in exterior appearance between manufactured dwellings and single-family dwellings constructed on adjacent or nearby lots.
- (C) Protect property values and preserve the character and integrity of the community or individual neighborhoods within the community.
- (D) Require new manufactured dwellings to meet the minimum requirements for manufactured dwellings in Article 7.2.26, Dwelling, Manufactured.

(2) Establishment

- (A) The Manufactured Housing Overlay (MHO) district shall be established in accordance with Section 160A-383.1 of the North Carolina General Statutes.
- (B) The MHO shall include the areas of S. Church Street, Fennell Street, and Southerland Street.

(3) Overlay District Standards

Mobile homes built prior to June 15, 1976, do not meet U.S. Department of Housing and Urban Development (HUD) certification guidelines. These generally do not meet conversion standards. There are some exceptions to this rule. Tying in converts a mobile home into real property, which is recorded at the county assessor's office and incurs annual property taxes.

(4) Development Authorized

- (A) Land within an MHO district may accommodate the following types of uses:
 - (i) A single manufactured home on an individual lot configured in accordance with 7.2.26, Dwelling, Manufactured;
 - (ii) A principal use authorized in the underlying zoning district in accordance with Table 7.1, Use Table;
 - (iii) An accessory or temporary use associated with an allowed principal use.
- (B) Manufactured homes located on lots or sites outside of a MHO district shall be considered nonconforming in accordance with Section 5.2, Nonconforming Uses.

6.4 General Lot Requirements

6.4.1 Compliance with this Ordinance Required

No building or portion of a building shall be erected, used, moved, or altered except in conformity with the standards in this Ordinance.

6.4.2 Pre-existing Lots

Lots established prior to March 2, 2009 shall only be required to meet the setback provisions for the base-zoning district in which they are located, and shall be exempt from the other minimum lot size or lot width requirements.

6.4.3 Reduction Prohibited

Except as required through the establishment of new public rights-of-way (such as roadway widening) or approved as a Variance, no yard or lot existing on March 2, 2009 shall be reduced in size or area below the minimum requirements of the base and overlay zoning district where it is located.

6.4.4 Street Access

All lots shall front upon, and have access to, a public or private street built in accordance with the Town's standards.

6.4.5 Double Frontage and Flag Lots Prohibited

Double frontage lots and flag lots shall be prohibited except where required due to extreme topographic circumstances or site conditions.

6.4.6 Yard Determination on Irregular Lots

The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the Ordinance Administrator. The determination shall be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

6.4.7 Allowable Yard Encroachments for Residential Uses

Building features and architectural elements may encroach into required yards or setbacks only in accordance with the following standards:

- (1)** Balconies, stoops, open porches, bay windows, steps, mechanical units, raised doorways and similar architectural features are permitted to encroach into a required yard or setback a maximum of four (4) feet.
- (2)** First floor encroachments shall not extend into the right-of-way.
- (3)** Side yard encroachments shall not be closer than five (5) feet to a lot line.

(4) Attached and unenclosed decks or porches serving a single-family residential use may encroach into a required rear setback or yard under the following conditions:

- (A) The deck or porch shall be set back a minimum of 10 feet from the rear lot line.
- (B) The deck or porch shall not be enclosed or otherwise made into heated floor space unless it meets the setbacks for the principal structure.
- (C) No portion of the structure shall protrude into a required side yard.
- (D) Existing single-family residential structures with decks or porches encroaching into a setback or required yard shall be allowed to replace the feature provided it does not increase the nonconformity of the structure.

6.4.9 Height Limitation Exceptions

The height limitations of this Ordinance shall not apply to public buildings, religious institutions, schools, hospitals, belfries, cupolas and domes not intended for residential purposes, nor to monuments, water towers, observation towers, power transmission towers, flag poles and similar structures, provided such structures meet the required North Carolina Building Code. Height limitations shall apply to wireless communication towers as regulated herein.

6.5 Dimensional Standards

The following tables outline the dimensional standards required in the General Use Districts set forth by this Article.

Table 6-1 Dimensional Standards for Agricultural and Residential Districts

	AG	R-3	R-10	R-15
Minimum Lot Size (sq. ft.)	43,560	3,000	10,000	15,000
Minimum Lot Width (ft)				
Interior Lot	150	50*	60*	80
Corner Lot	150	55*	65*	85
Minimum Front Setback (ft.)	50	20	30	30
Minimum Rear Setback (ft.)	20	10	10	10
Minimum Side Setback (ft.)				
Interior Side	20	5	10	10
Corner Side	30	10	15	15
Maximum Height (ft)	35	35	35	35

*Not applicable to townhomes. Please refer to Article 7.2.28 for dimensional standards.

Table 6-2 Dimensional Standards for Nonresidential Districts

	CB	GC	OI	I
Minimum Lot Size (sq. ft.)	0	5,000	5,000	40,000
Minimum Lot Width (ft.)				
Interior Lot	0	60	60	100
Corner Lot	0	65	65	110
Minimum Front Setback (ft.)	0	20	20	50
Minimum Rear Setback (ft.)	0	20	20	50
Minimum Side Setback (ft.)				
Interior Side	0	5	5	20
Corner Side	5	10	10	30
Maximum Height (ft)	40	40	30	40

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ARTICLE 7 – USE STANDARDS

7.1 Use Table

This section sets forth the allowable uses for the residential and nonresidential zoning districts as described in Article 6.

7.1.1 Explanation of the Structure of the Use Table

(1) Organization of Use Table

The Use Table is arranged into a number of categories that group uses by their functional classification such as residential or commercial.

(2) Permitted Uses

A “P” in a cell indicates that a Use Type is allowed by right in the respective base zoning district, subject to compliance with any use-specific standards contained in this Article.

(3) Special Uses

An “S” in a cell indicates that a Use Type is allowed in the respective base zoning district only upon the issuance of a Special Use Permit by the Board of Adjustment, and subject to compliance with any use-specific standards contained in this Article.

(4) Prohibited Uses

A blank cell indicates that a particular Use Type is not allowed in the base zoning district.

(5) Development Standards

A “D” in a cell, accompanying a “P” or an “S” indicates that the particular Use Type has additional development standards that are required for the use to be established within the base-zoning district. These additional standards are located in Section 7.2, Development Standards for Individual Uses.

(E) Uses Prohibited by Overlay Zoning

An overlay district may prohibit a particular Use Type despite it being allowed in the base zoning district, or it may require a Special Use Permit for a use allowed by right in the base zoning district. See Section 6.3, Overlay Districts, for specific information on the modification of permitted uses in the overlay districts.

(F) Uses Not Listed

Uses not listed in the Use Table may be allowed upon a determination by the Ordinance Administrator that the use is similar in nature to an existing, listed use that is permitted in the district in which the unlisted use will be established. In making such determination, the Ordinance Administrator shall take into account the purpose and intent of this Ordinance and the purpose of the district in which the unlisted use is to be established, along with any relevant definitions that exist in the UDO. The Ordinance Administrator shall recommend text amendments to the Planning Board for their review upon determining that the Use Table would benefit from the addition of an unlisted use. If the Ordinance Administrator denies a permit for the establishment of an unlisted use, the decision may be appealed to the Board of Adjustment as an appeal of the Ordinance Administrator's Decision.

Table 7-1 USES BY DISTRICT

P – Use permitted by right **S** – Use permitted by a special use permit **D** - Additional Development Standards Apply
Blank - Use not allowed

USES		AG	R-3	R-10	R-15	OI	CB	GC	I
Agricultural Uses									
	Agricultural Production, Crops	P	P	P	P	P	P	P	P
	Livestock, Agricultural Production	PD							
	Forestry	P		P	P	P	P	P	P
	Horticultural Production	P			P				
	Produce Stands	P						P	
	Veterinary Services (livestock)	P							
Residential Uses									
	Boarding and Rooming Houses				SD			SD	
	Dwelling, Single Family Detached	P	P	P	P		P	P	
	Dwelling, Duplex		P	P	P		P	P	
	Dwelling, Multi-family			PD	PD		PD	PD	
	Dwelling, Townhouse		PD	PD	PD		PD	PD	
	Dwelling, Live/Work		PD	PD	PD	PD	PD	PD	
	Dwelling, Upper Story Loft					P	P	P	
	Dwelling, Manufactured Home, Class A (See Overlay District)								
	Family Care Home	PD	PD	PD	PD		PD	PD	
	Group Care Facility					SD		SD	
	Manufactured Home Park	SD							
Accessory Uses									
	Accessory Dwelling Unit	PD	PD	PD	PD	PD	PD	PD	
	Accessory Uses and Structures (customary)	P	P	P	P	P	P	P	P
	Home Occupations (customary)	PD	PD	PD	PD	PD	PD	PD	
	Livestock	PD							
	Swimming Pools	PD	PD	PD	PD	PD		PD	

USES	AG	R-3	R-10	R-15	OI	CB	GC	I
Recreational Uses								
Commercial Recreation, Indoor						P	P	
Commercial Recreation, Outdoor	P						P	S
Country Club	SD			SD				
Golf Course	S			S				
Golf Driving Range	SD						SD	
Horse Stables / Riding Academies	P							
Public Park	P		P	P	P	P	P	
Public Recreation Facility, Indoor			P	P	P			
Public Recreation Facility, Outdoor	P		P	P	P			
Shooting Range, Indoor							SD	SD
Shooting Range, Outdoor	SD							SD
Governmental, Educational and Institutional Uses								
Ambulance / EMS Stations	P		SD	SD	P	P	P	P
Assisted Living / Nursing Facilities			PD	PD	P	P	S	
Amphitheaters					P	P		
Auditoriums					P	P	P	
Cemeteries	P				P	P	P	P
Churches / Religious Institutions	P		PD	PD	P	P	P	
Civic or Fraternal Organizations				S	P	P	P	
Colleges and Universities					P			
Conference and Event Centers					P			
Day Care Centers, Adult (29 or less)			PD	PD	P		S	
Day Care Centers, Adult (30 or more)					S		S	
Day Care Centers, Child (29 or less)		SD	PD	PD	P		S	
Day Care Centers, Child (30 or more)			SD	SD	P		S	
Fire Stations	P		SD	SD	P	P	P	P
Government Offices and Facilities			SD	SD	P	P	P	P
Hospitals					P	P		
Libraries			SD-	SD	P	P	P	
Museums					P	P	P	

USES		AG	R-3	R-10	R-15	OI	CB	GC	I
Police Stations						P		P	
Post Offices				SD	SD	P	P	P	
School, Dance Academy, Art				PD	PD	P	P	P	
School, Elementary	S			PD	PD	P			
School, Middle High	S				PD	P			
School, Senior High	S				PD	P			
School, Trade or Vocational						P		P	P
Commercial Uses									
Adult Entertainment									SD
Alcoholic Beverage Control (ABC) Stores								P	
Animal Shelters									P
Auction Houses							PD	PD	P
Automobile Repair and Service Centers (no gasoline sales)								PD	PD
Automobile Repair and Service Centers (with gasoline sales)								PD	PD
Automobile Sales, Rental and Leasing								PD	PD
Automobile Supply Stores								P	P
Automobile Towing and Storage									P
Banks and Credit Unions						PD	PD	P	
Barber Shops and Salons							P	P	
Bars, Nightclubs and Similar Establishments							SD	SD	
Bed and Breakfast Inns	PD	PD	PD	PD	PD	PD	PD	PD	
Car Washes								PD	P
Convenience Stores (with gasoline sales)								PD	PD
Convenience Stores (no gasoline sales)							P	P	P
Contractors Offices (no outside storage)						P	P	P	P
Contractors Offices (with outside storage)								PD	P
Crematoriums								SD	PD
Drug Stores and Pharmacies (with drive through service)								P	
Drug Stores and Pharmacies (no drive through service)						PD	P	P	
Dry Cleaners							PD	PD	
Equipment Rental and Leasing (no outside storage)								PD	P
Equipment Rental and Leasing (with outside storage)								SD	P
Equipment Repair Services (no outside storage)								PD	P
Equipment Repair Services (with outside storage)								SD	P

USES	AG	R-3	R-10	R-15	OI	CB	GC	I
Farm Equipment Sales and Service	PD							P
Farm and Agricultural Supplies, Retail							PD	P
Fuel Oil Sales, Retail	SD						SD	P
Funeral Homes (no crematory services)			SD	SD	PD		P	
Garden Centers and Nurseries, Retail	S						P	
Gasoline Sales, Retail (no repair or service facilities)							PD	P
General Merchandise Stores						P	P	
Grocery Stores						P	P	
Hardware and Home Improvement Stores							P	P
Home Furnishings Stores						P	P	
Hotels and Motels						P	P	
Insurance Agencies (with onsite claims inspection)							PD	P
Kennels, Commercial							SD	P
Landscaping Services	S						S	P
Laundromats							PD	
Manufactured Home Sales, New								PD
Medical and Dental Offices and Laboratories					P	P	P	
Medical Treatment Centers					P	P	P	
Motorcycle Sales							P	P
Movie Theaters						P	P	
Pawnbrokers							P	
Personal Services Establishments (not otherwise classified)						P	P	
Professional Offices (not otherwise classified)					P	P	P	
Recreational Vehicle Sales							S	P
Restaurants (no drive through service)						P	PD	
Restaurants (with drive through service)							P	
Retail Sales (not otherwise classified)						P	P	
Specialty Food and Beverage Stores						P	P	
Tire Sales, Retail (no outside storage)							P	P
Tattoo and Body Piercing Establishment							SD	
Truck Stops							SD	P
Vending Stations, Unmanned							PD	
Veterinary Services (domestic animals)	S						P	P

USES	AG	R-3	R-10	R-15	OI	CB	GC	I
Transportation, Warehousing and Utility Uses								
Bulk Mail or Parcel Handling Facilities								P
Communication Lines and Exchanges	P		S	S	P	P	P	P
Moving and Storage Services								P
Public Utility Lines, Pump Stations, Towers and Related Equipment	P		P	P	P	P	P	P
Sewage Treatment Plants								P
Self-Storage Facilities							SD	P
Truck and Freight Terminals								P
Utility Equipment and Storage Yards								P
Warehouses and Distribution Centers								P
Water Treatment Plants								P
Wireless Telecommunications Facilities (incl. small/micro antennas/equipment)	PD		PD	PD	PD		PD	PD
Wholesale Uses								
Wholesale Agricultural Chemical, Pesticide and Fertilizer Sales	SD							S
Wholesale Agricultural Supply Sales	SD							P
Wholesale Agricultural Product Sales	SD							P
Wholesale Bottled Gas Sales								S
Wholesale Chemical and Allied Product Sales								S
Wholesale Petroleum and Petroleum Product Sales								S
Wholesale Scrap and Waste Material Sales								S
Wholesale Uses (not otherwise classified)								P
Industrial and Manufacturing Uses								
Agricultural Supply and Equipment Manufacturing								P
Apparel Manufacturing								S
Athletic and Sporting Equipment Assembly								P
Bookbinding								P
Computer and Electronics Assembly								P
Drug and Pharmaceutical Manufacturing								P
Electrical Equipment and Machinery Assembly								P
Engineering, Scientific, and Research Instrument Assembly								P

USES	AG	R-3	R-10	R-15	OI	CB	GC	I
Industrial Laundry Services								S
Industrial Research, Development and Testing Services								P
Light Industrial and Manufacturing Uses (not otherwise classified)								S
Metal Fabrication and Welding, Light								S
Office Supply and Equipment Assembly								P
Optical Equipment Manufacturing								P
Plastic Forming, Pressing and Assembly								S
Printing and Publishing								P
Sign Manufacturing								P
Surgical, Medical and Dental Equipment Manufacturing								P
Temporary Uses								
Carnivals, Circuses, and Fairs	PD				PD			PD
Flea Markets and Swap Meets	SD							S
Livestock								PD
Portable Self Storage Containers	PD	PD	PD	PD				
Religious Events	P	P	P	P	P	P	P	P
Seasonal Sales (Christmas Trees, Pumpkins, etc.)	PD				PD		P	P
Temporary Construction Trailers	PD	PD	PD	PD	PD	PD	PD	PD
Yard Sales (2 per year)	P	P	P	P	P	P	P	P

7.2 Development Standards for Individual Uses

The following section sets forth additional development standards for individual uses as indicated in Table 7-1, Uses by District.

7.2.1 Accessory Dwelling Unit

(1) Where Required

These requirements shall apply to Accessory Dwelling units in the AG, R-3, R-10, R-15, OI, CB, and GC districts.

(2) General Provisions

The following requirements shall apply to all accessory dwelling units, whether attached or detached.

(1) Design Standards

- (i)** No more than one (1) accessory dwelling unit is permitted on the same zone lot with a principal dwelling unit.
- (ii)** The accessory dwelling unit and principal dwelling unit shall have the same address and use the same mailbox.
- (iii)** Accessory dwelling units are only allowed on lots containing a detached single family dwelling.
- (iv)** Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from that of the primary residence.
- (v)** The accessory dwelling unit shall have a maximum of two (2) bedrooms.
- (vi)** The accessory dwelling unit shall be designed to maintain the architectural design, style, appearance and character of the principal residence. The accessory dwelling unit shall incorporate design elements of the principal residence by using similar and compatible materials, façade treatment, colors, window style/treatment and roof design & pitch.

(2) Dimensional Requirements

- (i)** The principal residence must be located on a lot that meets the minimum area requirements of the zoning district.
- (ii)** Accessory dwelling units shall be located at least 20 feet from any other structure on the lot.
- (iii)** Accessory dwelling units may not encroach into any required setback area.

(3) Utilities and Access

- (i) Accessory dwelling units shall be served by the same utilities, such as public water and sewer service as the principal dwelling on the lot.
- (ii) Accessory dwelling units shall be served by the same driveway access as the principal dwelling.

(4) Other Standards

Accessory dwelling units shall not exceed 50% of the gross floor area of the principal dwelling. In no case shall an attached accessory dwelling unit exceed 600 square feet of gross floor area, nor shall a detached accessory dwelling unit exceed 1,000 square feet of gross floor area.

7.2.2 Adult Entertainment

(1) Where Required

These requirements shall apply to Adult Entertainment establishments in the I district.

(2) Separation Requirements

- (A) No adult entertainment establishment may be located within 1,000 feet of any other adult entertainment establishment.
- (B) No adult entertainment establishment shall be located within 500 feet of any religious institution, school, residence, public park or child daycare center.

(3) Maximum Area

No adult entertainment establishment shall exceed 3,000 square feet of gross floor area.

(4) Prohibition of Sleeping Quarters

No adult entertainment establishment shall have sleeping quarters for employees or patrons.

7.2.3 Ambulance / EMS Stations

(1) Where Required

These standards shall apply within the R-10, and R-15 districts.

(2) Building Setback

A minimum setback of 30 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type II Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Building Design Standards

Structures shall be designed so that they respect the residential character of the area in which they are located. To achieve this, the following standards shall apply:

(A) Exterior Building Materials

No exterior wall, which is visible from a public right-of-way or an adjoining residentially zoned or used property, may be finished with plywood, corrugated or sheet metal, stucco, cinder block or other materials which are not normally used to finish the exterior walls of single family dwellings. The use of brick or split-faced block is highly encouraged.

(B) Roofs

- (i) A minimum roof pitch of 5/12 is required.
- (ii) Roofing materials must be of a similar style and color as those of surrounding residences.

(5) Waste Disposal

Medical or other hazardous waste that is stored for collection on site must be stored in a secure area that is not accessible to the public.

(6) Prohibited Accessory Uses and Activities

The following accessory uses and activities are prohibited:

- (A) Vehicle or equipment washing;
- (B) Vehicle repair and service;
- (C) Vehicle fueling facilities;
- (D) Wireless communication antennas greater than 40 feet tall.

(7) Access

Access to the facility must be from a thoroughfare or collector street.

7.2.4 Assisted Living / Nursing Facilities

(1) Where Required

These standards shall apply within the R-10, and R-15 districts.

(2) Building Setback

A minimum setback of 30 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type II Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Building Design Standards

Structures shall be designed so that they respect the residential character of the area in which they are located. To achieve this, the following standards shall apply:

(A) Exterior Building Materials

No exterior wall, which is visible from a public right-of-way or an adjoining residentially zoned or used property, may be finished with plywood, corrugated or sheet metal, stucco, cinder block or other materials which are not normally used to finish the exterior walls of single family dwellings. The use of brick or split-faced block is highly encouraged.

(B) Roofs

- (i)** A minimum roof pitch of 5/12 is required.
- (ii)** Roofing materials must be of a similar style and color as those of surrounding residences.

(5) Waste Disposal

Medical or other hazardous waste that is stored for collection on site must be stored in a secure area that is not accessible to the public.

(6) Access

Access to the facility must be from a thoroughfare or collector street.

7.2.5 Auction Houses

(1) Where Required

These standards shall apply within the CB and GC districts.

(2) Storage

All goods must be stored within the confines of the auction house.

(3) Loading Area

An off-street loading area must be provided. The loading and unloading of goods shall not be permitted on public streets.

(4) Hours of Operation / Noise

While viewing hours are not regulated, auctions may only be held between the hours of 8:00 AM and 9:00 PM. Additionally, no speaker, megaphone or other amplification device may be utilized to broadcast the auction outside of the auction house.

7.2.6 Automobile Repair and Service Centers (no gasoline sales)

(1) Where Required

These standards shall apply within the GC and I districts.

(2) Outdoor Vehicle Storage Limits

(A) In the GC district no more than 15 vehicles may be stored outdoors overnight.

(B) In the I district no more than 30 vehicles may be stored outdoors overnight.

(3) Location of Outdoor Storage

Outdoor vehicle storage areas must be located on the rear portion of the lot.

(4) Screening

A minimum six (6) foot high opaque fence shall be erected around all outdoor vehicle storage areas.

(5) Outdoor Parts Storage

No automobile parts, accessories or other products may be stored outdoors, except within a properly screened outdoor storage area.

(6) Long Term Storage Prohibited

Inoperable vehicles may not be stored on the premises for more than 30 days.

7.2.7 Automobile Repair and Service Centers (with gasoline sales)

(1) Where Required

These standards shall apply within the GC and I districts.

(2) Outdoor Vehicle Storage Limits

(A) In the GC district no more than 15 vehicles may be stored outdoors overnight.

(B) In the I district no more than 30 vehicles may be stored outdoors overnight.

(3) Location of Outdoor Storage

Outdoor vehicle storage areas must be located on the rear portion of the lot.

(4) Screening

A minimum six (6) foot high opaque fence shall be erected around all outdoor vehicle storage areas.

(5) Outdoor Parts Storage

No automobile parts, accessories or other products may be stored outdoors, except within a properly screened outdoor storage area.

(6) Long Term Storage Prohibited

Inoperable vehicles may not be stored on the premises for more than 30 days.

7.2.8 Automobile Sales, Rental and Leasing

(1) Where Required

These standards shall apply within the GC and I districts.

(2) Vehicle Display Areas

No vehicle displayed for sale, rental or lease may be stored in any required customer or employee parking space, a street right of way, required landscaping or buffering area or on any pervious surface.

(3) Vehicle Setback

No vehicle displayed for sale, rental or lease may be located within 10 feet of the edge of the right of way.

7.2.9 Banks and Credit Unions

(1) Where Required

These standards shall apply within the OI and CB districts.

(2) Drive-through Teller Service

A maximum of three (3) service lanes for drive up windows, remote teller service or automatic teller machine (ATM) service shall be allowed. The point of service of the lanes shall be no closer than 75 feet from any residentially zoned or used property.

(3) Buffering

A Type III Buffer shall be constructed along all property lines adjoining residentially zoned or used property where a drive through service lane is established.

7.2.10 Bars, Nightclubs and Similar Establishments

(1) Where Required

These standards shall apply within the CB and GC districts.

(2) Separation Requirements

No such establishment shall be located within 100 feet, as measured from the closest exterior wall of the structure housing the establishment, of a religious institution, elementary school, public park, child daycare or residentially zoned property.

(3) Orientation

The primary entrance of the establishment shall be located facing a street zoned primarily for nonresidential use.

(4) Screening

A minimum six (6) foot high opaque fence shall be erected along all property lines adjacent to residentially used property.

(5) Parking

Parking areas shall not be located any closer than 30 feet from the property line of any residentially used property.

7.2.11 Bed and Breakfast Inns

(1) Where Required

These standards shall apply within the AG, R-3, R-10, R-15, OI, CB and GC districts.

(2) On Site Management

All establishments are required to be operated by a resident manager.

(3) Qualified Structures

Only structures that were originally constructed as a residence may be used as a bed and breakfast inn.

(4) Maximum Number of Rooms

Within the R-3, R-10 and R-15 districts, a maximum of four (4) bedrooms may be utilized at any one time in the operation of the bed and breakfast inn.

(4) Kitchen Facilities

No separate kitchen facilities may be provided for any patron.

7.2.12 Boarding and Rooming Houses

(1) Where Required

These standards shall apply within the R-15 and GC district.

(2) On Site Management

All establishments are required to be operated by a resident manager.

(3) Qualified Structures

Only structures that were originally constructed as a residence may be used as a boarding or rooming house.

(4) Maximum Number of Rooms

A maximum of four (4) bedrooms may be utilized at any one time in the operation of the boarding or rooming house.

7.2.13 Car Washes

(1) Where Required

These standards shall apply within the GC district.

(2) Hours of Operation

The hours of operation shall be limited to the hours between 7:00 AM and 10:00 PM when the establishment is located within 100 feet of the property line of an adjoining residence. Establishments that are open to the public after sunset must provide security lighting.

(3) Setbacks

No structure or service facility may be located closer than seventy-five (75) of the property line of any adjoining residentially zoned or used property.

(4) Buffering

A Type II Buffer must be established along all property lines adjoining a property used for residential purposes.

7.2.14 Carnivals, Circuses, and Fairs

(1) Where Required

These standards shall apply within the AG, OI, and I districts.

(2) Hours of Operation

The hours of operation shall be limited to the hours between 9:00 AM and 12:00 AM.

(3) Separation

No structures, rides, lights, booths or other facilities associated with the carnival, circus, or fair may be erected or placed within 500 feet of the property line of any residentially used property. Vehicle parking areas may be located no less than 200 feet of the property line of any residentially used property.

(4) Zoning Certificate of Compliance

All Carnivals, Circuses, and Fairs must receive a Zoning Certificate of Compliance from the Ordinance Administrator.

7.2.15 Churches / Religious Institutions

(1) Where Required

These standards shall apply within the R-10 and R15 districts.

(2) Access

New churches or religious institutions with more than 5,000 square feet of gross floor area or more than 50 parking spaces shall have a primary access point on a thoroughfare or collector road.

7.2.16 Contractors Office (with outside storage)

(1) Where Required

These standards shall apply within the GC district.

(2) Screening

A minimum six (6) foot high opaque fence must be erected around all outside storage areas.

7.2.17 Convenience Stores (with gasoline sales)

(1) Where Required

These standards shall apply within the GC and I districts.

(2) Maximum Size

Establishments shall be limited to 2,000 square feet of gross floor area.

(3) Gasoline Service Islands

No more than one (1) gasoline service island with two (2) gasoline pumps shall be allowed.

7.2.18 Country Clubs

(1) Where Required

These standards shall apply within the AG district.

(2) Setbacks

All clubhouses, recreational facilities other than golf courses, service facilities and parking areas shall be located no closer than 100 feet from adjoining residences.

7.2.19 Crematoriums

(1) Where Required

These standards shall apply within the GC and I districts.

(2) Separation Requirements

No crematory facilities may be located any closer than 500 feet of any residentially zoned or used property.

7.2.20 Day Care Centers, Adult (29 or less)

(1) Where Required

These standards shall apply within the R-10 and R-15 districts.

(2) Access

Establishments shall have a primary access point on a thoroughfare or collector road.

(3) Loading/Unloading

A passenger loading/unloading area with a vehicle turnaround or additional point of access shall be provided.

7.2.21 Day Care Centers, Child (29 or less)

(1) Where Required

These standards shall apply within the R-3, R-10, and R-15 districts.

(2) Access

Establishments shall have a primary access point on a thoroughfare or collector road.

(3) Loading/Unloading

A passenger loading/unloading area with a vehicle turnaround or additional point of access shall be provided.

(4) Outdoor Activity Areas

All outdoor activity areas shall be enclosed by a minimum four (4) foot high fence. Activity areas shall not encroach into any street right-of-way. When located adjacent to residentially zoned or used property the activity area, a minimum six (6) foot high opaque fence shall be erected along the portion of the property that abuts the residential property.

7.2.22 Day Care Centers, Child (30 or more)

(1) Where Required

These standards shall apply within the R-10 and R-15 districts.

(2) Access

Establishments shall have a primary access point on a thoroughfare or collector road.

(3) Loading/Unloading

A passenger loading/unloading area with a vehicle turnaround or additional point of access shall be provided.

(4) Outdoor Activity Areas

All outdoor activity areas shall be enclosed by a minimum four (4) foot high fence. Activity areas shall not encroach into any street right-of-way. When located adjacent to residentially zoned or used property the activity area, a minimum six (6) foot high opaque fence shall be erected along the portion of the property that abuts the residential property.

7.2.23 Drug Stores and Pharmacies (no drive through service)

(1) Where Required

These standards shall apply within the OI district.

(2) Maximum Size

The gross floor area of an establishment shall not exceed 4,000 square feet.

7.2.24 Dry Cleaners

(1) Where Required

These standards shall apply within the CB and GC districts.

(2) Maximum Size

The gross floor area of an establishment shall not exceed 2,000 square feet.

(3) Buffering

A Type II Buffer shall be constructed along all property lines adjoining residentially used property where a drive through service lane is established.

7.2.25 Dwelling, Live/Work

(1) Where Required

These standards shall apply within the R-3, R-10, R-15, OI, CB and GC districts.

(2) Regulations for Nonresidential Space

Areas used for nonresidential uses shall be located only on the first floor of the structure. Only one (1) customer entrance is allowed, and must face a public street.

(3) Regulations for Residential Space

No more than one residential unit shall be allowed per structure.

(4) Internal Access

An internal access must be provided between the residential and nonresidential portions of the structure.

(5) Parking

All onsite parking shall be located at the rear of the structure. Garages built into the structure may be accessed only through a rear access way.

7.2.26 Dwelling, Manufactured Home

(1) Intent

It is the intent of this section to address the specific criteria that must be met to place a mobile home or manufactured home within the Manufactured Housing Overlay District in the Town of Kenansville. The terms “manufactured home and “mobile home” do not include a “recreational vehicle”.

(2) Requirements

Homes that do not meet the criteria set forth shall not be located within the Town's jurisdiction.

(A) Conforming Manufactured Home

Before issuing a Zoning Compliance Permit for a mobile home, the Town Manager shall certify that the home meets the following standards:

- (i)** The pitch of the home's roof shall have a minimum vertical rise of two (2) feet for each twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in residential construction. The minimum width shall be fourteen (14) feet.

All transportation lights and towing apparatus shall be removed before a Certificate of Occupancy is issued.

- (ii) Manufactured homes must be underpinned. The home must be placed on a permanent foundation of masonry materials such as brick, block, or stone.
- (iii) The exterior siding shall consist of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- (iv) A deck or a porch of at least thirty-six (36) square feet in size must be located on the front of the home and must include steps.
- (v) A legal non-conforming mobile home may be replaced with a similar or higher or better mobile home, provided the replacement is permitted within 180 days of the removal of the existing mobile home. The replacement mobile home may not increase any dimensional non-conformity enjoyed by the existing mobile home.

(B) Nonconforming Manufactured Home

Before issuing a Zoning Compliance Permit for a legal nonconforming mobile home, the Town Manager shall certify the following:

- (i) A single or doublewide manufactured housing unit existing in the Town of Kenansville prior to the effective date of this ordinance that meets the U.S. Department of Housing and Urban Development manufactured home construction standards, but does not meet the town's appearance criteria. Such manufactured homes may only be relocated to currently conforming mobile home parks that existed prior to the effective date of this ordinance. At that time, the home must be underpinned with masonry materials and installed in accordance with the manufacturer's specifications.

7.2.27 Dwelling, Multi-family

(1) Where Required

These standards shall apply within the R-10, R-15, CB, and GC districts.

(2) Minimum Area

The minimum lot size shall be 200% of the minimum lot size of the base zoning district for the first three (3) units and 75% of the minimum lot size of the base zoning district for each additional unit above three (3).

(3) Maximum Number of Units per Structure

No more than eight (8) dwelling units are allowed per individual structure.

(4) Structure Separation

Structures must be separated by a minimum of 20 feet.

(5) Setbacks

One story structures must be set back at least 20 feet from all adjoining property lines and multiple story structures must be set back an additional 10 feet per story. A minimum 10 foot setback is required from all vehicle parking areas and a 15 foot setback is required from internal driveways.

(6) Access

Multi-family developments must have direct access to a thoroughfare or collector street.

(7) Buffering

A Type II Buffer must be established along all property lines adjoining property zoned or used for residential purposes. A buffer is not required on property lines adjoining other property that has been developed with multi-family dwellings or townhouses.

(7) Internal Driveways

Internal driveways must be at least 15 feet wide for one-way travel, and 22 feet wide for two way travel.

7.2.28 Dwelling, Townhouse

(1) Where Required

These standards shall apply within the R-3 R-10, R-15, CB and GC districts.

(2) Minimum Area

The minimum project area shall be 200% of the minimum lot size of the base zoning district for the first three (3) units, plus an additional area of 75% of the minimum lot size of the base zoning district for each additional unit above three (3).

(3) Maximum Number of Units per Structure

No more than 8 dwelling units are allowed per individual structure.

(4) Minimum Dwelling Width

Individual dwelling units shall be no less than eighteen (18) feet wide and no greater than 35 feet wide.

(6) Access

Townhouse developments must have direct access to a thoroughfare or collector street. Townhouses may also have a back alley access to accommodate rear-loaded garages.

(7) Buffering

A Type II Buffer must be established along all property lines adjoining property zoned or used for residential purposes. A buffer is not required on property lines adjoining other property that has been developed with multi-family dwellings.

7.2.29 Equipment Rental and Leasing (with outside storage)

(1) Where Required

These standards shall apply within the GC district.

(2) Screening

A minimum six (6) foot high opaque fence shall be erected around all outdoor storage areas.

(3) Outdoor Storage Areas

Outdoor storage areas are allowed only in rear yards.

7.2.30 Equipment Repair Services (with outside storage)

(1) Where Required

These standards shall apply within the GC district.

(2) Screening

A minimum six (6) foot high opaque fence shall be erected around all outdoor storage areas.

(3) Outdoor Storage Areas

Outdoor storage areas are allowed only in rear yards.

(4) Long Term Storage Prohibited

Inoperable equipment may not be stored in outdoor storage areas for more than 30 days.

7.2.31 Family Care Home

(1) Where Required

These standards shall apply within the AG, R-3, R-10, R15, CB, and GC districts.

(2) Maximum Height

The structure of a family care home may be no more than two (2) stories high, and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two (2) direct exterior ground level accesses to the upper story. (NC GS 131D-2.1)

7.2.32 Farm and Agricultural Supplies, Retail

(1) Where Required

These standards shall apply within the GC district.

(2) Screening

A minimum six (6) foot high opaque fence shall be erected around all outdoor storage areas.

7.2.33 Farm Equipment Sales and Service

(1) Where Required

These standards shall apply within the AG district.

(2) Separation

Establishments may not be located any closer than 200 feet from a structure used for residential purposes.

(3) Equipment Display Areas

Equipment displayed for sale must be located outside of the street right-of-way.

(4) Long Term Storage Prohibited

The storage of inoperable equipment for longer than 30 days is prohibited.

7.2.34 Fire Stations

(1) Where Required

These standards shall apply within the R-10 and R-15 districts.

(2) Access

Fire stations must have direct access to either a thoroughfare or collector street.

(3) Building Setback

A minimum setback of 30 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(4) Buffering

A Type II Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(5) Building Design Standards

Structures shall be designed so that they respect the residential character of the area in which they are located. To achieve this, the following standards shall apply:

(A) Exterior Building Materials

No exterior wall, which is visible from a public right-of-way or an adjoining residentially zoned or used property, may be finished with plywood, corrugated or sheet metal, stucco, cinder block or other materials which are not normally used to finish the exterior walls of single family dwellings. The use of brick or split-faced block is highly encouraged.

(B) Roofs

- (i) A minimum roof pitch of 5/12 is required.
- (ii) Roofing materials must be of a similar style and color as those of surrounding residences.

(6) Waste Disposal

Medical or other hazardous waste that is stored for collection on site must be stored in a secure area that is not accessible to the public.

(7) Prohibited Accessory Uses and Activities

The following accessory uses and activities are prohibited:

- (A)** Vehicle or equipment washing;
- (B)** Vehicle repair and service;
- (C)** Vehicle fueling facilities

(D) Wireless communication antennas greater than 40 feet tall.

7.2.35 Flea Markets and Swap Meets

(1) Where Required

These standards shall apply within the AG district.

(2) Separation

No portion of the area used for a flea market or swap meet, including parking areas shall be located within 200 feet of a residential structure.

(3) Hours of Operation

Hours of operation shall be limited to the hours between 7:00 AM and 8:00 PM.

(4) Other Regulations

All permanent, enclosed, structures must meet the NC Building and Fire Codes. Temporary structures, tables and booths must be removed from the premises within 24 hours of the closing of the market. Flea markets and swap meets may only be operated on a particular location for six (6) days in any 30 day period.

(5) Outdoor Storage Prohibited

No goods may be stored outdoors on the premises of the flea market or swap met except during the days of operation.

7.2.36 Fuel Oil Sales, Retail

(1) Where Required

These standards shall apply within the AG and GC districts.

(2) Separation

Bulk fuel oil tanks may not be constructed within 300 feet of a property zoned or used for residential purposes.

7.2.37 Funeral Homes (no crematory services)

(1) Where Required

These standards shall apply within the R-10, R-15 and OI districts.

(2) Maximum Size

Funeral homes are limited to a maximum of 4,000 square feet of gross floor area.

(3) Waste Disposal

Medical or other hazardous waste that is stored for collection on site must be stored in a secure area that is not accessible to the public.

(4) Buffering

A Type II Buffer shall be established along all property lines adjoining residentially zoned or used property.

(5) Access

Funeral homes must have direct access to either a thoroughfare or collector street.

7.2.38 Gasoline Sales, Retail (no repair or service facilities)

(1) Where Required

These standards shall apply within the GC district.

(2) Gasoline Service Islands

No more than one gasoline service island with two gasoline pumps shall be allowed.

7.2.39 Golf Driving Range

(1) Where Required

These standards shall apply within the AG and GC districts.

(2) Setbacks

Tee areas must be located at least 50 feet from any street right-of-way.

(3) Range Area

When located within 1,000 feet of a street right-of-way, the range area shall be constructed so that it is as close to perpendicular to the street as possible.

(4) Lighting

Lighting shall be turned off between the hours of 10:00 PM and 6:30 AM.

(5) Netting

Netting shall be provided in those areas where it is possible that a golf ball may travel onto adjoining property or streets.

7.2.40 Government Offices

(1) Where Required

These standards shall apply within the R-10 and R-15 districts.

(2) Building Setback

A minimum setback of 30 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type II Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Building Design Standards

Structures shall be designed so that they respect the residential character of the area in which they are located. To achieve this, the following standards shall apply:

(A) Exterior Building Materials

No exterior wall, which is visible from a public right-of-way or an adjoining residentially zoned or used property, may be finished with plywood, corrugated or sheet metal, stucco, cinder block or other materials which are not normally used to finish the exterior walls of single family dwellings. The use of brick or split-faced block is highly encouraged.

(B) Roofs

(i) A minimum roof pitch of 5/12 is required.

(ii) Roofing materials must be of a similar style and color as those of surrounding residences.

7.2.41 Group Care Facility

(1) Where Required

These standards shall apply within the OI and GC districts.

(2) Separation

No group care facility shall be established within 1,500 feet of any other group care facility.

7.2.42 Home Occupations (customary)

(1) Where Required

These standards shall apply within the AG, R-3, R-10, R-15, OI and CB districts.

(2) Maximum Area

Area set aside for the home occupation shall occupy no more than 25% of the gross floor area of the dwelling unit.

(3) Outdoor Storage

No outdoor storage or display of items associated with the home occupation is permitted.

(4) Operation

- (A)** The home occupation shall be conducted entirely within a dwelling unit exclusive of a garage or carport. It shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not change the outward appearance of the residence. Home occupations or any accessory storage are not permitted in a detached garage or in any other accessory structures.
- (B)** Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist offices, architects, accountants, attorneys, family day care (5 or less persons), food catering, and handcrafting.
- (C)** Only handmade items, foodstuffs, and crafts made in the dwelling unit may be offered for sale on the premises. No goods, products, or commodities brought into the dwelling unit for purposes of resale shall be sold on the premises.
- (D)** Only one (1) person may be employed who is not an occupant of the residence.
- (E)** Instructions in music, dancing, art, or similar subjects shall be limited to no more than five (5) students at one time.
- (F)** Activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district in which it is located.

- (G) One (1) commercial vehicle, and a trailer upon which equipment can be stored, neither of which shall exceed 24 feet in length, may be allowed in conjunction with the home occupation. No maintenance or repair of commercial equipment associated with the home occupation shall be conducted on the property.

7.2.43 Insurance Agencies (with onsite claims inspections)

- (1) Where Required**

These standards shall apply within the GC district.

- (2) Inspection Area**

All claims inspections must take place in a fully enclosed structure.

- (3) Screening**

Areas used to store vehicles must be surrounded by a minimum six (6) foot high opaque fence.

- (4) Long Term Storage**

No vehicle may be stored on the premises for more than 30 days.

7.2.44 Kennels, Commercial

- (1) Where Required**

These standards shall apply within the GC district.

- (2) Separation**

No commercial kennel shall be established within 200 feet of a residentially zoned or used property.

7.2.45 Laundromats

- (1) Where Required**

These standards shall apply within the GC district.

- (2) Maximum Size**

Laundromats are limited to a maximum of 2,000 square feet of gross floor area.

7.2.46 Libraries

(1) Where Required

These standards shall apply within the R-10 and R-15 districts.

(2) Building Setback

A minimum setback of 30 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type II Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Building Design Standards

Structures shall be designed so that they respect the residential character of the area in which they are located. To achieve this, the following standards shall apply:

(A) Exterior Building Materials

No exterior wall, which is visible from a public right-of-way or an adjoining residentially zoned or used property may be finished with plywood, corrugated or sheet metal, stucco, cinder block or other materials which are not normally used to finish the exterior walls of single family dwellings. The use of brick or split-faced block is highly encouraged.

(B) Roofs

(i) A minimum roof pitch of 5/12 is required.

(ii) Roofing materials must be of a similar style and color as those of surrounding residences.

(5) Access

Libraries must have direct access to a thoroughfare or collector street.

7.2.47 Livestock

(1) Agricultural and Temporary Uses

(A) Where Required

These standards apply within the AG and I district.

(B) Minimum Area

The minimum lot area shall be 5 acres.

(C) Setback

All structures housing livestock shall be located a minimum of 200 feet from adjoining property lines.

(D) Fencing

A security fence, capable of restraining the movement of livestock from the property, shall be erected around the perimeter of all areas containing livestock.

(E) Temporary Use

Livestock contained within the Industrial District shall only be temporary for special event purposes, and must obtain a Zoning Certificate of Compliance from the Ordinance Administrator. Events within the Industrial District that temporarily hold livestock shall house livestock for a maximum of two (2) calendar weeks.

(2) Accessory Use

(A) Where Required

These standards shall apply within the AG districts, where the principal use of the lot is residential.

(B) Standards for the Keeping of Cloven Hooved Animals

(i) Minimum lot size:

- Horses, Cows and Similarly Sized Animals: No more than one animal, over six (6) months of age is permitted per 20,000 square feet of fenced lot area
- Sheep, Goats and Similarly Sized Animals: No more than one animal, over six (6) months of age is permitted per 10,000 square feet of fenced lot area.

(ii) All structures for housing livestock shall not be located any closer than 150 feet from residential structures on adjoining property.

(iii) Fences or enclosures are required to keep farm animals from leaving a property.

(iv) Manure and waste storage areas shall be at least 75 feet from adwelling, wellhead, pond, creek or other water feature and 25 feet from a property line.

(C) Standards for the Keeping of Fowl

- (i) Minimum lot size: No more than one animal, over six (6) months of age is permitted per 500 square feet of fenced lot area; in any case, no more than 30 fowl may be kept on one property.
- (ii) Fowl shall be kept within a fence enclosure and shall subject to setbacks for principal buildings.
- (iii) The enclosed area where fowl are kept shall be kept clean and feed must be kept in rodent-proof, sealed containers.

7.2.48 Manufactured Home Park

(1) Where Required

These standards shall apply within the AG district.

(2) Minimum Park Size

The total size of a manufactured home park shall be at least five (5) acres and each park shall have a minimum of 10 designated dwelling unit spaces.

(3) Access

A park shall have all vehicular access from a public thoroughfare or collector street.

(4) External Setbacks

All development within a manufactured home park shall be set back at least 25 feet from a public street right-of-way, 25 feet from the rear lot line of the park, and 15 feet from a side lot line of the park.

(5) Internal Separation

Manufactured homes within a manufactured home park shall be limited to one dwelling unit per space, and shall maintain a minimum separation of at least 15 feet from any other dwelling or structure.

(6) Minimum Lot Dimensions

Each designated dwelling unit space shall be at least 50 feet wide and have a minimum depth of 100 feet.

(7) Internal Setbacks

Manufactured homes may not be located any closer than 10 feet to a designated lot line or street edge of pavement.

(8) Street Standards

All streets within a manufactured home park shall be paved and privately maintained in accordance with Town engineering standards. The paving surface associated with each street shall be at least 20 feet in width, and graded to a width of at least 30 feet for two-way traffic.

(9) Stormwater and Grading

The park shall be designed and graded in accordance with Town engineering standards to allow for the adequate run-off of storm water. Storm drains shall be provided to adequately intersect surface water flow.

(10) Utilities

Each dwelling unit space within a park shall be served with adequate electricity, potable water, and sanitary sewer facilities in accordance with Town engineering standards.

(11) Parking

All parking areas shall be paved with asphalt, concrete, or other all weather material.

(12) Buffering

A Type II Buffer shall be established around the external boundary of the manufactured home park where it abuts residentially zoned or used property.

(12) Class A Manufactured Home Required

Only Class A manufactured homes, as defined by this Ordinance, shall be allowed in the manufactured home park.

7.2.49 Manufactured Home Sales, New

(1) Where Required

These standards shall apply within the I district.

(2) Density

A minimum of 5,000 square feet shall be required for each dwelling unit displayed for sale.

(3) Location

Dwelling units displayed for sale may not be placed in any required setback or street right-of-way.

(4) Internal Setbacks

Dwelling units displayed for sale must maintain a 20 foot setback on all sides from other dwelling units displayed for sale.

7.2.50 Portable Self Storage Containers

(1) Where Required

These standards shall apply within the AG, R-3, R10 and R-15 districts.

(2) Number

No more than two (2) portable self storage containers shall be allowed on any property at one time.

(3) Location

Containers may not be placed in a street right of way, and may not encroach into any required setback.

(4) Size

Individual containers may not exceed 1,360 cubic feet of volume, and may not have any dimension greater than 20 feet.

(5) Time Limit

Containers may be located on a property for a time period not to exceed 30 days unless they are used in conjunction with bona fide construction activity evidenced by a valid building permit. If a valid building permit is obtained for the repair, renovation or reconstruction of the principal structure on the lot, containers may be present for a period of up to 1) months from the date that the building permit was issued. In no case shall a container remain on the property for more than 30 days following the final inspection for the construction that was authorized by the permit.

7.2.51 Post Offices

(1) Where Required

These standards shall apply within the R-10 and R-15 districts.

(2) Building Setback

A minimum setback of 30 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type II Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Building Design Standards

Structures shall be designed so that they respect the residential character of the area in which they are located. To achieve this, the following standards shall apply:

(A) Exterior Building Materials

No exterior wall, which is visible from a public right-of-way or an adjoining residentially zoned or used property, may be finished with plywood, corrugated or sheet metal, stucco, cinder block or other materials which are not normally used to finish the exterior walls of single family dwellings. The use of brick or split-faced block is highly encouraged.

(B) Roofs

- (i) A minimum roof pitch of 5/12 is required.
- (ii) Roofing materials must be of a similar style and color as those of surrounding residences.

(5) Access

Post offices must have direct access to a thoroughfare or collector street.

7.2.52 Restaurants (no drive through service)

(1) Where Required

These standards shall apply within the GC district.

(2) Maximum Size

Restaurants are limited to a maximum of 2,000 square feet of gross floor area devoted to customer serving areas.

7.2.53 School, Dance Academy, Art

(1) Where Required

These standards shall apply within the R-10, and R-15 districts.

(2) Building Setback

A minimum setback of 30 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type II Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Building Design Standards

Structures shall be designed so that they respect the residential character of the area in which they are located. To achieve this, the following standards shall apply:

(A) Exterior Building Materials

No exterior wall, which is visible from a public right-of-way or an adjoining residentially zoned or used property, may be finished with plywood, corrugated or sheet metal, stucco, cinder block or other materials which are not normally used to finish the exterior walls of single family dwellings. The use of brick or split-faced block is highly encouraged.

(B) Roofs

(i) A minimum roof pitch of 5/12 is required.

(ii) Roofing materials must be of a similar style and color as those of surrounding residences.

7.2.54 School, Elementary

(1) Where Required

These standards shall apply within the R-10 and R-15 districts.

(2) Building Setback

A minimum setback of 50 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type III Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Access

A minimum of two (2) access points shall be provided along a thoroughfare or collector street.

7.2.55 School, Middle

(1) Where Required

These standards shall apply within the R-15 districts.

(2) Building Setback

A minimum setback of 50 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type III Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Access

A minimum of two (2) access points shall be provided along a thoroughfare or collector street.

7.2.56 School, Senior High

(1) Where Required

These standards shall apply within the R-15 districts.

(2) Building Setback

A minimum setback of 50 feet shall be required between all structures and adjoining property lines of adjacent residentially zoned or used property.

(3) Buffering

A Type III Buffer shall be established along all side and rear property lines adjacent to residentially zoned or used property.

(4) Access

A minimum of two (2) access points shall be provided along a thoroughfare or collector street.

7.2.57 Seasonal Sales (Christmas Trees, Pumpkins etc.)

(1) Where Required

These standards shall apply within the AG and OI districts.

(2) Hours of Operation

Hours of operation shall be limited to the hours between 8:00 AM and 10:00 PM.

(3) Time Limit

All seasonal sales shall be limited to a maximum of 35 consecutive days of operation per sales period.

(4) Separation

A seasonal sales establishment shall not be located within 100 feet of a structure used for residential purposes.

7.2.58 Self Storage Facilities

(1) Where Required

These standards shall apply within the GC district.

(2) Maximum Size

The maximum size of the development shall be three (3) acres.

(3) Hours of Operation

Access to the facility shall be restricted to the hours between 7:00 PM and 10:00 PM.

(4) Outdoor Storage

The only items allowed to be stored outdoors on the site are vehicles, boats and equipment that are in operable condition.

(5) Prohibited Activities

No activity or use, other than those associated with the operation of the facility and the storage of goods is allowed. No maintenance or repair of equipment, boats or vehicles is allowed on the premises.

(6) Screening

A minimum six (6) foot high opaque fence shall be erected around all storage areas.

7.2.59 Shooting Range, Indoor

(1) Where Required

These standards shall apply within the I and GC districts.

(2) Noise Reduction

Indoor shooting ranges shall be designed to absorb noise to the maximum extent feasible.

(3) Hours of Operation

Hours of operation shall be limited to the hours between 8:00 AM and 9:00 PM on Monday through Saturday.

7.2.60 Shooting Range, Outdoor

(1) Where Required

These standards shall apply within the AG and I districts.

(2) Hours of Operation

Hours of operation shall be limited to the hours between 8:00 AM and 8:00 PM on Monday through Saturday.

(3) Setback

No portion of the shooting range shall be located within 300 feet of a property line.

(4) Security Fencing

A minimum six (6) foot high fence shall be erected around the entire perimeter of the shooting range.

(5) Berms

Berms, of a sufficient height and thickness shall be constructed downrange to prevent rounds from leaving the range. Elevation control must be provided on the firing line to prevent rounds from being fired over the berm.

7.2.61 Swimming Pools

(1) Where Required

These standards shall apply within the AG, R-3, R-10, R-15, OI and GC districts.

(2) Fencing

A minimum four (4) foot high fence shall be erected around all swimming pools.

7.2.62 Tattoo and Body Piercing Establishment

(1) Where Required

These standards shall apply within the GC district.

(2) Restrictions on Public Viewing

All tattooing or piercing shall take place in an area of the establishment that cannot be viewed by other customers or by the general public from any public or private street right-of-way or any area commonly accessed by the public (i.e. parking lots, mall corridors, promenades, sidewalks), whether on the same or a nearby property.

7.2.63 Temporary Construction Trailers

(1) Where Required

These standards shall apply within ALL districts.

(2) Location

Temporary construction trailers may not be placed within a street right-of-way.

(3) Setback

Temporary construction trailers must be placed at least 20 feet from adjoining property lines.

(4) Time Limit

Temporary construction trailers may only be placed on a property for which a valid building permit has been issued. Trailers may remain only during the period of actual construction. They must be removed from the premises prior to a certificate of occupancy being issued for the structure.

7.2.64 Truck Stops

(1) Where Required

These standards shall apply within the GC district.

(2) Time Limits

No truck or trailer may remain on the premises for more than 12 hours.

(3) Access

Two (2) access points to a thoroughfare are required.

7.2.65 Vending Stations, Unmanned

(1) Where Required

These standards shall apply within the GC district.

(2) Exterior Materials

If the exterior finish of the vending station is metal, only smooth, non-corrugated metal may be used.

(3) Location

Vending stations may not be located in any required setback, nor within a street right-of-way.

7.2.66 Wholesale Agricultural Chemical, Pesticide and Fertilizer Sales

(1) Where Required

These standards shall apply within the AG district.

(2) Separation

No storage areas for chemicals, pesticides or fertilizer may be located within 300 feet of a structure used for residential purposes.

7.2.67 Wholesale Agricultural Product Sales

(1) Where Required

These standards shall apply within the AG district.

(2) Separation

Establishments may not be located any closer than 150 feet from a structure used for residential purposes.

7.2.68 Wholesale Agricultural Supply Sales

(1) Where Required

These standards shall apply within the AG district.

(2) Separation

Establishments may not be located any closer than 150 feet from a structure used for residential purposes.

7.2.69 Wireless Telecommunication Facilities (incl. small/micro antennas and equipment)

(1) Where Required

These standards shall apply within the AG, R-10, R-15, OI, GC, and I districts.

(2) General Provisions

New freestanding wireless communication facilities shall comply with the standards in this subsection. These regulations shall not apply to noncommercial amateur/ham radio towers and emergency communication towers owned by the Town or other public agency that are used wholly or in part for public safety purposes.

(3) Collocation Required

It is the intent of the Town to encourage providers to collocate facilities in an effort to limit the number of telecommunication towers in the Town's jurisdiction. New freestanding wireless communication facilities shall be subject to the following requirements:

- (A)** No new freestanding wireless communication facility may be located within 1,000 linear feet (as measured using the shortest straight line distance) of an existing water tower, power transmission tower, or similar feature unless the applicant can demonstrate that collocation was pursued but rejected by the owner of the existing water tower, power transmission tower, or similar feature.
- (B)** No freestanding wireless communication facility may be located within 1,500 linear feet of an existing freestanding wireless communication facility unless the applicant can demonstrate that collocation is not a viable option.
- (C)** The Town may require, as a condition of approval, telecommunication service providers to notify other telecommunication service providers of the fact that space on a new freestanding wireless communication facility is available on a lease basis, and to negotiate in good faith with other providers to provide space on existing freestanding wireless communication facility at a reasonable lease cost.

(4) Design

- (A)** All telecommunication towers shall be of a monopole design and construction. Lattice and guyed tower design shall be prohibited.

- (B) The Town may require as a condition of the zoning permit that the freestanding wireless communication facility be camouflaged to blend with its surroundings through creative placement, painting, or other approaches.
- (C) Freestanding wireless communication facilities must be setback from property lines a distance of at least 125% of the total height of the facility.

(5) Maximum Height

- (A) Within the R-10, R-15, and OI districts, the maximum height shall be limited to 100 feet.
- (B) Within the AG, GC, I districts, the maximum height shall be limited to 200 feet.

(6) Small/Micro Antennas and Equipment

Small/Micro Antennas and Equipment may be installed in any zone as long as a zoning permit is obtained and all equipment complies with this ordinance and NCSL 2017-159 and any future additions and/or amendments made to this law and its provisions.

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ARTICLE 8 – GENERAL DEVELOPMENT STANDARDS

8.1 Fences and Walls

8.1.1 Applicability

The provisions of this section shall apply to all new construction, redevelopment, or replacement of fences or walls not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. In the event of any inconsistency between the provisions of this section and any screening standard in Section 9.9, Screening, the latter shall govern.

8.1.2 General Requirements for Fences and Walls

(1) Location

Fences are permitted on the property line between two (2) or more parcels of land held in private ownership.

(2) Temporary Fences

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

(3) Fences in Easements

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

(4) Blocking Natural Drainage Flow

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

(5) Fences on Retaining Walls or Berms

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

(6) Fences and Walls within Buffers and Streetscape Landscaping Areas

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material. The perimeter fencing or wall for a single subdivision or development shall be of a uniform, approved style that

meets the standards of this section in order to provide visual interest in an orderly manner.

8.1.3 Height Requirements for Fences and Walls

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

(1) Residential

In the residential districts, fences and walls, except for retaining walls, shall not exceed a height of four (4) feet in front yards. Walls shall be limited to a maximum height of three (3) feet in front yards. Walls and fences located behind the front building line shall not exceed six (6) feet four (4) inches in height. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(2) Nonresidential

In the nonresidential and mixed-use districts, fences and walls shall not be permitted in front setback areas, and shall not exceed a height of six (6) feet four (4) inches in front yards and within 20 linear feet of public rights-of-way inside and rear yards. Fences and walls shall not exceed eight (8) feet four (4) inches in height in all other areas. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(3) Exemption for Required Screening

Fencing provided to meet the standards of Section 9.9, Screening, shall be exempted from the height standards of this subsection, but in no case shall the fencing exceed more than two (2) feet above the maximum height limits of Section 9.9, Screening.

(4) Exemption for Recreational Fencing

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

(5) Exemption for Safety

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

8.1.4 Perimeter Fences and Walls Abutting Public Rights-of-Way

Perimeter fences or walls abutting a public right-of-way shall:

- (1)** Be of a uniform style;

- (2) Be located outside the right-of-way associated with a public street; and
- (3) Be located outside any required streetscape landscaping (see Section 9.3)

8.1.5 Visibility Clearance

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

8.1.6 Prohibited Fences

(1) Chain Link and Metal-Slat Fencing

Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all residential districts.

(2) Barbed Wire and Above Ground Electrified Fences Prohibited

Except as needed for agricultural uses, livestock, major utilities, government facilities, and other public safety uses, barbed wire fences and above ground electrified fences are prohibited in all zoning districts. Underground or above ground electric fences designed for control of domestic animals are permitted.

(3) Debris, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials

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

8.1.7 Appearance of Fences and Walls

(1) Customary Materials

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

(2) Finished Side to Outside

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

(3) Uniformity of Materials on a Single Lot Side

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

(4) Maintenance Required

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

8.2 Outdoor Lighting

8.2.1 Purpose

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

- (1)** Control lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
- (2)** Ensure that all site lighting shall be designed and installed to maintain adequate lighting levels on site; and
- (3)** Provide security for persons and land.

8.2.2 Applicability

General

Unless exempted in accordance with Section 8.2.3, Exemptions, the provisions of this section shall apply to attached residential, Institutional, Commercial, and Industrial Uses.

8.2.3 Exemptions

The standards of this Section shall not apply to government-owned, operated, or maintained street lights located within a street right-of-way or other easement granted to the Town.

8.2.4 Design Standards for Exterior Lighting

All exterior lighting shall conform to the following standards:

(1) Maximum Lighting Height

- (A)** Except for outdoor sports fields or performance areas, outdoor lighting heights shall be no greater than:
 - (i)** 18 feet above grade for pedestrian lighting; and
 - (ii)** 25 feet above grade for vehicular lighting.
- (B)** Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four (4) feet in height.

(2) Illumination Direction

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

(3) Location

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

(4) Shielding

- (A)** Light fixtures in excess of 60 watts or 100 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.
- (B)** No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from land occupied by existing residential development.
- (C)** No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.
- (D)** Awnings or canopies used for building accents over doors, windows, etc., shall be allowed to be internally illuminated (i.e. from underneath or behind the awning) provided the North Carolina State building and electrical codes are met.

(5) Maximum Light Levels

All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed one (1) foot candle. The average intensity illumination for outdoor lighting shall not exceed an average of six (6) foot candles in intensity as measured

at grade. Vehicular use area lighting shall not exceed a maintained average of two-and-one-half (2 ½) foot candles.

(6) Hue

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

8.2.5 Wall-mounted Lights

- (1)** Wall-mounted lights shall be fully shielded luminaries (such as shoebox or can style fixtures) to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this subsection shall prevent the use of decorative lighting fixtures provided that the source of illumination is not visible from adjacent lands used or zoned for residential purposes, and provided that the maximum illumination values comply with the standards in Section 8.2.4(5), Maximum Light Levels.
- (2)** Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (true cut-off type bulb or light source not visible from off-site) to direct the light downward and be of low wattage (preferably 100 watts or lower). Other accent lighting projected onto buildings may be allowed provided that it is approved through the development plan process.

8.2.6 Floodlights and Spotlights

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

8.2.7 Illumination of Outdoor Sports Fields and Performance Areas

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

8.2.8 Sign Lighting

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

8.3 Loudspeakers

8.3.1 Loudspeakers Prohibited

The installation or use of loudspeakers, horns, sirens or similar noisemaking devices for commercial purposes shall be prohibited. Nothing in this section shall prohibit the use of loudspeakers by public safety agencies or at sporting or other public events.

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ARTICLE 9 – LANDSCAPING, BUFFERS, AND SCREENING

9.1 Intent and Purpose

It is the purpose of this article to require landscaping to minimize the adverse effects of certain land uses and outdoor activities upon their surroundings and to improve the appearance of parking areas, street frontages, and pedestrian corridors within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values within the Town of Kenansville.

9.2 General Landscaping Requirements

9.2.1 Applicability

These regulations shall apply to all land development activities within the Town of Kenansville with the exception of the following activities:

- (1) The construction, reconstruction, expansion or modification of a detached single family dwelling on an individual lot.
- (2) The construction, reconstruction, expansion or modification of no more than two (2) attached dwelling units, provided that each unit is constructed with an individual driveway and/or garage.
- (3) Land development activities within the Central Business District (CB) where structures are constructed within five (5) feet of a lot line or would otherwise prevent the installation of required landscaping material due to adjacent structures or rights-of way.

9.2.2 General Requirements

- (1) Landscaping required by this Article shall comply with the minimum State or local sight distance requirements for street intersections and driveways, and shall not obstruct or impede public pedestrian routes including sidewalks and greenway trails. Safety and security concerns should receive prominent consideration during the selection and placement of landscape materials.
- (2) Whenever any planting areas required by this Article are adjacent to motor vehicle surface areas or motor vehicle display areas, the planting areas shall be protected from motor vehicle intrusion or damage by active restraint devices, such as bollards, wheel stops or curbing.
- (3) The soil surface of all planting areas required by this Article shall be stabilized to prevent erosion. In addition to required interior trees and shrubs, the soil surfaces of planting areas shall contain live groundcover, mulch, flowering plants, permeable pedestrian paver blocks, or a combination thereof.

- (4) All required plantings installed shall be nursery grown stock that is free from disease or growth problems, shall be indigenous to Duplin County, and shall comply with the latest edition of the American Standards for Nursery Stock, published by the American Nurserymen's Association and be consistent with the standards set forth by the Duplin County, North Carolina Cooperative Extension Service.
- (5) The landowner is responsible for maintaining, mulching, watering, and pruning all required plant materials. Any dead or missing plants must be replaced with new planting which meets the minimum installation dimension standards of this section. Plant replacement shall take place within one (1) month of written notification by the Ordinance Administrator. In the event that plant material is severely damaged due to an unusual weather occurrence or other act of nature, or if replacement plantings are unavailable within one (1) month of written notification, the landowner will have six (6) months from the date of written notification to replace plantings. This time limit may be extended by the Ordinance Administrator if the area is under prolonged drought conditions, or if the particular type of plant material has a preferred planting season that would require extending the length of time.
- (6) Where appropriate, the location of overhead utility lines shall be considered during the placement of required trees. The maximum mature height of required trees shall be determined as follows:

 - (A) Trees with a maximum mature height of less than 25 feet shall be used where they will be planted within 25 feet, measured horizontally, from overhead power lines.
 - (B) Trees with a maximum mature height of less than 35 feet shall be used where they will be planted within 35 feet, measured horizontally, from overhead power lines.
 - (C) Trees with a maximum mature height of greater than 35 feet may be used where they will be planted more than 30 feet, measured horizontally, from overhead power lines so long as they do not have a horizontal spread of more than 25 feet from the trunk.
- (7) Fractional planting requirement calculations shall be rounded to the next higher whole number.
- (8) Existing plant material within the required bufferyard may be included in the computation of the required plantings with approval of the Ordinance Administrator.
- (9) A minimum five (5) foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including fire hydrants, post indicator valves, and Siamese connectors. Obvious sight lines to the fire protection equipment shall be maintained at all times.

9.3 Streetyards

A landscaped streetyard shall be required for all activities subject to the requirements of this Article. Streetyards shall conform to the requirements outlined below:

- 9.3.1** Streetyards shall be installed along all streets and located within 20 feet of the edge of the right-of-way.
- 9.3.2** Streetyard planting areas shall be a minimum of 10 feet in width.
- 9.3.3** Each streetyard shall contain a minimum of five (5) trees and 20 shrubs per 100 linear feet of road frontage, excluding the width of driveways as measured at the right-of-way line.
 - (1)** Each tree planted shall be a minimum of two (2) DBH at the time of installation. Each shrub planted shall be a minimum of 18 inches in height at the time of installation and reach a minimum height of 36 inches within three years of installation.
 - (2)** Trees and shrubs must be native species. No more than 50% of the shrubs planted to meet this requirement may be deciduous.
 - (3)** Trees and shrubs must be distributed throughout the streetyard planting area as evenly as possible.

9.4 Street Trees

Where new public or private streets are established through the major subdivision process, street trees shall be required to be planted on both sides of the street in accordance with the following standards:

- 9.4.1** Trees planted to satisfy the requirements of this Section shall have a minimum mature height of 20 feet.
- 9.4.2** Trees shall be planted at intervals of 40 feet as measured from the center of the trunk.
- 9.4.3** At the time of planting, each tree shall be a minimum of three (3) DBH.
- 9.4.4** Required trees shall be planted a minimum of five (5) feet and a maximum of 15 feet from the edge of pavement.
- 9.4.5** Along streets that are well-forested or new streets that are to be maintained in a forested condition by the developer, the requirements of this Article may be reduced or eliminated upon approval of the Ordinance Administrator to minimize grading and enhance preservation of existing, mature trees. Tree planting requirements may be modified where extreme topography would require excessive grading to meet the specific standards above.

9.5 Parking Lot Landscaping

To provide shade and to break up the visual appearance of large paved areas, landscaping shall be required.

9.5.1 All parking lots subject to the requirements of this Article are required to contain landscaping as specified below:

- (1)** Parking lots with 12 or more spaces shall be landscaped with one (1) tree for every 12 parking spaces.
- (2)** Parking lots shall contain landscape islands or peninsulas. Each shall be a minimum of 10 feet wide. Each island or peninsula shall be planted with a minimum of one (1) tree.

9.5.2 Design and Placement

- (1)** Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
- (2)** All landscape areas shall be protected by raised curbs, parking blocks or other similar methods to prevent damage. Notwithstanding this requirement, alternative Low Impact Design solutions shall be encouraged, such as areas for stormwater infiltration, with incorporation of methods to prevent damage.
- (3)** Trees shall be planted at least three (3) feet from curbs or the edge of pavement.

9.5.3 Trees planted or preserved to satisfy streetyard, monumental tree preservation, or buffer requirements may be used to partially satisfy the requirements of this Article.

9.6 Foundation Plantings

9.6.1 Minimum Standards

For all portions of buildings that are adjacent to motor vehicle use areas or internal driveways, foundation plantings shall be required and located between the building's facades and the parking or drive isle curb. The minimum standards are required; however, it is encouraged that sites exceed the minimum whenever possible. The following minimum standards shall apply:

- (1)** The area of the building facade adjacent to the parking area or internal drive isle shall be computed and multiplied by a minimum of 20%. The resultant total square footage shall be planted as landscaped areas containing a minimum of one (1) evergreen shrub per 20 square feet of planting area and one (1) small flowering tree per 100 square feet of planting area.

- (2) Each shrub planted shall be a minimum of 18 inches in height at the time of installation and reach a minimum height of 36 inches within three (3) years of installation. Shrubs must be native species retains foliage to within six (6) inches above ground level.
- (3) Each tree planted to satisfy this Article shall be a minimum of two (2) DBH at the time of installation.

9.6.2 Exemptions

The following areas shall be exempted from the requirements of this Section:

- (1) Along the portions of buildings which contain drive-thru services. (Such examples would include, but not be limited to: pharmacies, banks, fast food restaurants, and dry cleaners)
- (2) On the rear side of a building when less than 10% of the total required parking is located in the rear of the building and the rear is not adjacent to any public right-of-way or interior driveway used by customers.
- (3) Along portions of buildings within the Central Business District (CB) which are constructed within two (2) feet of a lot line.

9.7 Buffers

9.7.1 Applicability

- (1) A landscape buffer area is required when any use in a Commercial or Office Industrial, or Industrial District is adjacent to any Agricultural and Residential Districts. Additionally, any principal non-residential and non-agricultural use permitted in the Agricultural and Residential Zoning Districts is subject to buffering requirements when adjacent to properties within the same districts.
- (2) A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.
- (3) A buffer area shall be required even when the adjacent Agricultural and Residential zoned property is undeveloped.

9.7.2 Design and Placement

- (1) The buffer area shall abut the applicable property line and plantings shall fall within the required buffer area width.
- (2) Buildings, structures, and parking lots may not encroach into the buffer area. Areas of ingress/egress may cross the required buffer areas perpendicularly.

- (3) Stormwater management measures, such as areas for infiltration or retention, may be located in the buffer area, provided, the planting requirements in Tables 9.7 can still be met.
- (4) Buffers may be used for passive recreation, such as pedestrian, bicycle, or equestrian trails, as long as no plant material is eliminated, and the total width of the buffer shall be maintained.
- (5) Required buffer plantings shall not be installed on cut or fill slopes with slope ratios greater than two to one (2:1). Where buffers include any part of a cut slope greater than 10 feet in height, grading for such cut slope shall not encroach closer than 10 feet to the property line.
- (6) Plantings may be arranged formally or informally for a more natural effect.

9.7.3 Buffer Requirements

Buffer area types applicable to the following zoning districts are indicated in Table 9.7.

Table 9.7

District	Buffer Type	Min. Width	Min. Planting Required per 50 Linear Ft.
AG, R-3, R-10, and R-15	I	10 ft.	1 tree, 4 primary evergreen plants, 5 supplemental evergreen shrubs
OI and GC	II	15 ft.	1 tree, 5 primary evergreen plants, 10 supplemental evergreen shrubs
Industrial	III	20 ft.	2 trees, 8 primary evergreen plants, 10 supplemental evergreen shrubs

- 1) If any conflict exists between the buffer requirements as identified in this section and any use standards or zoning district regulations contained in other sections of this Ordinance, the buffer requirements in the other section shall apply.
- (2) **Size of Plant Material**
 - (A) Only trees which have mature heights exceeding 25 feet may be used for required buffer plantings.
 - (B) All trees used for buffer screening must be a minimum of two (2) DBH at installation.
 - (C) All primary evergreen plants shall be a minimum of 6 feet in height at time of installation unless combined with an approved earthen berm, and shall be not less than 10 feet in height at maturity.
 - (D) All supplemental evergreen shrubs shall be a minimum of 18 inches in height at installation, and shall attain a minimum height of 36 inches 3 years after installation.

9.7.4 Buffer Alternatives

- (1)** Berms may be constructed in a buffer area to supplement landscaping. Minimum landscaping requirements shall be reduced by 50% where a berm at least three (3) feet in height is constructed for at least 85% of the length of the buffer area. The minimum buffer width shall be maintained.
- (2)** Privacy Fencing. A privacy fence may be used to supplement landscaping. For the linear footage a privacy fence is used, the minimum landscaping requirement shall be reduced by 75%. Minimum buffer width shall be maintained. To qualify for the reduction, privacy fences must meet the following requirements:
 - (A)** Height: six (6) foot minimum.
 - (B)** Placement: At least five (5) feet from the property line.
 - (C)** Opacity: Gaps between pickets must be no greater than one-half ($\frac{1}{2}$) of an inch.
- (3)** Where the distance between the building, parking area or use is more than 200 feet from a side or rear lot line, the minimum landscaping requirement along that lot line may be reduced by 50%.

9.8 Riparian Buffers

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

9.8.1 Applicability

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

9.8.2 Exemption

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

9.8.3 Buffer Requirements

Riparian buffers shall be established and maintained according to the following specifications:

(1) Low Density Development

When property adjacent to a regulated watercourse is developed with less than 24% impervious surface area the following standards shall apply:

(A) Property Adjacent to Perennial Streams

A 30 foot riparian buffer, as measured landward from the top of the stream bank shall be established. Within the first 15 feet of the top of the bank, no disturbance of the existing vegetation is allowed. The remaining width of the buffer area must remain free of impervious surfaces.

(B) Property Adjacent to Intermittent Streams

A 20 foot riparian buffer, as measured landward from the top of the stream bank shall be established. Within the first 10 feet of the top of the bank, no disturbance of the existing vegetation is allowed. The remaining width of the buffer area must remain free of impervious surfaces.

(2) High Density Development

When property adjacent to a regulated watercourse is developed with greater than 24% impervious surface area the following standards shall apply:

(A) Property Adjacent to Perennial Streams

A 50 foot riparian buffer, as measured landward from the top of the stream bank shall be established. Within the first 30 feet of the top of the bank, no disturbance of the existing vegetation is allowed. The remaining width of the buffer area must remain free of impervious surfaces.

(B) Property Adjacent to Intermittent Streams

A 30 foot riparian buffer, as measured landward from the top of the stream bank shall be established. Within the first 20 feet of the top of the bank, no disturbance of the existing vegetation is allowed. The remaining width of the buffer area must remain free of impervious surfaces.

9.9 Screening

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

9.9.1 Items to be Screened

The following areas shall be screened:

- (1)** Outdoor trash storage (including recycling containers);
- (2)** Loading and service areas;
- (3)** Outdoor storage areas (including storage tanks); and
- (4)** Ground level mechanical equipment and utility meters.

9.9.2 Screening Methods

(1) Vegetative Material

Planting materials meeting the standards for a Type III Buffer.

(2) Berms

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

(3) Fencing

An opaque wooden fence, or a plastic, or vinyl designed fence that is configured to appear as an opaque wooden fence, measuring at least six (6) feet in height, but not exceeding eight (8) feet in height, that is consistent with the standards in Section 8.1, Fences and Walls. When wood is utilized, only treated wood or rot-resistant wood, such as cypress or redwood, shall be used. Chain link, barbed wire, stock wire, hog wire, chicken wire, and similar type fences are not permitted.

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ARTICLE 10 – MONUMENTAL TREE PRESERVATION

10.1 Purpose

It is the purpose of this Article to:

- 10.1.1 Promote the aesthetic quality of new development by preserving existing trees;
- 10.1.2 Preserve trees that contribute to the historic character of Kenansville;
- 10.1.3 Prevent the wholesale clearing of land for development; and
- 10.1.4 Preserve and protect property values.

10.2 Applicability

These regulations shall apply to all land development activities within the Town of Kenansville with the exception of those activities specifically exempted by Section 11.3 of this Article.

10.3 Exemptions

The following shall be exempt from the requirements of this Article:

- 10.3.1 The construction, reconstruction, expansion or modification of a detached single-family dwelling unit on an individual lot.
- 10.3.2 The construction, reconstruction, expansion or modification of no more than two attached dwelling units, provided that each unit is constructed with an individual driveway.
- 10.3.3 The removal of any monumental tree that has become a hazardous tree or threatens to become a danger to human life or property. A tree is hazardous when it meets all of the following as determined by a Certified Arborist:
 - (1) It has a structural defect that predisposes the entire tree, or at least 1/5 or more of the tree's crown, to structural failure;
 - (2) The DBH of the tree predisposed to structural failure is at least 10 inches, or the diameter of the crown limb(s) predisposed to structural failure is at least eight (8) inches at the largest point;
 - (3) The structural defect has a failure potential of "medium" or greater as described in the current edition of *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas*, published by the International Society of Arboriculture, and cannot be remedied by an accepted arboricultural practice;

- (4) A target exists beneath or adjacent to the tree that could be injured or damaged, including but not limited to: pedestrians, vehicles, streets, sidewalks, buildings and other man-made structures.

10.3.4 The necessary removal of monumental trees by a utility company within dedicated utility easements.

10.3.5 The removal of monumental trees causing the blockage or improper operation of storm water control facilities.

10.4 Preservation of Monumental Trees and Monumental Tree Stands Required

To the greatest extent practical, monumental trees and monumental tree stands shall be protected and preserved during and after development. Measures such as the relocation or reconfiguration of buildings, parking areas, streets and other features may be required by the Planning Board if it deems it necessary to fulfill the intent of this Ordinance.

10.5 Criteria for Determining Monumental Trees and Monumental Tree Stands

10.5.1 Definition of a Monumental Tree

A monumental tree is defined as follows:

- (1) Any tree in fair or better condition which equals or exceeds the following DBH (diameter breast height) sizes:
 - (A) 16" DBH - Large hardwoods such as live oaks.
 - (B) 20" DBH - Large softwoods such as pines
 - (C) 6" DBH - Small ornamental trees such as dogwoods.
- (2) A tree in fair or better condition is one that has a life expectancy of greater than fifteen (15) years, a structurally sound trunk which is solid and free of decay, no more than one major and several minor dead limbs (hardwoods only), no major insect infestations and is free of disease.
- (3) A lesser-sized tree can be considered a monumental tree if it is a rare or unusual species, of exceptional or unique quality, or of historical significance.

10.5.2 Monumental Tree Stands

Monumental tree stands are defined as a contiguous grouping of trees which has been determined to be of high value to the community by the Planning Board. Such determination is based upon the following criteria:

- (1) A relatively mature, even-aged stand.
- (2) A stand with purity of species composition or of a rare or unusual nature.

- (3) A stand of historical significance.
- (4) A stand with exceptional aesthetic quality.

10.6 Monumental Tree Survey

All applications for site plan approval and all preliminary subdivision plats shall be accompanied by a survey of all monumental trees and monumental tree stands on the subject property. At a minimum, the survey shall note the location, DBH and common name of individual trees that meet the criteria for monumental status. Trees comprising a monumental stand shall not need to be individually identified, but the area containing the stand shall be delineated on the survey and the composition of the stand shall be noted. Surveys for large parcels that are not going to be fully developed may exclude those areas located more than 50 feet from the boundary of the construction area.

10.7 Tree Preservation and Protection Plan

In addition to the required monumental tree survey, a complete tree preservation and protection plan shall be submitted with all applications for site plan approval and preliminary subdivision plat approval. The preservation and protection plan shall indicate which monumental trees and monumental tree stands on the subject property will be preserved, relocated or removed. The plan shall also indicate the type and location of all active and passive tree protection measures that will be installed and remain in place throughout the development process. The location of all proposed impervious surfaces shall also be delineated on the plan.

10.8 Review by Planning Board

The tree survey and preservation and protection plan shall be reviewed by the Planning Board as part of its site plan approval process and preliminary subdivision plat recommendation process. The Planning Board may require the alteration of a proposed site plan or subdivision plat to meet the intent of this Article. Approval of a site plan or a positive recommendation on a preliminary subdivision plat may be withheld for failure to comply with the terms of this Article.

10.9 Preservation Required

All monumental trees and monumental tree stands that are identified for preservation on the approved preservation and protection plan shall be preserved and protected from harm through the development process. If, through reckless or careless action by the developer or through disregard for the requirements of this Article, the developer removes or destroys a tree or trees indicated for protection he shall, at his expense, replace the tree(s). Replacement shall be achieved by planting two trees of the same variety for each tree removed or destroyed. Replacement trees shall be a minimum of eight (8) feet tall and have a diameter of at least two (2) inches measured six (6) inches above the ground at the time of planting, and shall be planted in the general vicinity of the removed or destroyed tree(s).

10.10 Tree Protection During Construction

- (1)** No person, in the construction of any structure(s) or improvement(s) or any activity, shall encroach or place solvents, material, construction machinery or temporary soil deposits within 6 feet of the area outside of the drip line, as defined in this Ordinance, of any monumental tree or any tree within a tree protection zone.
- (2)** Before development, land clearing, filling or any land alteration, the developer shall be required to erect suitable protective barriers as required by the Ordinance Administrator, including tree fences, tree protection signs, and erosion barriers until completion of site landscaping. Authorization to remove the protective devices shall be in writing by the Ordinance Administrator. Inspection of tree protection barriers is required prior to any land disturbance or development. The Ordinance Administrator shall be contacted to schedule an inspection time.
- (3)** Materials for active tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material. In addition to fencing, where active tree protection is required, each tree to be saved shall be marked at the base of the trunk with blue colored water-based paint.
- (4)** Materials for passive tree protection shall consist of heavy mil plastic flagging, a minimum of 4 inches wide with dark letters reading "Tree Protection Area - Do Not Enter" or equivalent signage of a continuous, durable restraint.
- (5)** All tree protection devices must remain in functioning condition until the Certificate of Occupancy is issued, and must be removed promptly thereafter.

ARTICLE 11 – OFF STREET PARKING, LOADING AND STACKING

11.1 Purpose

It is the purpose of this Article to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent lands and to ensure the proper and uniform development of automobile parking areas throughout the Town.

11.2 Applicability

These regulations shall apply to all land development activities within the Town of Kenansville with the exception of those activities specifically exempted by Section 12.3 of this Article.

11.3 Exemptions

These regulations shall not apply to land development activities within the Central Business (CB) district.

11.4 General Requirements for Off-Street Parking, Loading and Stacking Areas

11.4.1 Use of Parking Area, Stacking Area or Loading Space

All vehicular parking areas, stacking areas, and loading spaces required by this Article shall be used only for those purposes. Any other use, including but not limited to vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate use of the space.

11.4.2 Identified as to Purpose and Location When Not Clearly Evident

Off-street parking areas of three (3) or more spaces and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisles.

11.4.3 Surfacing

All off-street parking loading and stacking areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material, except as provided for in Section 12.4.4, Limitations on Impervious Surfaces. These materials shall be maintained in a smooth, well-graded condition.

11.4.4 Limitations on Impervious Surface

Where an off street parking area containing 50 or more vehicle parking spaces is constructed or enlarged, no more than 80% of the parking area may be surfaced with impervious material. At a minimum 20% of the designated off-street parking area shall be paved with pervious paving materials. Materials used for these areas may include permeable concrete, permeable asphalt, open jointed blocks, permeable pavers, or other materials designed to allow the maximum infiltration

of water. Regular maintenance of these pervious areas is required to ensure that they continue to function properly after their installation.

11.4.5 Arrangement

- (1) All off-street parking and loading areas shall be arranged for convenient access and safety of pedestrians and vehicles.
- (2) Except for detached residential uses, off-street parking areas with three or more spaces shall be arranged so that no parking or maneuvering incidental to parking shall be on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile.
- (3) All off-street parking and loading areas, except on lots used for detached residential uses and townhouses, shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets.

11.4.6 Curbs and Vehicle Stops

All off-street parking and loading areas shall provide curbs, wheel stops, or similar devices so as to prevent vehicles from overhanging on or into public right-of-way, sidewalks, walkways, adjacent land, or landscape areas.

11.4.7 Maintenance

All off-street parking and loading areas shall be maintained in good repair, and in safe condition at all times, so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land. All off-street parking and loading areas shall be periodically re-striped or otherwise restored to maintain a clear identification of separate parking stalls.

11.4.8 Responsibility for Provision

The responsibility for providing the off-street parking and loading areas required by this section shall be that of whomever develops the land that requires parking and loading areas.

11.4.9 Construction of Off-Street Parking and Loading Areas

All off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses they serve.

11.5 Off-Street Parking Standards

11.5.1 Minimum Number of Spaces Required

Unless otherwise expressly stated in this Section, off-street parking spaces shall be provided in accordance with Table 12-1, Minimum Off-Street Parking Standards. Unlisted uses shall conform to the requirements of the most similar use.

Table 11-1 Minimum Off-Street Parking Standards

USES	SPACES REQUIRED
Agricultural Uses	
Veterinary Services (livestock)	3 per doctor + 1 per other employee
Residential Uses	
Dwelling, Single Family Detached	2 per dwelling unit
Dwelling, Duplex	2 per dwelling unit
Dwelling, Multi-family	1 per 10 units +
0-1 Bedroom Units	1.50 per unit
2 Bedroom Units	1.75 per unit
3+ Bedroom Units	2 .00 per unit
Dwelling, Townhouse	1 per 10 units +
0-1 Bedroom Units	1.50 per unit
2 Bedroom Units	1.75 per unit
3+ Bedroom Units	2 .00 per unit
Dwelling, Live/Work	1 per unit +1 per commercial space
Dwelling, Upper Story Loft	1 per unit
Dwelling, Manufactured Home, Class A	2 per dwelling unit
Manufactured Home Park	2 per dwelling unit
Family Care Home	2 + 1 per 3 residents
Group Care Facility	1 per employee + 1 per 3 residents
Boarding and Rooming Houses	2 + 1 per rental unit
Accessory Uses	
Accessory Dwelling Unit	1 per unit
Caretaker Dwelling	1 per unit
Home Occupations (customary)	2 + required for dwelling unit
Recreation Uses	
Commercial Recreation, Indoor	1 per 300 sq. ft.
Commercial Recreation, Outdoor	1 per employee + 1/3 participants/spectators at largest event
Country Club	1 per employee + 1/300 sq. ft of gross floor area + spaces for accessory uses
Golf Course	1 per employee + 4 per hole
Golf Driving Range	1 per employee + 2 per tee
Horse Stables / Riding Academies	1 per employee + 1 per stall
Shooting Range, Indoor	1 per employee + 1.5 per lane
Shooting Range, Outdoor	1 per employee + 1.5 per position
Government, Educational and Institutional Uses	
Ambulance / EMS Stations	1 per employee on largest shift
Amphitheaters	1 per 5 seats
Assisted Living / Nursing Facilities	1 per employee on largest shift + per 4 residents
Auditoriums	1 per 4 seats
Churches / Religious Institutions	1 per 4 seats in sanctuary
Civic or Fraternal Organizations	1 /200 sq. ft. of gross floor area
Colleges and Universities	1 per 3 students + 1 per employee

USES	SPACES REQUIRED
Conference and Event Centers	1 per 5 persons based on design capacity
Day Care Centers, Adult	1 per employee + 1 per 10 attendees
Fire Stations	1 per employee on largest shift
Government Offices	1 per employee + 1/200 sq ft of gross floor area
Hospitals	2 per patient bed + 1/300 sq. feet of administrative area.
Libraries	1 per 450 sq. ft. of gross floor area plus 1 per employee
Museums	1 per 450 sq. ft. of gross floor area plus 1 per employee
Police Stations	1 per employee on largest shift
Post Offices	1 per employee + 1/150 sq feet of public service area
School, Elementary	1 per employee + 2 per classroom
School, Middle High	1 per employee + 2 per classroom
School, Senior High	1 per employee + 1 per 4 students
School, Trade or Vocational	1 per 3 students + 1 per employee
Commercial Uses	
Adult Entertainment	1 per employee + 1/100 sq feet of gross floor area
Alcoholic Beverage Control (ABC) Stores	1 per employee + 1 /300 sq. ft. of gross floor area
Animal Shelters	1 per employee + 1 per 10 kennels
Auction Houses	1/ 100 sq. ft. of auction floor area
Automobile Repair and Service Centers	1 per employee + 3 per service bay
Automobile Sales, Rental and Leasing	1 per employee + 1 per 10 vehicle display spaces
Automobile Supply Stores	1/300 sq. ft. of gross floor area
Automobile Towing and Storage	1 per employee + 1 per 10 vehicle storage spaces
Banks and Credit Unions	1/200 sq. ft. of gross floor area
Barber Shops and Salons	3 per employee
Bars, Nightclubs and Similar Establishments	1 per 3 patrons based on design capacity + 1 per employee
Bed and Breakfast Inns	2 + 1 per rental room
Car Washes Full Service Self Service	1 per employee + 10 stacking spaces 2 stacking spaces per bay
Contractors Offices	3 + 1 per employee
Convenience Stores	1/200 sq. ft. of gross floor area
Crematoriums	3 + 1 per employee
Drug Stores and Pharmacies	1/300 sq. ft. of gross floor area
Dry Cleaners	1 per employee + 1/300 sq. ft. of gross floor area
Equipment Rental and Leasing	1/500 sq. ft. of gross floor area
Equipment Repair Services	1/500 sq ft. of gross floor area

USES	SPACES REQUIRED
Farm and Agricultural Supplies, Retail	1/500 sq. ft of gross floor area
Farm Equipment Sales and Service	1 per employee + 1 per service bay + 1/1000 sq. ft. of equipment display area
Fuel Oil Sales, Retail	1 per employee + 1/300 sq. ft. of customer service area
Funeral Homes (no crematory services)	1 per employee + 1 per 4 seats in chapel
Garden Centers and Nurseries, Retail	1 per employee + 1/400 sq. ft. of display area
Gasoline Sales, Retail	1 per employee
General Merchandise Stores	1/300 sq. ft. of gross floor area
Grocery Stores	1/300 sq. ft. of gross floor area
Hardware and Home Improvement Stores	1/300 sq. ft. of gross floor area
Home Furnishings Stores	1/500 sq. ft. of gross floor area
Hotels and Motels	1 per employee on largest shift + 1.25 per room
Kennels, Commercial	1 per employee + 1 per 10 kennels
Landscaping Services	1 per employee
Laundromats	1 per employee + 1 per 4 washers/dryers
Manufactured Home Sales, New	1 per employee + 1 per 5 home display spaces
Medical and Dental Offices and Laboratories	3 per practitioner + 1 per other employee
Medical Treatment Centers	3 per practitioner + 1 per other employee
Motorcycle Sales	1 per employee + 1 per 10 vehicle display spaces
Movie Theaters	1 per employee + 1 per 4 seats
Pawnbrokers	1/ 300 sq. ft. of gross floor area
Personal Services Establishments (not otherwise classified)	1/300 sq. ft. of gross floor area
Professional Offices (not otherwise classified)	1/300 sq. ft. of gross floor area
Recreational Vehicle Sales	1 per employee + 1/10 vehicle display spaces
Restaurants	1 per employee on largest shift + 1 per 4 seats
Retail Sales (not otherwise classified)	1 per 300 sq. ft. of gross floor area
Specialty Food and Beverage Stores	1 per 250 sq. ft. of gross floor area
Tire Sales, Retail (no outside storage)	1 per employee + 2 per service bay + 1/500 sq. ft. of display area
Tattoo and Body Piercing Establishment	2 per practitioner + 1 per other employee
Vending Stations, Unmanned	3 spaces
Veterinary Services (domestic animals)	3 per doctor + 1 per other employee
Transportation, Warehousing and Utility Uses	
Bulk Mail or Parcel Handling Facilities	1 per employee on largest shift
Self Storage Facilities	1 per employee + 1 per 10 rental units
Truck and Freight Terminals	1 per employee on largest shift
Warehouses and Distribution Centers	1 per employee on largest shift
Wholesale Uses	
All Wholesale Uses	1 per employee on largest shift + 1/300 sq. ft. of customer service/display areas

USES	SPACES REQUIRED
Industrial Uses	
All Industrial Uses	1 per employee on largest shift + 1/300 sq. ft. of customer service/display areas
Temporary Uses	
Flea Markets and Swap Meets	4 per booth
Seasonal Sales (Christmas Trees, Pumpkins, etc.)	1 per employee + 1/300 sq .ft. of display area

11.5.2 Maximum Number of Spaces Permitted

Where off-street parking spaces in excess of one hundred twenty-five percent (125%) of the minimum are provided, all excess parking areas must be paved with pervious paving materials. In no case shall parking in excess of one hundred fifty percent (150%) of the minimum number required be allowed.

11.5.3 Minimum Separation

Except in the Central Business (CB) District, all parking areas shall be separated at least 10 feet from buildings in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated in the rear of buildings in areas designed for loading and unloading materials.

11.5.4 Cross Access Required

(1) General

All development except detached residential and attached residential development with less than four (4) dwelling units shall be designed to allow for cross-access to adjacent compatible sites in accordance with the following standards:

(A) Limited to Two (2) Parcels

Cross-access ways shall be designed and located based on the standards of this section, but in no case shall a development be required to provide cross-access to more than two (2) adjacent parcels.

(B) Future Stubs Required

A stub for future cross access shall be provided to all adjacent vacant land designated as GC or OI; and

(C) Placement and Width

Cross-access ways shall be located and configured in a manner to provide the most convenient access between adjacent parcels. No part of a cross-access way shall be located within a street right of way. The minimum width of the cross access way shall be 22 feet.

(2) Waiver

The Zoning Administrator shall waive the cross-access standard if the applicant demonstrates it is impractical to provide cross-access due to:

- (A) Topography, or natural features;
- (B) The size and configuration of the site;
- (C) Vehicular safety factors;
- (D) The presence of incompatible uses; or
- (E) Existing development patterns on adjacent developed sites that make cross-access impossible.

When cross-access is waived in accordance with this section, pedestrian connections shall be provided between adjacent developments or uses, to the maximum extent practicable.

(3) Recording Required

Where provided, cross-access easements must be recorded by the owner/developer of the property prior to the issuance of a Certificate of Occupancy.

11.5.5 Dimensional Standards for Parking Spaces and Drive Aisles

The minimum dimensions for standard car parking spaces and parking lot aisles shall comply with Table 12-2, Dimensional Standards for Parking Spaces and Aisles:

Table 12-2 Dimensional Standards for Parking Spaces and Aisles

Stall Type	Stall Width (feet)	Stall Depth (feet)	Minimum Aisle Width for Two Way Traffic¹
Parallel	8	25	22
45 Degrees	8.5	18	24
90 Degrees	9	19	24

1. The aisle width may be reduced by one-half for one-way traffic.

11.5.6 Accessible Parking for Disabled Persons

Off-street parking for disabled persons shall be provided in accordance with Federal ADA (Americans with Disabilities Act) standards.

11.6 Loading Area Standards

11.6.1 Minimum Number of Spaces Required

Unless otherwise expressly stated in this Section, loading areas shall be provided in accordance with Table 12-3, Loading Area Standards:

Table 11-3 Loading Area Standards

Use Type	Gross Floor Area (sq. ft.)	Minimum Number of Spaces
Offices	10,000 or more	1
Retail Sales and Service	3,000-14,999	1
	15,000-49,999	2
	50,000-99,999	3
	100,000 or more	4 + 1 per every additional 100,000 sq. ft.
Wholesale and Warehousing (except self storage)	Up to 15,000	1
	15,000-49,999	2
	50,000 or more	3 + 1 per every additional 50,000 sq. ft.
Industrial Uses	Up to 15,000	1
	15,000-49,999	2
	50,000-124,999	3
	125,000-249,999	4
	250,000 or more	5 + 1 per every additional 125,000 sq. ft.

11.6.2 Design Standards

(1) Minimum Dimensions

- (A) Each loading berth or space required by this subsection shall be at least 10 feet wide by 50 feet long (or deep), with at least 15 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed paths for the ingress and egress of vehicles.
- (B) Uses with between 2,000 and 5,000 square feet of floor area that are required to provide an off-street loading space may provide a space which is 10 feet wide by 30 feet long (deep), with at least 15 feet of overhead clearance.

(2) Location

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

(3) Delineation of Loading Spaces

All loading spaces shall be delineated by signage, striping and labeling of the pavement.

(4) Access to a Street

Every loading area shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot.

(5) Paving

The ground surface of loading areas shall be paved with a durable, dust free and hard material, such as surface and seal treatment, bituminous hot mix or Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

11.7 Stacking Space Standards

11.7.1 Minimum Number of Spaces Required

In addition to meeting the off-street parking standards in Table 11-1, Minimum Off-Street Parking Standards, uses with drive-through facilities or similar auto-orientation shall comply with the minimum stacking space standards in Table 11-4, Required Stacking/Standing Spaces:

Table 11-4 Required Stacking/Standing Spaces

Type of Use/ Activity	Minimum Stacking Spaces	Measured From
Automated Teller Machine	3	Teller Machine
Automobile Repair and Service	3 per service bay	Bay Entrance
Car Wash (Automatic)	3	Bay Entrance
Car Wash (Full Service)	10	Bay Entrance
Day Care Center	6	Building Entrance
Financial Institution	5 per lane	Teller Window
Gasoline Sales	30 feet from each end of the outermost island	
Nursing Home	3	Building Entrance
Restaurant Drive-through	8	Pick-up Window
Retail Sales and Service (drug store, dry cleaning, etc.)	5 per lane	Agent Window
Unlisted Uses	Determined by the Ordinance Administrator based on the size and type of use	

11.7.2 Dimensional Standards

Stacking spaces shall be a minimum of 12 feet wide and 20 feet deep.

11.8 Pedestrian and Bicycle Facilities

11.8.1 Pedestrian Circulation

Off-street parking lots of 25 or more spaces shall include pedestrian corridors through parking areas and sidewalks along building facades to accommodate safe pedestrian travel. Pedestrian corridors shall be demarcated by painting, material changes, or differing heights where they cross vehicular travel ways.

11.8.2 Pedestrian Pathways Through Lots

Off-street parking lots containing 150 or more spaces shall provide fully separated pedestrian pathways within the parking lot. These pathways shall:

- (1) Be located within planted landscaping strips located a minimum of every 130 feet, or every four (4) parking rows;
- (2) Be paved with asphalt, cement, or other comparable material;
- (3) Be of contrasting color or materials when crossing drive aisles;
- (4) Be at least three (3) feet in width when located within planting strips, and 10 feet in width when crossing drive aisles;
- (5) Terminate at drive aisle edges;
- (6) Be positively drained; and
- (7) Provide safe and efficient pedestrian access to the use they serve.

11.8.3 Bicycle Parking

All development with parking areas with 50 or more spaces shall provide bicycle parking facilities, which shall comply with the following standards:

- (1) Bicycle parking spaces shall be conveniently located, but in no case shall such facilities be located farther than 100 linear feet from the primary building entrance;
- (2) Bicycle parking spaces shall be provided at the rate of one (1) space per 10 off-street parking spaces, with a maximum requirement of 10 bicycle spaces.
- (3) Bicycle facilities shall include a rack or other device to enable bicycles to be secured.

ARTICLE 12 – SIGN REGULATIONS

12.1 Purpose and Intent

The purpose and intent of this Chapter is to support and complement the various land uses allowed in the Town and its Extraterritorial Jurisdiction through the regulation of various signs. More specifically, the purpose of this chapter is to:

12.1.1 Encourage Effective Use

Encourage the effective use of signs as a means of communication in the Town;

12.1.2 Maintain and Enhance Character

To maintain and enhance the beauty and unique character and enhance the aesthetic environment of the Town by eliminating visual blight;

12.1.3 Enhance Economic Growth

To enhance the Town's ability to attract sources of economic growth and development;

12.1.4 Maintain Safe Conditions

To protect pedestrians and motorists of the Town from damage or injury caused or partially attributed to the distractions and obstructions caused by improper size and location of signs;

12.1.5 Minimize Adverse Effects

To minimize the possible adverse effect of signs on nearby public and private property; and

12.1.6 Promote Public Safety, Health, and Welfare

To promote public safety, health, welfare, convenience, and enjoyment of travel and the free flow of travel within the Town.

12.2 Applicability

Unless exempted in accordance with Section 12.3, Exempt Signs, no sign allowed by this Article shall be constructed, erected, moved, enlarged, illuminated, altered, maintained, or displayed without first being issued a Zoning Permit.

12.3 Exempt Signs

The following types of signs shall be exempt from the requirement to obtain a Zoning Permit, and may be located on a lot within any base zoning district provided the sign is located outside the right-of-way and complies with all applicable requirements in this Section.

12.3.1 Commercial Signs

- (1) Internally directed device signs which are not intended to be read from a public right-of-way and do not exceed thirty-two (32) square feet in area are exempt.

12.3.2 Incidental Signs

- (1) Public interest and incidental signs less than two (2) square feet in size.
- (2) Flags and pennants, provided:
 - (A) No display pole exceeds thirty-five (35) feet in height;
 - (B) Flags do not exceed 60 square feet in size; and
 - (C) Flags are limited to a maximum of three (3) per site.

12.3.3 Public and Governmental Signs

- (1) Any sign installed by public or governmental agencies.

12.3.4 Sandwich Board Signs

Sandwich board signs on lots within the General Commercial (GC) and Central Business (CB) base zoning districts provided the sign:

- (1) Is limited to a maximum area of twelve (12) square feet or less (for both sides);
- (2) Does not exceed four (4) feet in height;
- (3) Is located so as to maintain at least five (5) linear feet of clearance for pedestrian travel;
- (4) Is limited to a maximum of one (1) per establishment; and
- (5) Is removed each evening following the close of the business it serves.

12.3.5 Temporary Signs

- (1) One (1) Temporary Yard Signs is allowed per lot at any time, provided:
 - (A) The sign face is no larger than two (2) square feet.
 - (B) Signs are placed at least five (5) feet behind the right-of-way and out of any sight triangles.
 - (C) No sign is illuminated.

- (2) In addition to the base number of yard signs allowable, additional Temporary Yard Signs are permissible.
 - (A) An additional temporary yard sign is permitted when a property is for sale, lease, rent, or during construction, provided:
 - (1) There is no more than one (1) sign per street frontage;
 - (2) Signs do not exceed a maximum of ten (10) square feet in area per sign on a lot in a residential base zoning district and thirty-two (32) square feet per sign on a lot in any other base zoning district;
 - (3) Signs on corner lots are located at least one hundred (100) linear feet apart as measured by the shortest straight line between them;
 - (4) Signs are removed within seven (7) days after the property is sold, rented, leased, or construction has been completed; and
 - (5) No sign is illuminated.
 - (B) Two (2) additional temporary yard signs are permitted sixty (60) days before and (7) days after an election, provided that no sign exceeds twelve (12) square feet in area.
- (3) On-premise pennants, flags, and streamers may be permitted for one (1) consecutive 30-day period per establishment per calendar year.
- (4) Temporary banners may be permitted, provided they are:
 - (A) Limited to a maximum of seventy-five (75) square feet in area;
 - (B) Attached to primary facade of a principal structure or set back fifty (50) feet from a street right-of-way;
 - (C) Not attached to a roof structure or an existing sign face;
 - (D) Not located above the second floor level;
 - (E) Limited to a maximum of two (2) per establishment per calendar year, for periods not to exceed fifteen (15) consecutive days; and

12.3.6 Signs where Agriculture is the primary use

- (1) Signs are limited to a maximum of one per lot;
- (2) The sign is located outside the street right-of-way and at least ten (10) feet from any side lot line;
- (3) The sign has a maximum area of nine (9) square feet; and
- (4) The sign is not illuminated.

12.3.7 Window Signs

Window signs on the ground floor of a commercial use provided the window sign(s) occupies less than fifty percent (50%) of the total window area on the building side where it is located.

12.4 Prohibited Signs

The following signs shall be prohibited: except as otherwise allowed in this Ordinance.

12.4.1 Signs Interfering with Traffic Safety

Any sign that obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal as determined by the Ordinance Administrator.

12.4.2 Signs Misconstrued as Regulatory

Signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as regulatory signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop" or "Yield".

12.4.3 Signs within the Right-of-Way

Any sign (other than a regulatory sign), banner, or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any street or right-of-way, or any banner, placed on stakes on a property, unless otherwise permitted.

12.4.4 Signs Blocking Existing Signs

Any sign located in such a way as to intentionally deny visual access to another existing sign.

12.4.5 Flashing Signs

Signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color (except regulatory signs).

12.4.6 Signs on Stakes

On- or off-premise pole signs or signs on metal or wood stakes not affixed to a permanent foundation (excluding regulatory signs and temporary signs).

12.4.7 Portable Signs

Portable signs, including marquee signs with the wheels and axles that have been removed and placed on permanent foundations.

12.4.8 Vehicular Signs

Vehicular signs placed or parked in such a manner to advertise from any street right-of-way. This also includes billboards or outdoor advertising signs mounted to the bed of a truck.

12.4.9 Moving or Rotating Signs

Signs which rotate or have any mechanical or wind driven components that cause the sign to move or transform.

12.4.10 Roof Signs

Roof signs that extend above the soffit of a pitched roof, or above the highest point of a mansard roof or parapet wall (see Section 8.6.2(6)).

12.4.11 Billboards

Off-premise commercial advertising signs (e.g., billboards) of any size and in any area except those signs part of the Federal Aid Primary System (FAP) and subject to the requirements of the Highway Beautification Act.

12.4.12 Inflatable Signs

Inflatable signs (including inflated balloons with a diameter of greater than two (2) feet) except as allowed as part of a temporary display as part of a holiday or civic event.

12.5 General Sign Provisions

12.5.1 General Standards

All permitted signs shall comply with the following general standards.

- (1) Signs shall be integrated with the design of the building and shall not obscure architectural features.
- (2) Any structurally-unsafe sign that endangers the public safety shall be immediately removed or repaired and made otherwise compliant with the requirements of this Ordinance.
- (3) No sign shall be located so as to impair traffic visibility.
- (4) Each principal structure shall include street address numbers a minimum of three (3) inches in height that are visible from the street the structure faces.

12.5.2 Computation of Sign Area

(1) General

- (A)** 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 rectangle that will encompass the limits of the writing, 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, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself.

- (B)** For a single wall, all pieces of information or other graphic representations within a grouping on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the permitted total wall area to which the sign is affixed. For a single wall on a multi-occupant building, the area of signs shall be computed using these principles, and the aggregate copy of each

(2) Authority to Remove Signs in the Right-of-Way

Except where authorized, signs within a public right-of-way shall be prohibited. The Town may remove and dispose of any sign located in the public right-of-way without providing prior notice to the sign's owner.

12.6 Signs Permitted with a Zoning Permit

This Section includes the standards on the types of signs required to obtain a Zoning Permit prior to construction, erection, enlargement, display, alteration, or illumination.

12.6.1 Permitted Signs by Base Zoning District

Table 12-1, Permitted Signs by Base Zoning District, prescribes the allowable types, numbers, dimensions, locations, and configurations of permitted signs within the base zoning districts.

Table 12-1, Permitted Signs by Base Zoning District

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per side)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION¹
R-3, R-10, and R-15 Districts						
Directory Sign	Civic and Institutional	6	4	2	5 feet behind curb or 10 feet from edge of pavement.	E
Monument Sign	SF Detached Residential Subdivision	36	6*	1 per street entrance	At least 5 feet behind ROW and at least 10 feet from any property line.	E
	Attached Residential (min. 10 units)			1 per establishment		
	Civic and Institutional	48				
Wall Sign	Civic and Institutional	5% of wall area	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows.	1 per facade	N/A	I
OI and CB Districts						
Awning Sign	Nonresidential	50% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	N
Canopy Sign	Commercial Use with Fuel Sales	10% of canopy area.	N/A	1 per street frontage	N/A	N
Directory Sign	Civic and Institutional	6	4	2	5 feet behind curb or 10 feet from edge of pavement.	E
	Commercial	10 per tenant up to 50 sq.ft.	6	1 per street entrance	Not visible from outside of the development.	
Hanging Sign	All Uses	16 inches by 36 inches	7 feet above sidewalk (minimum)	1 per establishment	2 foot clearance under awning	N

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per side)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION ¹
Monument Sign	All Uses (except multi-tenant buildings)	36	6*	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	E
	Multi-tenant Buildings	48				
Projecting Sign	All Uses	15	8	1 per establishment	Sign shall maintain a minimum 8 foot clearance when above a sidewalk.	I
Wall Sign (front)	All Uses	1 per linear foot of building facing the street.	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows	2	N/A	I
Wall Sign (side)	All Uses	5% of wall area		1 per façade		
Window Sign	All Uses	50% of total window area on first floor façade.			First floor primary façade.	N
GC District						
Awning Sign	All Uses	50% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	N
Canopy Sign	Commercial Use with Fuel Sales	10% of canopy area.	N/A	1 per street frontage	N/A	N
Directory Sign	Civic and Institutional	6	4	2	5 feet behind curb or 10 feet from edge of pavement.	E
	Commercial	10 per tenant up to 50 sq.ft.	6	1 per street entrance	Not visible from outside of the development.	
Freestanding Sign	Single Use on an Individual Lot	75	15	1 per street frontage (max. 2)	At least 5 feet behind ROW and at least 5 feet from any property line.	I
	Shopping Center	100	20			
Monument Sign	All Uses	60	8*	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	E

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per side)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION ¹
Projecting Sign	All Uses	15	8	1 per establishment	Sign shall maintain a minimum 8 foot clearance when above a sidewalk.	I
Wall Sign (front)	All Uses	1.5 per linear foot of building facing a street.	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows	4	N/A	I
Wall Sign (side)	All Uses	5% of wall area		2 per facade		
Window Sign	All Uses	50% of total window area on first floor façade.			First floor primary façade.	N
I District						
Awning Sign	All Uses	50% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	N
Canopy Sign	Commercial Use with Fuel Sales	10% of canopy area.	N/A	1 per street frontage	N/A	N
Freestanding Sign	All Uses	150	25	1 per street frontage (max. 2)	At least 5 feet behind ROW and at least 5 feet from any property line.	I
Monument Sign	All Uses	80	8*	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	E
Wall Sign (front)	All Uses	2 per linear foot of building facing the street.	Below the Roof	4	N/A	I
Wall Sign (side)	All Uses	10% of wall area		2 per facade		
Window Sign	All Uses	50% of total window area on first floor façade.			First floor primary façade.	N
AG District						
Awning Sign	Commercial	50% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	N
Directory Sign	Civic and Institutional	6	4	2	5 feet behind curb or 10 feet from edge of pavement.	E

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per side)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION ¹
Freestanding Sign	Commercial	100	20	1 per street frontage (max. 2)	At least 5 feet behind ROW and at least 10 feet from any property line.	I
Monument Sign	Nonresidential	60	6*	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	E
Wall Sign	Nonresidential	5% of wall area	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows.	1 per l	N/A	I
Window Sign	Nonresidential	50% of total window area on first floor façade.			First floor primary façade.	N
<p>1. Key To Illumination notes: E = External Illumination I = Internal Illumination N= No Illumination Allowed * The Zoning Administrator may permit monument sign heights up to 15 feet when the lot on which the sign is located fronts a highway and the additional height will not create a safety hazard.</p>						

12.6.2 Additional Sign Standards

The following standards shall apply in addition to the standards in Table 12-1, Permitted Signs by Base Zoning District.

(1) Wall Signs

- (A) The maximum permitted aggregate area of wall signs includes the area of any windows or doorways.
- (B) The preferred location for wall signs is between the first floor window and window sill of second floor, or on the sign frieze area of building (if original to building). Building identification signs that are an integral part of the building's design and architectural character shall not be considered a sign for the purposes of this standard.
- (C) A projecting sign may be substituted for a wall sign.
- (D) No wall sign shall project more than 18 inches from the building wall.
- (E) No wall sign or its supporting structure shall cover any window or part of a window.

(2) Monument Signs

Only buildings set back 20 feet or more from the right-of-way may use a monument sign.

(3) Free Standing Signs

- (A)** Only buildings set back 35 feet or more from the right-of-way may use a freestanding sign.
- (B)** The maximum height shall be as measured from street grade or the sidewalk (where one exists), whichever is less.

(4) Projecting Signs

- (A)** A projecting sign may project horizontally a maximum of six (6) feet, but shall be set back at least two (2) feet from the back face of the curb or outer edge of the pavement where there is no curb. Setback distances for projecting signs that front on state roads must be approved by the North Carolina Department of Transportation.
- (B)** A projecting sign shall be erected at a height of not less than eight (8) feet above the pedestrian walkway.
- (C)** A projecting sign shall not extend beyond the roofline of the building to which it is attached.
- (D)** A projecting sign shall not exceed 15 square feet in area.

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ARTICLE 13 – SUBDIVISION STANDARDS

13.1 General

13.1.1 Design

All proposed subdivisions, including group developments, shall comply with this Article, and shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Town.

13.1.2 Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

13.1.3 Off-Site Connections

When in the opinion of the approving body, it is necessary to connect streets and/or utilities off-site to adjoining streets and/or utilities, said improvements may be required in accordance with Town policy.

13.1.4 Land Suitability

Land which has been determined, on the basis of an engineering assessment or other expert survey, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Duplin County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

13.1.5 Placement of Monuments

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing permanent monuments.

13.1.6 Property Owners' Associations

(1) Creation

An Owners' Association shall be established to fulfill requirements of the NC Condominium Act, NC Planned Community Act, or to accept conveyance and maintenance of all common elements (common areas) within a development. The Owners' Association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

(2) Conveyance

Where developments have common elements serving more than one (1) dwelling unit, these areas shall be conveyed to the Owners' Association, in which all owners of lots in the development shall be members. All areas other than public street rights-of-way, other areas dedicated to the Town, and lots shall be designated as common elements. In a condominium development the common elements shall be platted in accordance with the NC Condominium Act. In other developments, the fee-simple title shall be conveyed by the subdivider or developer to the Owners' Association prior to the sale of the first lot.

(3) Subdivision or Conveyance of Common Elements

Common elements shall not subsequently be subdivided or conveyed by the Owners' Association unless a revised Preliminary Plat and a revised Final Plat showing such subdivision or conveyance have been submitted and approved.

(4) Minimize Number of Associations

Developments, whether including different land uses, different types of housing, or simply different sections, shall hold the number of Owners' Associations to a minimum. An association may establish different categories of membership, different budgets for the categories, and different rates of assessment when different kinds of services are provided to different categories. Smaller associations under an umbrella (master) association are permitted.

(5) Exemption from Owners' Association Requirement

A development involving only two (2) units attached by a party wall (or two separate walls back-to-back) shall not be required to have common elements or an Owners' Association. Such developments without an Owners' Association shall establish a binding agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

13.2 Lot Dimensions and Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

13.2.1 Conformance with Other Regulations

Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance.

13.2.2 Minimum Building Area

Every lot shall have at least a contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at least one (1) foot above the one hundred year flood elevation.

13.2.3 Lot Depth to Width Ratio

No lot shall have a depth greater than four (4) times the width at the minimum front street setback.

13.2.4 Side Lot Line Configuration

Side lines of lots should be at or near right angles or radial to street lines

13.2.5 Lot Lines and Drainage

Lot boundaries shall coincide with natural and pre-existing manmade drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

13.2.6 Lots on Thoroughfares

Major subdivisions shall not be approved that permit individual residential lots to access major and minor thoroughfares.

13.2.7 Access Requirements

All lots must have public street access and frontage meeting the requirements set forth in Article 6, Zoning, or as follows:

- (1) Flag lots meeting the following requirements:
 - (A) A flag lot shall contain only one (1) single family dwelling and its uninhabited accessory structures.
 - (B) The maximum flagpole length shall be 300 feet which includes the flagpole neck length and accompanying lot depth).
 - (C) The minimum flagpole width shall be 25 feet.
 - (D) The maximum lot size in areas with public sewer shall be one (1) acre.
 - (E) The maximum lot size without public sewer shall be three (3) acres. (Note: The flagpole portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking).
 - (F) Where public water is available, any building on the flag lot must be within 500 feet of a fire hydrant. This distance shall be

measured along the street, then along the flagpole, then in a straight line to the building location.

- (G) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat.
- (H) Use of a single driveway to serve adjoining flag lots or to serve a flag lot and an adjoining conventional lot is permitted and encouraged. In the latter case, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

13.3 Streets

13.3.1 Dedication of Right-of-Way

Right-of-way for public streets shall be dedicated to the Town pursuant to NCGS 160A, Article 19, Part 2 and other applicable State laws. When dedication cannot be required, any future street right-of-way indicated on adopted thoroughfare plans or collector street plans shall be shown on the plat.

13.3.2 Conformance with Thoroughfare Plans and Collector Street Plans

The location and design of streets shall be in conformance with applicable thoroughfare plans and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

13.3.3 Conformance with Adjoining Street Systems

The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

13.3.4 Access to Adjoining Property

Where in the opinion of the approving body, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. The minimum number of points of street access shall be based on the number of dwelling units in the proposed development as set forth below:

- (1) Residential developments with more than 50 lots or dwelling units shall have at least two (2) separate points of public road access.
- (2) Residential developments with more than 150 lots or dwelling units shall have at least three (3) separate points of public road access.

13.3.5 Reserve Strips

Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

13.3.6 Street Classification

The final determination of the classification of streets in a proposed subdivision shall be made by the Town. Street classifications are defined in Article 14, Definitions.

13.3.7 Public Street Design Criteria

Public streets shall be constructed in accordance with the standards contained in the NCDOT Roadway Design Manual or the NCDOT Subdivision Roads Minimum Construction Standards as appropriate.

13.3.8 Private Street Design Criteria

(1) Where Permitted

Private streets shall be permitted in single family detached residential developments, townhouses developments, and in residential developments that are gated or otherwise secured self-contained developments that have their access to public street(s) at one or more secured points.

(2) Design and Construction

The pavement, construction, and design standards for all private streets will be equivalent to the standards for local residential streets unless the developer supplies an alternate pavement design (supported by an engineering study) approved by the Town. The developer must furnish an engineer's seal and certification that the private streets have been tested and certified for the subgrade, base and asphalt. Common area may need to be widened to include the side ditch section. All cul-de-sacs shall have a minimum 40-foot pavement radius.

(3) Through Streets

No through street in a residential area connecting two public streets can be designated as a private street.

(4) Connections to Public Streets

All private streets connecting with public streets require approved driveway applications from the Town (or NCDOT if applicable).

(5) Sidewalks

Where sidewalks are installed, they shall be in accordance with all applicable standards as specified in this Ordinance and shall meet or exceed the Town's standard specifications for sidewalks

13.3.9 Street Intersections

Street intersections shall be as nearly at right angles as possible. Property lines at street intersections shall be a tangent connecting points on each right-of-way line, which are located a minimum distance of 20 feet back from the intersection of the two (2) right-of-way lines in residentially zoned areas and 50 feet in non-residentially zoned areas.

13.3.10 Streets Crossing Natural Areas

All streets crossing natural areas, wetlands, or streams shall cross at or as near to 90 degrees as possible within topographic limits.

13.3.11 Spacing Between Intersections

Offset intersections are not desirable and should be avoided. Intersections that cannot be aligned should be separated in accordance with the design standards established by street classification. The higher classification street involved shall determine the distance between intersections along that street. In the event of unusual topography, a distance less than the design standard, but in no case less than 150 feet, may be allowed by the approving body.

13.3.12 Maximum Length of Blocks and Cul-de-sacs

The maximum length of a block and the maximum distance from an intersecting through street to the end of a cul-de-sac shall be 1,000 feet.

13.3.13 Temporary Turnarounds

Streets stubbed to adjoining property or to phase lines may be required to have temporary turnarounds at the end of the street sufficient to permit sanitation vehicles to turn around.

13.3.14 Grades at Intersections

The grade on stop streets approaching an intersection shall not exceed 5% for a distance of 100 feet from the centerline of the intersection.

13.3.15 Street Names

Street names, prefixes, suffixes and addresses shall conform to the guidelines and policies set forth by the Duplin County E-911 street naming and addressing standards.

13.3.16 Street and Traffic Control Signs

(1) Street Signs

- (A)** The Town shall erect street name signs at each intersection of public streets. Public street signs shall contain white lettering on a green background. The Town shall be reimbursed by the developer for the expense of installing these signs.
- (B)** At each intersection of a named private street or drive with a public street, the Town shall erect a street name sign and the developer shall reimburse the Town for the expense of installing the sign.
- (C)** At each intersection between private streets or drives, the developer shall be required to erect and maintain signs fabricated with retroreflective material, with green lettering on a white background as approved by the Town.

(2) Traffic Control Signs

The developer shall provide traffic control signs that meet the Manual on Uniform Traffic Control Devices (MUTCD) standards in locations designated by the Town.

(3) Maintenance

Maintenance of signs on private streets or drives shall be the responsibility of the owner or Owners' Association, as appropriate.

13.4 Sidewalks

13.4.1 General

Sidewalks shall be installed along public streets that are within or abut a subdivision, and at other locations as specified below.

13.4.2 Required Locations

- (1)** Along both sides of new and existing major thoroughfares and minor thoroughfares.
- (2)** Along one side of new and existing collector and sub-collector streets, except that upon review by the approving body, both sides may be required where one or more of the following conditions exists:
 - (A)** The current or projected average daily traffic volume is greater than 8,000 vehicles per day.
 - (B)** The posted speed limit is greater than 35 miles per hour.

- (C) The street is identified as a pedestrian route on the Town of Kenansville Pedestrian Plan.
 - (D) Other pedestrian safety, access, or circulation needs are identified.
- (3) Along one side of new and existing local streets, unless other pedestrian safety, access, or circulation needs are identified.

13.4.3 Exempt Locations

- (1) Along new and existing local and sub-collector residential streets where, upon review by the approving body, the following conditions are found to exist:
- (A) The proposed development is within an area consisting predominantly of existing single-family residential development, where no sidewalks are present; and
 - (B) The character and size of the proposed development will not result in substantial additional pedestrian facility needs; and
 - (C) There are no new pedestrian facilities planned or identified in the Town of Kenansville Pedestrian Plan that would provide a pedestrian connection to the proposed development.
- (2) Along existing streets in predominantly industrial areas where no sidewalks are present and where, upon review by the approving body, a sidewalk is not deemed necessary or feasible.
- (3) Along new and existing cul-de-sac streets and permanent dead-end streets, which are 800 feet or less in length, and which are not strategic pedestrian routes.

13.4.4 Extent

Sidewalks required by this Ordinance shall be constructed along that portion of the street or streets that the parcel abuts, for the full length of the property line abutting the street or streets. Where sidewalks are required to be installed on one side of a street, the approving body shall determine upon which side the sidewalks are to be installed, in accordance with the Town's standard specifications for sidewalks.

13.4.5 Construction Standards

All sidewalks, whether required by this Ordinance or installed voluntarily, shall be constructed to the Town's standard specification for sidewalks and have a minimum width of five (5) feet and a minimum thickness of four inches of concrete.

13.5 Utilities

13.6.1 Public Water and Sewer Construction Requirements

Water and sewer lines, connections, and equipment shall be constructed in accordance with the Town's standard specification for utility line construction.

13.5.2 Water and Sewer Connections

Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within 300 feet of the nearest adequate line of a public system, provided that no geographic or topographic factors would make such connection infeasible. Where public sewer is not available, lots shall meet applicable Duplin County Environmental Health Division regulations. Approval of the Environmental Health Division shall be obtained after Preliminary Plat approval. The Final Plat shall show the Certificate of Approval from the Environmental Health Division as shown in Appendix B.

13.5.3 Underground Utilities

Electrical, telecommunication, cable television and other utility lines installed within major subdivisions shall be underground unless the approving body determines underground installation is inappropriate.

13.5.4 Utility Easements

(1) Widths

To provide for electric, telecommunication, cable television, and gas services, conduits, and water and sewer lines within a subdivision, appropriate utility easements not to exceed 30 feet in width shall be provided. The location of such easements shall be reviewed and approved by the approving body, with advice from utility providers, before Final Plat approval.

(2) Restrictions on Improvements

Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

13.5.5 Street Lights

All subdivisions and developments involving public streets within the corporate limits shall have public street lights provided and be maintained by the Town or the Town's agent.

13.5.6 Fire Protection

Fire protection equipment shall be installed in locations as determined by the Kenansville Volunteer Fire Department in consultation with the Town or County water system supervisor as appropriate.

13.6 Flood Damage Prevention

All subdivision proposals shall be designed in a manner consistent with the need to minimize flood damage and shall comply with all requirements set forth in the Kenansville Flood Damage Prevention Ordinance.

ARTICLE 14 – DEFINITIONS

14.1 DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

A

ABANDONMENT (OF REAL PROPERTY)

A parcel of land, use, or structure which has been physically and objectively discontinued, ceased, relinquished, vacated, and/or not maintained for a consecutive period of 180 or more days.

ABUTTING

The condition of two adjoining lots having a common property line or boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

ACCESSORY STRUCTURE

A structure that is subordinate in use and square footage to a principal structure or permitted use.

ACCESSORY USE

A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

ADDITION

An attached structure added to an original structure after the completion of the original.

ADJACENT

A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

ADULT ENTERTAINMENT

An Adult Entertainment establishment shall include any place defined as an “Adult Establishment” or “Sexually Oriented Establishment” by North Carolina General Statutes Section 14-202.10, including Adult Cabarets, Adult Live Entertainment Business, or any massage establishment where massages are rendered by any person exhibiting “Specified Anatomical Areas,” or where massages are performed on any client’s “Specified Anatomical Areas.” Adult Entertainment establishments may consist of, include, or have the characteristics of any or all of the following:

- Adult or Sexually Oriented Bookstore Sales and Distribution;
- Adult or Sexually Oriented Paraphernalia Sales and Distribution;
- Adult or Sexually Oriented Cabaret;

- Adult or Sexually Oriented Mini Motion Picture Theater;
- Adult or Sexually Oriented Motion Picture Theater; and
- Adult Retail.

AGGRIEVED PARTY

A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the Town, including any officer or agent of the Town.

ALLEY

A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION

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

APPEAL OF ADMINISTRATIVE DECISION

An appeal of an administrative decision-maker's interpretation or decision reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 3.2.9, Appeal of Administrative Decision.

APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town Officer, Board, or Commission as part of the development review processes.

ARCHITECTURAL LIGHTING

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

ASSESSED VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Duplin County Property Appraiser's office for the purposes of taxation.

ASSISTED LIVING RESIDENCE

Any group housing and services program for 2 or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agencies. "Assisted living residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three (3) types of assisted living residences: Adult Care Homes (Family Care

Homes), Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services.

ATTACHED RESIDENTIAL

Residential development including duplexes, triplexes, live/work, multi-family, and townhouse dwellings.

AUTHORIZED AGENT

A person with express written consent to act upon another's behalf.

B

BANNER

A sign made of flexible material used to advertise a business or a product for sale.

BAR, NIGHTCLUB, OR SIMILAR ESTABLISHMENT

An establishment having as its principal or predominant use the serving of alcohol for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such uses is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities. Performances related to the display of Specific Anatomic Areas (as classified by Section 14-202.10 of the North Carolina General Statutes) are considered as Adult Entertainment uses.

BASE FLOOD ELEVATION

That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

BED AND BREAKFAST INN

A private residence, generally a single-family detached dwelling located in a residential district, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and businesspeople, where provision of meals is limited to guests only.

BERM

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

BOARD OF ADJUSTMENT

A quasi-judicial board appointed by the Town Board of Commissioners and Duplin County Commissioners.

BOARD OF COMMISSIONERS

Board of Commissioners of the Town of Kenansville, North Carolina.

BUFFER, RIPARIAN

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands which is intended to remain undisturbed.

BUILT-UPON AREA

The area of land onto which a structure is planned to be built or is constructed, including impervious surface.

BUILDING

A structure that is enclosed and isolated by a roof and exterior walls and used for shelter, support, or enclosure as a residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which may require a Building Permit under the State Building Code.

BUILDING ENVELOPE

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

BUILDING FOOTPRINT

The area of a lot or parcel of land included within the surrounding exterior walls and/or outermost projection of the roof of a building or portion of a building, exclusive of courtyards.

BUILDING HEIGHT

The vertical distance measured from the main level of the finished grade along the front of a building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip, cone, gambrel, or shed roofs.

BUILDING LINE

A line establishing the minimum allowable distance between the nearest part of any building, excluding porches, bay windows, covered porches, decks, and patios, to the nearest edge of a street right-of-way, lot line, or easement.

BUILDING MASS

The height, width, and depth of a structure.

BUILDING PERMIT

An official document issued by the Duplin County Inspections Department pursuant to this Ordinance and the State Building Code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is located.

C**CALIPER**

A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter, 12 inches above the ground for trees greater than four inches and up to 10 inches in diameter, and at breast height (4½ feet) for trees 10 inches or greater in diameter.

CANOPY

A permanent, but not completely enclosed structure that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure.

CARPORT

A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

CASUALTY DAMAGE

Damage to a use, lot, or structure from an event that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, flood, theft, or similar event.

CERTIFICATE OF OCCUPANCY

A document issued by a the Duplin County Inspections Department allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

CHANGE OF USE

The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses.

COLLECTOR STREET

A street whose principal function is to carry traffic between local, subcollector and cul-de-sac streets and streets of higher classification, but which may provide direct access to abutting properties.

COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates on buildings or premises of any tract size owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution.

COMMENCEMENT OF CONSTRUCTION

The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

COMMERCIAL RECREATION, INDOOR

A private indoor (entirely within enclosed structure) use providing for sport and recreation activities, that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

COMMERCIAL RECREATION, OUTDOOR

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ball fields and basketball courts, and racquet and tennis club facilities (outdoor).

COMPATIBLE

A term used to describe how the visual aspects of a structure (including signage) are similar to or consistent with the other structures on the same parcel, site, or in the immediate vicinity. Visual aspects include, but are not limited to: color, texture, materials, scale, size, form and aspect.

CONDOMINIUM

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONTIGUOUS

Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

CONTINUOUS VISUAL SCREEN

Screening of vehicular use areas or outside storage by vegetative material, berms, or structures (walls and fences), or a combination of these items designed to completely obstruct off-site views of the vehicular use area typically to a height four feet above the adjacent grade.

COPY

Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

COUNTY

Duplin County, North Carolina.

COUNTRY CLUB

Land area and buildings containing golf courses, swimming pools, tennis courts, or similar recreational facilities along with a clubhouse and customary accessory uses which are open to members and their guests, or to the general public on a fee basis.

CREMATORY

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

CROSS-ACCESS

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

CUL-DE-SAC STREET

A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

D**DAY CARE**

A place where daytime care, supervision, and protection is provided to three or more children or adults who are not the legal wards or foster children of the attendant adult within an occupied residence.

DENSITY, GROSS

The number of dwelling units on the entire area of a tract or lot.

DENSITY, NET

The number of dwelling units on a tract or lot minus the area of public rights-of-way, areas of flood hazard, lakes or water bodies, or wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DIAMETER AT BREAST HEIGHT (DBH)

The measurement of the diameter of a tree trunk taken at a height of four and one-half (4½) feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

DISTRICT

An area delineated on the Official Zoning Map that sets forth standards and guidelines for all development within the prescribed district.

DISTRICT, OVERLAY

A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

DRIPLINE

A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

DRIVE-THROUGH

A facility designed to enable a person to transact business while remaining in a motor vehicle.

DRIVEWAY

A vehicular accessway or series of accessways providing ingress and egress to a use or development from a public street, private street, or vehicular use area associated with another use. Such accessway may be the primary drive aisle, or may be a separate driveway.

DWELLING OR DWELLING UNIT

A building or portion thereof, provides complete and permanent living facilities for one family. This term shall not apply to a hotel, motel, guesthouse, or other structures designed for transient residence.

DWELLING, DUPLEX

A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

DWELLING, LIVE/WORK

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

DWELLING, MANUFACTURED HOME, CLASS A

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

1. The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
2. The manufactured home has a minimum of 1,200 square feet of enclosed and heated living area;
3. The pitch of the roof of the manufactured home has a minimum vertical rise of three and two-tenths (3.2) feet for each 12 feet of horizontal run and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;

4. The roof eaves and gable overhangs shall be 12 inch minimum (rain gutters may be included in the minimum dimensions);
5. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
6. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
7. The front entrance to the manufactured home has stairs and a porch, the porch being at least four (4) feet by six (6) feet in size. Stairs, porches, and entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code;
8. The moving hitch, wheels and axles, and transporting lights have been removed;
9. Each manufactured home shall be only for single-family occupancy;
10. A manufactured home shall comply with the Federal Housing Administration requirements relative to tie downs;
11. The electrical meters servicing the manufactured home is mounted (attached) directly to the manufactured home.

DWELLING, MODULAR

Modular Homes are built off-site in pieces and are designed to meet the North Carolina State Building Code when assembled on a development site. With advancements in modular home technology, modular homes often are often transported to the building site in only one or two pieces and may appear similar to a manufactured home prior to installation on a permanent foundation. Modular units are treated as the equivalent of site-built homes for zoning purposes. State law does set minimum design standards for modular units, and requires modular units to meet these standards:

1. The pitch of the roof shall be no less than 5 feet rise for every 12 feet of run, for homes with a single predominant roofline.
2. The eave projections of the roof shall not be less than 10 inches (excluding roof gutters) unless the roof pitch is 8/12 or greater.
3. The minimum height of the first-story exterior wall must be at least 7 feet 6 inches.
4. The materials and texture of exterior materials must be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.

5. The modular home must be designed to require foundation supports around the perimeter. (S.L. 2003-400)

DWELLING, MULTI-FAMILY

A dwelling containing three (3) or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

DWELLING, SINGLE-FAMILY DETACHED

A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include manufactured homes, recreational vehicles, or other forms of temporary or portable housing.

DWELLING, TOWNHOUSE

A type of multi-family dwelling, in which three (3) or more individual dwelling units are located on individual lots, but attached by one or more common party walls which are shared by one or more units for more than 50 percent of their total linear distance along the lot line.

DWELLING, UPPER STORY LOFT

An upper story loft is a residential unit located on second or higher floors of a structure whose ground floor is used for nonresidential purposes.

E

EASEMENT

A grant by the property owner of a strip of land for a specified purposes and use by the public, a corporation, or persons, such as for utilities.

ENCROACHMENTS

Any portion of a structure or appurtenance extending beyond a designated zoning setback, easement, property line, or public right-of-way.

ERECT

To build, construct, attach, hang, place, suspend or affix, also including the painting of wall signs.

ESTABLISHED GRADE

Established grade is the finished grade following grading, excavation, or other land-disturbing activity.

EXISTING DEVELOPMENT

Structures, buildings, site specific development plans or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at least one of the following being satisfactorily proven to the Ordinance Administrator for the specific development in question:

1. 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 development, or

2. Having an outstanding valid building permit as authorized by North Carolina General Statutes Section 153A-344.1 and North Carolina General Statutes Section 160A-385.1, or

3. Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections 153A-344.1 and 160A-385.1.

EXPANSION

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

EXTRATERRITORIAL JURISDICTION

The area outside municipal limits where the Town of Kenansville exercises planning, zoning, and subdivision powers.

F

FAÇADE

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building.

FAMILY

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six (6) persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a Family Care Home.

FAMILY CARE HOME (ADULT CARE HOME)

An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two (2) to six (6) unrelated residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated trained staff. Family Care Homes provide room and board, personal care and habilitation services in a family environment for persons with disabilities. (NCGS 168-21, NCGS 131D-2.1).

FENCE

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

FLOOR AREA, GROSS

The 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 center line 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.

FOOT CANDLE

The amount of light that falls onto a surface as emitted by an exterior lighting device.

FRONT LOT LINE

The front lot line is the line connecting the two side lot lines along the edge of the lot adjacent to the right-of-way of the street that provides the lot's street address (also referred to as the "Lot Frontage").

FULL CUT-OFF LENS

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

G**GLARE**

The reflection or harsh, bright light and the physical effect resulting from high luminance or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

GOVERNMENT OFFICES AND FACILITIES

An office or other facility of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, town and county administrative offices, courts, employment offices, public assistance offices, motor vehicle licensing and registration services, maintenance and repair centers, and supply and equipment depots. This use does not include jails or correctional institutions.

GRADE

The elevation of the land or land level at a specific point.

GRADE, STREET

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel.

GROUND COVER

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

GROUP CARE FACILITY (See Definition of Assisted Living Facility)

A facility licensed by the State of North Carolina (called by any name, which is not a "Family Care Home" as defined by this ordinance) which employs supervisory and support personnel to provide care for fewer than 30 individuals, including room, board and personal care and habilitation services in a communal setting.

H

HEIGHT

The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roofline of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof.

HISTORICAL PLAQUES

Commemorates an event or person of historic interest and to associate that point of interest with a specific locale one can visit. Historical plaques mounted in accordance with the United States Secretary of the Interior's Standards for Rehabilitation are not considered signs.

HOME OCCUPATION

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

HOSPITAL

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTELS AND MOTELS

Hotel and motel are to be considered synonymous uses. A hotel or motel means a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

I

IMPERVIOUS SURFACE

Buildings; parking areas; driveways; streets; sidewalks; areas of concrete, asphalt, gravel, or other compacted aggregate; and areas covered by the outdoor storage of goods or materials which do not absorb water.

IMPROVEMENT

Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object, or any part thereof, constituting physical addition to real property.

INDUSTRY, LIGHT

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

INTERPRETATION

An interpretation of this Ordinance made in writing by the Ordinance Administrator or designee in accordance with the standards in Section 3.2.8, Ordinance Interpretation.

INTERMITTENT STREAM

A stream which fails to convey water for some or part of the year due to fluctuations in season, temperature, or humidity.

K**KENNEL, COMMERCIAL**

A facility where dogs, cats, or other domestic animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. Such a facility may have an indoor and outdoor component.

L**LAND**

The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LANDOWNER

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. The person shown on the records of the register of deeds of the county shall be presumed to be the person in control of the property.

LATTICE TOWER

A freestanding steel framework tower with three or four sides designed to support antennas or other communications equipment.

LIVE/WORK UNIT

A structure that accommodates both working and living or housing functions, typically with a retail unit and a dwelling unit.

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

LOCAL STREET

A street whose primary function is to provide access to abutting properties.

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 accessways, parking area, yards, and open spaces required in these regulations.

LOT DEPTH

Lot depth means the horizontal distance between the midpoints of straight lines connecting the front lot line and the rear lot line.

LOT FRONTAGE

See "Front Lot Line".

LOT LINE

Lot lines mean the lines bounding a lot as established by ownership.

LOT OF RECORD

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to March 2, 2009, or a lot described by metes and bounds recorded prior to the enactment of a subdivision ordinance within the controlling jurisdiction.

LOT WIDTH

The distance between the side lot lines measured along a setback line or build-to line, or the distance measured between the side lot lines along the street right-of-way if no setback has been established.

LOT, CORNER

A lot located at the intersection of two or more streets.

LOT, FLAG

A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

LOT, INTERIOR

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

LOT, IRREGULARLY SHAPED

A lot with three sides, more than four sides, or with corner angles greater or less than 90 degrees. The front yard of such lots shall be determined with respect to adjacent homes and street vistas.

LOT, NONCONFORMING

A lot that met all legal requirements when it was platted or otherwise recorded but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

LOT, REVERSE FRONTAGE

Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees. A reverse frontage lot may also be a corner lot, through lot, or an interior lot.

LOT, SINGLE-TIER

A lot which backs up to a limited access highway, railroad, water body, physical barrier, or other type of use other than another lot.

LOT, THROUGH

A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

M**MAJOR THOROUGHFARE**

Major thoroughfares consist of interstate, other freeway, expressway or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

MANUFACTURED HOME PARK

A parcel of land developed to accommodate manufactured housing.

MAXIMUM EXTENT PRACTICABLE

No feasible or practical alternative exists, as determined by the Ordinance Administrator, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

MEDICAL TREATMENT CENTER

An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists, and where patients may or may not be lodged overnight.

MINIMUM LOT SIZE

The minimum amount of land area, measured horizontally, included within the lines of a lot as required by this Ordinance. Lands located within any private easements shall be included within the lot size.

MINOR THOROUGHFARE

Minor thoroughfares collect traffic from collector, subcollector and local streets and carry it to the major thoroughfare system. Minor thoroughfares are used to supplement the major thoroughfare system by facilitating the movement of moderate volumes of traffic within and through urban areas.

MIXED-USE

A single structure or tract of land containing more than one type of use, where the different types of uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

MONOPOLE TOWER

An antenna-supporting structure typically composed of a single hollow steel shaft with one or more platforms intended for mounting antennas or other communications equipment.

MOTOR VEHICLE USE AREA

The area containing the driveways, drive aisles, parking, stacking and standing areas provided for motor vehicles.

MURAL

A painting or other work of art executed directly on a wall; not considered signs.

N**NONCONFORMING LOT**

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE OR BUILDING

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USES

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Ordinance or on the effective date of any amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this Ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Ordinance or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Ordinance or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMITY

A nonconforming use, structure, lot of record, or sign.

NORTH CAROLINA GENERAL STATUTES

The laws created by the State of North Carolina legislature and to which the Town of Kenansville is required to uphold.

NOTICE OF VIOLATION

An initial notice indicating an infraction of the Ordinance; not associated with a fine.

NURSING HOME

As defined by G.S. 131E-101(6), a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

O**OPACITY**

A measurement indicating the degree of obscuration of light or visibility.

ORDINANCE

A document of regulations enforceable as municipal law.

OUTDOOR DISPLAY/SALES

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR STORAGE

The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

OVERLAY DISTRICT

A zoning district that includes supplementary or replacement regulations to the requirements of the underlying, base zoning district.

P**PARCEL**

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK, PUBLIC

Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

PARKING, OFF-SITE

An off-street parking area provided on a different parcel than the use it is intended to serve.

PARKING, ON STREET

A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

PARKING, SHARED

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

PARKING LOT

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

PARKING LOT DRIVE AISLE

A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

PARKING SPACE, ACCESSIBLE

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

PARKING SPACE, OFF-STREET

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

PATHWAYS, PEDESTRIAN

Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

PERENNIAL STREAM

A stream or other channel that holds flowing water 365 days a year.

PERFORMANCE GUARANTEE

Any security that may be accepted by the Town or another government unit to assure that improvements required as part of an application for development will be satisfactorily completed.

PERMITTED USES

Uses allowed to occur by right within a designated zoning or other planning district.

PERSON

For the purposes of enforcing this Ordinance in accordance with Article 4, Enforcement Procedures, "person" includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Article 4, Enforcement Procedures, for violating this Ordinance shall include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or

maintains a condition that results in or constitutes a violation of this Ordinance; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs. For all other purposes, "person" means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PERVIOUS SURFACE

A surface that is penetrable by water to some degree. Pervious surfaces may be constructed of mixed pervious and impervious surfaces such as concrete and grass, or 'grass-crete'

PLAN, SITE

A site plan approval reviewed and approved or denied by the Planning Board in accordance with Section 3.2.5, Site Plan.

PLAN, SUBDIVISION SKETCH

A sketch plan reviewed by the Planning Department and the Engineering Department in accordance with Section 3.2.6(4), Subdivision Sketch Plan.

PLANNING BOARD

The Town of Kenansville Planning Board, established by ordinance in accordance with NCGS 160A-361 and 160A-362.

PLANTING STRIP

Areas adjacent to property lines intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PLAT

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

PORCH

A roofed structure not more than 75% enclosed by walls, attached to the main building, and not heated or cooled.

PORTABLE SELF STORAGE CONTAINER

Transportable containers designed and used primarily for temporary storage of building materials, household goods, personal items, or other materials on residential lots.

PRIMARY ENTRANCE

The place of ingress and egress to a building, parcel, or development used most frequently by the public.

PRINCIPAL USE

The primary purpose or function that a lot serves or is proposed to serve.

PRODUCE STAND

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such

uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

PROJECT AREA

Any area of land or water, regardless of the number of individual lots contained therein, on which development is proposed under this Ordinance.

PUBLIC HEARING

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official Town business which require public participation and input.

Q

QUASI-JUDICIAL PUBLIC HEARING

A formal public hearing involving the legal rights of specific parties conducted by the Town Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.

R

REAR LOT LINE

The rear lot line is the line connecting the two side lot lines along the edge of the lot opposite from the frontage line.

REGISTER OF DEEDS

The duly designated Register of Deeds of Duplin County, North Carolina.

RESTAURANT, WITH DRIVE-THROUGH SERVICE

An establishment where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages to persons seated inside, outside, in automobiles, and/or in other than a completely enclosed building on the premises.

RIGHT-OF-WAY

The land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the intended purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

ROOF, MANSARD

A four-sided roof having a double slope on each of the four sides, with the lower slope much steeper than the upper.

ROOF LINE

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys or other minor projection.

ROOMING HOUSE

Any building or portion thereof for providing lodging, but not meals, to not more than five guests where rent is paid to the owner or proprietor.

S

SCHOOL (ELEMENTARY, MIDDLE, SEINIOR HIGH)

A public or private school offering general, technical, or alternative instruction at the pre-school, elementary, middle, and/or secondary school levels which operates in buildings or on premises of any tract size leased or owned by the educational institution for administrative purposes, classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities which further the education mission of the institution.

SELF STORAGE FACILITY

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.).

SETBACK

The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member whichever is nearest to the property line or right-of-way.

SHOEBOX-STYLE LIGHTING FIXTURE

An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a constrained area directly beneath the lighting fixture.

SHRUB

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDE LOT LINE

The side lot line is the lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

SIGHT DISTANCE TRIANGLE

The triangular area computed based on the visibility at an intersection, within which no sign may interfere with visibility (Assuming eye level at three-and-one-half (3½) feet to six feet from a distance of 15 feet from the edge of the pavement).

SIGHT TRIANGLE

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway).

SIGN

A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

SIGN, CANOPY (OR AWNING SIGN)

A sign attached to or painted on a canopy or awning.

SIGN, DIRECTIONAL

A sign used to guide vehicular and/or pedestrian traffic.

SIGN, FREESTANDING

A self-supporting sign resting on, or supported by means of poles, standards, or any other type of base on the ground.

SIGN, HANGING

A sign suspended from under a canopy covering a sidewalk or pedestrian arcade.

SIGN, INCIDENTAL

An informational sign that has a purpose secondary to the use of the site on which it is located.

SIGN, MONUMENT

A ground-mounted sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material. Solid architectural materials include wood, brick, stone, masonry, or hard-coat stucco but do not include aluminum or similar materials. Substantially filled shall be defined as at least two-thirds (2/3) of the area between the edges of the sign and the ground.

SIGN, PROJECTING

Any sign other than a wall sign that is attached to and projects from the wall or face of a structure more than 18 inches, including an arcade/marquee sign.

SIGN, REGULATORY

A sign indicating federal, state, or municipal regulations for automobiles, trucks, bicycles, pedestrian movement, loading, or parking.

SIGN, ROOF

A sign that is placed above or supported on the top of a building.

SIGN, SANDWICH BOARD

A portable A-frame sign with two sides designed to be seen by pedestrians walking along the sidewalk in urban areas.

SIGN, TEMPORARY

A sign or advertising display designed to be displayed for a short period of time.

SIGN, WALL

A sign mounted parallel to or painted on a building facade or other vertical building surface that does not project more than eighteen (18) inches from the wall surface.

SIGN FACE

The display surface area of a sign that includes the copy. In the case of freestanding signs, consists of the entire surface area of the sign on which copy could be placed. Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area.

Where a sign has more than one display face, all areas that can be viewed simultaneously shall be considered the sign face area.

SIGN HEIGHT

The vertical distance as measured at the highest point of the sign to the elevation of the principal grade of the road or street to which the sign is oriented.

SIGN LIGHTING, BACK LIT

Illumination of a sign face where the letters are raised beyond the sign's background and lighting sources that illuminate the background. The lighting sources are covered so that they are not visible and only the sign's background is illuminated.

SIGN SUPPORT STRUCTURE

For freestanding signs, the poles or bracing to which the sign is attached or mounted.

SITE-SPECIFIC SITE PLAN (VESTING PLAN)

A diagram to scale showing the development plans for a project and containing all information required of Site Plans and/or Subdivision Plats.

STACKING/STANDING AREA

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking/standing area.

STATE

The state of North Carolina.

STATE ROADWAY SYSTEM

The system of surface roadways owned and operated by the State of North Carolina.

STORMWATER

The direct runoff response of a watershed to rainfall including the surface and subsurface runoff and any associated material that enters a ditch, stream, or storm sewer during a rainfall event.

STREET STUB

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

SUBCOLLECTOR STREET

A street whose principal function is to provide access to abutting properties, but which is also designed to be used to connect local streets with collector or higher classification streets.

STRUCTURAL REPLACEMENT COST

For the purposes of Article 5, Nonconformities, it means the cost of replacing the structure the day prior to its destruction, based on a market appraisal performed by a certified appraiser, at the landowner's expense.

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, docks, mooring areas, and similar accessory construction.

SUBDIVIDER

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein described.

SUBDIVISION

A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this Ordinance, or portions of lots platted in compliance with this Ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and the appropriate planning area classification.
2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.
5. The division of land into plots or lots for use as a cemetery.

SUBDIVISION FINAL PLAT

A type of subdivision approval reviewed and approved or denied by the Board of Commissioners in accordance with Section 3.2.6(6), Subdivision Final Plat.

SUBDIVISION PRELIMINARY PLAT

A type of subdivision approval reviewed and approved or denied by the Board of Commissioners in accordance with Section 3.2.6(5), Subdivision Preliminary Plat.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however any repair or improvement required bringing the structure into compliance with existing state or Town health, sanitary, safety, or building Ordinance specifications necessary to ensure safe habitation of the structure.

SWIMMING POOL

An above- or below-ground structure with a potential water depth of two (2) feet or more that may be filled with water and used for swimming.

T**TEXT AMENDMENT**

An amendment to the language of this Ordinance approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.3.1, Official Text Amendment.

TOWN

Town of Kenansville, North Carolina.

TRACT

All contiguous land and water bodies under single or diverse ownership being developed as a unit consisting of one or more parcels or lots.

TREE, DECIDUOUS

A tree that drops its foliage annually before becoming dormant.

TREE, EVERGREEN

A tree with foliage that is not dropped, or that remains green throughout the year.

U**UNDERSTORY TREE**

A tree that has an expected height at maturity of no greater than 30 feet.

V**VARIANCE**

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 3.2.4, Variance.

VEHICULAR USE AREA

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

VERTICAL MIXED-USE STRUCTURE

A pattern of development that integrates several types of uses (e.g. retail, office, residential) within a building, occurring on different floors. A typical example of a vertical mixed-use development is a building that includes active uses, such as stores and restaurants, at the street level and residential or office uses on the upper floors.

VESTED RIGHT

The right to undertake and complete a development or use of property under the terms and conditions of an approved Site-Specific Development Plan currently in effect or as otherwise allowed by law.

W

WALL PACKS

An exterior lighting device that is flush-mounted on a vertical wall surface.

WAREHOUSE

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WHOLESALE SALES

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.

X

Y

YARD

Open space that lies between the principal structure(s) and the nearest lot line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance. Yards are further classified as front, rear, and side. Uses and structures that may be permitted in required yards include accessory structures, patios, decks and open porches, bay windows, open steps, driveways, fences, and permitted signs, underground utilities, existing vegetation, required landscaping, and lighting.

YARD, FRONT

A space extending the full width of the lot between the front façade of a building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically, this yard is required to remain open and unoccupied, with the exception of certain encroachments such as porches, bay windows, porticos, arcades, stoops, sidewalks, street trees, street furniture, fences, walls, and landscaping.

YARD, REAR

A space extending across the full width of the lot between the rear façade of the principal structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line. Rear yards extend from the back of a structure to the lot line. Generally, accessory structures are permitted within this yard.

YARD, REQUIRED

The open space between a lot line and the yard line and the façade of a building within which no structure may be located except as permitted in this Ordinance.

YARD, SIDE

A space extending from the front yard to the rear yard between the principal structure façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal structure facade. Side yards extend from the sides of a structure to a street right-of-way or lot line.

Z

ZONING DISTRICT

A geographic area of land designated on the Official Zoning District Map and subject to uniform land use regulations related to uses, density, or other similar attributes.

ZONING MAP

The Official Zoning District Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

ZONING PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Ordinance Administrator in accordance with Section 3.2.7, Zoning Permit.

APPENDIX A – SUBDIVISION PLAT CONTENT STANDARDS

Preliminary	Final	Information
<i>Title block containing</i>		
X	X	Property designation
X	X	Name of property owner
X	X	Location
X	X	Date or dates survey was conducted and plat prepared
X	X	Scale in feet per inch in words or figures and a bar graph
X	X	Name, address, registration number and seal of the registered land surveyor and/or engineer who prepared the plat
<i>The following data concerning location and land use</i>		
X	X	Sketch vicinity map showing the relationship between the proposed subdivision and surrounding area
X	X	Corporate limits
X	X	Town of Kenansville Historic District boundaries if applicable
X	X	North arrow and orientation
X		The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown
	X	The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands
X	X	The names of owners of adjoining properties
X	X	The name of any adjoining subdivision of record or those under review
X	X	Minimum building setback lines
X		The zoning classifications of the tract to be subdivided and adjoining properties if applicable
X	X	Existing property lines on the tract to be subdivided
X	X	Existing buildings or other structures, watercourses, railroads, bridges, etc.
X	X	Proposed lot lines, lot and block numbers and approximate dimensions
X	X	The lots numbered consecutively throughout the subdivision
X	X	Wooded areas, marshes, swamps, out-crops, ponds or lakes, streams or stream beds and other natural features affecting the site
X	X	The exact location of the flood hazard areas from the community's FHBM or other FEMA maps
X	X	Base flood elevations
X	X	404 Wetland boundaries
<i>The following data concerning streets</i>		
X		Proposed streets
X	X	Existing and platted streets on adjoining properties and in the proposed subdivision
X	X	Right-of-way, locations and dimensions
X		Pavement widths
X		Approximate grades

Preliminary	Final	Information
X	X	Design engineering data for all corners and curves
X		Typical street cross sections
X	X	Street names & evidence that names have been approved by E-911
	X	Street maintenance agreement
X		Evidence that the sub divider has obtained approval (DOT) approval on street design and driveway permits
X	X	Utility and other easements
X	X	Natural buffers
X	X	Greenways, sidewalks or bicycle paths
X	X	Parks and recreation areas with specific type indicated
X	X	Areas to be dedicated to or reserved for public use
X	X	Areas to be used for purpose other than residential with the purpose of each stated
X	X	The future ownership (dedication or reservation for public use to government body, for owners to duly constituted homeowner's association or for tenants remaining in sub divider's ownership) of recreation and open space lands
<i>Plans for utility layouts including</i>		
X		Sanitary sewers
X		Storm sewers
X		Other drainage facilities, if any
X		Water distribution lines
X		Natural gas lines
X		Communications lines
X		Electric lines
X		Illustration of connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves
X		Profiles based upon mean sea level datum for sanitary sewers and storm sewers
<i>Site calculations including</i>		
X	X	Acreage in total tract to be subdivided
X	X	Acreage in parks and recreation areas and other nonresidential uses
X	X	Total number of parcels created
X		Size of the smallest lot in the subdivision
X	X	Linear feet in streets
X	X	The name and location of any property buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places
	X	Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, right-of-way, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one one-hundredth of a foot and all angles to a minimum angular accuracy of the nearest minute.

Preliminary	Final	Information
	X	The accurate locations and descriptions of all monuments, markers and control points
	X	A copy of any proposed deed restrictions is mandatory when private recreation areas or common areas are established
	X	Evidence of erosion control plan approval
X		Topographic map with contour intervals as determined by the Ordinance Administrator

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APPENDIX B – REQUIRED SUBDIVISION PLAT CERTIFICATIONS

Certificate of Ownership and Dedication

The undersigned hereby certifies that the land shown here on is owned by the undersigned, and hereby freely dedicates all rights-of-way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity.

Owner(s)

Date

Certificate of Survey and Accuracy

I _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (other); that the ratio of precision is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____; that this plat was prepared in accordance with NCGS 47-30, as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D. 20__.

Surveyor

Seal or Stamp

Registration Number

Certificate of Review Officer

I, _____, Review Officer of Duplin County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

Certificate of Land Use Regulation and Purpose of Plat

I, _____, certify to one (1) of the following:

- a. That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That this survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one (1) of the following:
 - 1) That this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 - 2) That this survey is of an existing building or other structure, or natural feature, such as a watercourse; or
 - 3) That this survey is a control survey.
- d. That this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in a) through d) above.

Surveyor

Seal or Stamp

Registration Number

Certificate of Approval of Proposed State Roads

I hereby certify that these streets as installed, or as designed and guaranteed, are in accordance with the minimum design criteria presently required by the North Carolina Department of Transportation, Division of Highways, for the acceptance of streets onto the State system for maintenance

District Engineer
North Carolina Department of Transportation
Division of Highways

Date

Certificate of Approval of Proposed Town Roads

I hereby certify that these streets as installed, or as designed and guaranteed, are in accordance with the minimum design criteria presently required by the Town of Kenansville, for the acceptance of streets onto the Town system for maintenance.

Director of Public Works
Town of Kenansville

Date

Certificate of Approval of On-site Sewage Disposal Systems

I hereby certify that the lot(s) on this Final Plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et. seq., and found that it/they has/have acceptable soils for an on-site, subsurface sewage treatment and disposal system.

Duplin County Environmental Health

Date

Certificate of Lots Served by Public Water and/or Sewer Systems

I hereby certify that the construction plans for the water system and/or sewer system have been approved for _____ (Name of Subdivision). The utilities have been constructed, or secured via a financial guarantee, to _____ (Service Provider) standards.

Authorizing Agent (PW Director if Town)

Date

Certificate of Major Subdivision Approval

I hereby certify that the major subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Kenansville, North Carolina and that this plat has been approved by the Kenansville Town Board of Commissioners for recording in the Office of the Register of Deeds. This approval is valid for a period of thirty (30) days from the date of the Mayor's signature.

Mayor, Town of Kenansville

Date

Certificate of Minor Subdivision Approval

I hereby certify that the minor subdivision plat shown hereon has been found to comply with the Town of Kenansville Subdivision Regulations. his approval is valid for a period of thirty (30) days from the date of the Ordinance Administrator's signature.

Town of Kenansville Ordinance Administrator

Date

Certificate of Recombination Plat Approval

I hereby certify that the recombination plat shown hereon has been found to comply with the Town of Kenansville Subdivision Regulations. his approval is valid for a period of thirty (30) days from the date of the Ordinance Administrator's signature.

Town of Kenansville Ordinance Administrator

Date

Certificate of Exemption

I hereby certify that the division of land shown and described here on is not division of land subject to the Town of Kenansville Subdivision Regulations. No approval of this plat is required.

Town of Kenansville Ordinance Administrator

Date