

TITLE XV: LAND USAGE

Chapter

150. ZONING

Cross-reference:

Parks and Recreation, see Chapter 96

CHAPTER 150: ZONING

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GENERAL PROVISIONS

§ 150.001 PURPOSE.

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and are designed to lessen congestion on the streets; to secure safety from fire, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the

adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of the district, its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

(1999 Code, § 150.01) (Ord. passed 7-24-1989)

§ 150.002 AUTHORITY.

The provisions of this chapter are adopted under authority granted by the General Assembly of the State of North Carolina, G.S. § 160D.

(1999 Code, § 150.02) (Ord. passed 7-24-1989)

§ 150.003 JURISDICTION.

(A) The regulations presented in this chapter shall apply to all property within the Town's Planning and Development Regulation Jurisdiction as established by an ordinance and map adopted by the Board of Commissioners in accordance with G.S. § 160D-202, which are on file in the office of the Register of Deeds of the county.

(B) The provisions of this chapter shall not apply to bona fide farms. This chapter does not exercise controls over crop lands, timber land, pasture lands, idle or other farm lands, nor over any farm house, barn, poultry house, other farm building including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this chapter without the need for regulation. Per G.S. § 160D-903, residences which are not occupied by the owner, lessee, or operator and other non-farm uses shall be subject to the provisions of this chapter.

(1999 Code, § 150.03) (Ord. passed 7-24-1989)

§ 150.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future tense. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the natural construction of the wording indicates otherwise.

ACCESSORY BUILDING OR USE. A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

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ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

ALLEY. A public or private thoroughfare which affords only a secondary means of access to abutting property.

ALTERATION. Includes any of the following:

- (1) Any addition to the height or depth of a building or structure;
- (2) Any change in the location of any of the exterior walls of a building or structure; or
- (3) Any increase in the interior accommodations of a building or structure.

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

BONA FIDE FARM PURPOSES. Those agricultural activities set forth in G.S. § 160D-903.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. The term **BUILDING** shall be construed as if followed by the words "or parts thereof."

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

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is located.

BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

CERTIFICATE OF ZONING COMPLIANCE. A statement signed by the Zoning Enforcement Officer stating that the plans for a building, structure, or use of land complies with the requirements of the zoning ordinance, the Edgecombe County Health Department, and the North Carolina Department of Human Resources, Division of Health Services.

CERTIFICATE OF OCCUPANCY. A statement signed by the Zoning Enforcement Officer setting forth that the building, structure, or use of land complies with the zoning ordinance.

COMPREHENSIVE PLAN. Those plans officially adopted by the Town Council pursuant to G.S. 160D-501(c).

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

DAY CARE FACILITY. Any day care center or child care arrangement that provides day care for more than five children unrelated to the operator and for which a payment, fee, or grant is received, excluding foster homes, public or private schools which provide a course of grade school instruction to children of public school age, summer day or residence camps, or Bible schools.

DECISION-MAKING BOARD. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under G.S. § 160D.

DEVELOPMENT. Unless the context clearly indicates otherwise, the term means any of the following:

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

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to G.S. § 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. § 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT REGULATION. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. § 160D, or a local act or charter that regulates land use or development.

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

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

DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family, not including mobile homes.

DWELLING, TWO-FAMILY. A building or portion thereof used or designed as a residence for two or more families living independently of each other.

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

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter.

FAMILY. Any number of persons living together as a single housekeeping unit.

FRONTAGE. The distance between the two side lot lines as measured along the front setback line.

GOVERNING BOARD. The Board of Commissioners.

HOME OCCUPATION. An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term **HOME OCCUPATION** shall not be deemed to include a tourist home.

JUNK YARD. The use of more than 600 square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation under G.S. § 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of G.S. § 160D, Article 10.

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

LOT. A parcel of land occupied or capable of being occupied by a building or groups of buildings devoted to a common use, together with the customary accessories, and open spaces belonging to the same. **LOT** shall include the words "plot," "parcel," or "tract."

LOT, CORNER. A lot which occupied the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of the county prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

LOT WIDTH. The distance between side and lot lines measured at the building setback line.

MAP AMENDMENT. See "Zoning Map Amendment."

MANUFACTURED HOME OR MOBILE HOME. A structure as defined by G.S. 143-145(7) as having a permeant foundation and having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

MANUFACTURED HOME OR MOBILE HOME PARK. Any lot or part thereof, or any parcel of land which is used or offered as a location for six or more mobile homes used for residential purposes.

MANUFACTURED HOME OR MOBILE HOME SUBDIVISION. A subdivision designed and intended primarily for sale of lots for residential occupancy by mobile homes.

NONCONFORMING USE OR STRUCTURE. Any use of a building, structure, or land which does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments which may be incorporated into this chapter.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Board of Commissioners.

OPEN SPACE. Unroofed area, whether fenced or not.

PARKING SPACE. A storage space for one automobile, plus the necessary access space. Parking space sizes shall be governed by the following:

- (1) Angle parking minimum - eight and one-half feet x 20 feet (measured parallel to the vehicle).
- (2) Ninety-degree parking minimum - nine feet x 20 feet.
- (3) Parallel parking minimum - ten feet x 20 feet.

PERSON. Includes a firm, association, corporation, trust company, as well as an individual.

PROPERTY OWNER. A person, corporation, partnership, association, trust or other legal entity, or any combination thereof, that has exclusive rights and control over property, which may include a land or real estate, building(s) or dwelling(s).

PUBLIC SEWAGE DISPOSAL SYSTEM. A sanitary sewage disposal system with 3,000 gallons or more design capacity and/or whose effluent is discharged to surface water. This system shall be approved under rules and regulations promulgated by the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management.

PUBLIC WATER SUPPLY SYSTEM. An approved water supply system serving ten or more residences or businesses or combination of both, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

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

REZONING. See "Zoning Map Amendment."

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

SETBACK LINES. The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained, according to the district regulations.

SHALL. Is always mandatory and not merely directory.

SHOPPING CENTER. Two or more commercial establishments planned and constructed, as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type shops to the trade area which the unit serves.

SIGN. An advertising or announcement device used to attract attention or to disseminate information. Sign restrictions in this chapter shall not apply to the following: traffic control devices; legal notices; noncommercial use of flags and insignias; mailbox numbers and names; house numbers and names; and noncommercial names of premises or occupants thereof which have areas of one square foot or less.

SIGN, ACCESSORY. An advertising device used to disseminate information concerning a person, place, or thing, pertaining to the use of the land upon which it is located.

SIGN AREA. The sign area shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof, which will encompass the entire advertising copy area. A "V" type back-to-back or double-face sign shall be considered as the area of a single face.

SIGN, INDEPENDENT. One advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.

SITE PLAN. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations

that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

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

STORY. That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a ***STORY.***

STORY, HALF. A story which is situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

STREET. A dedicated and accepted public right-of-way for vehicular traffic which affords access to abutting properties.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. Shall include the word "building."

SUBDIVISION. The division of land for the purpose of sale or development as specified in G.S. 160D-802.

USE. The purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

USED FOR. Shall include the meaning "designed for."

VARIANCE. A modification of the existing zoning ordinance by the Planning Board [serving as the Board of Adjustment] when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

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

YARD. An open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lamp posts, entrance steps, retaining walls, fences, landscaping, and as otherwise provided herein.

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YARD, FRONT. An open space on the same lot with a principal building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

YARD, REAR. An open space between the rear line of the principal building (exclusive of steps) and the rear property line and extending the full width of the lot.

YARD, SIDE.

(1) An open space between the building and the adjacent side lot line which is open and unobstructed from the surface of the ground upward by any structure other than:

(a) Sills, belt courses, and ornamental features not to exceed six inches;

(b) Cornices, roof overhang, and fixed awnings not to exceed two feet, provided that no cornice, roof overhang, or fixed awning shall be less than two feet from any lot lines;

(c) Open fire escapes, unenclosed porches, balconies, or patios not to exceed five feet; and

(d) Ordinary projection of chimneys and pilasters when placed so as not to obstruct light and ventilation.

(2) The ***SIDE YARD*** extends from the rear line of the front yard to the front line of the rear yard, or to the appropriate property line if front or rear yards are required by this chapter. (1999 Code, § 150.04) (Ord. passed 7-24-1989)

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

§ 150.005 APPLICATION OF REGULATIONS.

The regulations set forth in this chapter affect all land, every building, and every use of land and/or building and shall apply as follows.

(A) ***New uses or construction.*** After the effective date of this chapter, all new construction shall conform to the use, area, and bulk regulations for the district in which it is to be located.

(B) ***Conforming uses.*** After the effective date of this chapter, land or structures, or the uses of land or structures which conform to the regulations for the district in which it is located, may be continued provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which it is located.

(C) *Nonconforming uses.* After the effective date of this chapter, land, lots, or structures, or the uses of land, lots, or structures which would be prohibited under the regulations for the district in which it is located, shall be considered as nonconforming. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their continued use. Nonconforming structures or uses may be continued provided they conform to the provisions of § 150.006.

(1999 Code, § 150.05) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.006 CONTINUATION OF NONCONFORMING USES.

(A) *Nonconforming Lots.*

(1) *Applicability.* A nonconforming lot is a lot of record existing on the effective date of this chapter or any amendment to it that does not meet the dimensional requirements for the zoning district in which the lot is located. A nonconforming vacant lot of record is one that was recorded by plat or description in the Edgecombe County Register of Deeds prior to the adoption of this chapter or prior to the time that the lot was brought into the Town's planning and development regulation jurisdiction. This definition shall not be interpreted to include recorded lots that were in violation of any prior zoning regulations of the Town and which will remain in violation.

(2) *Standards.*

(a) When two or more adjoining lots of record with continuous frontage, where no more than one is developed, are owned by one property owner [see Section § 150.004 DEFINITIONS] at any time after the adoption of this ordinance, and such lots individually or together are less than the minimum square footage and/or have less than the minimum width required in the zoning district in which they are located, then such lot(s) shall be combined to create lots which attempt to meet the minimum size requirements or which minimize the degree of nonconformity.

(b) Except as set forth in Subsection (a) above, in any zoning district in which residential dwellings are permitted, any lot of record existing at the time of the adoption of this chapter which has dimensions which are less than required by these regulations may be used as a building site for a residential dwelling with related accessory buildings, provided that the lot area and width are not less than 80% of the requirements in the district.

(B) *Extensions of use.* Any non-conforming use of land or structure, shall not hereafter be enlarged or extended in any way which serves to increase the nature of non-conformity, except where the non-conforming use is a residential structure used exclusively for dwelling purposes, said structure is a permitted use and the proposed addition shall conform to all zoning requirements.

(C) *Change of use.* Any legally established nonconforming use may be continued subject to the standards listed in this ordinance. However, once a nonconforming use is made conforming, it may not later be used for any nonconforming use or expanded in violation of this ordinance.

(D) *Cessation of use.* If active operations are discontinued for a continuous period of six months with respect to a nonconforming use, such nonconforming use shall thereafter be used only for

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a conforming use. Should any nonconforming structure or use of land be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is relocated.

- (E) *Repairs and alterations.* Normal maintenance, repair, and incidental alteration in a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use.
- (F) *Damage or destruction.*
 - (a) If a building occupied by a nonconforming use or nonconforming building is destroyed by any means to an extent of more than 75% of its appraised value for tax purposes at the time of destruction, such building may not be restored for any nonconforming use.
 - (b) The above requirement does not apply to residential dwellings and accessory buildings or structures. Structures meeting these classifications may be reconstructed as long as such reconstruction does not increase the nonconformity of the original structure.
 - (c) A step, stoop, open porch, awnings or other appurtenances may extend up to fifty (50) percent into the front setback, provided such features do not impede pedestrian circulation. Where approved by the Zoning Enforcement Officer, wheelchair ramps may encroach up to 6 inches from any property line as long as there is no impact to the sight triangle at a driveway or intersection.
- (G) *Temporary nonconforming uses of land.* Temporary nonconforming uses of land may be permitted according to the provisions of § 150.097.

(1999 Code, § 150.06) (Ord. passed 7-24-1989)

§ 150.007 CONFLICT WITH OTHER LAWS.

(A) It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restriction agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law.

(B) However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or side of yard or courts or require a lower height of building or a less number of stories or require a greater percentage of lots to be left unoccupied, or impose other standards than are required by the regulations made under authority of this chapter, the provisions of such statute or local ordinance or regulation shall govern.

(1999 Code, § 150.07) (Ord. passed 7-24-1989)

§ 150.008 VESTED RIGHTS AND PERMIT CHOICE

(A) *Vested Rights.* Vested rights shall be determined by the Zoning Enforcement Officer per G.S. § 160D-108(c).

(B) Permit Choice. Per G.S. § 160D-108(b), if an application is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, or if a development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, the applicant may choose which version of the development regulation will apply to the application. If the applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and Town.

(1999 Code, § 150.08) (Ord. passed 7-24-1989)

GENERAL REGULATIONS**§ 150.020 OPEN SPACE REQUIREMENTS.**

No part of a yard, court, or other open space provided around any building or structure for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building or structure.

(1999 Code, § 150.20) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.021 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

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

(1999 Code, § 150.21) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.022 OFFICIAL ZONING MAP.

(A) The boundaries of each zoning district are shown on a map entitled *Town of Princeville Official Zoning Map* which is hereby made a portion of this chapter. The official zoning map shall bear the adoption date of this chapter and the signatures of the Mayor and the Town Clerk.

(B) All zoning amendments affecting the material displayed on the official zoning map shall be certified on this map by the Town Clerk, along with the amendment date.

(C) Copies of the zoning district map reproduced by any method of reproduction that gives legible and permanent copies, when certified by the local government clerk in accordance with G.S. 160A-79 or 153A-50, shall be admissible in evidence and shall have the same force and effect as would the original map.

(D) Per G.S. 160D-105, zoning district boundaries adopted pursuant to this Chapter shall be drawn on a map that is adopted or incorporated within a duly adopted development regulation. Zoning district maps that are so adopted shall be maintained for public inspection in the office of the local government clerk or such other office as specified in the development regulation. The maps may be in paper or a digital format approved by the local government.

(1999 Code, § 150.22) (Ord. passed 7-24-1989)

§ 150.023 INTERPRETATION OF DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries or districts as shown on the official zoning map, the following rules shall apply.

(A) *Delineation.* District boundary lines are generally intended to be along or parallel to property lines, lot lines, centerlines of streets, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.

(B) *Official zoning map.* In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the official zoning map.

(C) *Board of Adjustment.* When the street or property layout existing on the ground is at odds with that shown on the official zoning map, the Planning Board [serving as the Board of Adjustment] shall interpret the district boundaries of this chapter.

(1999 Code, § 150.23) (Ord. passed 7-24-1989)

§ 150.024 INTERPRETATION OF DISTRICT REGULATIONS.

Uses not designated as permitted uses shall be prohibited. Additional uses where in character with the district may be added to the ordinance by amendment.

(1999 Code, § 150.24) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.025 MORE THAN ONE PRINCIPAL BUILDING ON A LOT.

In any district, more than one building housing a principal permitted use may be erected on a single lot, provided all requirements of this chapter shall be met for each building as though it were on an individual lot.

(1999 Code, § 150.25) (Ord. passed 7-24-1989)

§ 150.026 LOCATION OF ACCESSORY USES OR BUILDINGS.

Accessory buildings may be erected in any required side or rear yards, provided no separate accessory building shall be erected within ten feet of any other building, or within five feet from any lot lines. No accessory building shall be located on the side yard required on the street side of a corner lot.

(1999 Code, § 150.26) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.027 STREET ACCESS.

No building shall be erected on a lot which does not abut an open street which is either a public street, a publicly-maintained street, or an alley.

(1999 Code, § 150.27) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.028 LOTS WITH MULTIPLE FRONTAGE.

In the case of a corner lot having frontage on two or more streets, all buildings shall be set back from each such street a distance equal to the minimum for the front yard requirement for the district. If a building is constructed on a lot having frontage on two roads but not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

(1999 Code, § 150.28) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.029 MINIMUM FRONTAGE.

Where a minimum frontage is specified in these regulations, it shall be measured at the front yard setback line.

(1999 Code, § 150.29) (Ord. passed 7-24-1989)

ZONING DISTRICT REGULATIONS**§ 150.040 ZONING DISTRICTS DESIGNATED.**

For the purpose of this chapter, the town is hereby divided into five zoning districts which are hereby given the following designations:

- (A) R-1 Residential 1 District;
- (B) R-2 Residential 2 District;
- (C) R-3 Residential 3 District;
- (D) C Commercial District;
- (E) I Industrial District; and
- (F) RA-1 Residential-Agricultural District.

(1999 Code, § 150.40) (Ord. passed 7-24-1989)

§ 150.041 R-1 RESIDENTIAL 1 DISTRICT.

(A) *Establishment; purpose.* The R-1 Residential 1 District is established as a district in which the principal use of land is for residential purposes. The regulations of this district are intended to discourage any use which because of its character would be a nuisance to the development of residences and would be detrimental to the quiet residential nature of the areas included within this district.

(B) *Permitted uses.*

- (1) Single-family and two-family dwellings.
- (2) Religious Institutions.
- (3) Farming, truck gardening, and nurseries.

(4) Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in a residence or accessory building thereof, provided that such operation shall be engaged in only by residents of the premises, that not more than 25% of the gross floor area of the residence shall be used for such occupation, that no display or products shall be visible from the streets, and no objectionable effects shall be produced or treated.

(5) Lodging or boarding provided not more than 50% of the gross floor area in one dwelling is devoted to such occupancy.

(6) Public recreation facilities, including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts, and other such facilities.

(7) Public utilities, utility substations, pumping stations, utility towers, storage tanks, provided that each of the above uses is set back a minimum of 50 feet from all property lines.

(8) Rest homes and nursing homes.

(9) Schools, public, and state licensed private.

(10) Signs, accessory: provided no more than two signs are displayed, and these must be on the same lot with the use being advertised. Indirectly illuminated signs shall be permitted only if the signs are located more than 100 feet from residential dwellings or adjacent lots. Maximum sign area for cemeteries, religious institutions, medical centers, parks, playgrounds, and schools shall be 15 square feet. Maximum sign surface area for all other permitted signs shall be six square feet.

(11) Uses and buildings customarily accessory to the above permitted uses.

(C) *Special use permits.* After due notice and a public hearing and subject to the conditions and safeguards imposed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of § 150.064.

(1) Group housing projects.

(2) Medical clinics, clinics, and nursing homes.

(3) Hospitals.

(4) Fire stations and police stations.

(5) Cemeteries.

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(6) Funeral homes.

(7) Libraries.

(8) Day care centers, kindergartens, and nursery schools.

(9) Multi-family dwellings, including townhouses, apartments, condominiums, and cooperatives.

(10) Uses and buildings customarily accessory to the above permitted special uses.

(D) Dimensional requirements.

(1) *Lot areas.* Minimum required lot area shall be determined according to the following uses and conditions.

(a) Minimum required lot area for each permitted use or special use (with septic tank and well) - 20,000 square feet.

(b) Minimum required lot area for each permitted use or special use (with either septic tank or well) - 10,000 square feet.

(c) Minimum required lot area for each permitted use or special use (with public water and public sewer) - 10,000 square feet.

(d) Minimum required lot area for each dwelling unit of a duplex (with public water and public sewer) - 8,000 square feet.

(e) Minimum required lot area for each multi-family dwelling unit (with public water and sewer) - 5,000 square feet.

(2) *Lot width.* Minimum required lot width - 75 feet.

(3) Yard requirements.

(a) Minimum required depth of front yard - 30 feet.

(b) Minimum required width of any residential side yard - ten feet.

(c) Minimum required width of any nonresidential side yard - 15 feet.

(d) Minimum required depth of any rear yard - 25 feet.

(4) *Supplementary district regulations.* All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the residential district.

(1999 Code, § 150.41) (Ord. passed 7-24-1989)

§ 150.042 R-2 RESIDENTIAL 2 DISTRICT.

(A) *Establishment; purpose.* The R-2 Residential 2 District is established as a district in which the principal use of land is for residential purposes. The regulations of this district are intended to discourage any use which because of its character would be a nuisance to the development of residences and would be detrimental to the quiet residential nature of the areas included within this district.

(B) *Permitted uses.*

- (1) Any use permitted in the R-1 Residential District.
- (2) Manufactured Homes or Mobile homes.

(C) *Special use permits.* After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of §§ 150.060 through 150.064 of this chapter: those special uses permitted in the R-1 Residential District.

(D) *Dimensional requirements.*

(1) *Lot areas.* Minimum required lot area shall be determined according to the following uses and conditions.

(a) Minimum required lot area for each permitted use or special use (with septic tank and well) - 20,000 square feet.

(b) Minimum required lot area for each permitted use or special use (with either septic tank or well) - 15,000 square feet.

(c) Minimum required lot area for each residential permitted use or residential special use (with public water and public sewer) - 10,000 square feet.

(d) Minimum required lot area for each dwelling unit of a duplex (with public water and public sewer) - 6,000 square feet.

(e) Minimum required lot area for each multi-family dwelling unit (with public water and sewer) - 4,000 square feet.

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(f) **Minimum required lot area for each nonresidential permitted use or nonresidential special use (with public water and sewer) - 15,000 square feet.**

(2) ***Lot width.*** Minimum required lot width - 75 feet.

(3) ***Yard requirements.***

(a) **Minimum required depth of front yard - 30 feet.**

(b) **Minimum required width of any residential side yard - eight feet.**

(c) **Minimum required width of any nonresidential side yard - 15 feet.**

(d) **Minimum required depth of any rear yard - 25 feet.**

(E) ***Supplementary district regulations.*** All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the Residential 2 District.

(1999 Code, § 150.42) (Ord. passed 7-24-1989)

§ 150.043 R-3 RESIDENTIAL 3 DISTRICT.

(A) ***Establishment; purpose.*** The R-3 Residential 3 District is established as a district in which the principal use of land is for a variety of residential living styles including single-family and duplex homes, apartments, and mobile home parks. The regulations of this district are intended to discourage any use which because of its character would be a nuisance to the development of residences and would be detrimental to the quiet residential nature of the areas included in this district.

(B) ***Permitted uses.*** Any use permitted in the R-1 Residential 1 District.

(C) ***Special use permits.*** After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of § 150.064.

(1) **Those special uses permitted in the R-1 Residential District.**

(2) **Mobile home parks.**

(D) ***Dimensional requirements.***

(1) ***Lot areas.*** Minimum required lot area shall be determined according to the following uses and conditions.

(a) Minimum required lot area for each permitted use or special use (with septic tank and well) - 20,000 square feet.

(b) Minimum required lot area for each permitted use or special use (with either septic tank or well) - 15,000 square feet.

(c) Minimum required lot area for each residential permitted use or residential special use (with public water and public sewer) - 10,000 square feet.

(d) Minimum required lot area for each dwelling unit of a duplex (with public water and public sewer) - 6,000 square feet.

(e) Minimum required lot area for each multi-family dwelling unit (with public water and sewer) - 4,000 square feet.

(f) Minimum required lot area for each mobile home in a mobile home park (with public water and sewer) - 10,000 square feet.

(g) Minimum required lot area for each mobile home in a mobile home park (with either a septic tank or well) - 15,000 square feet.

(h) Minimum required lot area for each mobile home in a mobile home park (with septic tank and well) - 20,000 square feet.

(i) Minimum required lot area for each nonresidential permitted use or nonresidential special use (with public water and sewer) - 15,000 square feet.

(2) *Lot width.* Minimum required lot width - 75 feet.

(3) *Yard requirements.*

(a) Minimum required depth of front yard - 30 feet.

(b) Minimum required width of any residential side yard - eight feet.

(c) Minimum required width of any nonresidential side yard - 15 feet.

(d) Minimum required depth of any rear yard - 25 feet.

(E) *Supplementary district regulations.* All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the Residential 3 Districts.

(1999 Code, § 150.43) (Ord. passed 7-24-1989)

§ 150.044 RA-1 RESIDENTIAL-AGRICULTURAL DISTRICT.

This district is established to promote a compatible mixture of agricultural, forestry, conservation, commercial, industrial and low-density residential uses where available public services may be limited. Protection of the environment, preservation of prime farm land, and the continuation of rural lifestyles are goals this district seeks to attain.

§ 150.045 C COMMERCIAL DISTRICT.

(A) *Establishment; purpose.* The C Commercial District is established as a district in which the principal use of land is for those retail trade purposes, which are properly located near residential areas and which cater to the everyday needs of a residential neighborhood.

(B) *Permitted uses.*

- (1) Banks and savings and loans.
- (2) Barber and beauty shops.
- (3) Camera shops.
- (4) Eating establishments (indoor only).
- (5) Florist.
- (6) Funeral homes.
- (7) Hardware stores.
- (8) Gifts and stationery.
- (9) Meat markets, grocery stores, drugstores.
- (10) Music stores.
- (11) Post offices.
- (12) Variety shops.
- (13) Laundries, laundrettes, and dry-cleaning establishments.
- (14) Libraries.

(15) Offices; business, professional, and governmental.

(16) Parking lots for vehicles.

(17) Tailor shops.

(18) Taxicab call stands.

(19) Toy stores.

(20) Restaurants (sit down & drive-thru).

(21) Accessory signs, provided that they are stationary and are not located within 50 feet of any residential structure or district; provided further that not more than one sign structure shall be allowed per 100 feet or less of lot frontage in single ownership.

(22) Signs may be indirectly illuminated but shall not be flashing. No sign shall be more than 30 square feet.

(23) Storage; provided it is within a building and the use is not visible from outside the building.

(24) Uses and buildings customarily accessory to the above permitted uses.

(C) *Special use permits.* After due notice and public hearing and subject to the conditions and safeguards imposed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below.

(1) Shopping centers.

(2) Uses and buildings customarily accessory to the above permitted uses.

(D) *Dimensional requirements.*

(1) *Lot areas.* Minimum required lot area shall be determined according to the following uses and conditions:

(a) Minimum lot size for each permitted use (with septic tank and well) - 20,000 square feet.

(b) Minimum required lot size for each permitted use (with either septic tank or well) - 15,000 square feet.

(c) Minimum required lot size for each permitted use (with public water and sewer) - 15,000 square feet.

(2) *Yard requirements.*

(a) Minimum required depth of front yard shall be 20 feet which shall be developed for sidewalks, grass, and plants, and the necessary driveways. Off-street parking shall not be permitted in this area.

(b) Minimum required depth of rear yard - 20 feet.

(c) Minimum required side yard - ten feet.

(E) *Supplementary district regulations.* All supplementary district regulations stated in §§ 150.060 through 150.064 of this chapter shall apply to the Commercial District. (1999 Code, § 150.44) (Ord. passed 7-24-1989)

§ 150.046 I INDUSTRIAL DISTRICT.

(A) *Establishment; purpose.* The I Industrial District is established as a district in which the principal use of the land is for industries which can be operated in a relatively clean and quiet manner and will not be a nuisance to adjacent residential or commercial districts. The regulations are designed to prohibit the use of land for heavy industry which should be properly segregated and to prohibit any other use which would substantially interfere with the development of industrial establishments in the district.

(B) *Special use permits.* After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, in each case a special use permit may be granted by the Board of Commissioners for uses listed below:

- (1) Amusement, recreation, and sporting goods manufacture.
- (2) Animal hospitals.
- (3) Automobile parts and accessories manufacturing.
- (4) Bottling and canning plants.
- (5) Bedding and carpet manufacturing.
- (6) Building materials sales.
- (7) Business machine manufacturing.
- (8) Clothing manufacturing.

- (9) **Construction offices and equipment storage.**
 - (10) **Drugs, medicines, and cosmetics manufacturing.**
 - (11) **Electronic equipment manufacturing.**
 - (12) **Farm machinery assembly, repair, and sales.**
 - (13) **Furniture manufacturing.**
 - (14) **Hardware and housewares manufacturing.**
 - (15) **Leather product manufacturing, not including the manufacture of leather.**
 - (16) **Offices.**
 - (17) **Office parks.**
 - (18) **Paper products manufacturing, not including the manufacture of paper.**
 - (19) **Petroleum, bulk storage, provided that all fire and safety regulations are met.**
 - (20) **Plastic products manufacturing.**
 - (21) **Printers.**
 - (22) **Research laboratories.**
 - (23) **Signs: Accessory provided they do not project into any public street or alley. Not more than two accessory signs shall be permitted per principal use per lot.**
 - (24) **Storage yards, provided such yards are enclosed by a solid screening wall or fence at least six feet in height.**
 - (25) **Textile and cordage manufacturing.**
 - (26) **Uses and buildings customarily accessory to the above permitted uses.**
- (C) Dimensional requirements.**
- (1) Lot size.**
 - (a) Minimum required lot width - 100 feet.**

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(b) Minimum required lot depth - 150 feet.

(c) Minimum required lot size - 40,000 square feet.

(2) Yard requirements.

(a) Minimum front yard depth shall be 30 feet which shall be devoted for sidewalks, grass, plants, and the necessary driveways. Off-street parking shall not be permitted in this area.

(b) Minimum required width of side yard - 15 feet.

(c) Minimum required depth of rear yard - 20 feet.

(D) Supplementary district regulations. All supplementary district regulations stated in § 150.060 through 150.064 of this chapter shall apply to the Industrial District.

(1999 Code, § 150.45) (Ord. passed 7-24-1989)

§ 150.047 TABLE OF PERMITTED USES.

<i>Uses/Descriptions</i>	<i>Zoning Districts</i>					
	<i>RA-1</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>C</i>	<i>I</i>
RESIDENTIAL						
Single-family	P	P	P	P	S	S
Two-family	P	P	P	P	S	S
Manufactured home or Mobile home	P		P	S	S	S
Group housing	P	S	S	S	S	S
Manufactured home or Mobile home parks	P		S	S	S	S
Rest homes and nursing homes	P	P	P	P	S	S
Apartments (Multi-family)	P	S	S	S		
Townhouses	P	S	S	S		
Condominiums	P	S	S	S		
Co-ops	P	S	S	S		
COMMERCIAL						
Banks	P				P	S

<i>Uses/Descriptions</i>	<i>Zoning Districts</i>					
	<i>RA-1</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>C</i>	<i>I</i>
Barber and beauty shops	P				P	S
Beach bingo	P				P	S
Camera shops	P				P	S
Restaurants (sit down and drive-thru)	P				P	S
Florists	P				P	S
Funeral homes	S	S	S	S	P	S
Hardware stores	P				P	S
Gift shops	P				P	S
Grocery stores and butchers	P				P	S
Drug stores	P				P	S
Music stores	P				P	S
Post office	P				P	S
Variety store	P				P	S
Laundries and dry cleaners	P				P	S
Libraries	P	S	S	S	P	S
Offices	P				P	S
Office parks	P				P	S
Parking lots	P				P	S
Tailors	P				P	S
Taxi stands	P				P	S
Toy stores	P				P	S
Shopping centers	P				C	S
Veterinarian	P				P	S
Vehicle sales and repair	P				P	S
Building materials sales	P				P	S
Machinery sales and repair	P				P	S
Convenience stores	P				P	S
Gas stations	P				P	S
Print shop	P				P	S

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<i>Uses/Descriptions</i>	<i>Zoning Districts</i>					
	<i>RA-1</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>C</i>	<i>I</i>
Medical clinics/hospitals	S	S	S	S	P	S
Parks	P	P	P	P	P	S
Hotels and motels	S	S	S	S	P	S
Boarding houses	S	S	S	S	P	S
Schools	P	P	P	P	P	S
Public utilities	P	P	P	P	P	S
Home occupations	P	P	P	P	P	S
Religious Institution	P	P	P	P	P	S
Farming and nurseries	P	P	P	P	P	S
Fire and police stations	P	S	S	S	P	S
Cemeteries	S	S	S	S	P	S
Libraries	P	S	S	S	P	S
Day cares and nurseries	P	S	S	S	P	S
Bars and saloons	S				S	S
INDUSTRIAL						
Manufacturing and processing	S					S
Bottling and canning	S					S
Storage (inside)	S					S
Storage (outside)	S					S
Storage (hazardous materials)	S					S
Commercial printing	S					S
Laboratories	S					S
Solar farms	S				S	S
NOTES TO TABLE: S: requires a special use permit approved by the Board of Commissioners P: permitted use						

SUPPLEMENTARY DISTRICT REGULATIONS**§ 150.060 CURB CUTS.**

(A) Any business or industry which requires lowered or cut-away curbs, for purposes of ingress or egress, shall be subject to the following provisions.

- (1) No more than two combined entrances and exits shall be allowed any parcel of property, the frontage of which is less than 200 feet on any one street.
- (2) Additional entrances or exits for parcels of property having a frontage in excess of 200 feet shall be permitted after showing of actual requirements of convenience and necessity and upon approval of the Zoning Enforcement Officer.
- (3) Where frontage is 50 feet or less, only one combined entrance-exit shall be permitted.

(B) At street intersections, no curb cut shall be located within 25 feet of the intersection of two curb lines or such lines extended, or within 15 feet of the intersection of two property lines, right-of-way lines, or such lines extended, whichever is least restrictive.

(C) The distance between any two curb cuts on the same side of the street shall be not less than 15 feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.

(D) All driveways shall be constructed so as to be at least five feet from any property line, except that a curb return may become tangent to a curb line at a point where said property line extended intersects said curb line.

(E) The minimum width of any one-way driveway shall be 12 feet and the maximum width shall be 30 feet. Maximum width of any two-way driveway shall be 36 feet measured at the right-of-way line.

(F) (1999 Code, § 150.55) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.061 VISIBILITY AT INTERSECTIONS.

On a corner lot in all zoning districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet and ten feet in a triangular area formed by a diagonal line between two points on the rights-of-way lines, 20 feet from where they intersect.

(1999 Code, § 150.56) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.062 BUILDING HEIGHTS.

No building shall exceed 35 feet in height; spires, flagpoles, antennas, chimneys, and similar accessories to structures are exempt from this height limitation.

(1999 Code, § 150.57) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.063 REQUIRED BUFFERS.

After the effective date of this chapter, the establishment of any commercial or industrial use in a commercial or industrial district where it abuts a lot in a residential district or land occupied by a residential use permitted by this chapter, there shall be provided and maintained along said property line, a continuous visual buffer a minimum of six feet in height. The buffer shall be a dense evergreen hedge or other type of evergreen foliage screening, or shall be a combined fence and shrubbery screen, the latter facing the residential use.

(1999 Code, § 150.58) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.064 SPECIAL USE PERMITS.

(A) *Authority; decision; duration.* The Board of Commissioners shall have authority to grant special use permits in specific zoning districts, subject to any conditions either set forth below through the quasi-judicial process and an evidentiary public hearing. The Board of Commissioners' decision shall be based upon Special use permits shall be valid for a period of 12 months.

(B) *Public Hearing Process.* The Board of Commissioners shall hold an evidentiary public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.

(C) *Notice.* Per G.S. 160D-406(b), notice of evidentiary hearings conducted pursuant to this ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the this ordinance. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

The Board of Commissioners may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(D) *Decision.* The Board of Commissioners shall approve, deny or approve with conditions the special use permit. No special use permit approval shall be granted unless it complies with the

following findings of fact:

- (1) The proposed special use permit represents an overall conformance with the adopted goals, recommendations and policies of the Town's officially Adopted Comprehensive Plan, Official Zoning Map and any other applicable planning documents adopted by the Town;
 - (2) There exists adequate infrastructure (transportation, utilities, etc.) to support the proposed use and plan;
 - (3) The proposed use and plan will not cause undue traffic congestion or create a traffic hazard;
 - (4) The proposed use and plan shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
 - (5) The establishment of the proposed use and plan shall not impede the orderly development and improvement of surrounding property;
 - (6) The establishment, maintenance or operation of the proposed use and plan shall not be detrimental to or endanger the public health, safety or general welfare.
- (E) *Appeals.* An appeal from the decision of the Board of Commissioners regarding a special use permit may be made by an aggrieved party and shall be made to the Superior Court of Edgecombe County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within thirty (30) days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.
- (F) *Time & Validity.* An approved special use permit shall become null and void if no significant work is done or development is made on the site within two (2) years after approval. The Board of Commissioners may grant a single one-year extension upon written request of the applicant made at least 30 days before the expiration of the approved site plan.
- (G) *Substantial Changes.* Any substantial change to a special use permit as noted below shall be reviewed and approved or denied by the Board of Commissioners. The following changes to a special use permit shall be considered substantial and require approval by the Board of Commissioners:
- (1) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - (2) Modification of special performance criteria, design standards, or other requirements specified by the special use permit.
 - (3) When there is an increase in the total density originally authorized by the approved

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special use permit.

(4) When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of Commissioners. Changes of less than 10 percent may be approved by the Zoning Enforcement Officer.

(H) *Special use permit provisions.* The Board of Commissioners shall have authority to grant permission for the establishment of the following uses, subject to any specific conditions, either set forth below or which the Board of Commissioners may deem necessary.

(1) *Group housing projects.* A group housing project, which consists of a group of two or more buildings situated on a parcel of land which contains at least two acres of land and which is not subdivided into the customary streets and lots, shall be exempt from the lot and yard dimensional requirements of this chapter providing the plan for the project is approved by the Board of Commissioners on finding that the intensity of development shall be no greater and the preservation of open space no less than would be the case in other residential development in the same district.

(2) *Manufactured home or Mobile home parks.*

(a) Site requirements:

1. Every mobile home park shall be located on a tract of land no less than five acres in size. Every park shall contain at least ten mobile home spaces as defined in this chapter.
2. Each mobile home space shall be clearly established on the ground by permanent markers or monuments.

(b) Stand requirements:

1. No more than one mobile home may be parked on any mobile home space. No living compartment or structure other than a "Florida room" or other prefabricated structure specifically designed for mobile home use or extension shall be added to any mobile home parked within the jurisdiction of this chapter.
2. The supports of all mobile homes parked within an authorized park shall rest upon an adequate footing.
3. No mobile home stand shall be located closer than:
 - a. Thirty feet from a public street right-of-way;
 - b. Twelve feet from the exterior boundary of the mobile home park;
 - c. Twenty-five feet from another mobile home stand, a mobile home addition, or other structure; or
 - d. Ten feet from the edge of any driveway.

(c) All mobile home spaces shall abut a street.

(d) A driveway and parking space sufficient to accommodate at least one automobile shall be constructed per each mobile home space, and they shall be paved according to the North Carolina Department of Transportation Secondary Roads Policies and Procedures.

(e) The mobile home stand and the mobile home space shall be graded to provide adequate storm drainage away from the mobile home and such that there will

exist no more than two feet difference between the chassis of the mobile home and the finished grade of the mobile home stand.

- (f) The mobile home stand shall be located on ground so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
- (g) Each mobile home stand shall have adequate access for both the mobile home and autos, with a minimum width of 20 feet unless more is deemed necessary because of topographical conditions or street curvature.
- (h) Utilities required.
 1. **Installation.** It is mandatory that all utilities be installed according to the town ordinances governing utilities.
 2. **Mobile home stand utilities.** Each mobile home stand shall be equipped with plumbing and electrical connections.
 3. **Mobile home equipment.** Each mobile home shall have a flush toilet, lavatory, bathtub or shower, adequate hot water facilities, cooking facilities, and electricity wiring, and shall be required to connect with the utilities provided at each mobile home space.
 4. Each mobile home park shall be connected to a public sewer system if available or to a system constructed in compliance with the regulations of the County Health Department and other applicable State Agencies, if a public municipal sewer system is unavailable. All sewage wastes from each mobile home park, including water basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the mobile home park sewage disposal system.
 5. Each mobile home space shall be provided with at least a three-inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.
 6. A two-foot by two-foot concrete apron shall be installed around all septic tank connection riser pipes for support and protection. The septic tank connection shall be located a distance of at least 100 feet from the well supply.
 7. The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipeline only without any branch fittings. All joints shall be watertight including connection from trailer to sewer riser pipe.
 8. All materials used for sewer connections shall be semi-rigid, corrosion-resistant, nonabsorbent, and durable. The inner surface shall be smooth.
 9. Provision shall be made for plugging the sewer pipe when a mobile home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four inches above ground elevation.
 10. Each mobile home park shall obtain water from a public water supply when

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available, or from a source approved by the County Health Department, or applicable State Agency. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual mobile home shall be obtained only from faucets or other plumbing connections located within each mobile home.

- (i) **Solid waste disposal.**
 1. The storage, collection, and disposal of solid waste in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or pollution.
 2. All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity not more than 20 gallons, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The mobile home park management shall be responsible for the proper storage, collection, and disposal of solid waste.
 3. Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
 4. All solid waste containing garbage shall be collected at least once weekly except for the months of May, June, July, August, and September when it shall be collected twice weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
 5. Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the solid waste by transporting to a disposal site approved by the town.
- (j) **Fire protection.** Fire hydrants shall be installed as to provide unobstructed access within a distance of 500 feet from any mobile home space.
- (k) **Street lights.** All streets in the mobile home park shall be adequately illuminated from sunset until sunrise. The minimum size street light shall be a 175 watt mercury vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet.
- (l) **Streets and driveways.**
 1. Access to the park shall be directly from a public-maintained road. Two-way access streets within the park shall be paved 22 feet wide. One-way streets shall be paved 12 feet wide. The figures for these street widths are without parking allowance.
 2. Closed ends of dead-end streets shall be provided with a vehicular turning circle at least 80 feet in diameter, measured on the centerline of the street. Closed ends of dead-end drives or roads shall not exceed 400 feet in length.
 3. Each mobile home stand shall have adequate access for both the mobile home and autos with a minimum width of 20 feet unless more is deemed

necessary because of topographical conditions or street curvature.

- (m) *External yards and buffering.* The mobile home park shall have a planting strip five feet wide (minimum) adjacent to the park boundary extending along the entire perimeter of the mobile home park. It shall be planted with evergreen shrubbery and adequately landscaped with grass in such a manner as to be harmonious with the landscaping of the adjacent properties and in keeping with the general character of the surrounding neighborhood.
- (n) *Signs for identification of mobile home parks.* Not more than two signs with a total area of not more than one-half square foot for each mobile home space and in no case larger than 50 square feet, located on private property, but no closer than five feet to any property line. Only indirect non-flashing lighting may be used for illumination, and the sign must be constructed in such manner as to prevent a direct view of the light source from any public right-of-way.
- (o) *Recreation areas.*
 1. Adequate and suitable recreation areas to serve the needs of the anticipated population shall be provided.
 2. No less than 8% of the gross site area shall be devoted to recreation area.
 3. The area shall consist of at least the following:
 - a. One or more playgrounds for children containing a minimum of 20% of total area in the mobile home park; and
 - b. No single playground shall contain less than 5,000 square feet.
- (p) *Non-residential uses.*
 1. It shall be unlawful to sell on a commercial basis mobile homes or trailers within a mobile home park, except that an individual mobile home owner shall be exempt from this section in that he or she may be allowed to sell the mobile home in which he or she maintains occupancy.
 2. One mobile home may be used as an administrative office within the mobile home park.
 3. Regulations. It shall be the duty of the operator of the mobile home park to keep an accurate register containing a record of all mobile home owners, mobile homes, and occupants of the mobile home park.
 4. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

(3) *Multi-family Developments.*

(a) *Open space recreation facilities.*

1. *Open space.* A minimum of 15% of the gross acreage shall be reserved as open space.
2. *Recreation space.* A minimum of 50% of the open space shall be developed for active recreational purposes.

(b) *Parking.* Automobile parking spaces and drives shall not be located closer than 30 feet to the front or 20 feet to the side or rear of any dwelling.

(c) *Dwelling-to-dwelling relationship.*

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1. Building walls having both window and door openings shall be located no closer than 50 feet to another building.
 2. Building walls having only window openings or only door openings shall be located no closer than 25 feet to another building.
- (d) *Courtyard.* Any group of buildings forming a courtyard shall have at least 25% of the perimeter of such courtyard open for access by emergency vehicles.
- (e) *Landscaping and project perimeter requirements.* Landscaping shall be included to buffer the development from its surrounding neighbors. No building shall be erected, reconstructed, altered, or moved nearer the exterior project property lines than 25 feet or the applicable district yard requirements, whichever is greater. Yard spaces for one building shall not overlap yard space for another building.
- (f) *Solid waste disposal.*
1. The storage, collection, and disposal of solid waste shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or pollution.
 2. All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity not more than 32 gallons. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The management of the complex shall be responsible for proper storage and collection of solid waste.
 3. Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
 4. Dumpsters shall be screened by an evergreen wall or solid fence at least six feet tall.
 5. All solid waste containing garbage shall be collected at least once weekly except for the months of May, June, July, August, and September when it shall be collected twice weekly. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
 6. The solid waste disposal regulations shall be subject to any additional requirements imposed by the town and/or the Public Works Director.
- (g) *Utilities.* Multi-family complexes shall be located where public or community water, sanitary sewers, and storm drainage utilities are available.
- (4) *Shopping centers.*
- (a) *Site area.* No shopping center district site shall contain less than two acres.
 - (b) *Required perimeter yards.* No building shall be less than 50 feet from any street line or 25 feet from any side or rear lot lines.
 - (c) *Landscaping on project perimeters required.* Evergreen landscaping shall be included to buffer the shopping center project perimeters.
 - (d) *Solid waste disposal.* A plan for solid waste storage, collection, and disposal shall be submitted to the town and approved prior to issuance of a special use permit.
 - (e) *Utilities.* Shopping center developments shall be located where public water, sanitary sewer, and storm drainage utilities are available.
 - (f) *Road facilities.*

1. Shopping center sites of more than ten acres shall be tangent to two or more major thoroughfares or one major thoroughfare and two or more minor thoroughfares as designated on the thoroughfare plan.
2. Shopping center sites of between three and ten acres shall be tangent to one major thoroughfare and one minor thoroughfare as designated on the thoroughfare plan.
3. Shopping center sites of less than three acres shall be served by a major thoroughfare as designated on the officially adopted thoroughfare plan.
4. Maximum permissible lot coverage. The total ground area covered by the principal buildings and all accessory buildings including any roofed area shall not exceed 30% of the total site area.

(5) Cemeteries.

- (a) *Exceptions.* The provisions of this section shall not apply to private cemeteries on religious institution grounds, adjacent to the main building, or family cemeteries on farms.
- (b) *Minimum size.* A cemetery shall contain not less than two acres of land in contiguous ownership.
- (c) *Structures.* Chapels, mortuaries, mausoleums, and sales and administrative offices may be developed within the cemetery. No more than two such buildings shall be permitted in any cemetery. Access to the buildings shall be from within the cemetery. No building permitted by these requirements shall be located closer than 150 feet to any residential dwelling structure on land adjoining the cemetery.
- (d) *Access.* Access to the cemetery shall be provided by way of private drives extending from a public street and of sufficient width to accommodate two-way traffic. Parking shall be provided entirely on private internal roads. All internal driveways and parking areas shall be paved.
- (e) *Buffering.* A perimeter strip of 50 feet in depth shall be maintained around the entire cemetery. There shall be no burial sites, buildings or other structures located within the buffer strip, and the strip shall be landscaped or fenced so as to effectively screen the cemetery and burial activities therein from view from outside of the cemetery. A buffering plan shall be submitted to and approved by the Board of Commissioners prior to the issuance of a special use permit.

(1999 Code, § 150.59) (Ord. passed 7-24-1989; Ord. passed 10-26-2015) Penalty, see § 150.999

§ 150.065 SITE PLANS.

(A) *Site plan approval.* Site plans shall be submitted for any development related activities within the Town's Planning and Development Regulation Jurisdiction.

(1) *Procedure.* Site plans may be submitted as part of a special use permit application to be reviewed and approved in accordance with §150.064 SPECIAL USE PERMITS or if the use is permitted by right in the underlying zoning district per §150.047 TABLE OF PERMITTED USES to which the property is located, it must be reviewed and approved for compliance with this ordinance by the Zoning Enforcement Officer. A site plan prepared and certified by a professional engineer, landscape architect or professional land surveyor. Five

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prints of the site plan at a scale of not less than one inch equals 100 feet, together with all information required by this chapter, shall be submitted. All plans shall be on either 24 x 36-inch material or suitable for folding to that size.

(2) Information required.

<p>(a) Plot & Location Plan</p>	<p>Required Information:</p> <ol style="list-style-type: none"> 1. Location and dimensions of building(s) on site showing distance to side lot lines and centerlines of adjacent streets; 2. Location and dimensions of proposed and existing driveways and curbcuts on site and adjacent properties; 3. Location and general design of proposed and existing sidewalks and open space with existing plan material and proposed landscaping; 4. Location and dimensions of proposed and existing surface parking and loading areas 5. Existing widths of any streets and sidewalks adjoining the tract giving right-of-way and pavement widths; 6. Front, side, and rear yard setbacks; 7. Proposed elevations at control points such as driveways, ramps, and the like; 8. Zoning of the tract; 9. Owner; 10. Vicinity map to scale showing location of tract; 11. Certified topographic map of parcel at a minimum two-foot contour interval, showing existing and proposed contours; 12. Provisions for the adequate disposition of natural and stormwater in accordance with the adopted design criteria and standards of the town indicating location, sizes, types, and grades of ditches, catch basins, and pipes, and connections to existing drainage; and 13. USGS datum used for all elevations shown and showing location and elevation of benchmark used.
<p>(b) Utility Plan</p>	<ol style="list-style-type: none"> 1. Location of all existing underground utilities such as water, sewer, and storm drainage, and the like, both within the property and in adjacent streets; 2. Location of all surface facilities such as sidewalks, curbs, gutters, and the like; and 3. Fencing, walls, and screening to be preserved, erected, or planted; type, height and location.

(3) Improvements.

(a) Prior to approval of any site plan, the owner or developer shall submit cost

estimates and a time schedule of installation of each phase of the required site improvements. The site improvements shall be installed in their entirety or shall be guaranteed with a performance security in an amount of 125% of the estimated cost for the remaining improvements. Such security shall be made in one or more of the following: surety bond, letter of credit or other form of guarantee that provides equivalent security to a surety bond or letter of credit. As each phase of the improvements is installed and is inspected and approved by the Zoning Enforcement Officer, the performance security will be reduced by the cost of the installed improvement.

(b) Upon completion of the required improvements, the owner or developer may apply to the Zoning Enforcement Officer for a certificate of completion and discharge of the performance security. If the work is found by the Zoning Enforcement Officer to conform to the approved site plan, applicable regulations, and town ordinances, he or she shall issue the certificate.

- (4) *Filing fees.* Shall be paid in accordance with the Town's officially adopted fee schedule.
- (4) *Time and validity of approved site plans.* An approved site plan shall become null and void if no significant work is done or development is made on the site within two (2) years after approval. The Zoning Enforcement Officer may grant a single one-year extension upon written request of the applicant made at least 30 days before the expiration of the approved site plan.

§ 150.065 DEVELOPMENT AGREEMENTS.

(A) Development projects often occur in multiple phases over several years, requiring a long term commitment of both public and private resources.

(B) To better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, local governments need flexibility to negotiate such developments.

(C) The Town may enter into development agreements with developers, subject to the procedures of G.S. 160D, Article 10.

OFF-STREET PARKING AND LOADING

§ 150.075 OFF-STREET PARKING REQUIRED.

(A) There shall be provided at the time of the erection of any building; or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this subchapter.

(B) Such parking space may be provided in a parking garage or properly graded open space. (1999 Code, § 150.70) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.076 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS.

(A) Each application for a certificate of zoning compliance submitted to the Zoning Enforcement Officer as provided for in this chapter shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space.

(B) This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this subchapter are met.
(1999 Code, § 150.71) (Ord. passed 7-24-1989)

§ 150.077 COMBINATION OF REQUIRED PARKING SPACE.

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for religious institutions, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
(1999 Code, § 150.72) (Ord. passed 7-24-1989)

§ 150.078 REMOTE PARKING SPACE.

If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use.
(1999 Code, § 150.73) (Ord. passed 7-24-1989)

§ 150.079 MINIMUM PARKING REQUIREMENTS.

The following off-street parking spaces shall be required.

<i>Use</i>	<i>Required Parking</i>
<i>Residential and Related Uses</i>	
Any residential use consisting of one or more dwelling units	2 parking spaces on the same lot for each dwelling unit dwelling
Doctors' or dentists' office in his or her residence	5 parking spaces in addition to residence requirements
Professional office (other than doctor or dentist) or customary home occupations in operator's residence	3 parking spaces in addition to residence requirements
Rooming or boarding houses	1 parking space for each room to be rented
<i>Public and Semi-Public Uses</i>	
Auditoriums	1 parking space for each 4 seats
Religious Institutions	1 parking space for each 4 seats

Clinics	3 parking spaces for each staff doctor, plus 1 parking space for each employee
Elementary schools and junior high schools	2 parking spaces for each classroom and administrative office, plus 1 bus space for each 40 pupils
Hospitals	1 parking space for each bed intended for patient use, exclusive of bassinets
Nursing homes	1 parking space for each 2 beds intended for patient use, plus 1 parking space for each employee
Public or private clubs	1 parking space for each 200 square feet of gross floor area
Public utility buildings	1 parking space for each employee
Senior high schools	1 parking space for each 4 students for which the building was designed, plus 1 parking space for each classroom and administrative office
Stadiums	1 parking space for each 4 spectator seats
<i>Business Uses</i>	
Banks	1 parking space for each 300 square feet of gross floor space, plus 1 for each employee
Filling stations	2 spaces for each service bay, plus 1 space for each vehicle used in operation, plus 1 space for each employee
Funeral homes	1 parking space for each 3 seats in the chapel or parlor
General or professional offices	1 parking space for each 100 square feet of gross floor space
Hotels (not including any retail uses)	1 parking space for each room to be rented, plus 1 additional parking space for each 2 employees
Theaters	1 parking space for each 3 seats in the auditorium
Tourist homes, motels, motor courts	1 parking space for each room to be rented, plus 1 additional parking space for each employee

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<i>Retail Uses Not Otherwise Indicated</i>	
High generator retail and service establishments, such as auto accessory, department store, variety store, coin-operated dry cleaners and laundries, drug, food, variety stores	1 space for each 200 square feet, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in operation
Low generator retail and service establishments, such as appliance, drapery, feed store, floor or wall covering, florist, hobby shop, furniture, paint, hardware, interior decorator, upholstery	1 space for each 600 square feet, plus 2 spaces for each vehicle used in operation
Medium generator retail and service establishments, such as bakery, barber, beauty shops, dry cleaning, laundry pick-up stations, dry goods, apparel shop, sporting goods, shoe repair	1 space for each 300 square feet, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in operation
Shopping centers	5-1/2 spaces for each 1,000 square feet of gross leasable floor space
<i>Industrial and Wholesale Uses</i>	
Industrial uses	1 parking space for each employee on the largest shift
Wholesale uses	1 parking space for each 200 square feet, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in operation

(1999 Code, § 150.74) (Ord. passed 7-24-1989)

§ 150.080 OFF-STREET LOADING.

The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his or her own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance with adequate means for ingress and egress. A loading space requirement may be modified or waived through a variance by the Planning Board [serving as the Board of Adjustment] on application in the case of a bank, theater, assembly hall, or other building of similar limited loading space requirements.

<i>Square Feet of Gross Floor Area</i>	<i>Required Number of Berths</i>
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4

160,000 - 240,000	5
240,000 - 320,000	6
<i>Square Feet of Gross Floor Area</i>	<i>Required Number of Berths</i>
320,000 - 400,000	7
Each 90,000 above 400,000	1

(1999 Code, § 150.75) (Ord. passed 7-24-1989) Penalty, see § 150.999

ADMINISTRATION AND ENFORCEMENT

§ 150.095 ADMINISTRATIVE OFFICER.

The Zoning Enforcement Officer is hereby authorized to enforce the provisions of this chapter. Appeal from the decision of the Zoning Enforcement Officer shall be made to the Planning Board [serving as the Board of Adjustment].

(1999 Code, § 150.85) (Ord. passed 7-24-1989)

§ 150.096 PLANNING BOARD.

(A) *Creation.* There shall be and is hereby created a Planning Board consisting of five members, including three residents of the town and two residents of the extraterritorial jurisdictional area. The Planning Board shall also act as the Board of Adjustment in evidentiary hearings for quasi-judicial decisions.

(B) The membership of the planning board shall represent the corporate limits and the ETJ by population proportion. The population proportions shall be based on the latest decennial census numbers.

(C) All members of the Board shall have voting power on all matters of business. The town resident members of the Board shall be appointed by the Board of Commissioners. Residents of the extraterritorial jurisdiction shall be appointed by the County Commissioners. The members of the Board shall have initial terms of office as follows: one member appointed for a term of one years; two members appointed for terms of two years; and two members appointed for terms of three years. At completion of the initial term of office for each member, all additional appointments to vacancies of the Board shall be for three-year terms.

(D) *Meetings.* The Board shall elect one of its members as chairperson and shall appoint a Secretary and such other subordinates as may be authorized by the Board of Commissioners. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his or her absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

(E) *Conflicts of interest.* No member of the Planning Board shall vote on any advisory or legislative

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decision regarding a development regulation where the outcome of the matter is reasonably likely to have a direct, substantial, readily identifiable financial impact on the member. For legislative decisions, if the member has a close familial, business, or other associational relationship with the landowner of the subject site or the applicant for a text amendment, the members shall abstain from voting. When exercising quasi-judicial functions, Planning Board [serving as the Board of Adjustment] members shall refrain from voting or participating in any matter in a manner that would violate affected persons' constitutional right to an impartial decision maker. This includes instances in which a member has a fixed opinion that is not susceptible to change, has had undisclosed ex-parte communication, has a close familial, business, or other association relationship with any affected party, or has a financial interest in the outcome of the matter.

(F) *Filing and notice for an appeal or variance.* Appeals from the enforcement and interpretation of this chapter and requests for variances shall be filed with the Zoning Enforcement Officer specifying the grounds thereof. The Zoning Enforcement Officer shall transmit to the Planning Board [serving as the Board of Adjustment] all applications and records pertaining to such appeals and variances. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Planning Board that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application or notice to the officer from whom the appeal is taken and due cause shown.

(1) *Evidentiary Public Hearing of the appeal.* After receipt of notice of an appeal, the Board chairperson shall schedule the time for an evidentiary public hearing which shall be at a regular or special meeting within 36 days from the filing of such notice of appeal.

(2) *Notice.* Per G.S. 160D-406(b), notice of evidentiary hearings conducted pursuant to this ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the this ordinance. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(3) The planning board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(4) *Fees for appeals or variances.* Fees shall be paid per the Town's officially adopted fee schedule.

(G) *Powers and duties.* The Planning Board [serving as the Board of Adjustment] shall have the following powers and duties:

(1) *Administrative Appeal.* To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Zoning

Enforcement Officer or other administrative officials in the carrying out or enforcement of any provision of this chapter. A simple majority vote of members of the Board shall be necessary to reverse, wholly or partly, any order, requirement, decision, permit, determination, or refusal; and

(2) *Variances.* To hear and decide variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. In granting any variance, the Planning Board may prescribe appropriate conditions and safeguards in conformity with this chapter. A variance from the terms of this chapter shall not be granted by the Board unless and until the following written findings of fact are made:

(1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

(H) A concurring vote of four-fifths of the board shall be required to grant a variance.

(I) *Appeal from the Planning Board [serving as the Board of Adjustment].* Appeal from the decision of the Planning Board [serving as the Board of Adjustment in this capacity] on quasi-judicial decisions may be made to the County Superior Court within 30 days after the decision is made by the Board, but not thereafter.

(1999 Code, § 150.86) (Ord. passed 7-24-1989)

§ 150.097 CERTIFICATE OF ZONING COMPLIANCE.

(A) *Certificate required.* No land shall be used or occupied and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed, until a certificate of zoning compliance shall have been issued by the Zoning Enforcement Officer stating that the building and/or the proposed use thereof complies with the provisions of this chapter. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of zoning compliance, either for the whole or a part of a building, shall be applied for at least ten days prior to construction, and the certificate permit must be issued before actual construction begins. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building erected. No permit for excavation or erection of any building or part of a building, or for repairs to, or alteration of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

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(B) *Temporary certificate.* The Zoning Enforcement Officer may issue a temporary certificate of zoning compliance for bazaars, carnivals, religious revivals, construction offices (including mobile homes), and similar uses. Such certificate shall be issued for a fixed period of time, but not to exceed 90 days, and shall be subject to such limitations as the Zoning Enforcement Officer may impose to protect the character of the district affected.

(C) *Application procedures.* Each application for a certificate of zoning compliance shall be accompanied by a plan in duplicate, drawn to scale, one copy of which shall be returned to the owner upon approval. The plan shall be accompanied by a letter of recommendation from the County Soil and Water Conservation District and a letter of approval and an improvements permit from the County Health Department. The plan shall include:

- (1) The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- (2) The location of the lot with respect to adjacent rights-of-way;
- (3) The shape, dimensions, and location of all buildings, existing and proposed, on the lot;
- (4) The nature of the proposed use of the building or land, including the extent and location of the use, on the lot;
- (5) The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space; and
- (6) Any other information which the Zoning Enforcement Officer may deem necessary for consideration in enforcing the provisions of this chapter.

(D) *Construction and use shall be in conformity with plan.* A certificate of zoning compliance issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorizes arrangement and construction set forth in the plan. Use arrangement or construction at variance with that authorized shall be deemed in violation of this chapter and punishable as provided by §§ 150.101 and 150.999.

(1999 Code, § 150.87) (Ord. passed 7-24-1989) Penalty, see § 150.999

§ 150.098 CERTIFICATE OF OCCUPANCY.

(A) A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of:

- (1) Occupancy or use of a building hereafter erected, altered, or moved; or
- (2) Change of use of any building or land.

(B) A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a certificate of zoning compliance and shall be issued within ten days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this chapter. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter. If the certificate

of occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(1999 Code, § 150.88) (Ord. passed 7-24-1989)

§ 150.099 DUTIES OF OFFICIALS AS TO MATTERS OF APPEAL.

It is the intention of this chapter that all questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Enforcement Officer and that such questions shall be presented to the Planning Board [serving as the Board of Adjustment] only on appeal from the Zoning Enforcement Officer; and that from the decision of the Planning Board [serving as the Board of Adjustment], recourse shall be had to superior court as provided by G.S. 160D-406(k).

(1999 Code, § 150.89) (Ord. passed 7-24-1989)

§ 150.100 TEXT AMENDMENTS AND REZONINGS (ZONING MAP AMENDMENTS).

The Board of Commissioners may amend, supplement, or change the text regulations and the official zoning map according to the following procedures.

(A) *Action by the applicant.* The following action shall be taken by the applicant:

(1) *Initiation of amendments.* Proposed changes or amendments may be initiated by the Town Board, Planning Board, Zoning Enforcement Officer or by one or more interested parties;

(2) *Application.* An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulations or district boundary to be applied, and the names and addresses of the owner or owners of the property. Such application shall be filed with the Zoning Enforcement Officer not later than ten days prior to the Planning Board meeting at which the application is to be considered; and

(3) *Fee.* Fees shall be paid in accordance with the Town's officially adopted fee schedule.

(B) *Action by the Planning Board.* The following action shall be taken by the Planning Board. The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning amendment. The Planning Board may hold separate public hearings or may sit concurrently with the public hearing held by the Board of Adjustment.

(1) Upon determination of compliance by the Zoning Enforcement Officer, the Planning Board shall review and provide a recommendation to the Board of Commissioners on the application at the next available, regularly scheduled meeting.

(2) If the Planning Board is able to reach a recommendation without further deliberation, the Planning Board shall submit a recommendation on the application and refer it to the Board of Commissioners for their consideration at the next available public hearing.

(3) If the Planning Board determines that further deliberation on the application is required, the

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Planning Board shall deliver its recommendation to the Board of Commissioners within 30 days of its first consideration on the matter. If no recommendation is received from the Planning Board within 30 days of its first consideration on the matter, the Board of Commissioners shall proceed in its consideration of the matter without a recommendation from the Planning Board.

- (4) The Planning Board shall advise and comment on whether the proposed amendment is consistent with the Town's adopted comprehensive plan. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that the request is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

(C) Action by the Board of Commissioners.

(1) Notice and legislative public hearing.

- (a) No amendment shall be adopted by the Board of Commissioners until after public notice and legislative public hearing. Notice of legislative public hearing shall be given once a week for two consecutive calendar weeks in a newspaper of general circulation in the town. The notice shall be published the first time not less than ten days nor more than 25 days prior to the date of the public hearing.
- (b) The owners of the affected parcel(s) of land and the owners of parcels of land abutting the subject property shall be notified of the hearing/meeting by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are abutting even if separated by a street, railroad, or other transportation corridor. Such notification shall be postmarked at least ten (10) but not more twenty-five (25) days prior to the date of the meeting at which the matter is to be heard.
- (c) As an alternative, to the mailed notice requirements in subsection (b) above and per NCGS 160D-602(b), the town may elect to serve notice through a full community notification for pending actions that affect more than fifty (50) properties, owned by at least fifty (50) different property owners. The town shall publish notice of the hearing/meeting in a newspaper of general circulation in the town. Two advertisements shall be published in separate calendar weeks. Each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.
- (d) In addition to providing published or mailed notice, as required in above, a sign shall be placed in a prominent location on the subject property(ies) or on an adjacent public street or highway right-of-way with a notice of the pending action/hearing and a phone number to contact for additional information. The notice shall be posted within the same time period specified for mailing notices of the hearing.

(2) Board of Commissioners action. Before taking such lawful action as it may deem advisable, the Board of Commissioners shall consider the Planning Board's recommendation on each proposed zoning amendment. If no recommendation is received from the Planning Board within 30 days after public hearing by the Board of Commissioners, the proposed amendment shall be deemed to have been approved by the Planning Board. A simple majority of the Board of Commissioners shall be required to amend this chapter following a favorable recommendation by the Planning Board. A three-fourths majority vote by the Board of Commissioners shall be required to amend this chapter when the Planning Board recommends against such amendment.

In accordance with NCGS 160D, all text amendments and rezonings shall be made in accordance with the Town's adopted comprehensive plan. Prior to adopting or rejecting any such request, the Board of Commissioners shall adopt a statement describing the proposal's consistency or inconsistency with the Town's adopted comprehensive plan.

(2) Citizen Comment.

(a) If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Board of Commissioners.

(b) Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

(3) Denial. When an application for amendment is denied by the Board of Commissioners, a period of 12 months must elapse before another application for the same property previously involved may be submitted.

(4) Notice.

(a) Whenever there is a rezoning after October 1, 1985 involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. Properties are considered abutting even if separated by a transportation corridor.

(b) The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the area to be zoned.

(1999 Code, § 150.90) (Ord. passed 7-24-1989)

§ 150.101 CONDITIONAL DISTRICTS.

(A) Conditional Districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Town Council in accordance with G.S. 160D-501. Conditional Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, they can establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

(B) Conditional District rezoning requests shall be processed in the same legislative process as a general zoning map amendment/rezoning request.

(C) Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Town Council and the applicant may mutually agree to additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this section, and to preserve public welfare, and justice. The applicant/property owner's written consent to any related conditions must be provided to ensure enforceability. The provisions of the Conditional District Master Plan shall replace all conflicting development regulations set forth in this ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Town Council (with mutual approval of the applicant) may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either the Planning Board or the Board of Commissioners prior to final action.

(D) A Conditional District shall consist of an existing conditions map and general site master plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Town Council. The Conditional District Master Plan, is a site specific that is a condition of the Conditional District rezoning. A Conditional District Master Plan shall, at a minimum, illustrate the following:

- (1) The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts. Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental standards, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District;

- (2) General traffic routes (external and internal) to and from the development with major access points identified;
- (3) Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;
- (4) A proposed development schedule if the project is to be phased.

§ 150.102 VIOLATIONS.

In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the Zoning Enforcement Officer or any appropriate authority of the town or any adjacent, nearby, or neighboring property owner who would be affected by such violation in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy of such building, structure, or land. (1999

Code, § 150.91) (Ord. passed 7-24-1989)

§ 150.103 PENALTY.

Any person violating any provision of this chapter, or who shall violate or fail to comply with any order made thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Enforcement Officer to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed \$50. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and left at his or her known place of residence or place of business. (1999 Code, § 150.99) (Ord. passed 7-24-1989)

