



# Town of La Grange

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## Zoning Ordinance

1/4/2010

# Zoning Ordinance, Town of La Grange

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## **Town of La Grange Town Council**

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Mayor Pro Tem, Bobby R. Wooten  
Larry Gladney  
Clifton Harrison  
David Holmes  
Victoria Lee  
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Vice-Chairwoman, John Miller  
Henry Abbott, Jr.  
Eugene Shaw  
Dorothy Sutton  
Julia Wooten  
John H. Waters

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# **Article 1**

## **General Provisions**

### **Section 1-1: Short Title**

This ordinance shall be known as the "Zoning Ordinance of the Town of La Grange, North Carolina."

### **Section 1-2: Authority**

In accordance with the General Statutes of North Carolina (160A-381), the Town of La Grange is given the authority to adopt and enforce a zoning ordinance in order to manage growth and development within its planning jurisdiction.

### **Section 1-3: Purpose**

The unique purpose of the "Town of La Grange Zoning Ordinance" is that it realizes the goal of promoting an orderly and efficient land use development pattern, which allows for a variety of land uses and is sensitive to environmental and social concerns.

North Carolina General Statutes state that the purpose of zoning ordinances shall be to promote the public health, safety, morals and general welfare; provide for the orderly development of towns; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; and to protect property against blight and depreciation.

### **Section 1-4: Jurisdiction**

This ordinance shall apply to all lands within the Town of La Grange and its extraterritorial jurisdiction.

### **Section 1-5: Adoption and Effective Date**

The provisions of this ordinance were originally adopted and became effective on \_\_\_\_\_.

### **Section 1-6: Relationship to Land Use Policies**

This ordinance is designed to assist the citizens, elected and appointed boards, and the administrative staff in guiding land development within the planning jurisdiction. It has

been developed with a spirit of concern for both the individual rights of the land owners and the public responsibility to promote the systematic development of the community. These development guidelines were specifically designed to implement land use policies formulated by the Town of La Grange, in conjunction with the Land Use Plan.

### **Section 1-7 Fees**

Reasonable fees sufficient to cover the costs of administration inspection, publication of notices and similar matters may be charged to applicants for various permits. The amount of the fees charged shall be established by the Town Council. Fees shall be paid upon submission of a signed application or notice of appeal.

### **Section 1-8 Zoning Impacts on Existing Regulations, etc.**

This ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. Whenever regulations imposed by this ordinance are less restrictive than regulations imposed by any governmental authority through regulations, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provisions, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulations.

### **Section 1-9 Miscellaneous**

- (A) As used in this ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

## **Article 2 Administrative Structure**

### **Planning Board**

#### **Section 2-1 Appointment and Terms of the Planning Board**

- (A) There shall be a Planning Board consisting of 7 members appointed by the Town Council.
  - (B) Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed:
  - (C) Members may be appointed to successive terms without limitation.
  - (D) Planning Board members may be removed by the Town Council any time for failure to attend three meetings within any 12-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Town Council shall hold a hearing on the removal before it becomes effective.
- (D) Extraterritorial Jurisdiction (ETJ) Membership Requirements
- (1) An additional ETJ member shall be appointed to the Planning Board by the Lenoir County Commissioners to achieve proportional representation. Each member of the Planning Board whether inside the corporate limits or in the ETJ shall represent approximately the same number of people. For example, if each inside member represents 100 residents, there shall be an appointee for each 100 residents in the ETJ.
  - (2) Before the Lenoir County Commissioners make any appointments, they shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The board shall select appointees only from those who apply at or before the public hearing. The Lenoir County Commissioners shall make the appointments within forty-five (45) days following the public hearing.
  - (3) Once the Town of La Grange provides proportional representation, no power available to a town under G.S. 160-360 shall be ineffective in its extraterritorial areas solely because county appointments have not yet been made.

- (4) If there are an insufficient number of qualified residents of the area to meet membership requirements, the Lenoir County Commissioners may appoint as many other residents of the county as necessary to make the requisite number. If the Lenoir County Commissioners fail to make these appointments within 90 days after receiving a resolution, the Town Council may make them.

## **Section 2-2 Meetings of the Planning Board**

- (A) The Planning Board shall meet as needed.
- (B) Since the Planning Board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles 4, 5 and 6. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
- (C) Minutes shall be kept of all board proceedings by an elected member of the Planning Board or a town employee assigned by the Town Council.
- (D) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.
- (E) All proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. The Planning Board shall advise and comment whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters deemed appropriate by the Planning Board. A comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. Whenever the Planning Board is called upon to make recommendations concerning a conditional-use permit request or a zoning amendment proposal, the Administrator shall mail a certified letter to the applicant and adjacent property owners within two hundred (200) feet of the proposed location to provide reasonably adequate notice to interested persons of the matter that will appear on the board's agenda at a specified date and time. Such notice(s) shall be mailed at least 7 days prior to the meeting at which the matter is to be considered.
- (F) All meetings of the Planning Board shall be open to the public and a notice of the meeting shall be posted at Town Hall at least 48 hours prior to the meeting. The Planning Board does not have to follow the exact notification process mandated by the North Carolina General Statutes for amendments by the Town Council.

### **Section 2-3 Quorums and Voting**

- (A) A quorum for the Planning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the board to take official action.
- (B) All actions of the Planning Board shall be taken by majority vote provided a quorum is present.
- (C) A roll call vote shall be taken upon the request of any member.
- (D) Members of a Planning Board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter under consideration is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

### **Section 2-4 Planning Board Officers**

- (A) At its first meeting in January of each year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice chairman. They shall serve in these capacities for one year. A secretary shall be selected among the membership or assigned by the Town Council. The secretary, if assigned by the Town Council shall serve at the pleasure of the Board of Commissioners. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
- (B) The chairman and vice-chairman may take part in all deliberations and vote on issues.

### **Section 2-5 Powers and Duties of Planning Board**

- (A) The Planning Board may:
  - (1) Make studies of the area within its jurisdiction and surrounding areas.
  - (2) Determine objectives to be sought in the development of the study area.
  - (3) Prepare and adopt plans for achieving these objectives.
  - (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

- (5) Advise the Town Council concerning the use and amendment of the means for carrying out plans.
  - (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct.
  - (7) The Planning Board shall work and coordinate with other boards and advisory groups as directed by the Town Council.
  - (8) Perform any other related duties that the Town Council may direct.
- (B) The Planning Board may adopt rules and regulations governing its procedure and operations not inconsistent with the provisions of the ordinance.

## Board of Adjustment

### **Section 2-6 Delegation of the Functions of the Board of Adjustment**

- (A) All the functions, powers, duties and responsibilities of the Board of Adjustment as contained in this Section 2 shall be delegated and assigned to the La Grange (Town Council or Planning Board or stand-alone board).
- (B) The Board of Adjustment is subject to proportional representation of extraterritorial jurisdiction residents. An additional ETJ member shall be appointed to the Board of Adjustment by the Lenoir County Commissioners to achieve proportional representation. Each member of the Board of Adjustment whether inside the corporate limits or in the ETJ shall represent approximately the same number of people. For example, if each inside member represents 100 residents, there shall be an appointee for each 100 residents in the ETJ. Procedures for choosing extraterritorial jurisdiction members are the same as the procedures outlined in Section 2-1 (E)(2) through (E)(4).

### **Section 2-7 Meetings of the Board of Adjustment**

- (A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 5-4 (Applications to be Processed Expeditiously).
- (B) The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles 4, 5, and 6.
- (C) All meetings of the Board of Adjustment shall be open to the public, and whenever feasible the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.

## **Section 2-8            Quorums**

- (A) A quorum for the Board of Adjustment shall consist of a majority of the actual membership of the Town Council in accordance with NCGS 160-A-74. A quorum is necessary for the Board of Adjustment to take official action.
- (B) A member who has withdrawn from the meeting without being excused as provided in Section 2-9 below, voting shall be counted as present for purposes of determining whether a quorum is present.

## **Section 2-9            Voting**

- (A) The concurring vote of four-fifths of the regular Board of Adjustment membership (excluding vacant seats) shall be necessary to grant any variance or to grant an appeal, order, requirement, decision, or determination of the Administrator. For the purposes of this subsection, 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. All other actions of the Board of Adjustment shall be taken by majority vote.
- (B) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 2-9 (C) or has been allowed to withdraw from the meeting in accordance with Subsection 2-9 (D).
- (C) A member of the board or any other body exercising the functions of a Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, the following:
  - (1) If the member has a direct financial interest in the outcome of the matter at issue, or
  - (2) If the matter at issue involves the member's own official conduct, or a member having undisclosed ex parte communications, or
  - (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or if a member has a fixed opinion prior to hearing the matter that is not susceptible to change, or
  - (4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

- (D) If an objection is raised to a member's participation and that member does not recue him/herself, the remaining members shall by majority vote rule on the objection.
- (E) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the other members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (F) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

**Section 2-10 Board of Adjustment Officers**

- (A) At its first regular meeting in January of each year the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. The Board of Adjustment shall appoint a secretary. Any elected person shall serve in these capacities for terms of one year. Any appointed secretary shall serve at the pleasure of the Board of Adjustment. Vacancies among the elected officials may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.
- (C) The chairman and vice-chairman may take part in all deliberations and vote on all issues.

**Section 2-11 Powers and Duties of Board of Adjustment**

- (A) The Board of Adjustment shall hear and decide:
  - (1) Appeals from any order, decision, requirement, or interpretation made by the Administrator, as provided in Article 5;
  - (2) Applications for variances as provided in Article 5;
  - (3) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Article 5;
  - (4) Any other matter it is required to act upon by any other ordinance.

- (B) The Board of Adjustment may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

## Land Use Administrator

### **Section 2-12 Duties of the Land-Use Administrator**

- (A) Except as otherwise specifically provided, primary responsibility for administering and enforcing this ordinance may be assigned by the La Grange Town Council to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the “Land Use Administrator” or “Administrator”.
- (B) The Administrator is authorized by the Town Council to administer and enforce the provisions of this ordinance. Duties shall include: (1) processing applications; (2) inspecting premises; (3) issuing compliance permits; and, (4) reviewing site plans.
- (C) The Administrator shall have all necessary authority to administer and enforce this ordinance, including: (1) mailing notices of any condition found in violation of this ordinance; or (2) bringing legal action, including injunction, abatement; or the appropriate action proceeding.
- (D) The Administrator does not have the authority to take final action on applications, nor matters involving variances, or final actions reserved to the Town Council, Board of Adjustment, or the Planning Board.

## Town Council

### **Section 2-13 Powers and Duties of the Town Council**

- (A) The Town Council shall hear and decide applications for conditional use permits as provided in Article 4 in addition to the Powers and Duties contained in Section 2-11.
- (B) In considering proposed changes in the text of this ordinance or in the zoning map, the Town Council acts in its legislative capacity and must proceed in accordance with the requirements of Article 9.
- (C) A Town Council member shall not vote on any zoning map or text amendment where the outcome of the matter under consideration is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

## **Article 3 Definitions**

**Accessory Use:** A use that is secondary or incidental to a principal use or structure.

**Administrator:** Land Use Administrator appointed by the La Grange Town Council to implement the zoning ordinance.

**Adult and Sexually Oriented Business:** Any establishment which provides or distributes sexually related material or services (i.e. adult book stores, erotic massage parlors, gentlemen's club, live dancers, etc.).

**Antenna:** Equipment designed to transmit or receive electronic signals.

**Bar/Night Club:** An establishment that cannot be classified as a restaurant, which sells alcohol, and may serve as a venue for live music or dancing.

**Bed and Breakfast:** An owner-occupied or manager-occupied residential structure providing rooms for overnight lodging or lodging and meals.

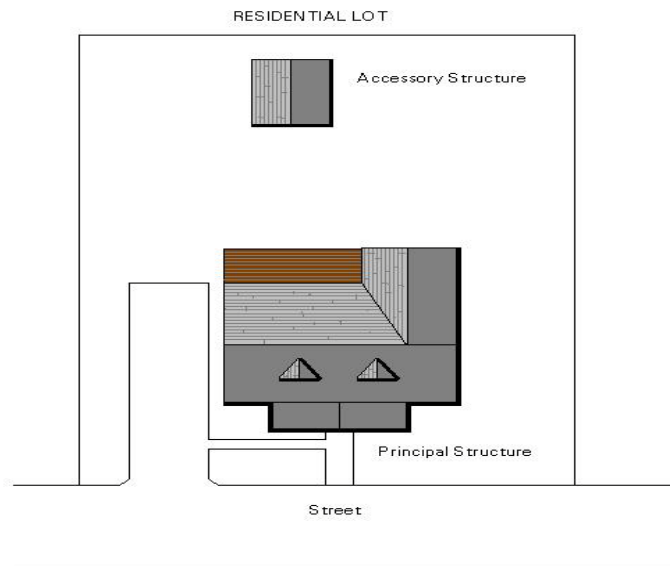
**Block:** A parcel of land, which is entirely surrounded by public streets, highways, railroad right-of-ways, parks, or green strips, rural land or drainage channels, or a combination thereof.

**Body Art and Tattoo Parlors:** any establishment which provides the application of permanent tattoos and/or body piercing.

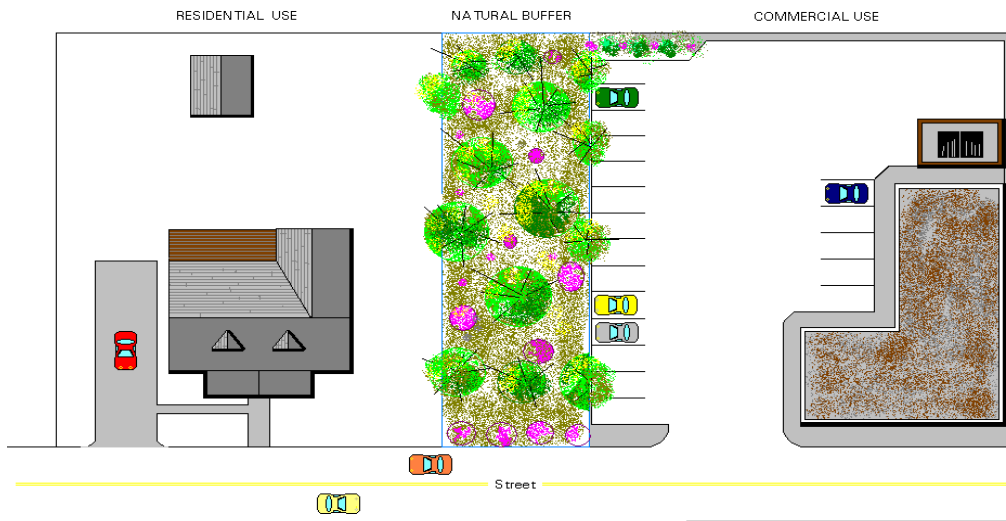
**Building:** A structure designed to be used as a place of occupancy, storage or shelter.

**Building, Accessory:** A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

**Building, Principal:** The primary building on a lot or a building that houses a principal use.



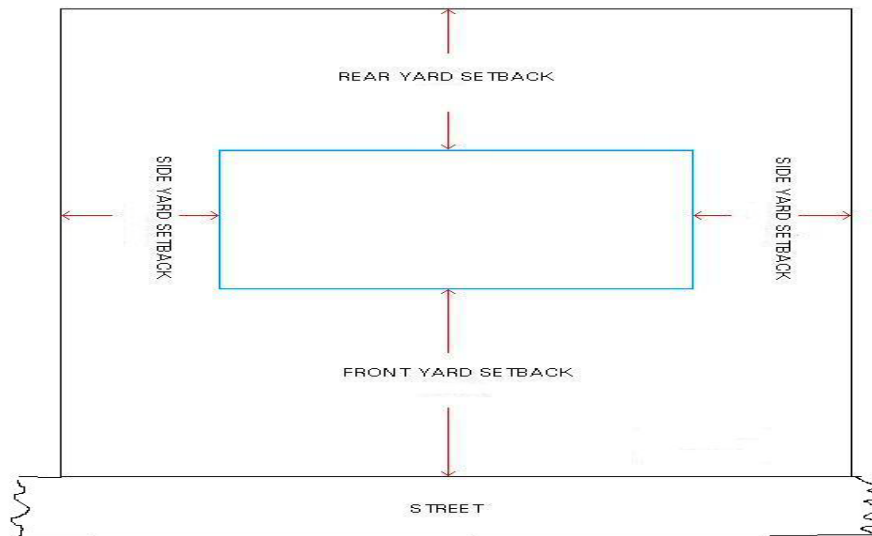
**Buffer Strip:** A strip of land between land uses reserved for plant material, berms, walls or fencing used to separate and screen incompatible land uses from each other.



**Building Setback Line:** A line establishing the minimum allowable distance between the principal building and the road right-of-way line and/or the property line in which no structure shall be built.

1. *Front Setback:* Any setback from a street or road

2. *Interior Setback*: A setback from any property line not alongside a street or road
3. *Rear Setback*: A setback from an interior property line lying on the opposite side of the lot from the front street or road setback.
4. *Side Setback*: Any interior property line setback other than a rear setback
5. *Side corner setback*: A street or road setback on a corner lot other than a front setback. For purposes of this ordinance, the administrator shall determine which setback is the front setback.



**Conditional Use Permit:** A permit issued by the Town Council that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the board.

**Day Care Center (adult or child):** Any adult/child care arrangement that provides day care on a regular basis for more than four hours per day for more than five adult/or children of preschool age.

**Dedication:** A gift by a property owner to another bring received for the transfer. The dedication is made by written instrument and is completed with written acceptance.

**Developer:** Any person, firm or corporation who subdivides or develops land deemed to be a subdivision as herein defined.

**Dwelling Unit:** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

**Dwelling Unit, Two-family Conversion:** The division of a large single-family dwelling into two apartments provided the development criteria specified in Article 12 is met.

**Dwelling Unit, Two-family:** A single structure divided into two permanent residences where each side contains sleeping, kitchen, living and bathroom facilities.

**Easement:** A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation or a person of a strip of land for specific purposes.

1. *Access Easement:* An easement which grants the right to cross property.
2. *Drainage Easement:* An easement which grants the right of water drainage to pass in open channels or enclosed structures.
3. *Sight Distance Easement:* An easement which grants to the entity responsible for road maintenance the right to maintain unobstructed view across property located at a road intersection
4. *Utility easement:* An easement which grants to the Town Council or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television system.

**Electronic Gaming Operation:** a business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not value of such distribution is determined by electronic games played or by predetermined odds.

**Extraterritorial Jurisdiction (ETJ):** That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality.

**Family:** One or more persons living together as a single housekeeping unit.

**Family Care Home:** A residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Person residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

**Flea Market:** An occasional or periodic market held in an open area or structure where groups or individual sellers offer goods for sale to the public. They are regularly scheduled such as weekends or holidays and most are held outdoors or under sheds.

**Governing Body:** La Grange Town Council, also known as "Town Council" in this ordinance.

**Home Occupation:** A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as

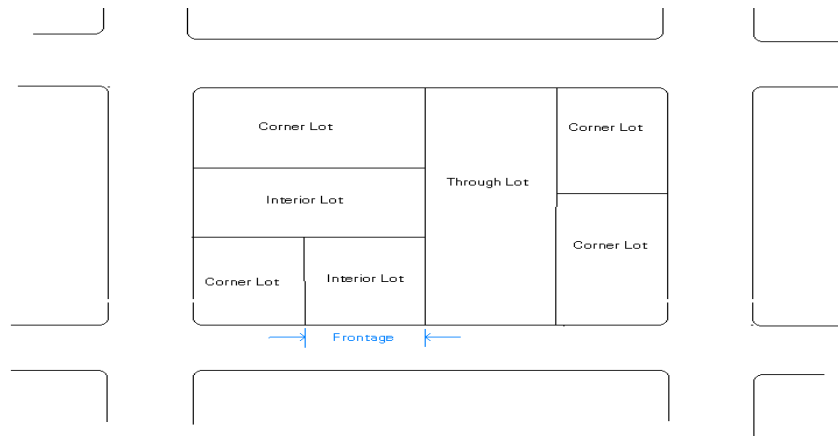
to be regarded as an accessory use but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

**Intensive Livestock Operations:** Any enclosure, pen, feedlot, building or group of buildings intended to be used or actually used to feed, confine, maintain or stable cattle, horses, sheep, turkeys, chickens or swine where their dietary needs are met primarily by means other than grazing, or any combination thereof with at any time sufficient numbers of animals on site to equal or exceed the following threshold levels.

- 100 head of cattle
- 75 horses
- 250 swine
- 1,000 sheep or goats
- 30,000 birds (with a liquid waste system)

**Kennel:** A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or be associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

**Lot:** A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. In determining the area and dimensions of a lot, no part of the right-of-way of a street or road may be included. The word lot also includes the words “plot” and “parcel”.



1. *Interior lot:* A lot other than a corner lot with only one frontage on a street.
2. *Corner lot:* A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meeting at an interior angle of less than 135 degrees.

3. *Through lot*: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred as a double frontage lots.
4. *Double frontage lot*: A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.
5. *Lot area*: The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and (ii) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.
6. *Lot coverage*: That portion of a lot occupied by a structure, either at ground level or equivalent thereto when a structure is elevated on pilings.
7. *Lot depth*: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
8. *Lot width*: The distance between the side lot lines as measured at the rear of the required front yard, except for lots on the running circle of cul-de-sacs which shall be at least 80 percent of the required lot width and maintain an average lot width between the front and rear property lines of a least the minimum lot width for the zoning district in which the lots are located.
9. *Lot frontage*: That portion of a lot abutting a street.
10. *Lot of Record*: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
11. *Reversed frontage lot*: A lot on which frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135 degrees) to the general pattern in the area. It may also be a reverse frontage lot, an interior lot or a through lot.
12. *Single Tier lot*: A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

**Mixed Use:** A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first and thus a mixed use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a mixed use).

**Manufactured Home:** A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the State Building Code applicable to stick-built homes, and (ii) is

composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds 40 feet in length and eight feet in width.

**Manufactured Home, Temporary:** Manufactured homes used for a specific time period of time as permitted in Article 11 which meets the development criteria specified in Article 13.

**Manufactured Home, Class A:** A double-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the appearance criteria in Article 13.

**Manufactured Home, Class B:** A single-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and meets the appearance criteria in Article 13.

**Manufactured Home, Class C:** Any manufactured home that was constructed prior to July 1, 1976 and does not meet the appearance criteria of a Class A or Class B Manufactured home.

**Manufactured Home Park:** A residential use in which more than one manufactured home is located on a single lot.

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

**Nonconforming Lot:** A lot existing at the effective date of this ordinance that does not meet the minimum area requirement of the district in which the lot is located.

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

**Nonconforming Use:** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated

with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

**Open space:** An area (land and/or water) generally lacking in structures and reserved for enjoyment.

**Parcel:** An individual piece of land.

**Parking Space:** A portion of the vehicle accommodation area set aside for the parking of one vehicle.

**Parking space, Handicap:** Parking spaces designed and assigned to handicap drivers or passengers.

**Person:** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

**Planned Unit Development (PUD):** A development constructed on a tract of land under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land.

**Private Easement:** A right of access, at least 30 feet wide, to six lots or less that does not front directly on a public or private road as applied to these regulations.

**Private Road:** A roadway serving two (2) or fewer lots, building sites or other division of land not intended to be public ingress or egress.

**Private Street:** An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6<sup>2</sup>

**Public Sewer:** A system which provides for collections and or treatment of wastewater from one or more property and is owned and operated by a government organization or sanitary district.

**Public Water:** A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.

**Residence, Single-Family Detached, One Dwelling Unit Per Lot:** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

**Right-of-Way:** The legal right of public passage, especially vehicular, over land.

**Shopping Centers:** A type of planned business development involving two or more businesses clustered in a unified project constructed on a tract of land under single ownership, planned and developed as an integral unit.

**Sign:** Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition; and (ii) is designed to attract the attention of such persons or to communicate information to them.

**Sign, Freestanding:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign,” is also a freestanding sign.

**Sign, Nonconforming:** A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in Article 14, Signs.

**Sign, Off-Premises:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

**Sign, Permit:** A permit issued by the land-use administrator that authorizes the recipient to erect, more, enlarge, or substantially alter a sign.

**Sign, Temporary:** A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

**Sketch Development Plan.** An initial subdivision proposal prepared by the subdivider and reviewed by the political jurisdiction. No formal action is taken, but the process allows an informal exchange of information between the subdivider and the local reviewing body.

**Special Events:** Circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than one day but not longer than two weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Subdivision:** all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the

purpose of sale or building development (whether immediate or future). The following are exempt from the definition of “subdivision:”

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in these subdivision regulations.
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in a single ownership whose entire area is no 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 municipality.

There are two types of subdivisions, major and minor:

1. *Major Subdivision:* All other subdivision not classified as minor. Major subdivisions shall be approved, approved conditionally or disapproved by the Town Council of La Grange as specified in these regulations
2. *Minor Subdivision:* The subdivision of land into five (5) lots or less, not involving development or extension of a new public or private road with all lots having access to an existing state maintained road. Minor subdivisions shall be approved, approved conditionally, or disapproved by the Town Council of La Grange as specified in these regulations.

**Tower:** Any structure whose principal function is to support an antenna.

**Town Council:** La Grange Town Council (see also Governing Body).

**Use:** The activity or function that actually takes place or is intended to take place on a lot.

**Use-by-right:** A use-by-right designed in Article 16 by the letter “X”, because of its nature and impact, allowed within a designated use district with the issuance of a zoning permit.

**Use, Principal:** A use listed in the Table of Permissible Uses.

**Utility Facilities:** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by [the appropriate provision of state law] and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

**Variance:** A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

**Vested rights:** The right to undertake and complete the development and use of real property which, when completed, will be in conflict with the provisions of this ordinance at its effective date, or any amendments.

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

1. *Yard, Front:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building, projected to the side line of the lot. On all corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
2. *Yard, Rear:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the front yard.
3. *Yard, Side:* An open, unoccupied space on the same lot with the principal building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the lot and extending from the rear line of the front yard to the front line of the rear yard. On all corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

**Yard Sale:** The sale of household goods at a home, church or business on a limited basis. Although items are sold this activity is secondary to other permanent uses of the property and limited to one or two times per year. Any site where materials are stored on a continuous basis and sales conducted periodically throughout a year shall be classified as a business use like any other retail sales activity. (see also Flea Market)

**Zoning Permit:** A permit issued by the Administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

## **Article 4 Permits**

### **Section 4-1 Permits Required**

No person shall undertake any development activity or use of land that is subject to this ordinance without a permit.

### **Section 4-2 General Requirements**

- (A) All applications for permits shall be submitted by the owner of the property or his authorized agent. The Administrator may require reasonable proof of ownership from any person submitting an application.
- (B) An application for any permit shall be submitted in such form, number of copies and format as prescribed in this ordinance.
- (C) The Administrator may waive submission of required elements of information when in his/her opinion such information is otherwise available or is not necessary. The Administrator may return any application that is not complete.
- (D) All applications for permits shall be submitted, reviewed and processed in accordance with the requirements specified in this ordinance.
- (E) A copy of required permits, along with any plans submitted, shall be returned to the applicant after the review process marked approved or disapproved. A similarly marked copy shall be retained in the town hall.
- (F) Any permit issued shall expire unless the work as approved on the application begins within one year from the date of issue. Written notice shall be given by the Administrator.

### **Section 4-3 Zoning Permit**

- (A) No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be started until a zoning permit has been issued by the Administrator.
- (B) A zoning permit form, specifying the required information, shall be obtained from the Town Hall and submitted to the Administrator for action.
- (C) If the use is listed in the Table of Permitted Uses and complies with all the development standards in this ordinance, the Administrator shall issue a zoning permit. However, if the Administrator determines the use:

- (1) Is not a permitted use in a particular district, the applicant may appeal his interpretation to the Board of Adjustment or seek a zoning amendment from the Town Council; or
- (2) Cannot comply with all dimensional requirements the applicant may appeal to the Board of Adjustment for a variance; or
- (3) Is indicated in the Table of Uses by districts (see Article 11) as a conditional use it shall be submitted to the Town Council for action.

#### **Section 4-4 Conditional and Special Use Permits**

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

The provisions of this ordinance permit some uses to be established by right in the appropriate district while other uses require a permit from the Board of Adjustment. Those which require a permit from the Board of Adjustment are termed "conditional uses," while those which involve broader policy considerations require a permit from the Town Council and are termed "special uses." Both conditional and special uses may be compatible with and desirable in the districts in which they are designated, but they may also have characteristics which could have detrimental effects on adjacent properties, or La Grange as a whole, therefore must be considered specifically and independently.

Public hearings required by this section will be held in accordance with the requirements of the North Carolina General Statutes and shall be open to the public. The Administrator shall mail a letter of notice to the applicant as well as to the owners of all adjacent property within two-hundred (200) feet of the proposed site, not less than ten (10) days prior to the scheduled hearing. A deciding vote may be taken at the conclusion of the public hearing, but may be extended for a period of thirty-five (35) days after the date of the original hearing.

When applying for a conditional or special use permit, the applicant shall provide all necessary applications and site plans at the time of submission. The site plans shall contain the following criteria:

- (A) Topography - Especially for uses requiring a well-drained site and adequate storm drainage.
- (B) Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

- (C) Circulation - Proposed points of access and egress and pattern of internal circulation.
- (D) Parking and Loading - Layout of parking spaces; location and arrangement of all proposed off-street parking, if required.
- (E) Buffering - Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property (or fencing/screening for swimming pools at private clubs). Electrical substations shall be enclosed by a fence not less than 8 feet in height with three strands of barbed wire turned out at the top.

### Conditional Use Permit

The Town Board of Adjustment shall hear and decide conditional use permits. A super majority or 4/5 vote shall be required to issue such permit. When deciding conditional use permits, the Town Board of Adjustment shall follow quasi-judicial procedures.

- (A) The procedure for obtaining a permit is as follows:
  - (1) A conditional use permit shall be required for any use listed as a conditional use in the Table of Permitted Uses.
  - (2) Applications for a permit approval shall accompany the application for a zoning permit and shall be addressed to the Town Board of Adjustment and presented to the Administrator at least thirty (30) days prior to the scheduled Board of Adjustment meeting at which the permit is to be considered. Each application shall contain or be accompanied by a site plan and shall be forwarded to the planning board for consideration.
  - (3) The Planning Board shall review the application and shall present its recommendations to the Town Board of Adjustment prior to or at the public hearing held by that body in writing.
  - (4) The Town Board of Adjustment shall hold a public hearing prior to taking action on a conditional use permit.
  - (5) The Town Board of Adjustment shall issue a conditional use permit, if after a public hearing the use:
    - (a) Is listed among the conditional uses in the district for which application is made;
    - (b) Is essential or desirable to the public convenience or welfare;

- (c) Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
  - (d) Will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the community;
  - (e) Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and
  - (f) Will have ingress and egress designed to minimize traffic congestion in the public streets.
- (B) The Town Board of Adjustment may impose any conditions upon the permit that it deems necessary in order for the development to comply with the spirit and integrity of this ordinance and the Town of La Grange.
- (C) If the permit application for conditional use is approved; all conditions shall run with the land and shall be binding on the original applicant, heirs, successors and assigns.
- (D) Granting a conditional use permit does not exempt applicants from complying with other requirements of this ordinance. In any case where the conditions of a permit have not been or are not being met, the Administrator shall give the grantee notice of intention to revoke approval. Said notice shall be given at least 10 days prior to any action by the Town Board of Adjustment.
- (E) After the issuance of a conditional use permit, the applicant has six (6) months to exercise or consummate the conditional use. If the conditional use is not consummated during this period, the conditional use permit shall become null and void.
- (F) If an approved conditional use ceases to exist for a period of one hundred and eighty (180) days, the conditional use permit shall become null and void.
- (G) If the Board of Adjustment denies request for a conditional use permit, the reasons shall be entered in the minutes of the meeting at which the permit was denied.
- (H) If a petition for a conditional use permit is denied, a period of twelve (12) months must elapse before another petition for the same conditional use may be submitted.

## Special Use Permits

The Town Council shall hear and decide special use permits. No vote greater than a majority vote is required. When deciding special use permits, the Town Council shall follow quasi-judicial procedures.

- (A) The procedure for obtaining a permit is as follows:
- (1) A special use permit shall be required for any use listed as a special use in the Table of Permitted Uses.
  - (2) Applications for a permit approval shall accompany the application for a zoning permit and shall be addressed to the Town Council and presented to the Administrator at least thirty (60) days prior to the scheduled Town Council meeting at which the permit is to be considered. Each application shall contain or be accompanied by a site plan and shall be forwarded to the planning board for consideration.
  - (3) The Planning Board shall review the application and shall present its recommendations to the Town Council prior to or at the public hearing held by that body in writing.
  - (4) The Town Council shall hold a public hearing prior to taking action on a special use permit.
  - (5) The Town Council shall issue a special use permit, if after a public hearing the use:
    - (a) Is listed among the special uses in the district for which application is made;
    - (b) Is essential or desirable to the public convenience or welfare;
    - (c) Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
    - (d) Will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the community;
    - (e) Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and
    - (f) Will have ingress and egress designed to minimize traffic congestion in the public streets.

- (B) The Town Council may impose any conditions upon the permit that it deems necessary in order for the development to comply with the spirit and integrity of this ordinance and the Town of La Grange.
- (C) If the permit application for special use is approved; all conditions shall run with the land and shall be binding on the original applicant, heirs, successors and assigns.
- (D) Granting a special use permit does not exempt applicants from complying with other requirements of this ordinance. In any case where the conditions of a permit have not been or are not being met, the Administrator shall give the grantee notice of intention to revoke approval. Said notice shall be given at least 10 days prior to any action by the Town Council.
- (E) After the issuance of a special use permit, the applicant has six (6) months to exercise or consummate the special use. If the special use is not consummated during this period, the special use permit shall become null and void.
- (F) If an approved special use ceases to exist for a period of one hundred and eighty (180) days, the special use permit shall become null and void.
- (G) If the Town Council denies request for a special use permit, the reasons shall be entered in the minutes of the meeting at which the permit was denied.
- (H) If a petition for a special use permit is denied, a period of twelve (12) months must elapse before another petition for the same special use may be submitted.

#### **Section 4-5 Temporary Use Permit**

The Town Council shall issue temporary use permits on a case-by-case basis. Specific time limits shall be stated for each use. Specific activities that are allowed are indicated in the Table of Uses. Temporary permits may be renewed by the Board of Adjustment. Activities are permitted as specified in Article 11.

#### **Section 4-6 Certification of Zoning Compliance**

No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use changed until a zoning permit is issued by the Administrator. This certificate shall state that the building and/or site comply with the provisions of this ordinance.

## **Article 5**

### **Appeals, Variances, Interpretations**

#### **Section 5-1      Appeals**

- (A) An appeal from any final order or decision of the Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrator and the Board of Adjustment a written notice of appeal specifying the grounds. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Administrator.
- (B) An appeal must be taken within 30 days after the date of the decision or order is made.
- (C) Whenever an appeal is filed, the Administrator shall transmit to the Board of Adjustment all the materials of the case.
- (D) An appeal stays all actions by the Administrator enforcing the requirements of this ordinance.
- (E) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its option ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

#### **Section 5-2      Variances**

- (A) An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator.
- (B) A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
  - (1) If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property;
  - (2) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
  - (3) The hardship relates to the applicant's land, rather than personal circumstances;

- (4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
  - (5) The hardship is not the result of the applicant's own actions; and,
  - (6) The variance will neither result in the extension of a nonconforming situation in violation of Article 8 nor authorize the initiation of a nonconforming use of land.
- (C) A variance may be issued for an indefinite duration or for a specified duration only.

**Section 5-3 Interpretations**

- (A) The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Administrator, they shall be handled as provided in Section 5-1.
- (B) An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. The application shall contain sufficient information to enable the Board to make the necessary interpretation.
- (C) Where uncertainty exists as to the boundaries as shown on the Town of La Grange Official Zoning Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
  - (2) Boundaries indicated as approximately following lot lines, town limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;
  - (3) Boundaries indicated as following shorelines shall be constructed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines; and,
  - (4) Where a district boundary divides a lot or where distances are not specifically indicated, the boundary shall be determined by measurements from the Official Town of La Grange Zoning Map.

#### **Section 5-4 Requests to be Heard Expediently**

The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, and obtain the necessary information to make sound decisions.

#### **Section 5-5 Burden of Proof in Appeals and Variances**

- (A) When an appeal is taken to the Board of Adjustment in accordance with Section 5-1, the Administrator shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- (B) The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions on those issues remains with the applicant seeking the variance.

#### **Section 5-6 Board Action on Appeals and Variances**

- (A) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by more than one-fifth of the Board of Adjustment's membership (excluding vacant seats).
- (B) Before granting a variance, the Board of Adjustment must take a separate vote and vote affirmatively (by a four-fifths majority) on each of the required findings stated. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in subsection 4-2 (B) above shall include a statement of the specific reasons or findings of fact supporting such motion.

## **Article 6**

### **Hearing Procedures for Appeals and Applications**

#### **Section 6-1           Hearing Required on Appeals and Applications**

- (A) Before making a decision on an appeal or an application for a variance, conditional use/special use permit, or petition from the Administrator to revoke a conditional use/special use permit, the hearing board shall hold a hearing on the appeal or application.
- (B) The hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- (C) The hearing board may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- (D) The hearing board may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

#### **Section 6-2           Notice of Hearing on Appeals and Applications**

- (A) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than 10 days before the hearing.
- (B) Notice shall be given to neighboring property owners by mailing a written notice not later than 10 days before the hearing to those persons who have listed for taxation real property, any portion of which is located within 200 feet of the lot that is the subject of the application or appeal.
- (C) The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

#### **Section 6-3           Evidence**

- (A) The provisions of this section apply to all hearings for which a notice is required by Section 5-1.
- (B) All persons who intend to present evidence to the permit-issuing board, rather than arguments only, shall be sworn.

- (C) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available.

#### **Section 6-4            Modification of Application at Hearing**

- (A) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Council or Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- (B) Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Administrator.

#### **Section 6-5            Record**

- (A) A tape recording should be made of all hearings required by Section 5-1 and such recordings shall be kept for at least 30 days. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- (B) Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept for at least two years.

#### **Section 6-6            Written Decision**

- (A) Any decision made by the Board of Adjustment regarding an appeal, conditional use permit, or variance shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
- (B) Any decision made by the Town Council regarding a special use permit shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
- (C) In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusions, as well as supporting reasons or facts, whenever this ordinance requires the same as a prerequisite to taking action.

## **Article 7 Enforcement and Review**

### **Section 7-1            General**

In addition to those remedies in G.S. 14-4 and 160A-175, as amended and otherwise as law provided, whenever, by the provisions of this ordinance, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land and water, or on the erection or removal alteration of a structure, a failure to comply with such provisions shall constitute a violation of this ordinance.

### **Section 7-2            Complaints Regarding Violators**

Whenever the Administrator receives a written, signed complaint alleging a violation of this ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the violator in writing what actions have been or will be taken.

### **Section 7-3            Liability**

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

### **Section 7-4            Procedures upon Discovery of Violation**

- (A) If the Administrator finds that a provision of this ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.
- (B) The final written notice shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 5-1.
- (C) In cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 6-5.

## **Section 7-5 Penalties and Remedies for Violation of the Ordinance**

- (A) Criminal prosecution: Violations of the provisions of this ordinance or failure to comply with any of these requirements, including violations of any conditions and safeguards established in connection with grants of variances or conditional-use permits, shall constitute a misdemeanor, punishable by a fine of up to \$50, or a maximum 30 days imprisonment, or both. Each day that a violation continues to exist shall be considered a separate offense, provided the violation was not corrected with 30 days after the notice of the violation has been given.
- (B) Civil Penalties: Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional-use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay within 10 days after being cited for a violation, this penalty may be recovered by the jurisdiction in a civil action in the nature of debt. Each day that a violation continues to exist after being cited shall constitute a separate and distinct offense without multiple citations being issued. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 6-4 and did not take an appeal to the Board of Adjustment within the prescribed time.
- (C) This ordinance may also be enforced by any appropriate equitable action.
- (D) Each day that any violation continues after notification by the Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

## **Section 7-6 Permit Revocation**

- (A) A zoning or conditional use permit may be revoked by the Town Council if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed.
- (B) Before a conditional use permit may be revoked, all of the notice and hearing and other requirements of Article 6 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
  - (1) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

- (2) Before a permit may be revoked, the Administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permitted a written statement of the decision and the reasons therefore.
- (3) No persons may continue to make use of land or buildings in the manner authorized by any zoning conditional use permit after such permit has been revoked in accordance with this section.

**Section 7-7                      Judicial Review**

- (A) Every decision of the Board of Adjustment shall be subject to review by the Superior Court of Lenoir County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Lenoir County Clerk of Court within 30-days after the latter of the following occurrences:
  - (1) A written copy of the board's decision has been filed in the Town Hall; and
  - (2) A written copy of the board's decision has been sent to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

## **Article 8 Nonconforming Uses and Buildings**

### **Section 8-1           General**

Any parcel of land, use of land, building or structure existing at the time of the adoption of this ordinance, or any amendment, that does not conform to the use or dimensional requirements of the district in which it is located, may be continued and maintained subject to the following categories of nonconforming uses.

### **Section 8-2           Nonconforming Vacant Lots**

Nonconforming vacant lots are lots that have been platted and recorded in the Office of the Register of Deeds of Lenoir County, which at the time of adoption of this ordinance fail to comply with the minimum area and/or width requirements of the districts where they are located. Any such nonconforming lot may be used for any of the uses permitted in the district where it is located provided that:

- (1) Where the lot area is below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.
- (2) Whenever two or more adjoining vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district where such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district where such lots are located.

### **Section 8-3           Nonconforming Occupied Lots**

Nonconforming occupied lots are lots occupied by buildings or structures at the time of the adoption of this ordinance that fail to comply with the minimum requirements for area, width, yard and setbacks for the district where they are located. These lots may continue to be used without complying with the specific requirements for use or dimensional requirements.

### **Section 8-4           Nonconforming Open Uses of Land**

Nonconforming open uses of land are lots used for storage yards, used car sales, auto wrecking, junkyards, and similar open spaces where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it

is located. A legally established nonconforming open use of land may be continued except as follows:

- (1) When a nonconforming open use of land has been changed to conforming use, it shall not there after revert to any nonconforming use;
- (2) Nonconforming open use of land shall be changed only to conforming use;
- (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming; and,
- (4) When any nonconforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district where the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

#### **Section 8-5 Nonconforming Uses of Structures**

Nonconforming uses of structures are uses used at the time of enactment of this ordinance for purposes or uses not permitted in the district in which they are located. Such uses may be continued as follows:

- (1) An existing nonconforming use may be changed to another nonconforming use of the same or higher classification, provided that the other conditions in this Article are met. For the purpose of this ordinance, the rank order of uses from higher to lower shall be: 1) residential, 2) public, 3) commercial, and 4) industrial (for example, a nonconforming barber shop may be changed to another barber shop or a nonconforming residential dwelling, but not a manufacturing facility);
- (2) When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use;
- (3) A nonconforming use may not be extended or enlarged, nor shall a structure containing a nonconforming use be altered except:
  - (a) Structural alterations as required by law or ordinance to secure the safety of the structure; or
  - (b) Maintenance and repair necessary to keep a structure in sound condition; or
  - (c) Expansion of a nonconforming use of building or structure into portions of the structure which, at the time the use became

nonconforming, were already erected and arranged or designed for such nonconforming use.

- (4) When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not hereafter be used except in conformance with the regulations of the district where it is located.

### **Section 8-6 Reconstruction of Damaged Buildings or Structures**

Any nonconforming use, except manufactured dwelling units, (see Section 8-7 below) which has been damaged by fire, wind, flood or other causes, may be repaired and used as before provided:

- (1) The damage to the building does not exceed 50% of its assessed value;
- (2) Repairs are initiated within 12 months and completed within two years of such damage;
- (3) The total amount of space devoted to a nonconforming use may not be increased; and
- (4) Reconstructed buildings may not be more nonconforming with respect to dimensional restrictions.

### **Section 8-7 Nonconforming Manufactured Homes and Mobile Home Parks**

Nonconforming Mobile/Manufactured Homes on individual lots: Existing nonconforming mobile/manufactured homes on individual lots may be replaced with mobile/manufactured homes when they meet all of the following requirements:

- (1) When moved, they must be replaced with a Class A or Class B mobile/manufactured home and shall have permanent brick or masonry underpinning prior to the issuance of a certificate of occupancy;
- (2) When moved, the home must be replaced within one-hundred and eighty (180) days from the date of removal;
- (3) The replacement home must meet the lot requirements of the zoning district.

Mobile Home Parks, which were conforming prior to the adoption of this ordinance and which became nonconforming on the effective date of this ordinance, shall be allowed to fill any vacant mobile home space with an underpinned Class A or Class B mobile/manufactured home. Brick or masonry underpinning is not required within an existing mobile home park.

## **Article 9 Amendments**

### **Section 9-1            Amendments In General**

Amendments to the text of this ordinance or to the zoning map may be made in accordance with the provisions of this Article.

### **Section 9-2            Initiation of Amendments**

- (A) Whenever a request to amend this ordinance is initiated by the Administrator, the Planning Board, the Board of Adjustment, or the Town Council, the town attorney in consultation with the Administrator, shall draft an appropriate ordinance and present that ordinance to the Town Council so that a date for a public hearing may be set.
- (B) Any other person may also petition the Town Council to amend this ordinance. The petition shall be filed with the Administrator and shall include the following information, along with the information deemed relevant by the Administrator:
  - (1) The name, address, and phone number of the applicant;
  - (2) A description of the land affected by the amendment if a change in zoning district classification is proposed; and
  - (3) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this ordinance.
- (C) Upon receipt of a petition as provided in subsection 9-2(B) the Administrator shall either:
  - (1) Treat the proposed amendment as one initiated by the administration and proceed in accordance with Subsection 9-2 (A) if he believes that the proposed amendment has significant merit and would benefit the general public; or
  - (2) Forward the petition to the Town Council with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set.
- (D) Upon receipt of a proposed amendment as provided in Subsection 9-2 (A), the Town Council may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in Subsection 9-2 (B), the Town Council may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the Administrator, to draft an appropriate ordinance.

### **Section 9-3 Planning Board Consideration of Proposed Amendments**

- (A) All proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment.
- (B) The Planning Board shall submit its recommendation to the Town Council at or before the public hearing on the amendment.
- (C) If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the governing board may proceed in its consideration of the amendment without the Planning Board report. The governing board is not bound by the recommendations, if any, of the Planning Board.
- (D) No ordinance that amends any of the provisions of this ordinance may be adopted until a public hearing has been held on such ordinance.
- (E) The Administrator shall publish a notice of the public hearing on any amendments to this ordinance once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 days or more than 25 days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.
- (F) With respect to map amendments, the Administrator shall mail written notice of the public hearing to the recorded owners for tax purposes of all properties whose zoning classification are changed by the proposed amendment as well as the owners of all properties which are within 200 feet of the property rezoned by the amendment.
- (G) The notice required or authorized by this section shall:
  - (1) State the date, time, and place of the public hearing;
  - (2) Summarize the nature and character of the proposed change;
  - (3) Reasonably identify the property whose classification would be affected by the amendment, if the proposed amendment involves a change in zoning district classification;
  - (4) State the full text of the amendment can be obtained from the town clerk; and
  - (5) State that substantial changes in the proposed amendment may be made following the public hearing.

#### **Section 9-4           Town Council Action on Amendments**

- (A) At the conclusion of the public hearing on a proposed amendment, the Town Council may proceed to vote on the proposed ordinance, refer it for further study, or take any other action consistent with its usual rules of procedure.
- (B) The Town Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (C) Voting on amendments to this ordinance shall proceed in the same manner as other ordinances.
- (D) Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and an explanation of why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

#### **Section 9-5           Ultimate Issue before Town Council on Amendments**

- (A) The Town Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Town Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification, except in the case of conditional use zoning.
- (B) The Town Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

#### **Section 9-6           Protest to Zoning District Changes**

- (A) If a petition opposing a change in the zoning classification of any property is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the Town Council membership. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered members of the council for calculation of the requisite supermajority.

- (B) To trigger the three-fourths vote requirement, the petition must:
- (1) Be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change; or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than the entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the 'owners' of potentially qualifying areas;
  - (2) Be 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;
  - (3) Be received by the town clerk in sufficient time to allow the governing body at least two normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition; and
  - (4) Be on a form provided by the town clerk and contain all the information requested on this form.
- (C) A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.
- (D) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted conditional use district.



- (H) No lot shall be reduced or changed in size so that the total area, minimum frontage, front, side, or rear setbacks, lot area per dwelling unit, or other dimensions, areas, or open spaces required by these regulations are not maintained. No lot shall be reduced in size so as to produce an additional lot which is not in conformity with these regulations, unless said lot is combined with other land to produce a conforming lot or unless said lot is needed and accepted for public use.
- (I) Where a minimum frontage is specified in these regulations it shall be measured at the front yard setback line.
- (J) The setbacks requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any planted buffer strip, fence, or wall. However, no fence or wall shall exceed a height of six (6) feet in any front or side yard unless specified elsewhere. Such fences and walls shall be located on the lot with the principal building.
- (K) Any lot of record existing when adopted, which has an area or a width which is less than required by this ordinance, shall be subject to the following exceptions and modifications:
  - (1) Adjoining Lots- When two (2) or more adjoining lots with continuous frontage are in one (1) ownership at any time after the adoption of this ordinance, and such lots individually are less than the minimum square footage and/or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located.
  - (2) Lot Not Meeting Minimum Lot size requirements- Except as set forth in K,1, above, in any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of these regulations which has an area or a width which is less than required by these regulations may be used as a building site for a single-family dwelling.
  - (3) Side Yard Requirements- Except as set forth in K,1, above, where a lot has a width less than the width required in the district in which it is located, then the Zoning Administrator shall be authorized to reduce the side yard requirements for such lot, provided however, no side yard shall be less than ten (10) feet wide.
- (L) The district height limitations, stipulated elsewhere in this ordinance, may be exceeded when a conditional use is approved by the Board of Adjustment. Such structures as church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers,

chimneys, smokestacks, conveyors, flagpoles, radio towers, masts, aerials, and single structures which exceed the height limitations, may be permitted when an application for a conditional use is approved by the Board of Adjustment.

- (M) All mobile homes shall meet the following requirements:
- (1) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting, and roofing exceed that of gloss white paint.
  - (2) A continuous, uniform foundation enclosure, not pierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block.
  - (3) Steps shall be provided at all exterior doors and shall be precast concrete, poured concrete or be constructed from treated lumber, or standard steps which came with the mobile home. All steps shall be at least two (2) inches wider than the width of the door it serves.
  - (4) All of these standards shall be met prior to connection to gas, electrical, water, and or sewer utilities.
- (N) After the effective date of this ordinance, those uses which existed prior to that effective date and would only thenceforth be permitted as conditional or special uses in the district in which they are located, shall be considered to be legally established conditional or special uses. Any expansion, addition, or other changes for which a zoning permit is required shall be heard, considered, and approved or disapproved by the Board of Adjustment or Town Council in the same manner as original applications for conditional or special use approval.
- (O) In residential districts, the minimum front yard setback for mobile homes shall not apply to vacant lot(s) beside or between existing developed lots. On such vacant lots, the setback for mobile homes shall be the same as the setback for the existing dwelling nearest the street.

## **Section 10-2                      Zoning Districts Established**

- (A) The Town of La Grange is hereby divided into the following zoning districts. All districts are general-use districts. The petitioner may refer, either in his petition or at any hearings related to the petition, to the use intended for his property. However, the board shall consider the full range of uses within that particular zoning district when approving or disapproving the petition. If approved, the rezoned property may be used for any of the uses permitted in the applicable general-use district.

(B) The following zoning districts are hereby established:

**AR**  
**R-18**  
**R-12**  
**R-10**  
**R-5**  
**MH**  
**DD**  
**HC**  
**LI**  
**HI**

(C) **AR: Agriculture-Residential District**

The purpose of this district shall be to create an area in which agricultural and residential uses can be compatibly mixed, to preserve and promote the rural character of the land, and to provide open space. Two-family dwellings may be allowed when appropriate conditions are met.

(D) **R-18: Single-Family Residential District**

The purpose of this district shall be to maintain a minimum lot size of eighteen thousand square feet (18,000 sf) for single-family dwellings, and ensure that uses are limited to those which are compatible with residential use. Two-family dwellings may be allowed when appropriate conditions are met.

(E) **R-12: Single-Family residential District**

The purpose of this district shall be to maintain a minimum lot size of twelve thousand square feet (12,000 sf) for single-family dwellings and other compatible uses. Two-family dwellings may be allowed when appropriate conditions are met.

(F) **R-10: Medium-Density Residential District**

The purpose of this district shall be to maintain a minimum lot size of ten thousand square feet (10,000 sf) for single-family dwellings and two-family. Multi-family dwellings may be allowed when appropriate conditions are met.

(G) **R-5: High-Density Residential District**

The purpose of this district shall be to maintain a minimum lot size of five thousand square feet (5,000 sf) and to provide for single-family and two family dwellings. Multi-family dwellings may be allowed when appropriate conditions are met.

(H) **MH: Mobile Home Overlay District**

The purpose of this district shall be to provide Class A manufactured homes within the AR zoning district and R-10 zoning district and to provide Class B manufactured homes in the R-5 zoning district and ensures that uses are limited to those which are compatible with residential uses.

(I) **DD: Downtown District**

The purpose of this district shall be to provide for, enhance and protect commercial facilities in the downtown area, and to provide the opportunity for mixed-use residential or office uses above the street level commercial business establishments. Residential uses shall be encouraged on the upper levels of multi-story buildings in this district.

(J) **HC: Highway Commercial District**

The purpose of this district shall be to provide for and encourage the proper grouping and development of commercial uses and larger scale developments intended to cater mostly to vehicular traffic outside of the traditional downtown commercial area.

(K) **LI: Light Industrial District**

The purpose of this district shall be to create and protect areas for those industrial uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods or to the other uses permitted in this district.

(L) **HI: Heavy Industrial District**

The purpose of this district shall be to provide areas for those industrial and business uses which create excessive amounts of noise, odor, smoke, or dust.

## Zoning Map

### **Section 10-3 Official Zoning Map**

- (A) There shall be a map known and designated as the Official Town of La Grange Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be signed by the mayor, attested by the Town Clerk and shall bear the official seal of the Town of La Grange under

the following words: "This is to certify that this is the Official Zoning Map of the Zoning Ordinance for the Town of La Grange, North Carolina." This map shall be created using Geographical Information Science and saved in electronic format from which prints can be made, shall be dated, and shall be kept in the Town of La Grange Town Hall.

- (B) Should the Official Town of La Grange Zoning Map be lost, destroyed, or damaged, the Administrator may have a new map created from which prints can be made. No further authorization or action by the Town Council is required so long as no district boundaries are changed in this process.

#### **Section 10-4                    Amendments to Official Zoning Map**

- (A) Amendments to the Official Town of La Grange Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance,
- (B) The Administrator shall update the Official Town of La Grange Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.
- (C) No unauthorized person may alter or modify the Official Town of La Grange Zoning Map.
- (D) The Administrator shall keep copies of superseded prints of the zoning map for historical reference.

## **Article 11 Uses by Zoning Districts**

### **Section 11-1 Permissible Uses and Specific Exclusions**

- (A) Because the list of permissible uses set forth in the Table of Uses by Districts cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed ones.
- (B) Uses that are not listed in the Table of Uses by Districts, even with the liberal interpretation mandated by subsection 11-1.(A), are prohibited.
- (C) The following uses are prohibited as specified below:
  - (1) New Class C manufactured dwelling units are excluded from the entire planning area, however, existing units are allowed to remain indefinitely.
  - (2) Salvage yards are not allowed inside the planning area.
  - (3) Intensive Livestock Operations are prohibited from the entire planning jurisdiction.

### **Section 11-2 Accessory Uses**

- (A) The Table of Uses by Districts classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.
- (B) The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
  - (1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;
  - (2) Hobbies or recreational activities of a noncommercial nature; and,
  - (3) The renting out of one or two rooms within a single-family residence to not more than two persons who are not part of the family that resides in the single-family dwelling.

### **Section 11-3 Permissible Uses Not Requiring Permits**

No zoning, conditional, or special use permit is necessary for the following uses:

- (1) Roads
- (2) Electric power, telephone, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- (3) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.



Uses	A	R	R	R	R	H	D	L	H
	R	-	-	-	-	C	D	I	I
P = Permitted By Right; C = Conditional Use Permit S = Special Use Permit	8	1	2	1	0	5			
Furniture/Upholstering or refinishing						P	P	P	
Instruments (electrical and mechanical)								P	P
Lumber and wood products (sawmills, planing mills, millworks, veneer and plywood, wooden containers)								P	P
Oil and gas products and storage, provided such uses are located no closer than 300 feet from a residential district.								S	S
Paperboard containers and boxes and other converted paper and paperboard products								P	P
Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks						P	P	P	
Stone, clay, and glass products (flat glass, glass and glassware's, cement, structural clay products, concrete products, gypsum products, pottery, and cut stone products)								P	
Tobacco Manufacturing								P	P
Warehouse facilities								P	P
<b>Recreation Uses</b>									
Community centers	C	C	C	C	C				
Public Parks (town)	C	C	C	C	C		C		
Swimming Pools (Public or non-profits operations where they are the principal use of a lot, not accessory to a residential use)	C	C	C	C	C				
<b>Residential</b>									
Bed and breakfast dwellings	P	P	P	P	P				
Dwellings, Multi-family				S	S				
Dwellings, Single Family, Detached (site-built and modular unit only)	P	P	P	P	P				
Dwelling, Single-Family, Manufactured Home, Class A – with brick or mason underpinning.	P			P	P				
Dwelling, Single-Family, Manufactured Home, Class B – with brick or mason underpinning.					P				
Dwelling, Two-family	C	C	C	P	P				
Home Occupations	P	P	P	P	P				
Planned Unit Developments (PUD)				S	S				
Manufactured Home Parks (no sales)	S								
Mixed Uses							P		
<b>Retail Sales/Services</b>									
ABC Stores	C					P	P		

Uses	A R	R - 1 8	R - 1 2	R - 1 0	R - 5	H C	D D	L I	H I
Accounting and Bookkeeping						P	P		
Adult and Sexually Oriented Business						C	C		
Agricultural machinery sales/service	C					P		P	
Agricultural sales	P					P			
Appliance Store, Sales and Services						P	P		
Apparel and Accessory Stores						P	P		
Art Galleries						P	P		
Antique Stores						P	P		
Auction Sales (excluding livestock)						P	C		
Auto parts, new only						P	P		
Auto Repair Shops						P		P	
Auto Sales						P	P		
Auto Service Stations						P	P		
Auto Towing Shops						C			
Bakeries						P	P		
Banks						P	P		
Bars/Night Clubs						C	C		
Beauty shops/Barber Shops/Stylists					C	P	P		
Boats and accessories, retail sales and service						P			
Body Art and Tattoo Parlors						C	C		
Bookstores						P	P		
Building Supply Store (no outside storage)						P	P		
Building Supply Store (outside storage)						P		P	
Cabinet, Woodworking, and Upholstery Shops								P	
Car Washes						P	C		
Craft /Curio Shops						P	P		
Convenience Stores with Gas Pumps						P	C	C	
Drug Stores						P	P		
Dry Cleaning and Laundry (commercial)						P	C		
Dry Cleaning and Laundry (self-service)						P	C		
Electronic gaming operations						C	C		
Equestrian Training (riding lessons, boarding)	P								
Exterminating Service						P			
Flea Markets	C								
Florist without greenhouses						P	P		
Florist with greenhouses, nursery operations	C					P		P	
Funeral homes						P	C		
Furniture stores						P	P		
Food stores	C					P	P		

Uses	A	R	R	R	R	H	D	L	H
	R	-	-	-	-	C	D	I	I
P = Permitted By Right; C = Conditional Use Permit S = Special Use Permit		1	1	1	5				
General merchandise stores, including the sale of fishing equipment and supplies		8	2	0		P	P		
Gift shops						P	P		
Hotels/Motels	C					C	C		
Insurance agencies						P	P		
Jewelry stores including watch repair						P	P		
Kennel Operations/ Veterinary Services	C					C			
Medical/Dental offices and clinics						P	P		
Pawn Shops						C	C		
Planned business developments						C	C		
Printing and Reproduction						P	P	P	
Professional offices (including, but not limited to lawyers, surveyors, engineering, etc.)						P	P		
Real estate, sales and rental offices						P	P		
Restaurants, with alcohol sales						C	C		
Restaurants, with drive-thru						P	C		
Restaurants, without drive-thru						P	P		
Salon/Heath Spas						C	C		
Shopping Center/Commercial Group Development	S					S	S	S	
<b>Temporary Uses/Events</b>									
Assemblies (assembly halls, coliseum)	C					P	C		
Manufactured home, Class A or B	C								
Temporary Construction, Storage, or Office	P			C	C	C	C	P	P
Yard Sales	P	P	P	P	P	C	C		
<b>Transportation and Utilities</b>									
Communication (cellular) towers	C					C		C	C
Pump and lift stations	P	P	P	P	P	P	P	P	P
Utility lines and related structures	P	P	P	P	P	P	P	P	P
Utility substations, transformer stations, telephone exchanges	C			C	C	C	C	P	P
Waste water treatment plant	C					C	C	C	C

## Article 12 Dimensional Requirements Summary Table

Districts	Minimum Lot Area <sup>1</sup> sq ft	Minimum Zoning Lot Width and Depth (feet)		Minimum Setbacks (feet)					Maximum Height of Structures (Feet) <sup>3</sup>
		Width at front line	Depth	Front <sup>2</sup>	Rear Interior	Rear Street	Side Interior	Side Street	
AR	20,000 SF	100		35	30	35	20	35	35
R-18	18,000 SF	95		35	30	35	20	35	35
R-12	12,000 SF	90		35	30	35	20	35	35
R-10	10,000 SF	75		35	25	35	12	35	35
R-5	5,000 SF	50		25	20	25	10	25	35
MH	N/A	N/A		N/A	N/A	N/A	N/A	N/A	35
DD	N/A	N/A		N/A	N/A	N/A	N/A	N/A	35
HC	10,000 SF	75		50	30	50	10	50	35
LI	40,000 SF	100		50	40	50	10	50	50
HI	80,000 SF	100		50	40	50	50	50	50

- (1) When public sewer is not available, the Lenoir County Health Department may require larger lots.
- (2) Setbacks are measured from the property stakes.
- (3) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building. When measuring heights, the following features are exempt from the district height limitations: chimneys, water tanks, church spires, elevator shafts, or similar structural appendages not intended as places of occupancy or storage; flagpoles; heating and air conditioning equipment, solar collectors, and similar equipment.

## **Article 13**

### **Development Standards for Specific Uses**

The development standards listed herein are in addition to the requirements listed elsewhere in this ordinance. The development standards listed below are use specific and apply only to their uses designated in the Table Uses by Districts. In addition, uses requiring a conditional use permit shall meet these standards as minimum permit conditions.

#### **Section 13-1      Accessory Buildings**

- (A) Numbers: No more than 2 accessory buildings may be placed on any residential lot as an accessory use.
- (B) Location: The accessory building or use shall be placed in the rear yard only.
- (C) Separation: No separate accessory building or use shall be erected within 10 feet of any other building, or within 5 feet from any property line; and
- (D) Area: The square footage of each accessory building or use shall not exceed 75% of the permitted principal use.
- (E) Use: An accessory building shall be a permanent structure.
- (F) Temporary Structure: Storage containers such as Pods, Rat Packs, or other similar, temporary storage container shall be allowed on site for a maximum period of forty-five (45) days. Such temporary permits may be obtained from the Zoning Administrator. Exceptions or extensions may be considered by the Zoning Administrator, provided there is a valid building permit issued to the site in question.

#### **Section 13-2      Bed and Breakfast Dwellings**

- (A) Resident Operators: The facility is operated by someone who resides full time in the house.
- (B) Dwelling Only: The use shall be located in a structure which was originally constructed as a dwelling.
- (C) Food: Meals served on the premise shall only be for guests.
- (D) Public Health Rules: All facilities shall comply with the rules governing the Sanitation of Bed and Breakfasts as specified in 15A NCAC 18A.2200; and

- (E) Signs: Signage shall be limited to one home occupation sign not to exceed two square feet in area, which shall be mounted on the building or freestanding.

### **Section 13-3            Communication (Cellular) Towers**

- (A) Impact on communication signals: Radio or television or similar reception for adjoining properties will not be disturbed or diminished.
- (B) Height: The height of the tower shall not exceed 500 feet.
- (C) Lighting: The lighting of the tower does not exceed the minimum standards of the FAA for red obstruction lighting system contained in Advisory Circular No. 70/7460-IF dated September 27, 1978, as amended.
- (D) Setbacks: In nonresidential districts the minimum setback from the outside dimensions of the tower to any adjoining lot or public right of way is the same as any other principal uses permitted in that district. In any residential district the minimum setback shall be 150 percent of the height of the structure. The measure is from the structure, not from any guy wire on the lot. All guy wires shall be located on the same lot as the tower.
- (E) Screening: A fence or wall shall surround the base of the tower and each guy anchor at least eight feet in height, unless the tower and all guy anchors are mounted entirely on a building more than 8 feet in height. Except entrance ways, all fences and walls shall be screened with plant material so that no more than 2/3 of the wall or fence is visible within 3 years after erection of the structure from a public street or an adjoining lot which contains a dwelling or is zoned for residential use.
- (F) Separation: Any new tower shall be no closer than 1,000 feet from an existing one.
- (G) Appearance: Any associated buildings located in a residential district shall be designed to blend into the neighborhood.
- (H) Located on existing buildings: Any tower located on an existing building shall not exceed 30% of the building height.
- (I) Co-location: If determined by the town that the tower would benefit the town's communication system, it shall accommodate additional telecommunication equipment.

### **Section 13-4            Day Care Centers, Child or Adult**

- (A) Licensing: All day care centers shall be licensed by the State of North Carolina.

### **Section 13-5 Day Care Homes, Child or Adult**

- (A) Licensing: All day care homes shall be licensed by the State of North Carolina.

### **Section 13-6 Dwellings, Two-family Conversion**

- (A) Number: No more than 2 apartments shall be created within an existing structure on the date of adoption of this ordinance.
- (B) Interior Conversion: The new dwelling units shall be created through the internal conversion of the structure except the Town Council may approve exterior structural alternations which it finds is in keeping with the design and character of the original single family structure.
- (C) Entrances: Access to each unit shall be provided in accordance with the North Carolina Building Codes. The structure shall have one front entrance and all other entrances/exists shall be in the rear of the structure. However, the Board may allow other ones which were designed and constructed as a part of the original structure or necessary because of the design of the house or the topography of the lot.
- (D) Parking: Parking space for each dwelling shall be behind the principal structure in a landscaped parking area; and
- (E) Lighting: Lighting for access ways and parking areas shall be so arranged to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Lights used shall not exceed ½ foot candle in strength.

### **Section 13-7 Electronic Gaming Operations**

Electronic gaming operations shall be permitted provided they comply with the conditions set forth hereinafter.

- (A) All electronic gaming operations shall be located fifteen-hundred (1,500) feet from any residence, church or other religious institution, day care center, public or private elementary or secondary educational school, public park or playground, public library, cemetery, skating rink, video arcade, or motion picture theater which show G or PG-rated movies to the general public on a regular basis.
- (B) All electronic gaming operations shall be located fifteen-hundred (1,500) feet from any existing electronic gaming operations, tattoo and body piercing establishment or adult and sexually oriented business.
- (C) No more than twenty (20) electronic gaming machines shall be operating at any location.

### **Section 13-8            Body Art and Tattoo Parlors**

Tattoo and Body Art Parlors may be permitted provided they comply with the conditions set forth hereinafter:

- (A) All tattoo and body art parlors shall be located fifteen-hundred (1,500) feet from any residence, church or other religious institution, day care center, public or private elementary or secondary educational school, public park or playground, public library, cemetery, skating rink, video arcade, or motion picture theater which show G or PG-rated movies to the general public on a regular basis;
- (B) All tattoo and body art parlors shall be located fifteen-hundred (1,500) feet from any existing electronic gaming operations, tattoo and body art establishment or adult and sexually oriented business.
- (C) All tattoo and body art establishments shall operate in compliance with the standards required by the Lenoir County Health Department and the North Carolina General Statutes.

### **Section 13-9            Adult and Sexually Oriented Businesses**

Adult and Sexually Oriented Businesses may be permitted provided they comply with the conditions set forth hereinafter:

- (A) All Adult and Sexually Oriented Businesses shall be located fifteen-hundred (1,500) feet from any residence, church or other religious institution, day care center, public or private elementary or secondary educational school, public park or playground, public library, cemetery, skating rink, video arcade, or motion picture theater which show G or PG-rated movies to the general public on a regular basis;
- (B) All Adult and Sexually Oriented Businesses shall be located fifteen-hundred (1,500) feet from any existing electronic gaming operations, tattoo and body art establishment or adult and sexually oriented business.
- (C) All Adult and Sexually Oriented Businesses shall operate in compliance with the standards required by the Lenoir County Health Department and the North Carolina General Statutes.
- (D) Additional conditions regarding screening and outdoor advertising, and other issues, may be determined and required by the Town Council at the time of request.

## **Section 13-10                      Family Care Homes**

- (A) Use Separation: No such facility shall be located within one-half mile radius of another such use.
- (B) Licensing: All family care facilities shall be licensed by the State of North Carolina.

## **Section 13-11                      Home Occupations**

Home occupations will be permitted if they meet the following requirements:

- (A) The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- (B) Any activity shall not generate traffic, parking, noise, vibration, glare, fumes, smoke, odors, or electrical interference beyond what normally occurs in the district where it is located.
- (C) No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- (D) The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, abattoirs, paint, petroleum and chemical plants, any occupation that involves bulk storage of liquid petroleum, gasoline, kerosene, propane, or other flammable liquids or gases, funeral homes and mortuaries, massage parlors, sale or viewing of pornographic materials, movie theaters, animal hospitals or kennels.

Home occupations are divided into three (3) classes according to lot size and degree of potential nuisance, as follows:

### **Class A**

Class A home occupation is permitted on any size residential lot and must meet the following requirements:

- (A) Maximum Area: Area set aside for home occupations can occupy no more than twenty-five percent (25%) of the gross floor area of the residence or 500 square feet, whichever is less.
- (B) Accessory Structure: One (1) accessory building not exceeding one thousand (1,000) total square feet may be allowed by conditional use in connection with the home occupation. The accessory building may be used only for storage of

materials or vehicles related to the home occupation. The accessory building shall resemble a residential garage and meet all requirements contained herein. A sketch of the proposed accessory building must be submitted with the application for a conditional use permit.

- (C) Inside Building: The home occupation must be conducted entirely within the residence and be a use which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence. Home occupations are not permitted in a detached garage or other accessory buildings.
- (D) Outdoor Storage: No outdoor storage shall be permitted in connection with the home occupation.
- (F) Employees: Only two (2) persons may be employed who are not an occupant of the residence.

### Class B

Class B home occupations are permitted on residential lots which are one(1) acre or larger and meet the following requirements:

- (A) Maximum Area: Area set aside for home occupations can occupy no more than fifty (50%) percent of the gross floor area of the residence or 800 square feet, whichever is less.
- (B) Accessory Structure: One (1) accessory building not exceeding one thousand (1,000) total square feet shall be allowed in connection with the home occupation. The accessory building may be used for storage of materials or vehicles related to the home occupation as well as operation of the home occupation. The accessory building shall meet all requirements contained herein.
- (C) Outdoor Storage: No outdoor storage shall be permitted in connection with the home occupation.
- (D) Employees: Only four (4) persons may be employed who are not an occupant of the residence.

### Class C

Class C home occupations are permitted on residential lots which are five (5) acres or larger, are at least three hundred fifty (350) feet in width at the building line, and meet the following requirements:

- (A) Maximum Area: Area set aside for home occupations can occupy no more than fifty (50%) percent of the gross floor area of the residence.

- (B) Accessory Structure: One (1) accessory building not exceeding two thousand (2,000) total square feet shall be allowed in connection with the home occupation. The accessory building may be used for storage of materials or vehicles related to the home occupation as well as operation of the home occupation. The accessory building shall be located in the rear yard of the dwelling and shall be set back at least fifty (50) feet from all exterior property lines.
- (C) Outdoor Storage: No outdoor storage shall be permitted in connection with the home occupation.
- (D) Employees: Only five (5) persons may be employed who are not an occupant of the residence.
- (E) Off Street Parking: Adequate off-street parking shall be provided for all employees, customers, and home occupation vehicles used in conjunction with the home occupation.

### **Section 13-12                      Manufactured Homes, Class A**

- (A) Construction Standards: A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction.
- (B) Appearance criteria: Each unit shall satisfy each of the following criteria:
  - (1) Width: The home has a minimum width of 16 feet. (Double wide units only)
  - (2) Pitch: The pitch of the homes roof has a minimum vertical rise of three and half (3 and ½) for each twelve (12) feet of horizontal run.
  - (3) Roof Material: the roof is finished with a type of shingle that is commonly used in standard residential construction;
  - (4) Projecting eave: The roof structure shall provide an eave projection of no less than 6 inches, which may include a gutter;
  - (5) Exterior: The exterior siding consists 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;

- (6) Foundation: A continuous, permanent brick or masonry underpinning, without holes except for required ventilation and access, is installed under the home;
- (7) Set up: The unit is set up in accordance with the standards set by the North Carolina Department of Insurance;
- (8) Entrances: Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored to the ground; and
- (9) Materials Removed: The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

### **Section 13-13      Manufactured Homes, Class B**

- (A) Construction Standards. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house as a Class A manufactured home.
- (B) Appearance Criteria: Each unit satisfies each of the following criteria:
  - (1) Width: The home has a minimum width of 8 feet. (Single wide units)
  - (2) Pitch: The pitch of the homes roof has a minimum vertical rise of three and half (3 ½) for each twelve (12) feet of horizontal run.
  - (3) Roof Material: The roof is finished with a type of shingle or approved roof covering that is commonly used in standard residential construction;
  - (4) Projecting eave: The roof structure shall provide an eave projection of no less than 6 inches, which may include a gutter;
  - (5) Exterior: The exterior siding consists 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;
  - (6) Foundation: A continuous, permanent brick or masonry underpinning, without holes except for required ventilation and access, is installed under the home;

- (7) Set up: The unit is set up in accordance with the standards set by the North Carolina Department of Insurance;
- (8) Entrances: Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored to the ground; and
- (9) Materials Removed: The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

### **Section 13-14 Mixed Commercial/Residential Uses**

- (A) Same or Separate Structure: A mixed commercial and residential use may be in the same structure or in separate structures on the same lot.
- (B) Area: If a separate structure is used for commercial activities on a residential lot, the maximum area of the commercial use shall not exceed 50% of the square footage of the principal residential use.
- (C) Signage: No free standing sign shall be permitted and signage on the building shall be limited to 5% of the wall surface facing the public right of way.
- (D) Subordinate use: The use shall be clearly subordinate to the principal use of the land as a residential lot.
- (E) Separate Structure: Unlike a home occupation, these mixed uses may be in a separate structure or in the same structure and the secondary commercial use is clearly identifiable as a separate business to the general public.

### **Section 13-15 Multi-Family Dwellings**

- (A) Minimum Lot Area and Density: The minimum lot shall be one (1) acre. The overall density of development shall not exceed 10 units per acre and eight (8) units per building where public water and sewer is available. When public sewer is not available the Lenoir County Health Department may require a lower density.
- (B) Mean Lot Width: 80 feet minimum required mean lot width for the first dwelling unit with an additional 10 feet shall be provided for each unit in excess of one. However, the mean lot width shall not be required to exceed 120 feet.

- (C) Building Setback Lines: All principal buildings shall have a minimum front yard setback of 40 feet. In all other cases, principal buildings shall be located, at least, 30 feet from any property lines.
- (D) Buffers: Landscape buffers as specified in Article 15
- (E) Control of Potential Nuisance Uses: Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas, and sporting facilities shall not be placed within 50 feet of adjacent land used or anticipated to be used as single-family residential areas.
- (F) Internal Relationships: Structures, uses, and facilities shall be grouped in a safe, efficient, convenient, and harmonious relationship in order to preserve desirable natural features and minimum disturbances of the natural topography.
- (G) Interior Circulation System: Streets, drives, parking and service areas shall provide safe and convenient access to dwelling units. Specifically, streets should be laid out not to encourage outside traffic to traverse the development on minor streets and streets should not create unnecessary fragmentation of the development into small blocks.
- (H) Vehicular Access to Public Roads: When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located designed and controlled as to channel traffic from and to such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.
- (I) Signs: Signage shall comply with the requirements specified in Article 13 Signs.
- (J) Off-Street Parking: Off-street parking standards shall comply with Article 14.
- (K) Open Space: A minimum of 15 percent of the gross acreage shall be preserved as open space.
- (L) Recreation Facilities: Family oriented multi-family projects shall provide family oriented space based on the number of bedrooms as established in the following table:

Number of Bedrooms Per Apartment	Minimum Space per Bedroom (sq feet)
1 bedroom	0
2 bedroom	25
3 bedroom	50
4 bedroom	100

These recreational areas shall be reasonably located to assure safe and convenient access. These areas shall not be less than 30 feet times 30 feet or

900 square feet in area. Projects which would provide less than 900 square feet based on the above formula shall be exempt from this requirement.

- (M) Spacing between Circulation System and Buildings: Automobile parking spaces and drives shall not be located closer than 10 feet to the front, side, or rear of any building.
- (N) Building Relationships: One building wall that has both window and door openings shall be located no closer than 50 feet to another building. Two building walls that have only window openings or only door openings shall be located no closer than 25 feet to another building.
- (O) Courtyard: Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.
- (P) Streets (Interior): Streets shall either be public or private. However, all streets shall be paved and build to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways.

### **Section 13-16 Planned Business Developments**

- (A) Permitted Uses: Uses shall be limited to uses permitted by right or through conditional or special use in the zoning district where the development is proposed.
- (B) Setbacks: To encourage creativity of design and diversity of uses within a cohesive, unified project, development standards for each use shall be waived, provided any structures located around the perimeter shall comply with the setback requirements from property lines and rights-of-way for the underlying zoning district.
- (C) Size: Minimum site acreage needed for the development shall be one acre with a 250 foot minimum lot width.
- (D) Screens and Buffers: Screens and buffers around the perimeter shall be provided in accordance with standards in this ordinance.
- (E) Accessibility: All planned business developments shall abut and have direct access to a public thoroughfare or collector street adequate to accommodate the projected traffic volume.
- (F) Curb Cuts: The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.
- (G) Signage: Each project shall contain an identification sign per public entrance in

accordance with the development criteria for signage.

**Section 13-17 Planned Unit Developments (PUDs)**

- (A) Minimum Size: Two (2) Acres; with a minimum lot size of six-thousand (6,000) square feet.
- (B) Location: Planned unit developments are permitted in the R-10 and R-5 residential districts by special use permit only.
- (C) Permitted Uses: All the permitted, special and conditional uses are allowed in the zoning district where the PUD is located. In addition retail sales/services and office space will be permitted if primarily for the convenience and service of the residents of the development and represent no more than 10 percent of the total development.
- (D) Dimensional Requirements: Yard setback, lot size, and frontage requirements are waived, provided that the spirit and intent of this subsection are met in the total development plan. The planning board may determine that certain setbacks be required within all or a portion of the perimeter of the site.
- (E) Density: The density of development (units per acre) may not exceed the density allowed in the district where the PUD is located except under the bonus provisions explained below. If the development falls into more than one zoning district, the overall density will be the combined proportion of each district.
- (F) Density Bonus: A density bonus of up to 25 percent over the density normally allowed in the basic zoning district may be approved based on the provision of common open space as listed below.

<b>Density Bonus Scale</b>	
<b>Percent of Residential Area To be Common Open Space</b>	<b>Percent Density Bonus</b>
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22
70 or more	25

- (G) Conveyance and Maintenance of Common Open Space: A common open space shown on the final development plan shall be deeded to an owners association and the developer or owner shall file with the Town Council and record in the Lenoir County Register of Deeds a declaration of covenants and restrictions as well as regulations and bylaws that will govern the open space. Provision shall include but not be limited to the following:
- (1) The association shall be established before prior to the sale of any lots.
  - (2) Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Town Council which adequately protects the interests of the town and owners.
  - (3) The association shall be responsible for the liability insurance, local taxes, and the maintenance of recreation and other facilities.
  - (4) Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgage liens unless another arrangement is approved by the Town Council which adequately protects the interests of the town and owners.
  - (5) An owner of a lot in the development shall have voting rights in the association.
  - (6) Uses of common property shall be appropriately limited.
  - (7) The following information shall also be provided:
    - (a) the name of the association;
    - (b) the manner in which directors of the association are to be selected;
    - (c) the post office address of the initial registered office;
    - (d) the name of the city and county in which the registered office is located; and
    - (e) the number of directors constituting the initial board of directors.
- (H) Utilities: Whenever the planning board determines it is reasonable, a planned unit development shall provide for underground installation of utilities (including electricity and telephone). All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the Town Council. Public water and sanitary sewer service shall be required unless the developer can show good cause that these requirements should be waived

without being inconsistent with the spirit and intent of a planned unit development.

### **Section 13-18 Recreation Facilities, Public or Private**

Any recreational facility shall be located at least 50 feet from any adjacent residential use.

### **Section 13-19 Temporary Manufactured Homes**

(A) Residential District:

(1) Hardship: A manufactured home may be placed on a residential lot as an accessory use under the specific hardship findings listed below.

(2) Development Criteria: The unit shall be an accessory use to an existing site-built or modular unit. It can only be located in the rear or side yard of that lot.

(3) Hardship Guidelines: Hardship as used in this ordinance shall meet the following criteria:

(a) The person or persons occupying the unit are physically dependent upon the occupants of the principal dwelling or the occupants of the principal dwelling are physically dependent on the person or persons living in the manufactured home.

(b) The principle dwelling was destroyed or partial destroyed.

(c) The parking of the manufactured home adjacent to the site-built or modular dwelling will not create unhealthy or unreasonable living conditions.

(d) The location of the accessory unit has been approved by the Administrator prior to being sited.

(B) Commercial and Industrial District: Units may be used to provide temporary quarters for on-site construction projects or emergency oriented operations.

(C) Temporary Use Permits: Permits may be issued for one year initially and may be renewed for successive one year periods so long as the hardship continues to exist. Once the hardship ceases to exist, the permit is automatically voided and the applicant shall remove the manufactured home from the property within 30 days from the date the hardship was terminated.

**Section 13-20      Utility Substations, Transformer Stations, Telephone exchanges, Pump and Lift Stations**

- (A) Setbacks: All structures shall meet the setback requirements for the district where they are located.
- (B) Lighting: Lighting shall be located so as not to cast direct lighting on adjacent properties.
- (C) Dust: All non-paved storage areas shall be maintained in a manner to limit dust from leaving the storage area.
- (D) Fencing: Security fencing shall be provided around any outside storage area.

**Section 13-21      Yard Sales**

- (A) Secondary Use: This activity is secondary to the primary residential, institutional, commercial or manufacturing use of the property.
- (B) Temporary Activity Only: No permanent or continuous sale of goods shall be allowed. Any lot shall be classified as business use where goods or products are stored for long periods of time and periodic sale of these items occur.
- (C) Numbers and Duration: No more than two sales per year which do not last more than two consecutive days.

## **Article 14 Signs**

### **Section 14-1 Intent**

Signs are a necessary part of the environment. Some limitations are placed on their use (number, size, location).

### **Section 14-2 Permit Required**

With the exception of those signs specifically authorized in Section 14-11, no sign shall be erected without a permit from the Administrator.

### **Section 14-3 Permit Application**

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

- (A) Indicate the proposed site by identifying the property by ownership, location, and use.
- (B) Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and existing signs.
- (C) Show size, character, complete structural specifications, and methods of anchoring and support.

### **Section 14-4 Structural Requirements**

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

### **Section 14-5 Sign Area Computation**

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

### **Section 14-6 Maintenance**

All signs, together with all supports and braces, shall be kept in good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Administrator, structurally unsafe and endangers the safety of the public or property. The Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of

the owner or occupant and shall occur within 10 days after written notification has been issued. If the order is not implemented within 30 days, the Administrator may remove the sign at the expense of the owner or occupant, if authorized by the Town Council. Any temporary sign shall be removed within 30 days from the date the purpose ceases to exist.

#### **Section 14-7      Location**

- (A) No sign shall be erected or constructed so as to interfere with visual clearance along any street or at any intersection of 2 or more streets or highways. No sign except those for governmental purposes shall be permitted on any public right-of-way.
- (B) No sign attached to a building shall project beyond the street curb or hang lower than 8 feet from the sidewalk or ground level.
- (C) All signs shall be at least five (5) feet from the street right-of-way. Any sign less than two (2) feet from the right-of-way after a street is widened may remain, if in the opinion of the Board of Adjustment, said sign would not encumber the free and easy movement of travel.

#### **Section 14-8      Traffic Safety**

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

#### **Section 14-9      Illumination**

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

#### **Section 14-10      General Sign Regulations**

- (A) Any sign on a lot where the principal structure has fallen vacant due to a business closure or relocation shall be altered to that effect or removed within thirty (30) days by the outgoing tenant or owner. Failure to remove or alter said sign within the allotted time frame will result in an order of removal to be issued by the Town of La Grange, Town Council. Expenses for removal shall be billed to the tenant and/or owner in question.

- (B) Any alteration of a nonconforming sign shall make that sign conform to the regulations of this section.
- (C) Any nonconforming sign damaged over 60 percent by any means either shall be removed or repaired in a manner to conform to the regulations of this section.
- (D) Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may such signs be replaced with another nonconforming sign.
- (E) No ground sign may exceed thirty-five (35) feet in height above ground level or grade level, whichever is higher.
- (F) Window signs may be placed only on the inside of the buildings and shall not exceed 25% of the glass area on which the sign is displayed.
- (G) An identification sign shall pertain solely to the name of the principal use of the premises or its operators and shall not advertise products or services which differ in name from the principal use.
- (H) Signs mounted on a mobile framework, trailer, or other movable apparatus, other than vehicles used for transportation, are called portable signs and are prohibited on a permanent basis. Portable signs may be permitted on a temporary basis at grand openings, open houses, or special events in any HC, DD, or LI district for a total of 28 days in a calendar year and not to exceed seven (7) days in any one period. Such temporary permits may be obtained from the Zoning Administrator.

#### **Section 14-11 Signs Permitted in All Districts without a Permit**

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

- (A) Occupant and House Number: Signs not exceeding one square foot in area and bearing only property numbers, box numbers, names of occupants, or other identification not having commercial connotations. Such signs shall not be illuminated.
- (B) Public Directional and Information: Signs erected and maintained by public agencies which direct the public to specific sites or provide general information about a structure. Included in this category are historic markers, street and traffic control signs, and entrance and exit signs. Such signs shall not exceed 8 square feet, except entrance and exit signs shall not exceed 4 square feet in total area. They may be directly or indirectly illuminated.

- (C) Private Directional: Free-standing signs that direct people to businesses or institutional facilities such as churches may be allowed provided they do not exceed 4 square feet in area. Such signs shall not be illuminated.
- (D) Professional and Home Occupation: One professional or home occupation sign per dwelling not to exceed 2 square feet in area, which must be mounted flat against a wall or door or hung from a mailbox or lamp post. Such signs may be directly or indirectly illuminated except in a residential district.
- (E) Church or Nonprofit Organization Bulletin Board: These signs shall not exceed 18 square feet in area. Such signs may be directly or indirectly illuminated.
- (F) Temporary Lease, Rent, or Sale: One temporary real estate sign not exceeding 4 square feet in area may be placed on property that is for sale, lease, rent, or barter in a residential district and 16 square feet in a commercial, institutional or manufacturing district. When the property fronts on more than one street, one sign shall be allowed on each street frontage. Such signs shall not be illuminated.
- (G) Construction: During the construction, repair, or alteration of a structure, temporary signs which denote builder, or other participants in the project, or its occupant to be, may be placed within the required yard setbacks as ground, wall, or roof signs. The total area of such signs shall not exceed 35 square feet. Such signs shall not be illuminated.
- (H) Political: For a period of 30 days prior to an election, campaign signs are permitted on any business, dwelling or industry, provided each sign does not exceed 4 square feet in area and not more than 3 signs per structure are placed.

#### **Section 14-12 Signs Requiring a Zoning Permit**

- (A) Residential Identification Signs (subdivision entrance signage)
  - (1) Zoning Districts Where Permitted: All residential districts.
  - (2) Number of Signs: One per entrance or two smaller matching pillars per entrance.
  - (3) Location: Such signs shall not be located in a public right-of-way.
  - (4) Maximum Size: Any one sign shall not exceed 18 square feet in area. If matching entrance pillars are constructed at the entrance of a subdivision, neighborhood, school, or similar use, the total sign area shall not exceed 18 square feet.
  - (5) Lighting: Such signs may be directly or indirectly illuminated.

(6) Height: Such signs shall not exceed 6 feet in height.

(B) Business Signs: Wall (Attached)

(1) Zoning Districts Where Permitted: DD, HC, AR

(2) Number of Signs: None specified.

(3) Location: Wall signs shall be located on the front of the building. However, they may be located on a side or rear of a building that is adjacent to an off-street parking area or a street right-of-way. Such signs shall be mounted parallel to the building and project no more than 18 inches from the building.

(4) Sign Area: The total area of all attached signs shall not exceed 20 percent of the total wall area. However, the total sign area shall not exceed 100 square feet in DD and 150 square feet in the HC Districts.

(5) Lighting: Such signs may be directly or indirectly illuminated.

(6) Height: No sign shall extend beyond the roof line of the building to which it is attached.

(C) Business Signs: Freestanding

(1) Zoning Districts Where Permitted: HC, AR

(2) Number of Signs: Any business may erect one freestanding sign for each 200 feet of frontage on a public street. If the lot fronts on more than one street, these standards shall apply to each street frontage.

(3) Location: Any freestanding sign shall be set back at least 5 feet from the right of way line (if right-of-way is not known, measure from the edge of the paved surface of a roadway.)

(4) Area: Sign area shall be one square foot per linear foot of business frontage. However, the maximum size per sign shall not exceed 150 square feet in the HC.

(5) Lighting: Such signs may be directly or indirectly illuminated.

(6) Height: Any sign shall not exceed 16 feet in height.

(D) Business Signs: Projecting

- (1) Zoning Districts Where Permitted: HC, AR, HI, LI district
- (2) Number of Signs Permitted: One projecting sign per principal building.
- (3) Location: Such signs may project horizontally a maximum of 6 feet, but shall be set back at least 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 which front on state roads must be approved by the North Carolina Department of Transportation. They shall be erected at a height of not less than 9 feet above the sidewalk or other pedestrian passageway. Also a projecting sign shall not extend above the roof line of the building.
- (4) Area: Projecting signs shall not exceed 9 square feet in the DD District and 16 square feet in the HC, HI or LI Districts.

(E) Multi-Unit Signs (shopping centers, industrial, parks, etc.).

- (1) Zoning District Where Permitted: HC, LI, HI
- (2) Number of Signs: One per each main street frontage.
- (3) Location: Such signs shall not be located in any road right-of-way.
- (4) Area: Each sign shall not exceed 100 square feet.
- (5) Lighting: Such signs may be directly or indirectly illuminated.
- (6) Height: Any sign shall not exceed 16 feet above the pavement or ground surface.
- (7) Design Criteria: Each individual identification sign shall be designed to reflect a unified graphic appearance ( e.g., color, script, type) and other design matters as determined by the Administrator. Individual commercial logos are permitted on multi-unit signs so long as they do not constitute more than 25 percent of the area of the applicable individual occupancy identification sign.

(F) Billboards (Off-site Business Signs)

- (1) Zoning District Where Permitted: HC (Highway 70 Corridor, within two hundred [200] feet on either side).
- (2) Maximum Size of a Single Sign: 300 square feet
- (3) Spacing between Signs: Each billboard shall be at least 1,000 feet radius from another one.

(G) Portable Signs

- (1) Zoning District Where Permitted: HC, DD, AR
- (2) Setback from Curb: Any sign shall be setback at least 5 feet from the right of way line or front the edge of the pavement if R-O-W is unknown.
- (3) Lighting: No blinking lights shall be permitted.
- (4) Advertisement: Only advertisement for goods and services provided on the lot where the sign is located shall be permitted.

**Article 15**  
**Parking and Loading**

**Section 15-1      Parking**

(A)    Off-Street Parking Required

When a building is erected or a principal building is enlarged or increased in capacity by adding dwelling units, seats, or floor area, or before conversion from one type of use to another, permanent off-street parking space shall be on a graded open space. In the DD district new commercial uses may not be able to provide all the required off-street parking that is required. On a case by case basis, the Board of Adjustment may grant variances for fewer parking requirements, provided the property owner acts in good faith and attempts to create as many parking spaces as possible.

(B)    Parking Design Criteria

- (1)    Each parking space shall be not less than 8 1/2 by 18 feet, exclusive of adequate egress and ingress drives, landscaping, and maneuvering space.
- (2)    Parking spaces shall be permanent and shall not be used for any other purposes.
- (3)    The required parking space for any number of separate uses may be combined in one lot. The required space assigned to only one use may not be assigned to another use except that 1/2 of the parking space required for churches, theaters, or assembly halls where attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
- (4)    If the off-street parking space required by this ordinance cannot reasonably be provided on the same lot where the principal use is located, such space may be provided on any land within 500 feet of the main entrance to such principal use provided the land is in the same ownership as the principal use. This land cannot be used for any other purposes as long as the on-site parking requirements are not met.
- (5)    The following provisions must be met where parking lots for more than 5 automobiles are permitted in residential districts:
  - (a)    The lot may be used only for parking in relation to the principal use of the lot and not for any type of loading, sales, repair work, dismantling, or servicing.

- (b) All entrances, exits, barricades at sidewalks, and drainage works shall be approved by the Administrator prior to construction.
- (c) Only one entrance and one exit sign no larger than four square feet in area prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

(C) Enforcement

- (1) Each application for a zoning permit or certificate of occupancy shall include information regarding location and dimensions of off-street parking space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the administrator to determine whether or not the requirements of this ordinance are met.
- (2) The certificate of occupancy of the use of any structure or land where off-street parking space is required shall be withheld by the administrator until the provisions of this ordinance are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void.

(D) Schedule of Parking Spaces

The required number of off-street parking spaces for each land use is specified below:

<b>LAND USE</b>	<b>REQUIRED PARKING SPACE</b>
Auditoriums, stadiums and theaters	1 space for every five (5) seats
Auto service stations	2 spaces for each pump; plus, 3 spaces for each grease rack or similar facility
Barber/beauty shops	3 spaces/operator
Banks and other financial Institutions	1 space/ 200 sq ft gross floor area (GFA); plus stacking for 4 vehicles at each drive thru window
Churches	1 space/4 seats in the principal sanctuary
Convenience stores with gas sales	1 space/200 sq ft GFA; 4 stacking spaces at pump island
Electronic Gaming Operations	1 ½ parking spaces for every 2 electronic gaming machines plus 1 space per every employee on the maximum shift
Fire stations	1 space/employee on largest shift; plus adequate parking for emergency vehicles

Hotels/Motels	1 space/room; plus 1 space/2 employees
Day care centers	1 space for each employee and 1 space for every 6 children
Libraries	1 space/450 sq ft GFA; plus 1 space/2 employees on the largest shift
Medical offices and clinics	4 spaces for each doctor practicing at the clinic, plus one space for each employee
Manufactured homes	2 spaces for each mobile home
Medical clinics	4 spaces for each doctor plus 1 space per employee
Nursing, retirement Centers and hospitals	1 space per bed
Offices, business professional or public	1 space for 250 square feet of GFA
Outdoor recreational areas	1 space for each 3 persons able to use such facility at its maximum capacity, plus 10 spaces for waiting plus 1 space for each 2 employees
Residential	2 spaces/dwelling
Restaurants, drive thru	1 space per 4 seats
Restaurants, in-door	1 space for each 3 seats or stools, plus 1 space/2 employees on the shift with the largest employment
Retail business and consumer service outlets	1 space for each 200 square feet of GFA
Schools (elementary and middle)	3 spaces for each room or 1 space for every 5 seats in auditoriums or other places of assembly, whichever is greater
Schools (high schools)	1 space per employee and 1 space per Every 4 students
Shopping Centers	1 space/200 sq ft GFA
Swimming pools, community or private	1 space per every 3 members
Wholesaling and industrial uses	1 space/2 employees at maximum employment on a single shift; plus 1 space/truck used in the business operation

## **Section 15-2          Handicap Parking**

Specific requirements for handicap parking are addressed in volume 1C of the North Carolina Building Code

## **Section 15-3          Loading and Unloading**

### (A) Area to Be Required

- (1) At the time of the erection or expansion of any main building or part which is used for commercial or industrial use, off-street loading and unloading space shall be required as specified in this section.
- (2) Off-street loading and unloading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the premises. These spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on the public right-of-way.

### (B) Schedule of Loading Spaces

- (1) For purposes of this section, an off-street loading berth shall have minimum dimensions of 12 feet by 30 feet and 14 feet overhead clearance with adequate means of ingress and egress.
- (2) For any office or hotel use 1 berth shall be required for every 100,000 of total usable floor space.

<b>Floor Area of Commercial or Industrial Uses</b>	<b>Required Berths</b>
0-10,000	0
10,000-40,000	1
40,000-100,000	2
100,000-160,000	3
160,000-240,000	4
240,000-320,000	5
320,000-400,000	6
Each 90,000 above 400,000	1

### (C) Enforcement

- (1) Each application for a zoning permit or certificate of occupancy shall include information as to the location and dimensions of off-street loading and unloading space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable

the administrator to determine whether or not the requirements of this ordinance are met.

- (b) The certificate of occupancy for the use of a structure of land where off-street loading and unloading space is required shall be withheld by the administrator until the provisions of this ordinance are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void and of no effect.

#### **Section 15-4          Parking Lot Yard**

The purpose of parking lot yards is to provide attractive views from roads and adjacent properties, provide shade to reduce the heat generated by impervious surfaces, reduce glare from parking lots, and to help filter exhaust from vehicles. Parking areas shall be broken up with landscaping and should be screened by hedges, trees, planted berms, shrubs, or walls. This section applies to parking lots with ten (10) or more parking spaces.

Parking lots shall provide a minimum 10% net area of landscaping on the interior or exterior of parking lots. All parking areas (not including parking decks) shall provide and maintain landscaped planting areas within the interior of or adjacent to the parking area or both.

- (A) Landscaped planting areas are to be located within or adjacent to the parking area as landscaped islands, at the end of parking bays, inside medians, or between rows of cars.
- (B) There shall be one shrub for every three-hundred (300) square feet of total parking area. Shrubs shall be eighteen (18) inches tall at planting and reach a minimum height of thirty (30) inches in three years. No more than forty percent (40%) may be deciduous.
- (C) There shall be one large shade tree within 60' of every parking space.
- (D) All trees and shrubs are to be planted within a landscaped planting area not less than 200 square feet in area.
- (E) Parking bays shall be broken up with landscaped islands or medians to avoid long monotonous rows of parking; no more than ten (10) spaces shall be located in one continuous row.
- (F) Trees and shrubs shall be planted within 20 feet of the parking lot area to count as parking lot landscaping.

**Section 15-5 Exemptions to the Parking Regulations**

Commercial properties and development in the Downtown District (DD) shall be exempt from the required off-street parking regulations required by this ordinance.

## **Article 16 Buffers and Screens**

### **Section 16-1 Purpose and Intent**

In order to lessen the impact of incompatible land use, a visual buffer of six feet or more in height shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential or other areas. When new business or industrial construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the business or industrial use. In addition, when a new residential construction will abut an existing business or industrial use, the buffer strip and visual buffer shall be provided by the residential developer. This buffer strip shall be part of the lot and shall be maintained by the lot owner or the homeowners association, in the case of commonly-owned land.

Buffers are considered to be solid, decorative, visual obstructions used to shield objectionable uses or use accessories from public view and may consist of:

- A. Brick Walls
- B. Wood fences
- C. Berms (earthen barriers)
- D. Light evergreen hedges
- E. Any combination of the above

### **Section 16-2 Application of Regulations**

Existing development shall not be required to comply with buffer and screening regulations. However, all new development as well as expansion of existing uses shall be subject to the provisions of this Article.

### **Sections 16-3 Uses to be Buffered**

- (A) All dumpsters added after the effective date of this ordinance shall be buffered.
- (B) Veterinary hospitals, clinics, boarding facilities or kennels where allowed;
- (C) Junkyards/salvage yards;
- (D) New developments; and
- (E) Other conditional uses, as the Board of Adjustment deems appropriate.

### **Section 16-4 Minimum Height Requirements**

- (A) Minimum height requirements for buffers shall be six feet, except that on corner lots or near rights-of-way, nothing shall be placed, planted, or erected to exceed

a height of 2 1/2 feet nor protrude lower than ten feet, nor otherwise inhibit motor vehicle visibility in streets or at railroad crossings.

- (B) Evergreen hedges should be a type which reaches the minimum height within two years.
- (C) Wooden fences must create a solid visual barrier.

**ARTICLES 17 through 19: Reserved**