

Zoning Ordinance – Vance County, North Carolina



VANCE COUNTY

A variety of
lifestyles,
vocations and
opportunities

VISION

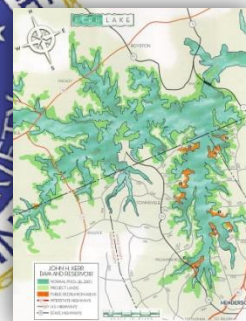
County Developed Business Park
New Library
Hospital Expansion
Recreation Complex

VITALITY

Established Retail Center
Highly Ranked Micropolitan Area
Growing Labor Force

VARIETY

Kerr Lake
YMCA
Vance-Granville Community College
Close to Raleigh & Durham



October 3, 2011 Edition



vision • vitality • variety

The Vance County Planning and Development Department acknowledges and appreciates the support of the County Board of Commissioners in developing a countywide zoning ordinance to promote managed growth while preserving the rural and agricultural character of Vance County. This would not have been possible without the cooperation of Vance County's Board of Commissioners, Planning Board, Citizens Advisory Committee, County Manager, County officials, interested and concerned residents of Vance County, local and state cooperating agencies, and the staff of the County Planning and Development Department:

Vance County Board of Commissioners: Eddie L. Wright (Chairman), Terry E. Garrison (Vice Chairman), Deborah F. Brown, R. Dan Brummitt, Tommy S. Hester, Jr., J. Timothy Pegram, Gordon Wilder

Vance County Planning Board: Agnes T. Harvin (Chairwoman), Ruth Brummitt (Vice Chairman), Reverend Roosevelt Alston, Blake Haley, Alvin Johnson, Jr., Thomas Shaw III, Phyllis Stainback

Vance County Citizens Advisory Committee (2006): Reverend J.H. Daniels (Chairman), Connie Kenney (Vice Chairwoman), Helen Williams, Thomas Shaw III, Vincent Jefferson, Rusty McMahon, John Abbott, John Foster, Alan Rowland

Vance County Staff: Jerry L. Ayscue (County Manager), Jordan McMillen (Planning Services Manager)

Former Vance County Staff (Contributors to Ordinance): Ron Edmonson (Director - Planning and Development Department), Ken Krulik (Senior Planner)

Resources: Vance Co.-NC, City of Henderson-NC, Richmond Co.-NC, Brunswick Co.-NC, Chatham County-NC, Wake Co.-NC, Maryland National Capital Park & Planning Commission, Town of Norlina-NC, Warren County-NC, City of Raleigh-NC, Town of Apex-NC, Town of Cary-NC, Franklin Co.-NC, Granville Co.-NC, City of Creedmoor-NC, Surry County-NC, Burke County-NC, UNC School of Governments at Chapel Hill, State of North Carolina General Statutes

Recommended by formal action and vote of the Vance County Planning Board on **January 31, 2006**, to be submitted as a **completed draft document and draft map** to the Vance County Board of Commissioners for their consideration and review.

Reviewed and revised to include recommendations from the Vance County Citizens Advisory Committee and Planning Board, work conducted 2/16/06 through 9/26/06.

Recommended by formal action and vote of the Vance County Planning Board on **September 26, 2006** to be submitted as a **proposed document and inclusive map (s)** to the Vance County Board of Commissioners for their consideration and review.

Recommended by formal action and vote of the Vance County Planning Board on **July 26, 2011** to be submitted as a **proposed document and inclusive map (s)** to the Vance County Board of Commissioners for their consideration and review.

Adopted by the Vance County Board of Commissioners on October 3, 2011. This document will be effective as of November 1, 2011. For amendments see Appendix A.

Preface: An Overview of Planning Principles and Zoning

To determine how a county will grow, good planning needs to be implemented. The severity of the issues and available resources that face a community, town, city, or county determine the best approach to meet the needs of that particular area. In planning for growth each community, town, city, or county is different, but the process is the same:

- Identify issues, problems, and opportunities.
- Gather information on these issues, problems, and opportunities.
- Compare alternatives.
- Choose a plan and implement the plan.
- Monitor the plan progress.

These five elements form the basic planning process. Whether used to develop a Comprehensive Development Plan (Land Use Plan), establish an Extraterritorial Jurisdiction, or developing countywide zoning, this basic process follows the five principles stated above. The goal is to establish a pattern for development and beneficial land use, it includes the following:

- Identify current conditions (man-made and natural features).
- Identify the future image of the study area and a path to reach that image.
- Provide a basis to insure residents will have adequate resources in the future.
- Identify current issues, needs, and how to address them.
- Solicit the interest and support of residents.
- Field research, meetings with officials, field experts, and public meetings.

Additionally, planning how a community will grow addresses several other factors including encouraging quality growth, protection of the community's character, preserving resources, enhancing aesthetics and quality of life, preparation for infrastructure needs, and funding to support new development. Planning can be defined as "a method through which well-informed decisions are achieved." It provides a community the opportunity to define its future image, to predict what may occur, to benefit from new opportunities, and determine actions to prevent future problems. Planning provides methods to determine actions that will deter future negative impacts, rather than reacting to them once they have occurred. Planning "tools" that could be developed (or current ones revised) include, but are not limited to:

- Countywide zoning which defines areas (zones) for a specific uses.
- Updating subdivision regulations to insure minimum standards for development.
- Developing a minimum housing code and/or property maintenance code to meet minimum standards structure used for homes and businesses.

In addition, two other elements are needed: citizen participation and monitoring. Citizen participation includes informing residents and gathering their input, as well as required public hearings when necessary. This information is used in determining methods to address County needs. Monitoring is the process of reviewing the program or document, once adopted, periodically to determine if the community's goals are being met. For zoning, state legislation allows cities, villages, counties, and townships to establish zoning, with their own distinct procedures and methods. The content is the discretion of the governing body and residents involved in the planning process. Zoning regulations can be divided into two categories: unincorporated (rural) and municipal. Rural zoning concentrates on areas outside of municipalities, municipal zoning is the responsibility of the unit of government for that municipality (county zoning is under the jurisdiction of the county commissioners). Discussions of zoning constantly provoke differences of opinion about what it is, what it can do, and what it cannot do. In general, the following applies:

Rural Zoning Can...

- Assist community economic growth by identifying areas for appropriate land uses as residential, commercial, industrial, agricultural, and open space for natural resource preservation/protection.
- Protect the public's property from inconsistent or harmful uses
- Help keep rural areas from becoming dumping grounds for businesses, which are trying to avoid municipal regulations
- Protect property owners from harmful/undesirable uses of adjacent property
- Provide orderly and systematic transition in land use that benefits all land uses through public hearings and local decisions
- Prevent objections to normal and necessary farming operations (can occur when residential developments move into agricultural areas in an unplanned fashion).
- Make a community more attractive by assisting the preservation of open space, unique natural resources, and natural terrain features
- Protect present/future industry from harassment by residential neighbors by informing residents where industry is allowed to develop in an orderly fashion
- Serve as a tool to put into effect plans for future development
- Allow for important community decisions to be made within the community.
- Protect local natural and environmental resources from inconsistent or harmful uses that can have negative impacts on community health and welfare.

Rural Zoning (and zoning in general) Cannot...

- Correct past land uses, the only exception is if a use is made non-conforming (such a use can be eliminated if it is voluntarily discontinued for a period of time or a defined percentage of the structure is destroyed by fire or natural disaster).
- Prohibit farm buildings or farming decisions, such as crop or livestock selection
- Set higher development standards than the community desires (guarantee that its adoption will be followed by industrial and commercial development).
- Assure that land uses will be permanently retained as assigned under the zoning resolution (re-zoning is possible in response to changing conditions).
- Guarantee the structural soundness of buildings constructed in zoned zones.

Rural zoning can provide guidelines for acceptable use practices. While it cannot change or correct past land use actions, it can serve as a guideline for future development. Zoning is a development tool available to rural residents who want to be involved in the growth and development of their area (there are limits as to what zoning can and cannot accomplish). The following is a brief list of “general” terms related to zoning (several are located in Section 12):

- *Zoning (Zone)*: an area or areas of the town/city where certain land uses are permitted and other uses prohibited, through a zoning ordinance.
- *Zoning ordinance*: land use regulations enacted by the local unit of government that creates zones, where certain uses are permitted and other uses prohibited (type, density, height, coverage of land by structures regulate land uses in zones).
- *Spot Zoning*: occurs when the zoning of a particular lot for a certain use is different from the permitted uses in the surrounding zone. Potentially creates a negative impact on the surrounding neighborhoods and possible invalidation by the courts.
- *Conditional Use (also called a Special Exception Use; addresses the use of property)*: in unusual circumstances, an applicant may apply for a use not normally allowed in a particular zone. It may be granted, but only if the use is allowed as a conditional use listed in the local zoning ordinance. These may involve the decisions of the unit of governments Planning Board, Board of Adjustment, and/or the governing body.

- ▣ *Nonconforming Use*: land use that does not comply with the zoning ordinance or zone classification where it is located, or does not comply with other land use regulations. Generally, this type of use existed prior to the zoning regulations and would be allowed to continue its operation (often called a "grandfather" clause).
- ▣ *Variance (addresses the physical layout of property)*: an action granted by either the County Zoning Board of Adjustments or County Board of Commissioners where due to certain situations (established hardship), a property owner is given the right to make use of his/her property even though it does not conform to the literal provisions of the zoning ordinance (property owner must prove an unnecessary hardship exists). Economic/financial hardship alone is not exceptional (inconvenience, aesthetics, physical handicaps, personal preferences, or the disapproval of neighbors don't qualify). The hardship the applicant must prove is measured against the community's need for strictly enforced regulations that protect its citizens from danger and the long-term risk to owners/occupants of the building.

In addition to the information listed above, a couple of points should be highlighted when considering issues related to zoning and development. Zoning should be consistent with surrounding land uses and maintain the character of the neighborhood. A proposed use/zone not specifically listed under permitted uses, conditional uses, or special exceptions (in the local adopted zoning code) is an issue called spot zoning:

- ▣ Spot zoning should only be permitted when there is a demonstrated public need for the proposed use (and that use cannot be reasonably placed elsewhere).
- ▣ If one or a few landowners appear to gain favoritism through spot zoning, which cannot be justified by a plan (land use plan/zoning map) of the unit of government, the spot zoning could be found to be illegal by the courts.

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SECTION 1 – LEGAL PROVISIONS

1.1 PURPOSE

In order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote 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 provisions of transportation, sewerage, schools, parks, and other public requirements; to conserve the value of buildings; to protect the public water supply, and encourage the most appropriate use of land throughout the planning and zoning jurisdiction in accordance with the following goals set forth by the Comprehensive Development Plan of Vance County, NC (adopted October 1996; amended August 2010):

- ☐ To encourage development at a rate and in a pattern which can be efficiently and effectively served by existing and planned services and facilities.
- ☐ To provide and maintain adequate county services and facilities that will accommodate economic development and growth and will protect the environment, public health and general welfare.
- ☐ To promote, encourage, and stimulate the conservation of existing housing stock, rehabilitation/replacement of substandard housing, construction of new housing.
- ☐ To promote, expand, and diversify the economic base in Vance County to maximize the use of local resources while protecting important natural features and community values.
- ☐ To conserve, protect, and encourage the wise and prudent use of Vance County's natural and cultural resources in order to maintain the rural and agricultural nature of specific areas of the County.

1.2 AUTHORITY AND ENACTMENT

This Zoning Ordinance is hereby enacted pursuant to the authority vested in Vance County by Chapter 153A, Article 18, Part 3. Zoning of the General Statutes of North Carolina.

1.3 TITLE

This Ordinance shall be known as the “Zoning Ordinance, Vance County, North Carolina.”

1.4 JURISDICTION

The provisions of this Ordinance shall apply within the areas designated as zones on the official zoning map(s) by the Board of Commissioners of Vance County. The official zoning map(s) will be on file in the Vance County Planning and Development Department.

1.5 BONA FIDE FARMS EXEMPT

The provisions of this Ordinance shall not apply to bona fide farms. For purposes of this ordinance, the terms “agriculture”, “agricultural”, and “farming” refer to all of the following:

1. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
2. The planting and production of trees and timber.
3. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
4. Aquaculture as defined in N.C.G.S. 106-758.
5. The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
6. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities

performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.

7. A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

1. A farm sales tax exemption certificate issued by the Department of Revenue.
2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
4. A forest management plan.
5. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, idle (land currently not cultivated or that is fallow-currently unplanted for crops) or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, 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. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

1.6 MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. However, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open space than is imposed or required by other ordinance, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

1.7 SEPARABILITY

If any Article, Section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of County Commissioners hereby declares that it has passed this Ordinance and each Article, Section, clause, and phrase thereof, irrespective of the fact that any one (1) or more Articles, Sections, sentences, or phrases be declared invalid by the courts.

1.8 VESTED RIGHTS

A vested right shall be deemed established with respect to any property upon the valid approval, or conditional approval, of a site-specific development plan or a phased development plan, following notice and hearing by the Board of Adjustment. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan or the phased development plan including any amendments thereto. The Board may approve a site-specific development plan or a phased development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by such terms and conditions will result in a forfeiture of vested rights. The Board of Adjustment shall not require a landowner to waive his vested rights as a condition of developmental approval. A site-specific development plan or a phased

development plan shall be deemed approved upon the effective date of the Board's action. A right, which has been vested, shall remain vested for a period of two years, or for the period of time to complete the project as specified in the phased development plan.

A vested right, once established, precludes any zoning action which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan or an approved phased development plan except:

- ☐ With written consent of the affected landowner.
- ☐ Upon findings that natural or man-made hazards on or in the immediate vicinity of the property, if not corrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan or the phased development plan.
- ☐ To the extent that the affected landowner receives compensation (appraised at fair market value) for all costs, expenses, and losses incurred.
- ☐ Upon findings that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations, which made a difference in the approval by the County of the site specific development plan or the phased development plan; or
- ☐ Upon the enactment of a State or Federal law or regulation which precludes development as contemplated in the site specific development plan or the phased development plan.

1.9 EFFECTIVE DATE

This Ordinance and its provisions governing the use of land, buildings, and other matters as hereinafter set forth are hereby established and declared to be in full force and effect from the passage date and the determined effective date. Approved and adopted by the Vance County Board of Commissioners this 3rd day of October, 2011 and shall become effective on and from November 1, 2011.

Chairperson, Board of Commissioners

ATTEST:

Clerk

SECTION 2 – APPLICATION AND ENFORCEMENT

2.1 APPLICATION

No land use shall hereafter be altered except in conformity with the regulations herein specified for the zone in which it is located, except as hereinafter provided in this Ordinance.

2.2 ENFORCEMENT

A. ZONING ADMINISTRATOR:

The Zoning Administrator or his/her designee is to enforce the provisions of this Ordinance and shall keep records of all variances and amendments to this ordinance. As directed and provided for by the County Commissioners and/or County Manager, Deputy Zoning Administrators may be employed and/or appointed to assist the Zoning Administrator in the prescribed duties.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, and when appropriate with consultation of the County attorney, he shall notify in writing by mail using a certified return receipt letter, the person responsible for such alleged violations, indicating the nature of such alleged violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or the Board of Commissioners to insure compliance with or to prevent violations of its provisions.

B. ZONING PERMIT AND BUILDING PERMIT REQUIRED:

No land shall be used or occupied and no building hereafter erected, structurally altered, moved, or its use changed until a Zoning Permit has been issued (approved) by the Zoning Administrator or his/her designee, except in conformity with the provisions of this Ordinance or except after written order from the Board of Adjustment.

1. A Zoning permit is issued by the Zoning Administrator for permitted uses.
2. A conditional use permit is issued by the Board of Adjustment.

NOTE: The County Building Inspector (s) cannot issue a Certificate of Occupancy unless zoning compliance is certified through an approved zoning permit.

A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land involved.

C. SITE PLAN REQUIREMENTS:

NOTE: This section applies to site plans for individual lots. Submittal of site plans for development of a Minor or Major Subdivision is a separate application process and subject to the Vance County Subdivision Ordinance. All applications for a Zoning Permit shall include two (2) copies of a site plan, drawn to scale, which shall be of an appropriate size for review of the proposed project. One (1) copy of the site plan shall be returned to the applicant upon approval, the submitted site plan shall contain the following (see example on next page):

Submitted Site Plan Requirements:

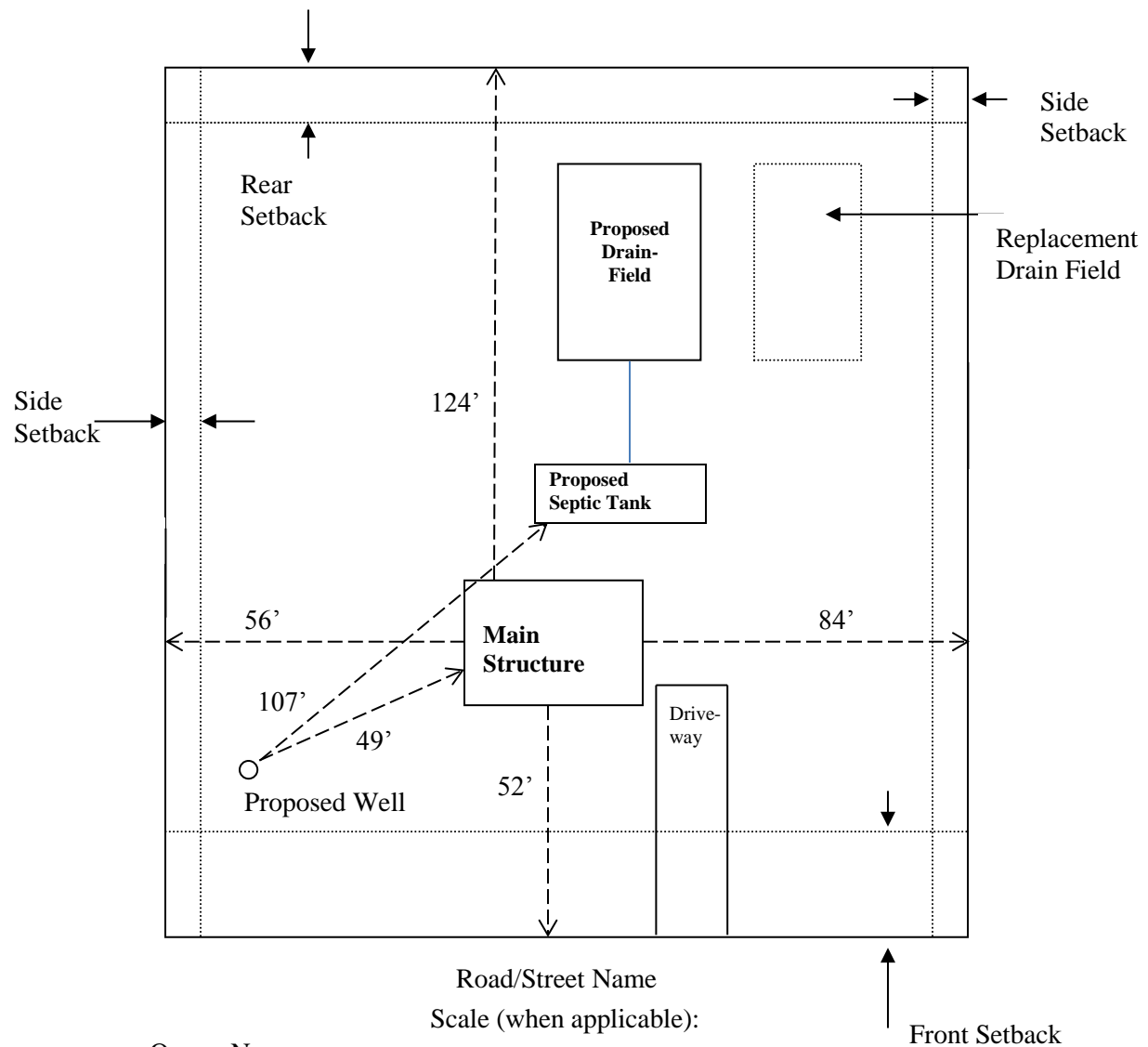
1. Lot lines with dimensions;
2. The location of said lot with respect to adjacent rights-of-way;
3. The shape, dimensions, and location of all buildings, existing and proposed, driveways, and required setbacks;
4. The current zoning category of the property for which the application is submitted, the current zoning of the adjacent properties, and the tax map number identification of the subject property.

5. Distance from structures to lot lines and distance between structures;
6. The nature of the proposed use of the building or land, including the extent and location of the use;
7. Location of existing or proposed well;
8. Location of existing or proposed septic tank, drainage field and replacement drainage field (Note: structures may not be located over septic tanks, drainage fields, or replacement drainage fields);
9. The location and dimensions of off-street parking and loading space and means of ingress and egress;
10. The square feet/percentage of lot as built upon area;
11. The location of all required buffers;
12. Required Driveway Permits from the Department of Transportation;
13. Any Additional information that may be necessary to meet state and local requirements for development; and
14. Any other information, which the Zoning Administrator may deem necessary for consideration in enforcing all provisions of this Ordinance.

NOTE:

- ◆ Prior to approval of the Site Plan, the Zoning Administrator may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.
- ◆ Review/approval of submitted site plans and zoning permit applications by the Planning and Development Department shall be two (2) weeks (as feasible) upon submittal of the completed application and appropriate documentation by the applicant.
- ◆ Zoning permits shall have the same period of being valid as prescribed in G.S. (General Statutes) 153A-357 and 153A-358 as applicable to County building permits: A permit issued pursuant to G.S 153A-357 expires six (6) months, or any lesser time fixed by ordinance of the county, after the date of issuance if the work authorized by the permit has not commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit therefore immediately expires. No work authorized by a permit that has expired may thereafter be performed until a new permit has been secured.

EXAMPLE OF SUBMITTED SITE PLAN FOR A ZONING PERMIT



Owner Name

Property Address

Tax parcel Number

D. TEMPORARY ZONING PERMIT:

The Zoning Administrator may issue a Temporary Zoning Permit for rallies, carnivals, religious revivals, and similar temporary uses. Such certificates shall be issued for a fixed period of time, but not to exceed fifteen (15) days, shall be subject to such limitations as the Zoning Administrator may impose to protect the character of the zone affected, and may be considered for reapplication. A fee set by the Board of Commissioners shall be charged for processing such an application. The adopted fee schedule shall be posted in the Planning and Development Department and the office of the Zoning Administrator and his/her designee.

NOTE: No permanent electrical power will be authorized and no Certificate of Occupancy will be issued until all the above items are provided, the Zoning Administrator deems the Site Plan complete, and an “as built plan” is submitted.

E. RIGHT OF APPEAL:

If the Zoning Permit is denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustments; and from the decision of the Board of Adjustment, recourse shall be by the Vance County Superior Court as provided by law. It is further the intention of this Ordinance that the duties of the Board of Commissioners, in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in the Ordinance. The duties of the Board of Commissioners, in connection with this Ordinance, shall be only the duty of considering and passing upon any proposed amendment, or repeal of the Ordinance as provided by law.

F. COMPLAINTS REGARDING VIOLATIONS:

Whenever the Administrator receives a written, signed complaint from County residents, County property owners, or their agents or an absentee landowner or their agent that includes at least two parties (making the complaint) having been identified and signing the written complaint, he/she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing by mail using a certified return receipt letter, as to what action has been or will be taken. The Administrator may investigate a violation that he suspects or has knowledge of existing.

G. PERSONS LIABLE:

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

H. PROCEDURES UPON DISCOVERY OF VIOLATIONS:

1. If the Administrator finds that any provisions of this Ordinance are being violated, he shall send a written notice by mail using a certified return receipt letter, to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.
2. The final written notice (and the initial written notice may be the final notice) shall state what action the Administrator intends to take if the violation is not corrected and shall, advise that the Administrator's decision/order may be appealed to the Board of Adjustment within ten (10) working days.
3. In cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized by this Article.

I. PENALTIES AND REMEDIES FOR VIOLATIONS:

1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of

variances or conditional-use permits, shall constitute a misdemeanor, punishable by the maximum fine and/or the maximum imprisonment as authorized by N.C. General Statute 14-4 or any amendments thereto.

2. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional-use permits, shall also subject the offender to a civil penalty of \$100.00 per day. If the offender fails to pay this penalty within ten (10) working days after being duly cited for a violation, the County, in a civil action in the nature of debt, may recover the penalty. A civil penalty may not be appealed to the Board of Adjustments if the offender was sent a final notice of violation in accordance with Subsection 2.2.H, and did not make an appeal to the Board of Adjustment within the prescribed time.
3. This Ordinance may also be enforced by an appropriate equitable action.

J. CANCELLATION OF PERMITS:

The Zoning Administrator, in consultation with the County Attorney and through the Vance County Planning and Development Department shall cancel a building or occupancy permit when the method of construction or use violates any provisions contained in these regulations. Similar cancellation shall be carried out if a violation has not been remedied or if a written plan of action to remedy has not been submitted to the Zoning Administrator within forty five (45) days of the postmarked date of the violation letter.

SECTION 3 – ZONING MAP

For the purposes of this Ordinance, Vance County is hereby divided into zones whose locations and boundaries are shown on the Official Zoning Map for Vance County, which is hereby adopted by reference and declared to be a part of this Ordinance. This Zoning Map and all the notations, references, and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance, the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested is on file in the Vance County Planning and Development Department and is available for inspection by the public.

The Senior Planner and/or Zoning Administrator shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Board of Commissioners that a zoning change has been made, the Senior Planner and/or Zoning Administrator shall make the necessary changes on the Official Zoning Map.

3.1 INTERPRETATION OF ZONE BOUNDARIES

Where uncertainty exists with respect to the boundaries of zoning zones as shown on the Official Zoning Map, the following rules shall apply:

- A. Unless otherwise specifically indicated, where zone boundaries are shown on the Zoning Map as approximately parallel or following the center lines of streets, highways, utility easements, or stream beds, or such lines extended, such lines shall be construed as such zone boundaries.
- B. Where zone boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where a zoning boundary line divides a parcel (also referred to as a lot-see definitions section for “lot”) in single ownership, the requirements for the zone in which the greater portion of the lot lies shall be extended to the balance of the lot, provided such extension shall not include any part of such lot which lies more than fifty (50) feet beyond the zoning boundary, and further provided that the remaining parcel shall not be less than the minimum required for the zone where it is located.
- D. Where any public street is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street/alley thereto by virtue of the vacation/abandonment.
- E. The Board of Adjustment shall be empowered to interpret the intent of the Zoning Map as to the location of zone boundaries in case any further uncertainty exists.
- F. The zoning category for the individual property shall be noted on the property owners County Tax bill:
 1. Said identification and notation of zoning for individual properties shall be conducted within twelve (12) months after the date of adoption of this Ordinance.
 2. Upon the adoption of this Ordinance and completion of notation for zoning for all individual properties, future re-zonings that are approved through the process outlined in this Ordinance, shall be noted in the Vance County Tax Office within ninety (90) days of the approved re-zoning.
 3. It shall be the responsibility of the County residents or their agents or an absentee landowner or their agent and all persons or parties with interest in property within Vance County, to research potential re-zonings with the Vance County Planning and Development Department and the Vance County Tax Office.

3.2 ZONES, DESCRIPTIONS, AND DIMENSIONS

In order that the purpose of this Ordinance may be accomplished, the planning and zoning limits of Vance County, as set forth on the accompanying zoning map, is hereby divided into the following zones:

- A. Residential: A-R (Agricultural Residential), W-O-Z (Watershed Overlay Zone), R-30 (Residential Low Density), R-20 (Residential Medium Density), R-10 (Residential High Density), O-S (Open Space Preservation), R-M-H-C (Residential Manufactured Housing Community)
- B. Non Residential: E-I-A (Employment and Institutional Area), H-C (Highway Commercial), G-C-1 (General Commercial) L-I (Light Industrial), I-M (Industrial Mining/Quarry), O-I (Office-Institutional).
- C. Roanoke River Basin: The State of North Carolina has adopted a river basin management plan to protect water quality for the Roanoke River Basin (and for all 17 river basins in North Carolina). Development in Vance County occurring in the Roanoke River Basin shall comply with these regulations; the Raleigh office of the North Carolina Division of Water Quality (NCDWQ) enforces water quality protection. The current revision of the Roanoke River Basinwide Water Quality plan was adopted in September 2006. The next revision will be due in 2012.
- D. NOTE - Riparian Buffer Rules and Additional Criteria Related To Zoning: The State of North Carolina has adopted riparian buffer rules that affect the Tar-Pamlico River Basin. These rules apply to 50-foot wide riparian buffers (on each side-total of 100 feet) directly adjacent to surface waters in the Tar-Pamlico Basin (intermittent streams, perennial streams, lakes, ponds, estuaries), excluding wetlands. Development in Vance County occurring in the Tar-Pamlico River Basin shall comply with these regulations, the Raleigh office of the North Carolina Division of Water Quality (NCDWQ) enforces the riparian buffer protection rules (information below per North Carolina Department of Environmental and Natural Resources- NCDENR):
 - 1. On August 1, 2000 mandatory buffer rules (15A NCAC 2B .0233) became effective for most streams and water bodies in the Tar-Pamlico River Basin. A 50-foot wide buffer is required on each side of those water bodies that qualify for protection. This buffer must be implemented, coordinated with establishing a Streamside Management Zone (SMZ)-per NC Forest Practices Guidelines (FPG) Related to Water Quality
 - 2. A "Forestry Leaflet" was published in April 2004 by the NC Division of Forest Resources (NCDFR), briefly summarizing the requirements of these buffer rules as related to timber harvesting and forestry operations in the Tar-Pamlico River Basin. These riparian buffer rules place limitations on timber harvesting and other forestry activities (due to these restrictions, it is important to determine if a stream or waterbody is located on a job site is in Tar-Pamlico River Basin).
 - 3. The NCDFR can help loggers, landowners, and land managers determine if a stream or waterbody requires the implementation of these riparian buffer rules (contact the NCDFR District Office, NCDENR Regional Office, or visit the NCDWQ Web site for assistance on activities related to riparian buffer rules).
 - 4. Per the Vance County Subdivision Ordinance the following applies to Zoning:
 - a. All sewage facilities shall be located one hundred (100) feet from any existing well or proposed new well.
 - b. Lots located adjacent to Kerr Lake shall be allowed a zero (0) lot line setback from the US Army Corps of Engineers property line.
- E. NOTE - Cul de sacs and Flag Lots. The following shall apply for Cul de Sacs and Flag Lots (see Definitions Section 12). The minimum road frontage can be reduced to no less than thirty-

five (35) feet and the minimum lot width requirement per individual zoning category shall be measured from the minimum setback line per the individual zoning category. The maximum building setback line shall be no more than four (4) times the minimum setback requirement. In general (with coordination between the applicant and Vance County Planning and Development staff) the minimum lot width/street frontage identified in each zoning category below is encouraged. When developing a subdivision (per the Vance County Subdivision Ordinance), up to twenty five (25) percent of the lots in that subdivision may be allowed a reduced Minimum Lot Width/Street Frontage as identified in this section.

- F. NOTE – Minimum Requirements for Water and Sewer Service. For purposes of providing water and sewer service to individual lots, for both public water and sewer or private well and septic, the following shall apply:
1. In the A-R, R-30, H-C, G-C-1, L-I, E-I-A, and O-I zones: lot size minimum requirements are the same for public water/sewer or private well/septic and must meet all applicable regulations per the Vance County Health Department if a private well/septic system is used.
 2. In the R-20 and R-10 zones: lot size minimum requirement is with access to public water/sewer only, this zone is not intended for use with private well/septic systems.
 3. Wells and/or water supplies, septic tanks and/or temp/power poles shall not be installed for camper use unless installed in accordance with other regulations herein.
 4. If a combination of a well (other water supplies included), septic tank or temp/power pole is located on the lot, without a primary dwelling:
 - a. A camper may not be present on the lot for more than 14 consecutive calendar days; and
 - b. If a camper is present for more than 3 consecutive calendar days (or more than 4 consecutive calendar days for the Labor Day and/or Memorial Day holidays), it shall not return to the lot within 30 calendar days from the day of removal.

3.2.1 A-R Agricultural Residential: Established for primarily rural, agricultural, and sparsely spaced residential development. Standards are designed to preserve the rural character of Vance County by prohibiting uses incompatible with rural and low-density residential development. Certain non-residential uses are allowed, either as a matter of right or on a conditional basis. Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 1 Acre (43,560 Square Feet)
2. Minimum Lot Width: 150 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage: 150 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Maximum Building Height: 35 Feet
5. Maximum Dwelling Units (density per acre): 1.00
6. Maximum Lot Coverage-Net Area (Built-Upon Area): 24%
7. Minimum Setbacks: Front 50 feet, Side 25 Feet, Rear 35 Feet

3.2.2 W-O-Z Watershed Overlay Zone: Established primarily for the protection of the County's residential growth areas from incompatible land uses and to protect Vance County's Watersheds (Anderson Creek and Tar-Pamlico) as determined by the North Carolina Department of Environmental and Natural Resources (NCDENR). Certain non-residential uses are allowed, either as a matter of right or on a conditional basis with approval by the Vance County Watershed Review Board (See Watershed Protection Ordinance). The lot size minimum requirements outlined below are to provide protection for the land and natural resources, and to protect water quality. These overlay zones are superimposed over other zoning categories in these areas and may modify provisions for those underlying zones in relation to allowed uses and standards for development. All development of property located in the Watershed

Overlay Zones shall be in accordance with NCDENR (State requirements shall prevail where they are more stringent than existing requirements for development). All development in the Watershed Overlay Zones shall also be subject to review and approval by the Watershed Review Board and when necessary by the Zoning Board of Adjustments and/or the Planning Board. The following applies in the Anderson Creek and Tar Pamlico watersheds (and shall comply with the Vance County Water Supply Watershed Protection Ordinance):

1. Lots shall not be reduced below 43,560 square feet in Watershed Areas with a WS-III-CA (Critical Area) designation.
2. Lots shall not be reduced below 35,000 square feet in Watershed Protection Areas with a WS-III-BW (Balance of Watershed or WS-IV-PA (Protected Area) designation, under any circumstances.
3. In regards to impervious surface coverage (Built Upon Area) the following shall apply:
 - a. **WS-III-CA (Critical Area):** In order to maintain a low to moderate land use intensity pattern, single family residential uses are allowed at a maximum of one (1) dwelling unit per acre (43,560 square feet). All residential, other than single family residential and non-residential development shall be allowed to a maximum of twelve percent (12%) built-upon area.
 - b. **WS-III-BW (Balance of Watershed):** In order to maintain a low to moderate land use intensity pattern, single family detached uses shall be developed with a minimum lot size of 35,000 square feet, where a larger size may be required by the Vance County Health Department, in accordance with “Laws and Rules for Sewage Treatment and Disposal Systems”, North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Health, On-Site Wastewater Section”. All residential, other than single family residential and non-residential development shall be allowed a maximum of twenty-four percent (24%) built-upon area.
 - c. **WS-IV-BW (Balance of Watershed):** In order to address a moderate to high land use intensity pattern, single family residential uses shall develop with a minimum lot size of 35,000 square feet, where a larger size may be required by the Vance County Health Department, in accordance with “Laws and Rules for Sewage Treatment and Disposal Systems”, North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Health, On-Site Wastewater Section” or within an approved cluster development. All residential, other than single family residential, and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area or thirty-six (36%) percent built-upon area is allowed for projects without a curb and gutter street system.
4. No request for a reduction of lot size will be considered unless submitted with appropriate evidence.
5. Minimum Setbacks (and Lot Width Minimum) are identified below:
 - a. Anderson Creek-Critical Area WS-III-CA (Lot width minimum 150 feet):
Front: 50 Feet, Side: 25 Feet, Rear: 35 Feet
 - b. Anderson Creek-Balance of Watershed WS-III-BW (lot width minimum 100 feet): Front 40 Feet, Side 25 Feet, Rear 30 Feet
 - c. Tar Pamlico-Balance of Watershed WS-IV-BW (lot width minimum 100 feet):
Front 30 Feet, Side 20 Feet, Rear 25 Feet.
 - d. For Cul de Sacs and Flag Lots see Note E above.

3.2.3 R-30 Residential Low Density: Established primarily for the protection of the County's residential growth areas from incompatible land uses. This zone is characterized by lot sizes compatible with State of North Carolina minimum requirements for adequate space to incorporate a private septic system and repair area. This zone is further characterized as being within the public water (and/or sewer) service area or proposed service area. The primary use in this area is residential, with some areas of the County suitable for agricultural uses. Certain non-residential uses are allowed, either as a matter of right or on a conditional basis. Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 30,000 Square Feet
2. Minimum Lot Width: 100 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage: 100 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Maximum Building Height: Thirty-Five (35) Feet
5. Maximum Dwelling Units (density per acre): 1.45
6. Maximum Lot Coverage-Net Area (Built Upon Area): 20%
7. Minimum Setbacks: Front 30 Feet, Side 20 Feet, Rear 25 Feet

3.2.4 R-20 Residential Medium Density: Established primarily for the protection of the County's residential growth areas from incompatible land uses. This zone characterized as being within the public water (and/or sewer) service area or proposed service area. The primary use in this area is residential. Certain non-residential uses are allowed, either as a matter of right or on a conditional basis. Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 20,000 Square Feet
2. Minimum Lot Width: 80 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage: 80 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Maximum Building Height: Thirty-Five (35) Feet
5. Maximum Dwelling Units (density per acre): 2.17
6. Maximum Lot Coverage-Net Area (Built Upon Area): 25%
7. Minimum Setbacks: Front 25 Feet, Side 15 Feet, Rear 20 Feet

3.2.5 R-10 Residential High Density: Established primarily for the protection of the County's residential growth areas from incompatible land uses. This zone characterized as being within the public water (and/or sewer) service area or proposed service area. The primary use in this area is residential. Certain non-residential uses are allowed, either by right or a conditional basis. Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 10,000 Square Feet
2. Minimum Lot Width: 75 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage: 75 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Maximum Building Height: Thirty-Five (35) Feet
5. Maximum Dwelling Units (density per acre): 4.5
6. Maximum Lot Coverage-Net Area (Built Upon Area): 30%
7. Minimum Setbacks: Front 20 Feet, Side 10 Feet, Rear 15 Feet

3.2.6 O-S Open Space (Open Space Preservation): Established for areas focus on preservation of natural resources with limited residential development allowed. This development is to promote the economic use and conservation of land for natural resources use, managed residential development, non-intensive recreational use, and limited (low intensity) commercial development that will serve the recreational use of the natural resources. Although not exclusive, this zone is characterized as not having access to public utilities such as water or sewer. Certain non-residential uses are allowed, either as a matter of right or on a conditional basis. Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 1 Acre (43,560 Square Feet)
2. Minimum Lot Width: 150 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage: 150 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Maximum Building Height: 35 Feet
5. Maximum Dwelling Units (density per acre): 1.00

6. Maximum Lot Coverage-Net Area (Built Upon Area): 20%
7. Minimum Setbacks: Front 50 Feet, Side 25 Feet, Rear 35 Feet

3.2.7 R-M-H-C (Planned Manufactured Housing Community): This zone will include residences and related recreational, commercial, and service facilities, subject to the Vance County Manufactured Housing Park Ordinance (Ordinance #3) and detailed site plan approval (refer to Ordinance #3 for dimensional requirements, lot sizes, and infrastructure requirements: water, sewer, roads). Where applicable to develop a manufactured home community (also called a mobile home park) in other zoning categories as identified in this Ordinance, the more restrictive regulations of that particular zoning category shall apply in addition to the development standards as outlined in Ordinance #3.

3.2.8 E-I-A Employment and Institutional Area: Established to provide suitable sites for a concentration of non-retail employment and institutional uses and services such as medical, manufacturing, office, religious, educational, recreational, and governmental. Dimensional requirements are as follows:

1. Minimum Lot Area: Two (2) contiguous acres, one (1) acre with public water and sewer.
2. Minimum Lot Width: 150 Feet (125 Feet with public water and sewer) (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage: 150 Feet (125 Feet with public water and sewer) (see Note E above-Cul de Sacs/Flag Lots)
4. Minimum Setbacks**: Front 75 (50) Feet, Side 25 (20) Feet, Rear 75 (50) Feet
5. Maximum Building Height: N/A (NOT APPLICABLE)
6. Landscaping/buffering required: See Section 4.16 on Buffering and Screening Requirements.
7. Maximum Lot Coverage-Net Area (Built Upon Area): 60%

3.2.9 H-C Highway Commercial: Established primarily for business catering to the auto traveling public requiring large lots, easy access, ample parking and loading space, and little pedestrian movement. Retail trade and services for the convenience of nearby residential areas is also a function of this zone. Generally this zone is located along established or proposed highway corridors – mainly at intersections and interchanges. Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 43,560 Square Feet
2. Minimum Lot Width: 125 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum /Street Frontage: 125 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Minimum Setbacks**: Front 50 Feet, Side 10 Feet, Rear 25 Feet
5. Maximum Building Height: N/A (NOT APPLICABLE)
6. Landscaping/buffering required: See Section 4.16 on Buffering and Screening Requirements.
7. Maximum Lot Coverage-Net Area (Built Upon Area): 60%

3.2.10 G-C-1 General Commercial: Established to provide an area of retail and service commercial activities, size will vary according to the trade area. This area will include retail commercial uses that are related to the supply needs and frequent demand/daily requirements of a particular area. Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 43,560 Square Feet
2. Minimum Lot Width: 125 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage in Feet: 125 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Minimum Setbacks**: Front 75 Feet, Side 25 Feet, Rear 50 Feet
5. Maximum Building Height: N/A (NOT APPLICABLE)
6. Landscaping/buffering required: See Section 4.16 on Buffering and Screening Requirements.
7. Maximum Lot Coverage-Net Area (Built Upon Area): 60%

3.2.11 L-I Light Industrial: Established where the principal land use is for wholesale activities, industrial, research, warehousing, light manufacturing operations, and some institutional uses. The

standards established are designed to promote sound, permanent, light industrial development and to protect abutting or surrounding residential areas from any undesirable aspect of such uses. The zone is to be located in an area that has good access to transportation facilities, affords reasonably level sites, and permits expansion of existing industrial areas wherever possible and appropriate to the character of land development. When possible, the zone shall be separated from residential areas by natural/structural boundaries such as drainage channels, sharp breaks into topography, strips of vegetation, traffic arteries and/or similar features. Residential, retail commercial, and service land uses are either prohibited or discouraged in the zone as they may be incompatible with the primary permitted uses. Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 80,000 Square Feet
2. Minimum Lot Width: 150 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage: 150 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Minimum Setbacks**: Front 75 Feet, Side 25 Feet, Rear 75 Feet
5. Maximum Building Height: N/A (NOT APPLICABLE)
6. Landscaping/buffering required: See Section 4.16 on Buffering and Screening Requirements.
7. Maximum Lot Coverage-Net Area (Built Upon Area): 75%

3.2.12 I-M Industrial-Mining/Quarry: Established where the principal land use is for industrial mining and quarry activities. The standards established are designed to promote safe and managed operations of mining and quarry industry and to protect abutting-surrounding residential areas from any undesirable aspect of such uses. The zone is to be located in an area that has good access to transportation facilities, affords reasonably level sites, and permits expansion of existing industrial areas wherever possible and appropriate to the character of land development. When possible, the zone shall be separated from residential areas by natural/structural boundaries such as drainage channels, sharp breaks into topography, strips of vegetation, traffic arteries and/or similar features. Residential, retail commercial, and service land uses are prohibited in the zone as they may be incompatible with the permitted uses. The following elements shall be required for mining operations in Vance County:

- A. Blasting Time: 8:00 AM to 5:00 PM, Monday through Friday, and conforming to State Vibration Policy.
- B. Monitoring wells: Case by case basis where needed; required on rock quarries.
- C. Fencing: Six (6) foot fence required for all mining, including sand and clay mining when the excavation depth poses a hazard.
- D. Setback for excavation: Minimum fifty (50) feet for all mining, except rock quarries where two hundred (200) feet is required from property lines and zoning lines.
- E. Buffer zone (undisturbed area): Minimum of twenty five (25) feet on sand and clay mining, minimum of fifty (50) feet for all other mining. This use shall also comply with Section 4.16 Screening and Buffering of this Ordinance.
- F. Roads: Shall be paved or treated otherwise to conform to standards set forth in the Clean Air Act.
- G. Minimum Setbacks**: Front 75 Feet, Side 25 Feet, Rear 75 Feet

3.2.13 O-I Office-Institutional: Established to provide an area of predominantly non-retail commercial nature such as professional businesses, medical offices, or related administrative services (area may include uses related to the supply needs and demand/daily requirements of an area with a minimum of customer travel). Dimensional requirements are as follows:

1. Minimum Lot Area in Square Feet: 40,000 Square Feet
2. Minimum Lot Width: 150 Feet (see Note E above-Cul de Sacs/Flag Lots)
3. Minimum Street Frontage: 150 Feet (see Note E above-Cul de Sacs/Flag Lots)
4. Minimum Setbacks**: Front 50 Feet, Side 25 Feet, Rear 25 Feet

5. Maximum Building Height: N/A (NOT APPLICABLE)
6. Landscaping/buffering required: See Section 4.16 on Buffering and Screening Requirements.
7. Maximum Lot Coverage-Net Area (Built Upon Area): 65%

NOTE**: Any building height above fifty (50) feet shall require the front, side, and rear setbacks to be increased one (1) foot for every two (2) feet increase in building height.

TABLE OF PERMITTED USES

With the various zones as indicated on the Official Zoning Map of Vance County, North Carolina, no land, building, or structure shall be used, and no building or structure shall be erected or altered, except in conformance with the provisions of this Ordinance. Any use not specifically permitted is prohibited. Where more than one use occupies a building or premises, the zoning requirements for each use shall be adhered to as set forth in this Ordinance:

- ◆ “P” indicates uses permitted by right.
- ◆ “X” indicates a prohibited use.
- ◆ “CU” indicates uses permitted as a conditional use upon approval by the Board of Adjustment. Standard conditions are set forth in Section 6 of this Ordinance. Additional conditions may be placed on specific uses by the Board of Adjustment to insure the intent of this Ordinance is met. Should any interpretation conflict arise between conditional use allowed under this table an appeal may be filed with the Board of Adjustment and Appeals as provide and in accordance with Section 10 of this Ordinance.

NOTE: The purpose of this section is to identify uses permitted within Vance County not inclusive of the incorporated limits City of Henderson or its Extraterritorial Jurisdiction (ETJ). The chart below applies to new uses/construction after the effective date of this Ordinance so as to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof, even though such use, structure or property does not conform with the provisions of this Ordinance. There may exist circumstances which require continuance of a non-conforming use in the event of a natural or man-made disaster, which is addressed in Section 5 of this Ordinance. **This table of permitted uses is not intended to limit or prevent certain operations that are a normal secondary extension (part) of existing development and uses.**

Use Type	AR	R30	R20	R10	RMHC	HC	GC1	LI	IM	EIA	OI	OS	WOZ	Parking- Loading
AGRICULTURAL														
Bona Fide Farms (includes raising poultry, pets, or livestock for commercial use)	P	P	CU	X	X	X	X	CU	CU	CU	X	P	P	N/A
Commercial Stables	P	P	CU	X	X	X	X	X	X	CU	X	P	P	Parking: 1/300 SF + 1 per 3 stalls Loading: 1 per 40 stalls
Farming (greenhouses-nurseries, not Bona Fide Farms)	P	P	P	CU	CU	P	P	P	CU	CU	X	P	P	Parking: 1/ 250 SF Loading: 1 per 5 bays
RESIDENTIAL USES														
Single Family, Detached/Subdivisions (stick built, modular- Definitions)	P	P	P	P	X	X	X	X	X	X	X	P	P	Parking: 3 per dwelling unit Loading: N/A
Multi-Family Dwellings (duplex, triplexes)	CU	P	P	P	X	X	X	X	X	X	X	P	P	Parking: 2 per dwelling unit Loading: N/A
Multi-Family Dwellings (townhouses, apartments, condominiums)	X	CU	P	P	X	X	X	X	X	X	X	CU	CU	Parking: 2 per dwelling unit Loading: N/A
Manufactured Home (single wide/double wide-Definitions) per County Ord. #3	P	P	P	P	P	X	X	X	X	X	X	P	P	Parking: 2 per dwelling unit Loading: N/A
Manufactured Home Park (single wide/double wide) per County Ord. #3	CU	CU	P	P	P	X	X	X	X	X	X	X	X	Parking: 2 per dwelling unit Loading: N/A
Planned Unit Development (PUD)	CU	CU	CU	CU	CU	X	X	X	X	X	X	CU	CU	Parking: 2 per dwelling unit Loading: N/A
HOME USES														
Home Occupation/Business (Definitions)	P	CU	CU	CU	CU	X	X	X	X	X	X	CU	CU	Parking: 2 per employee Loading: N/A
Home Care Unit (Definitions)	P	P	X	X	X	X	X	X	X	X	X	P	P	Parking: 3 per dwelling unit Loading: N/A
Family Care Home (Group Home-Definitions)	P	P	P	P	P	X	X	X	X	X	X	P	P	Parking: 3 per dwelling unit Loading: N/A
Day Care Home (Children, Adult-Definitions)	P	P	P	P	P	X	X	X	X	X	X	P	P	Parking: 1 per 7 child-adult + 1 per employee Loading: N/A
INSTITUTIONAL USES														
Day Care Facility (Children, Adults)	CU 1-acre min.	P	P	P	P	CU	CU	CU	X	P	P	CU	P	Parking: 1 per 7 child-adult + 1 per employee Loading: N/A
Home for the Aged or Rest Home (Definitions)	CU	P	P	P	P	CU	CU	X	X	P	P	CU	P	Parking: .33 spaces per room Loading: N/A
Assembly and Worship (Churches, Synagogues, Mosques, etc.)	P	P	P	P	P	P	P	X	X	P	P	P	P	Parking: 1/ 3 seats Loading: 1 per 40,000 SF
Retirement Community (planned community)	CU	P	P	P	P	CU	CU	X	X	P	P	CU	P	Parking: .33 spaces per room Loading: N/A
Schools (kindergarten, nursery, elementary, middle-high schools)	P	P	P	P	P	CU	CU	X	X	P	P	P	P	Parking: 2 per classroom Loading: 1/ 40,000 SF

Use Type	AR	R30	R20	R10	RMHC	HC	GC1	LI	IM	EIA	OI	OS	WOZ	Parking-Loading
College (Community and University)	CU	X	X	X	X	P	P	X	X	P	P	CU	CU	Parking: 1 per 2 students Loading: 1/40,000 SF
Hospitals	CU	CU	X	X	X	P	P	X	X	P	P	X	CU	Parking: 1 per bed Loading: 1/33,000 SF
Fire Stations, Police stations, EMS Stations (Public Safety Facilities)	P	P	P	P	P	P	P	P	P	P	P	P	P	Parking: 1 per employee + 1 stored vehicle Loading: 1/loading bay
Medical and Dental Clinics	CU	CU	CU	CU	CU	P	P	X	X	P	P	P	CU	Parking: 4.5/1,000 SF Loading: 1/30,000 SF
Public Utilities (substations, water-sewer pump stations, water tanks)	P	P	P	P	P	P	P	P	P	P	P	P	P	Parking: 1/1,000 SF Loading: 1/2,000 SF
COMMERCIAL USES														
Agricultural Support and Services (see Definitions)	P	CU	X	X	X	P	P	P	X	X	X	CU	CU	Parking: 1/25 SF Loading: 1.5/bay
Bed and Breakfast/Country Inn	P	P	CU	CU	X	P	P	X	X	X	X	P	P	Parking: 1 per room + 2 extra spaces for facility Loading: N/A
Animal Hospitals-Veterinary Clinics	P	P	CU	X	X	P	P	P	X	CU	CU	P	P	Parking: 3/1,000 SF Loading: 1/30,000 SF
Kennels	P	X	X	X	X	P	P	P	X	X	X	P	P	Parking: 1 per 300 SF + 1 per 3 stalls Loading: 1 40 stalls
Commercial Lodging (Motels, Hotels)	CU	CU	X	X	X	P	P	X	X	CU	CU	CU	CU	Parking: 1/room + 2 extra spaces for facility Loading: 2 per 40,000 SF
Retail	X	X	X	X	X	P	P	CU	X	X	X	CU	CU	Parking: 4/1,000 SF Loading: 1/30,000 SF
Shopping Center	X	X	X	X	X	P	P	X	X	X	X	X	CU	Parking: 1/200 SF Loading: 1 per 25,000 SF
Gas Stations	X	X	X	X	X	P	P	P	X	CU	CU	X	CU	Parking: 1 per 1,000 SF + 1 per pump station Loading: 1/20,000 SF
Alcohol Sales (ABC Store)	X	X	X	X	X	P	P	P	X	X	X	CU	X	Parking: 4/1,000 SF Loading: N/A
Office	X	X	X	X	X	P	P	P	P	P	P	X	CU	Parking: 4/1,000 SF Loading: 1/33,000 SF
Lumber Yards and Building Supplies Sales	CU	X	X	X	X	P	P	P	X	X	X	CU	CU	Parking: 4 per 1,000 SF Loading: 2 per 30,000 SF
Vehicle/Boat Sales, Rental, and Service (repairs)	CU	X	X	X	X	P	P	P	X	X	X	CU	CU	Parking: 1/15 vehicles on lot

Use Type	AR	R30	R20	R10	RMHC	HC	GC1	LI	IM	EIA	OI	OS	WOZ	Parking- Loading
														Loading: 2/ 30,000 SF
Restaurants	X	X	X	X	X	P	P	CU	X	CU	CU	CU	CU	Parking: 12 per 1,000 SF gross floor area Loading: N/A
Junkyard (also called a salvage yard)	CU	X	X	X	X	P	P	X	X	X	X	X	X	Parking: 1 per 2,000 SF storage + 1 per vehicle Loading: N/A
Electronic Gaming Operations	X	X	X	X	X	CU	CU	CU	X	X	X	X	CU	Parking: 1/100 SF OR 1 per 2 terminals (which Greater)

RECREATION AND AMUSEMENT USES

Campgrounds, Recreational Vehicle Parks (see Definitions)	CU	CU	X	X	X	X	X	X	X	X	X	P	CU	Parking: 1 travel trailer + 1 per 350 SF office space Loading: 1
Commercial Amusement (indoor)	X	X	X	X	X	P	P	CU	X	X	X	X	CU	Parking: 6 per 1,000 SF Loading: 1
Commercial Amusement (outdoor)	X	X	X	X	X	CU	CU	X	X	X	X	X	CU	Parking: 1 per 3 seats or 1.25 per play area Loading: N/A
Theaters	X	X	X	X	X	P	P	CU	X	CU	CU	X	CU	Parking: 1 per 3 seats Loading: 1 per 40,000 SF
Public Recreation (centers, parks, fields, playgrounds, pools, facilities)	CU	CU	CU	CU	CU	P	P	X	X	P	P	P	CU	Parking: 1 per 4,000 SF of area Loading: N/A

INDUSTRIAL USES

Disposal (waste and sewerage)	X	X	X	X	X	X	X	CU	CU	X	X	X	X	Parking: 1 per vehicle Loading: 1 per vehicle
Extraction (mining)	X	X	X	X	X	X	X	CU	P	X	X	X	X	Parking: 1 per vehicle Loading: 1 per vehicle
Recycling and/or Storage	CU	X	X	X	X	X	CU	P	P	X	X	X	X	Parking: 2 per 1,000 SF Loading: 1.25/ bay
Manufacturing	X	X	X	X	X	CU	CU	P	P	CU	X	X	X	Parking: 1/500 SF + 1/vehicle Loading: 1/ 20,000 SF
Machine and Welding Shops (see Definitions-Home Occupation-Industrial or Commercial Nature)	CU	CU	X	X	X	CU	CU	P	P	X	X	X	X	Parking: 1 per 500 SF + 1 per vehicle Loading: 1/ 20,000 SF
Petroleum/HazMat, Bulk Storage (all fire/safety regulations are met)	X	X	X	X	X	CU	CU	P	P	X	X	X	X	Parking: 1 per 2,000 SF Loading: 1.5/ bay
Warehousing (includes mini-storage), Distribution and Logistics	X	X	X	X	X	P	P	P	P	CU	X	X	CU	Parking: 1 per 2,000 SF Loading: 1.5/ bay

SPECIAL USES

Use Type	AR	R30	R20	R10	RMHC	HC	GC1	LI	IM	EIA	OI	OS	WOZ	Parking-Loading
Adult Establishments	X	X	X	X	X	CU	CU	CU	X	X	X	X	X	Parking: 4 per 1,000 SF Loading: N/A
Airports	CU	X	X	X	X	X	CU	CU	CU	CU	CU	X	X	Special Study Required***
Commercial Communications Towers (Cell Towers)	CU	X	X	X	X	CU	CU	CU	CU	CU	CU	CU	CU	Parking: 2 per tower Loading: 1
Cemetery (Church, Family)	P	P	P	X	X	X	X	X	X	X	P	P	CU	N/A
Cemetery (Commercial)	P	CU	X	X	X	X	X	X	X	X	X	CU	CU	Parking: 6 per 1,000 SF of office-building Loading: 1
Shooting Ranges	CU	X	X	X	X	X	X	X	X	X	X	CU	CU	Parking: 1.5 per shooting station Loading: 1
Solar Collector (Accessory)	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Solar Energy Systems, Large Scale (Solar Farms)	CU	X	X	X	X	X	X	CU	CU	CU	CU	X	X	Parking: 1/ every 2 employees on shift of greatest employment
TEMPORARY USES														
Commercial (temporary-see Definitions) Outdoor Sales	P	P	X	X	X	P	P	P	P	P	P	P	P	Parking: staff review Loading: N/A
Concrete/Asphalt Operations	X	X	X	X	X	X	X	CU	P	X	X	X	X	Parking: staff review Loading: 1 per vehicle
Contractor's Office (located at project site for duration of project)	CU	CU	X	X	X	CU	CU	CU	P	CU	CU	X	CU	Parking: 1 per 200 SF Loading: N/A
Farmstand	P	P	X	X	X	P	P	P	X	X	X	P	P	Parking: 8 spaces Loading: N/A
Manufactured Housing Unit for Office and/or Exhibition	CU	CU	CU	CU	P	P	P	P	X	X	CU	CU	CU	Parking: 1 per vehicle Loading: N/A
Manufactured Home for Hardship	CU	CU	CU	CU	P	X	X	X	X	X	X	X	CU	Parking: 2 per dwelling unit Loading: N/A
Public Interest Event and/or Special Event	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	Parking: 1/patron Loading: 1 per vehicle
Temporary Miscellaneous Sales (see Definitions)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	Parking: 1 per vehicle Loading: N/A
***See Section 6.10.L														

SECTION 4 – GENERAL PROVISIONS

4.1 STREET ACCESS

No building shall be erected on a lot which does not abut a street or have access to a street. Except in a business zone or in a planned project in a residential zone, a building may be erected adjoining a parking area or other dedicated open space with access to a street used in common with other lots.

4.2 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

The minimum yards or other open spaces required by this Ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

4.3 RELATIONSHIP OF BUILDING TO LOT

Every building hereafter erected, moved or structurally (structural, not cosmetic) altered shall be located on a lot. In no case shall there be more than one (1) principal building and its customary accessory buildings on a lot, except in the case of a specifically designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zone, in this circumstance the accessory structure (s) may be allowed and shall comply with Section 4.12 of this Ordinance.

4.4 REDUCTION OF LOT AND YARD AREAS PROHIBITED

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

4.5 SUBSTANDARD LOT OF RECORD

When a substandard lot can be used in conformity with all of the regulations applicable to its intended use, except that the lot is smaller than the required minimum size for its zoning category, then the lot may be used as proposed as if it were conforming. However, no use requiring a greater lot size than the established minimum lot size for a particular zone is permissible on a substandard lot.

When the use proposed for a substandard lot is one that conforms in all other respects, but the applicable setback requirements cannot reasonably be complied with, then the authorizing agent or board by this Ordinance may issue a permit for the proposed use (zoning administrator, board of adjustments). The permit may allow deviations from the applicable setback requirements if it is found that:

- A. The property cannot reasonably be developed for the use proposed without such deviations.
- B. These deviations are necessitated by the size or shape of the nonconforming lot, and
- C. The property can be developed as proposed without any obvious adverse impact on surrounding properties or the public health or safety, based the determination of County planning staff and the property owner.

For this section, compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the substandard lot cannot practicably be constructed and located on the lot in conformity with the particular zoning category setback requirements. Financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

This section is applicable only to substandard lots of record (lots recorded in the Vance County Tax Office and Register of Deeds, prior to the effective date of this Ordinance, with no development. A lot is undeveloped if it has no substantial structures upon it.

4.6 ADJOINING AND VACANT LOTS OF RECORD

If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less frontage or area than the minimum requirements of the zone in which such a single lot or several lots are located, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel

shall be used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance. For circumstances where such a lot that meets the provision and would be established as a non-buildable lot, such lot could be applicable for use for signage, septic system repair area, or open space upon review/approval by the Zoning Administrator.

4.7 ADDITIONAL ENVIRONMENTAL PROVISIONS

In addition to the requirements of this Ordinance, all effluents and emissions into the air or surface or groundwater from new development permitted by this Ordinance including any land disturbing activity must be in conformity with all applicable Federal, State, and County Health and Environmental Quality regulations. Land development must also comply with all other applicable regulations, which also include floodplain, and watershed regulations. All applicable Health Department regulations shall apply.

4.8 CURB CUTS GIVING ACCESS TO PUBLIC RIGHTS-OF-WAY

Construction of curb cuts for purposes of ingress or egress to property abutting a public right-of way shall be approved by the North Carolina Department of Transportation where said curbs affect access to State Highways. Provision for all access work done on highway right-of-way is subject to approval by the Department of Transportation.

4.9 PROJECTION INTO PUBLIC RIGHT-OF-WAYS

No private sign, structure, or other items shall project beyond an imaginary line drawn ten (10) feet from and parallel to the outer edge of the public right-of-way. Any projection into a public right-of-way, new or existing, shall be removed, with the exception of mailboxes (per compliance with US Postal Service regulations as applicable and North Carolina Department of Transportation regulations as applicable).

4.10 HEIGHT LIMIT EXCEPTIONS

The height limitations contained in this Ordinance do not apply to spire, belfries, cupolas, antennas, water tanks, ventilators, chimneys, mechanical equipment penthouses, or other appurtenances required to be placed above the roof level and not intended for human occupancy.

4.11 CORNER VISIBILITY

There shall be no planting, structure, fence, or other obstruction to visibility on any corner lot between two (2) feet and ten (10) feet above the level of the center line of the street in a triangular area bounded by the street right-of-way line on such corner lots and a base line joining points along right-of-way lines twenty-five (25) feet from the intersection right -of-way corner. Per the Vance County Subdivision Ordinance, the following applies for Vehicular Sight Distance Easements: Triangular sight distance easements shall remain free of all structures, trees, shrubbery, driveways, and signs, except traffic control signs and shall be shown in dashed lines at all street intersections and so noted on the subdivision plat. Final determination of the location and extent of sight distance easements will be made by the jurisdiction in cooperation with the NCDOT District Engineer.

4.12 ACCESSORY STRUCTURES/BUILDINGS

Only one accessory structure/building (separate and free-standing of the principal building) shall be permitted on lots less than twenty thousand (20,000) square feet and shall not exceed one thousand (1,000) square feet in size. Larger lots are allowed an extra accessory building/structure for each additional twenty thousand (20,000) square feet and shall not exceed one thousand-two hundred (1,200) square feet in size provided that such accessory buildings/structures are a minimum of thirty (30) feet apart from any other secondary building/structures.

- ☐ Minimum side setback: 10ft
- ☐ Minimum rear setback: 10ft
- ☐ Minimum setback from principal structure: 10ft
- ☐ Maximum building height shall not exceed 20ft from mean roof height

- ☐ In each zoning category, the Maximum Lot Coverage-Net Area (Built Upon Area) shall be adhered to, inclusive of the principle structure, paving/driveways, and accessory structure/buildings.
- ☐ No residential accessory structure shall be rented or occupied for financial purposes and shall not be used for human habitation.

Accessory buildings not exceeding 50 sq. ft. and used exclusively to house well and pump equipment may be permitted in front, side or rear yards, provided such accessory buildings are at least five (5) feet from any property lines and do not encroach into any required easements or other site angles. An accessory building may be located on another contiguous or non-contiguous lot from the principal use with which it is associated, to the extent that the principal use itself would also be permitted on such lot.

4.13 ACCESSORY USES

- A. **POOLS:** All pools, whether above-ground or in-ground, shall be built only in rear or side yards. The definition of a pool shall include all structures, and walks or patio areas of cement, stone, or wood at or above grade, built for, and used in conjunction with the pool. A pool as defined above shall be included in the calculations of the total allowed lot coverage for the zoning category in which the lot is located. Pools, as defined above, shall be setback a minimum of 10 ft. from all side and rear property lines. Patio area at grade has no setback requirements from rear and side lot lines. Pool shall be enclosed by a privacy fence, with a childproof gate, a minimum height of four (4) feet and a maximum height of eight (8) feet. Pools located in rear yards on corner lots which are greater than 22,000 sq. ft. shall be located in the rear yard opposite the abutting street, unless the rear yard is screened by a wall or privacy fence.
- B. **SATELLITE DISHES:** Satellite dishes less than 20 inches in diameter may be located anywhere on a lot. All other satellite dishes shall adhere to the following:
 - 1. Satellite dishes shall be no larger than eight (8) feet in diameter.
 - 2. The maximum height shall be fifteen (15) feet unless the applicant can prove: a) a less intrusive location is not possible and, b) a higher location will improve reception.
 - 3. The dish must be installed and grounded properly.
 - 4. Satellite dishes shall meet all appropriate setbacks applicable to accessory structures and if located in a front yard shall meet the minimum setback requirements for that zoning category.
 - 5. Satellite dishes shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
 - 6. Satellite dishes shall not be located on a roof.
- C. **SOLAR COLLECTOR:** Solar Collectors as an accessory use may be roof-mounted or freestanding ground/pole mounted.
 - 1. **Setbacks:** All solar energy collectors, whether ground mounted or mounted on an existing structure, shall meet all appropriate setbacks applicable to accessory structures and if located in a front yard shall meet the minimum setback requirements for that zoning category.
 - 2. **Height:** The height of the structure shall not be taller than the allowed height of a structure in the zoning district in which it is located. Ground or pole mounted solar energy systems shall not exceed 25 feet in height when oriented at maximum tilt. Solar collection devices shall not be included in computing lot coverage.

4.14 OUTDOOR DISPLAY

Outdoor display of merchandise for sale, which is normally required in conducting the commercial or industrial operation, is permitted in the appropriate zones. All non-conforming outdoor display existing on the effective date of this Ordinance, which does not conform to the requirements of this article, shall be removed and/or brought into compliance within twelve (12) months from the effective date of this Ordinance.

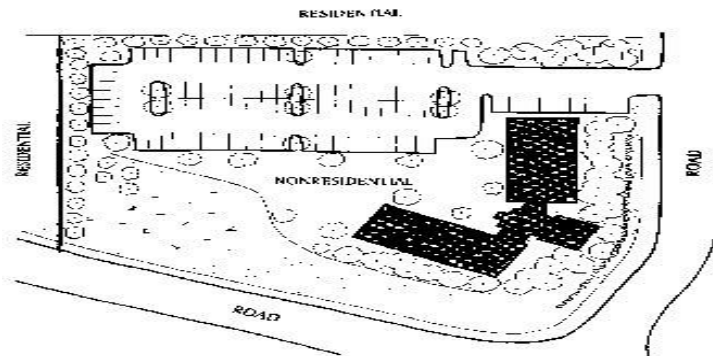
4.15 OUTDOOR STORAGE

Outdoor storage of goods, equipment and material, including, but not limited to junk vehicles, junk appliances, trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, motor vehicle dealers, or inspection stations, but excluding temporary construction and related activities and closed bay docks, and other such items as trash, and other debris shall be regulated by this Ordinance. In the interest of safety to children and adjacent property owners, any approved outdoor storage shall maintain a buffer that conceals the stored materials from public view. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening which shall reach the height of at least eight (8) feet at maturity, or shall be a combined fence and shrubbery screen. The buffer shall be maintained at a minimum of eight (8) feet in height and to be determined wide enough to adequately screen the use. Earth-berms, other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view. Fences shall be at least eight (8') feet, but no greater than twelve (12') feet, must be opaque, and made of materials that are normally accepted in the fencing industry. Nothing in this section will preclude the County from enforcement against junk and abandoned vehicles as prescribed in the Vance County Abandoned Vehicle Ordinance (Ordinance #2). All non-conforming outdoor storage existing on the effective date of this Ordinance, which does not conform to the requirements of this article, shall be removed and/or brought into compliance within twelve (12) months from the effective date of this Ordinance.

4.16 SCREENING AND BUFFERING

- A. A minimum of a one hundred foot (100') vegetative buffer (fifty feet on each side) is required for development activities along all perennial waters indicated on the most recent versions of U.S. Geologic Survey (USGS) 1:24,000 (7.5 minute) scale topographic maps or as determined by local government resources. Desirable artificial stream bank or shoreline stabilization is permitted.
- B. No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the use of stormwater Best Management Practices (BMP's).
- C. New or expanding uses and other uses subject to this provision must provide a vegetative buffer along the property boundary that separates the proposed or expanding non-residential use and the existing residential use as a means to lessen the impact of non-residential use on the residential use. The buffer shall be a compact evergreen hedge or other type of evergreen foliage to be determined as adequate in width to screen the use, which shall reach the height of at least eight (8) feet within three years, or shall be a combined fence and shrubbery screen, with the shrubbery facing the residential use. It shall be maintained at a minimum of eight (8) feet in height thereafter. The fence shall be at least eight (8) feet, must be opaque, and made of materials normally accepted in the fencing industry. Earth-berms, other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view.
- D. Buffer Strips:
 - 1. Whenever a buffer strip is required by this Ordinance, such strip shall meet the specifications of this section, unless other specifications are given in the section where the buffer strip is required.
 - 2. Buffer strips shall be required whenever an industrial, commercial, or any other nonresidential use is established adjacent to a different zone. Buffer strips shall be required on three (3) sides (rear and side lot lines) of lot, unless a corner lot, then buffer is not required on any side lot line adjacent to a street right-of-way lot line. The front of the lot, except for ingress/egress, shall have ten (10) feet of landscaping, vegetative or natural that would not pose a hazard for vehicular traffic, but creates a natural looking front (if

opaque or semi-opaque screening is used then this can be used in place of the ten (10) feet of landscaping). Refer to the example:



3. Buffer strips shall become part of the lot(s) on which they are located, or in the case of commonly-owned land, shall belong to the homeowners or property owners association.
 4. Buffer strips shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner, or, if rented, the lessee.
 5. If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the Zoning Administrator may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the Zoning Administrator shall be obtained before removing an existing natural buffer in the location of the required buffer strip. If the natural screen is removed, then the buffer screen must comply with the buffer strip requirement.
 6. Where a planting screen cannot be expected to thrive because of intense shade or soil conditions, or where lot size will not allow a planted buffer, the Zoning Administrator may, in writing, allow the substitution of a well-maintained wood, masonry wall, or chain link fence with slats at least eight (8) feet in height in place of the planted screen.
 7. When such permission is granted in (6) above, the buffer strip may be used for driveway and parking so long as such use does not interfere with the eight (8) foot wall or fence, and no permanent building or structure is allowed to encroach on the buffer.
- E. Note for residential development adjacent to commercial/industrial development:
1. Residential development shall, when feasible, incorporate a natural area as an undisturbed buffer (to be maintained in a natural vegetative condition, i.e. undisturbed trees, hedges, etc.) in order to provide a separation between residential development and commercial/industrial development.
 - a. This buffer shall be a minimum of fifteen (15) feet surrounding the perimeter of any new development adjacent to other properties that are not within the new development (not inclusive of easements).
 - b. This buffer shall be located within the established minimum setbacks as outlined in this Ordinance for the appropriate zoning category (not as an addition).
 - c. If no open area exists prior to development, the developer shall not be required to plant a buffer as outlined in this Subsection E.
 - d. Buffers and natural greenspace that may be included within to meet the requirements of this sub-section shall be included with the established Homeowners Association (HOA) for a subdivision and shall be maintained shall be maintained by the HOA.

4.17 LIGHTING:

All lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the individual owners' site only. Height regulations shall be determined as necessary by the Vance County Plan Review staff in complying with all appropriate State and National Building Codes.

4.18 MANUFACTURED HOME FOR HARDSHIP (“Hardship Mobile Homes”):

For the purpose of this section, a manufactured home for hardship refers to dwelling units called “mobile homes” and are the same as defined in this ordinance (inclusive of single –wide and double wide units only) – a transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. A mobile home does not meet the criteria for a manufactured home. A recreational vehicle or travel trailer is not a mobile home.

- A. The owner of the lot of record shall be the applicant.
- B. The lot which contains the hardship mobile home shall contain existing single family dwelling and shall be an approved lot or an existing lot of record prior to the date of this adopted ordinance.
- C. The owner of the property shall submit proof that no private deed restrictions and/or covenants prohibit the placement of a mobile home on a lot.
- D. The proposed mobile home shall only be occupied by a relative of blood, by lineal family which shall include direct lineal descendants (children, grandchildren, great-grandchildren), direct lineal ascendants (father, mother, grandfather, grandmother), spouses, step child, step parents or adopted child of the owner of the property.
- E. The proposed hardship mobile home shall meet the minimum setbacks of the zone.
- F. A hardship mobile home shall only be permitted if a genuine hardship exists based on medical reasons. Written documentation such as a letter on professional stationary signed by the attending physician shall be submitted by the applicant. Should the services of health care professional for the stated hardship, said health care provider may reside in the mobile home for hardship.
- G. Only one (1) hardship mobile home is permitted at a time, and each home must meet the minimum lot area in the zoning zone as a separate and individual use.
- H. The mobile home shall be removed from the property when the specified hardship ceases to exist (the mobile home shall not be rented or otherwise occupied by any other person once the hardship ceases to exist) within six (6) months.
- I. Upon approval, the application for the hardship mobile home shall be reviewed twelve (12) months from the date of approval and on annual basis thereafter to determine if the conditions under which the approval was granted remain in existence to warrant a continuation of approval for the hardship mobile home NOTE: This application is a renewable permit that is separate from a zoning permit.

4.19 CLUSTER DEVELOPMENT:

Clustering of residential lots is a development alternative (for design, not as a use) intended to encourage more efficient subdivision design better suited to the natural features of the land than a conventional subdivision, by regulating lots based on lot density standards rather than minimum lot size standards and by requiring that part of the subdivision not devoted to lots and roads be set aside as open space. This allows a concentration of smaller lots on those parts of the subdivision best suited to accommodate development with the least negative impact. This type of development also allows smaller and less costly networks of roads and utilities, reducing the amount of impervious surface and stormwater runoff. In addition, the open space provided by clustering can offer recreational opportunities for the subdivision's residents, to conserve and protect natural areas and environmentally sensitive areas, and to preserve

historic resources. See Notes under Section 3.2.2 (1 & 2) of this Ordinance in reference to Cluster development in the Anderson Creek (WS-III) and Tar Pamlico (WS-IV) regarding lot sizes in these watersheds.

4.19.1 Cluster Development Design Standards:

Should Cluster Development be a selected design alternative, the following standards shall apply:

- A. Clustering of lots shall not be allowed on any tract of land less than ten (10) acres in size for single family residential (inclusive of stick built and modular homes) or for a combination of single family residential and townhouses). If the development is only townhouses then a small tract of five acres may be allowed for clustering.
- B. Should clustering be selected as a design alternative, the density requirements (for residential) and built upon area (open space) requirements for the zone in which the development is located shall apply. Clustering shall not increase the density of development. In watersheds, all development must comply with the built-upon restrictions.
- C. Should clustering be selected as a design alternative, the developer and County planning staff shall coordinate in a pre-development meeting to determine applicable incentives for utilizing the clustering provision.
- D. The maximum number of lots allowed within a cluster subdivision shall be equal to the site's total land area (acreage), less the street rights-of-way, divided by the minimum lot size of the non-clustered subdivision.
- E. Each lot shall be regularly shaped and have at least forty (40) feet of frontage on a private or public road meeting the standards of this Ordinance. Side lot lines extending from a road shall be approximately perpendicular or radial to the road or street.
- F. Open Space requirements shall include that land within the subdivision site not contained in lots, streets, or utility easements, and shall be in one or more parcels dedicated or reserved as permanent open space.

4.19.2 Open Space Requirements:

The total area of parcels dedicated or reserved as permanent open space shall make up at least twenty percent (20%) of the subdivision. Open space shall be dedicated or reserved for one or more of the following uses:

- A. Conservation of any identifiable natural hazard areas, such as floodways or wetlands,
- B. Conservation and protection of identified significant natural areas, such as rare plant communities, important wildlife habitat, or other environmentally sensitive areas where development might threaten water quality of ecosystems,
- C. Conservation and protection of any identifiable important historic resources,
- D. Provision of active and/or passive outdoor recreation opportunities, either for the general public or for the subdivision residents,
- E. Retention of productive farmland or forestland for continued agricultural and/or forestry use, or
- F. Establishment of a conservation reservation on the remainder of the tract, for the life of the development.

Highest priority for the location, design, and use of open space shall be given to conserving, and avoiding development in any natural hazard areas on the site. Open space shall contain such buildings, structures, access ways, and parking facilities as are necessary to its principal uses. The location, size, character, and shape of the required open space shall be appropriate to its intended use; active recreation shall be located and designed so its users can easily access it.

4.19.3 Open Space Dedication or Reservation:

Land within the subdivision site not contained in lots, streets, or utility easements, shall be in one or more contiguous parcels dedicated or reserved as permanent open space for the life of the development. The title to the open space shall be conveyed to a property owners' association, homeowners' association, or other legal entity (public agency or nonprofit organization) that is capable of and willing to accept responsibility for managing the open space for its intended purpose.

Each dedicated or reserved open space parcel shall be shown on all subdivision plans and on record plat recorded with the Vance County Register of Deeds, with a notation of its area and its intended open space use.

4.19.4 Maintenance of Open Space:

The owner of the open space shall be responsible for maintaining the open space so that it continues to effectively function for its intended use and any dedication or conveyance of an open space parcel shall provide for such responsibility.

4.19.5 General Design Provisions for Cluster Development:

Subdivisions located in watersheds shall be designed so that lots and development sites are concentrated in the upland areas and away from surface waters and drainage ways, and the undeveloped areas (open space) shall remain in a vegetated or natural state. Built-upon areas shall be sited and designed to minimize stormwater runoff impact to the watershed's receiving waters.

- A. Zero (0) Side and/or Rear Yard Setbacks (for townhouse and/or condominium development): A zero (0) side and/or rear yard setback as permitted herein within the Cluster Development only and does not refer to the setbacks that abut adjoining properties (and as relates to the sides of dwelling units that face open spaces areas), may be permitted, subject to the following provisions:
 1. Any wall, constructed on the side or rear lot shall be solid, with no doors or windows. Such wall shall contain no electrical, mechanical, heating, air conditioning, or other fixtures that project beyond such wall.
 2. When applicable per North Carolina and National Building Codes a fire wall between units for townhouses and/or condominiums shall be incorporated.
 3. If there is an offset of the wall from the lot line, such offset shall comply with the side yard setback requirements specified in Section 3.2. Roof eaves may encroach two (2) feet into the adjoining lot.
 4. A five (5) foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance.
 5. Where zero (0) side or rear yard setbacks are proposed, the buildable area for each lot shall be indicated on the preliminary and final subdivision plat.
 6. No structure may be located on more than one (1) side lot line.

4.20 Only One Main Building/Use on Lot, and Building Orientation

In all zones, every main building hereafter erected or altered shall be located on a separate lot, as defined in this Ordinance, and in no case shall there be more than one main building and permitted accessory building on the lot nor more than one main use (e.g., commercial, industrial, or residential) per building and lot; provided that this requirement shall not apply to uses permitted in the Table of Permitted Uses (Section 3.2) within the same zone and located in the same building, nor to motels or manufactured home parks, nor to planned building groups approved by the Planning Board, nor to a bona fide farm use.

4.21 Minimum Yards

The minimum yards or other open spaces required by this Ordinance, including those provisions regulating intensity of use for each and every building hereafter erected or structurally altered, shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

4.22 Lot Subdivision

Subdivision of property into individual lots shall comply with the provisions of the Vance County Subdivision Ordinance and Zoning Ordinance. No lot shall hereafter be so reduced in area as to cause any open space required by this Zoning Ordinance to be less in any dimension than is herein required by the minimum yard requirements of the zone in which the lot in question is located.

4.23 Improvements Bond

No final certificate of occupancy/compliance for a commercial, residential, or Manufactured Home Park or planned development will be issued until all required site improvements have been completed. In lieu of completion of required site improvements, the developer of the planned development may enter into a contract with Vance County providing for the installation of required improvements within a designated period of time. Performance of said contract shall be secured by a cash or surety bond which will cover the total estimated cost of the improvements as determined by Vance County.

4.24 General Development Regulations (not addressed in previous section/subsections):

- A. Where a minimum lot width is specified in these regulations, it shall be measured at the building line (also called the building setback line, or setbacks).
- B. As attached to buildings, uncovered stairs, landings, terraces, porches, balconies, loading docks, and fire escapes may project into any yard, but such projection may not exceed six (6) feet and may not be closer than ten (10) feet to any lot line, except where lots located adjacent to Kerr Lake are allowed a zero (0) lot line setback from the US Army Corps of Engineers property line.
- C. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard, but such projection shall be at least ten (10) feet from any lot line, except where lots located adjacent to Kerr Lake are allowed a zero (0) lot line setback from the US Army Corps of Engineers property line.
- D. Required Open Space Cannot be Used by Another Building or Use. No part of a lot, yard, off-street parking area, or other required open space shall be reduced below the minimum required by this Ordinance. No part of a lot, yard, off-street parking area, or other open space required for a building or use shall be used to satisfy the requirements of another building or use. These prohibitions shall not be interpreted to prevent the granting of a variance (Section 8) by the Zoning Board of Adjustment (Section 11).
- E. Existing Lots of Insufficient Size. Any lot of record existing when this Ordinance is adopted, which has an area or width which is less than required by this Ordinance, shall be subject to the following exceptions and modifications:
 - 1. Adjoining Lots. When two (2) or more adjoining lots with continuous frontage are in one (1) ownership at any time after the adoption of this Ordinance, and such lots individually are less than the minimum square footage and/or have less than the minimum width required in the zone in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the zone in which located. This does not apply to lots of record or to any lot in a subdivision which has received preliminary or final approval from the Vance County Planning Board. However, such lots must meet all Vance County Health Department minimum requirements.
 - 2. Lot Not Meeting Minimum Lot Size Requirements. Except as set forth in #1 above, in any zone in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of these regulations which has an area or a width which is less than required by these regulations may be used as a building site for a single-family dwelling.
 - 3. Side Yard Requirements. Except as set forth in A, above, where a lot has a width less than the width required in the zone in which it is located, then the Administrator shall be authorized to reduce the side yard requirements for such lot, however no side yard shall be less than ten (10) feet wide.

SECTION 5 - NONCONFORMING USES (“Grandfather Clause”)

After the effective date of this Ordinance, pre-existing lots or structures, or uses of lots or structures, which are prohibited under the regulations for the zone in which they are located, shall be considered as nonconforming. Nonconforming lots, structures or uses may be continued, provided they conform to the provisions of this section.

5.1 CONTINUANCE OF NONCONFORMING BUILDINGS

The lawful use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, and such use may be extended throughout the building, provided no structural alterations except those required by law, ordinance or ordered by the Zoning Administrator to secure the safety of the building are made therein. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of more than one (1) year, every future use of such premises shall be in conformity with the provisions of this Ordinance.

5.2 CONTINUANCE OF NONCONFORMING USE OF LAND

The lawful use of “land” existing at the time of the passage of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance provided, however, that no such nonconforming use shall be extended to occupy a greater area of land than occupied by such use at the time of the passage of this Ordinance. If such nonconforming use is discontinued for a continuous period of more than one (1) year, every future use of said land shall be in conformity with the provision of this Ordinance. Uses deemed unlawful by this Ordinance, or any other public law shall not be covered by this provision.

5.3 CHANGE OF USE

A nonconforming use shall only be changed to a use listed as permitted or permitted with conditions for the zone in which such a nonconforming use is located. Uses not designated as permitted or conditional shall be prohibited by this Ordinance in the areas delineated by the Official Zoning Map of Vance County.

5.4 RECONSTRUCTION OF NONCONFORMING BUILDINGS

Nothing in this Ordinance shall be construed to prevent the restoration of a business or building destroyed by fire, explosion, or other casualty, if such construction is begun one (1) year of the date of such damage. Owner occupied residences, which are nonconforming uses may be rebuilt regardless of the extent of the destruction.

5.5 NORMAL MAINTENANCE AND REPAIR OF A BUILDING CONTAINING A NONCONFORMING USE

Normal maintenance and repair in a building occupied by a nonconforming use is permitted provided it does not expand the structure nor extend the nonconforming use.

SECTION 6 - CONDITIONAL USE PERMITS

6.1 OBJECTIVES AND PURPOSE

It is recognized that there are some land uses, which are basically in keeping with the intent, and purpose of the various zones created by this Ordinance, yet these uses may have a significant impact on those zones. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

6.2 PROCEDURES

Conditional Use Permits shall be granted by the Board of Adjustment as permitted by G.S. 153A-345 for all conditional uses enumerated in the Table of Permitted Uses. Conditional uses may only be established by Board of Adjustment approval. The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit required application information to the Planning and Development Department at least three (3) weeks prior to the Board of Adjustment meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance. Applications shall include a Site Plan as outlined in Section 2.2C of this Ordinance and be accompanied by a fee set according to the Planning and Development Department Fee Schedule. The Board of Adjustment shall review all requests for Conditional Use Permits within thirty (30) days from submittal.

6.3 BOARD OF ADJUSTMENT ACTION (Meeting schedule to be determined upon adoption)

The Senior Planner or Zoning Administrator shall submit all applications for Conditional Use Permits to the Board of Adjustment. The Board of Adjustment shall set and advertise a date and time for a quasi-judicial hearing on the conditional use permit application. The applicant shall provide to the Planning and Development Department a list of the names and addresses of all adjacent property owners. A notice of the hearing shall be mailed by the Zoning Administrator, RETURN RECEIPT REQUESTED, to each person on this list prior to the hearing. The person mailing such notice shall certify that such notices have been mailed. Additionally notice of the hearing must be posted on the affected property at least ten (10) days prior to the hearing. At the hearing all interested persons shall be permitted to testify in sworn testimony. A person who is interested in the matter but who does not have a personal stake in the outcome (such as a likely effect on his or her property value) may attend and observe the hearing, but they have no legal right to offer evidence, ask questions, or otherwise directly participate in the matter. The Board of Adjustment shall consider the application and comments at the hearing and may grant or deny the Conditional Use Permit. If the Conditional Use Permit is granted, the Board of Adjustment shall use as a guide, the specific conditions outlined in this Article for each use proposed. In addition, the Board of Adjustment shall find:

- A. That the use will not materially endanger the public health or safety if located according to the plan submitted and approved.
- B. That the use meets all required conditions and specifications.
- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Vance County Land Use Plan. In granting the Conditional Use Permit the Board of Adjustment may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting, at which the Conditional Use Permit is granted, on the Conditional Use Permit itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the

Conditional Use Permit, their heirs, successors and assigns. The Conditional Use Permit shall be signed and dated by the applicant and recorded in the Vance County Register of Deeds.

6.4 DENIALS AND APPEAL

If the Board denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. No appeal may be taken from the action of the Board of Adjustment in granting or denying a Conditional Use Permit except through the Vance County Superior Court. Said appeal as a written notice must be made to the Board of Adjustments within one hundred–eighty (180) days or forever be barred.

6.5 COMPLIANCE WITH ZONE REGULATIONS

In addition to the conditions specifically imposed in this paragraph and such further conditions as the Board of Adjustment may deem reasonable and appropriate, Conditional Uses shall comply with all other regulations for the zoning zone in which they are located unless the provisions for the Conditional Use provide to the contrary.

6.6 FAILURE TO COMPLY WITH PLANS/NOTIFICATION OF ADJACENT PROPERTY OWNERS

In the event of failure to comply with the plans approved by the Board of Adjustment, or with any other conditions imposed upon the Conditional Use Permit, within sixty (60) days, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

6.7 EXPIRATION

In any case where a Conditional Use Permit has not been exercised within the time limit set by the Board of Adjustment, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. “Exercised” as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development; or completed (sewerage, drainage, etc.). When construction is not a part of the use, “exercised” shall mean that the use is in operation in compliance with the conditions set forth in the permit.

6.8 MODIFICATION OF PLANS

Where plans are required to be submitted and approved as part of the application for a Conditional Use Permit, the Board of Adjustments may authorize modifications of the original plans.

6.9 SUPPLEMENTAL REQUIREMENTS FOR CONDITIONAL USES

Specific Requirements: Site plans, in accordance with Section 2.2C of this Ordinance shall be submitted with the application. Also, site plans submitted for the purpose of obtaining a conditional use permit shall indicate the following (when applicable):

- A. Location and dimensions of outdoor activity areas including outdoor storage.
- B. Location and type of outdoor lighting.
- C. Areas of environmental concern (inclusive of floodplains, surface waters, and drainage ways. This shall also include documentation for soils suitability, air quality, and all appropriate local, state, federal agency documentation/approval).

Prior to approval of the site plan, County Planning Staff may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance. Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance (if applicable), or as outlined in Section 6.10.

The Board of Adjustment may require other information, as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property. The Board of Adjustment may impose reasonable conditions (i.e. hours of operation, parking requirements, and additional site safety and security measures) in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Section.

6.10 CONDITIONAL USE MINIMUM DEVELOPMENT REQUIREMENTS

In addition to the conditions listed above for conditional uses, some uses, which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances, which can thereby cause a detrimental effect upon adjacent areas. Conditional regulation of these uses is necessary to insure that these negative effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These conditional regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than one (1) such use within one thousand (1,000) feet of each other which would create such adverse effects). The requirements for each use that follows are additional requirements to the requirements listed in Section 6.3 and Sections 3 and 4:

A. ADULT ENTERTAINMENT ESTABLISHMENTS

1. Dimensional Requirements: No adult entertainment establishments may be located within one-thousand (1,000) feet of another adult entertainment establishment. That distance shall be measured from the exterior walls of the building(s) containing such regulated use.
 - a. No adult entertainment establishment may be located within one-thousand (1,000) feet of any residential use or from the property line of the adult establishment to the property line of the residential unit (s), churches, synagogues, temples, nursery schools, child care centers and public or private schools in all zoning zones, which will be measured from the property line (s) containing such regulated use. Areas zoned for residential use shall be classified as A-R, R-30, R-20, R-10, R-M-H-C, and shall include residential uses in the O-S and W-O-Z Zones.
2. Screening and Buffering: Shall comply as necessary with Section 4.16 of this Ordinance.
3. A required plan shall be submitted that shows the location of existing structures on property within one thousand (1,000) feet of exterior wall (s) of the regulated use, and the zoning properties within one thousand (1,000) feet of each property line of the regulated use from the property line of the adjacent use.
4. Hours of operation shall be between 11:00 AM and 10:00 PM, Monday through Thursday and until 12:00 AM on Friday and Saturday.
5. All viewing booths shall be open and visible to the manager (s) of the establishment.
6. If applicable, no viewing booth shall be occupied by more than one (1) person at a time.
7. If applicable there shall be a minimum separation of 6 feet between patrons and performers.
8. Servers of food and beverage shall at all times wear a shirt and pants.
9. No nude or semi-nude service/entertainment of any kind shall be allowed outside the building of a regulated use.
10. The adult establishment shall be limited to one (1) wall sign per premise; the sign shall be internally lighted, and shall be allowed maximum size of twenty (20) square feet.

11. No adult establishment shall allow, permit or condone patronage of any person under the age of eighteen (18) years of age upon the premises of the business.

B. AIRPORTS (Include heliports, private landing strips and general aviation)

1. An airport under this section and as defined in Section 12 of this Ordinance shall demonstrate compliance with the following requirements:
 - a. Heliports (see Definitions Section 12, refers to the entire site):
Dimensional requirements for this use shall be a minimum site of five (5) acres.
 1. Setbacks from helicopter pads shall be at least one hundred (100) feet for each helicopter operating from the facility, up to a maximum setback of four hundred (400) feet.
 - b. Private Landing Strips: Dimensional requirements for this use shall be a minimum of ten (10) acres.
 1. An area equal to fifteen (15) percent of the runway length shall be within the site at both ends of the runway.
 2. The setback from the runway shall be a minimum of one hundred (100) feet for each aircraft operating from the facility, up to a maximum of four hundred (400) feet.
 3. No dwelling unit shall be within five hundred (500) feet of either end of the runway.
 - c. General Aviation Airport: Dimensional requirements for this use shall be one hundred (100) acres. Development plans for this classification shall be submitted with a noise impact assessment. Said assessment shall identify the initial twenty (20) year projected Day-Night Level (DNL-see Section 12 Definitions) noise contour lines beginning with fifty (50) DNL and proceeding to seventy-five (75) DNL.
 1. The twenty (20) year, seventy (70) DNL line shall be completely contained within the airport property, or adjacent land that has been granted a noise easement.
 2. If the fifty-five (55) DNL area expands, land use plan for all land within the fifty-five (55) DNL noise contour shall be submitted.
 3. This plan shall indicate the feasibility of restricting such land to non-residential uses.
 4. Airport approval shall be based on the ability to minimize noise intrusion (pollution) to existing residential areas and to prohibit residential development that would limit future airport expansion.
 5. Once established, Vance County shall require all re-zonings that would permit residential use within the twenty (20) year, fifty-five (55) DNL noise contour to record the noise contours on the property.
 6. All developments and all individual lot surveys would be required to identify (illustrate) the noise contours, to be indicated

on the preliminary and final plats as reviewed by the Vance County Planning and Development Department and Vance County Planning Board. In addition, to be included on the final recorded plat for the development, a warning would accompany all such lots to indicate that Vance County will not limit future airport expansion due to residential development within the fifty-five (55) DNL noise contour.

7. This use (General Aviation Airport) shall be separated from all residential districts and schools by a minimum of one thousand five hundred (1,500) feet.

C. Automobile and Other Storage, Parking, Junk, Salvage, or Wrecking Yards including Manufactured Home Storage and/or Junk Yard

1. For the purpose of protecting the residents of Vance County from possible injury at junkyards (also called salvage yards), preserving the aesthetic quality of the local natural resources, preserving the integrity of land in close proximity to residential areas, and protecting and enhancing the economic viability and interest of the County residents, the following minimum standards for salvage/junkyards apply:
 - a. Dimensional Requirements:
 1. Minimum parcel size shall be at least four (4) acres excluding right-of-ways; and
 2. Minimum setback from any property line to any buildings (except existing buildings), equipment, operations (except roads) or junk shall be at least fifty (50 feet) excluding right-of-ways, unless an opaque or semi-opaque fence is utilized then the setbacks from property lines shall be at least twenty-five (25) feet.
 - b. Screening and Buffering: Outdoor storage shall meet the requirements of Section 4.15. Screening and buffering must be provided in accordance with Section 4.16.
 - c. Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.
 - d. Existing Non-conforming Junkyards and/or Salvage Yards:
 1. All existing junkyards and/or salvage yards have previously been given an amortization period of 30 days from June 2, 2008 (adoption of original Junkyard Ordinance - #37). As such, Junkyards and/or salvage yards not registered during that time are considered new and shall adhere to the regulations for such new establishments. Existing junkyards and/or salvage yards are exempt from the following within Section 6.10:
 - a. Section C.1.a.1
 - b. Section C.1.e.2
 - c. Section C.1.e.3
 - d. Section C.1.e.4
 2. Owners and operators of junkyards and/or salvage yards shall be registered with the NC Department of Revenue.

3. Shall comply with State and Federal requirements for commercial uses and all applicable environmental requirements.
- e. New Junkyards and/or Salvage Yard Approved as a Conditional Use:
 1. Shall have a site plan approved.
 2. No junk, salvage, or wrecking yard shall be located closer than one-thousand (1000) feet to a pre-existing church, school, day care center, nursing home, skilled health care facility, hospital, public buildings, public recreation facilities, historical buildings, lakes, watershed areas, floodplain areas, residences, or residential areas (excluding residence of the owner or his agent).
 3. No Junk, salvage, or wrecking yard shall be located less than one-thousand (1000) feet from any property used or zoned for residential purposes. Areas zoned for residential use shall be classified as R-30, R-20, R-10, R-M-H-C, and shall include residential uses in the O-S and W-O-Z Zones.
 4. Shall not have a driveway or entrance roadway located closer than sixty (60) feet from any side property line; and
 5. Shall be fenced and screened completely, at minimum, with a protective fence, and screened from public view with vegetation.
 6. Shall be registered with the NC Department of Revenue.
 7. Shall comply with State and Federal requirements for commercial uses and all applicable environmental requirements.
- f. Annual Inspections of Junkyards/Salvage Yard:
 1. The Vance Granville Health Department or NC DENR shall inspect each junkyard annually to determine that no vectors are present. Should vectors be identified, the owner, operator or maintainer shall immediately take steps to eliminate such vectors and shall submit satisfactory evidence to the Health Department and the Planning and Development Department that such vectors have been eliminated.
 2. Annual fire and safety inspections shall be made by the Vance County fire inspector or designee and a certificate of compliance issued. Failure to comply with inspection requirements may result in revocation of permits or other penalties and remedies as provided for in Section 2 of this ordinance.

D. Commercial and/or Non-Residential Uses in Residential Zoned Areas

1. Dimensional Requirements: The Zone dimensional requirements shall apply.
2. Screening and Buffering: Outdoor storage must meet the requirements of Section 4.15. Screening and buffering must be provided in accordance with Section 4.16.
3. Lighting: Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only.
4. Access: Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street (See Section 7).

E. ELECTRONIC GAMING OPERATIONS

1. Days/Hours of operation: Businesses engaging in electronic gaming operations activities may operate from 8:00 AM to 10:00 PM Sunday through Thursday and 8:00 AM to 12:00 midnight Friday and Saturday nights.

2. The maximum number of machines/terminals/computers for any electronic gaming operations business is twenty (20).
 3. Minimum paved parking spaces:
 - a. One (1) space per every two (2) terminals or one (1) space per every one hundred (100) square feet of total floor area, whichever is greater;
 - b. One (1) handicapped space per every twenty five (25) or fewer spaces;
 - c. One (1) in every eight (8) accessible spaces, but not less than one, shall be served by an access aisle ninety six (96) inches wide minimum and shall be designated “van accessible”;
 - d. One (1) additional space per each (1) employee.
 4. If food or beverage is served, the establishment must meet the requirements of the Vance County Health Department, including any and all necessary permits and/or licenses.
 5. The establishment must be a minimum of three hundred (300) feet from any building being used as a dwelling.
 6. The establishment must be a minimum of two thousand (2,000) feet from any other organization engaged in an electronic gaming operations business or any adult or sexually oriented business.
 7. The establishment must be a minimum of two thousand (2,000) feet from any established religious institution/synagogue, school, daycare center/home; library, public park, recreation area or motion picture establishment where “G” or “PG” rated movies are shown to the general public on a regular basis.
 8. A straight-line drawing shall be prepared by a registered land surveyor depicting the property lines and the structures containing any existing electronic gaming businesses within two thousand (2,000) feet of the property; the property lines of any established religious institution/synagogue, school, daycare center/home; library, public park, recreation area or motion picture establishment where “G” or “PG” rated movies are shown to the general public on a regular basis that is within two thousand (2,000) feet of the property. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
 9. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the internet café/sweepstakes business is located.
- F. Industrial Uses in Non-Industrial Zones
1. Dimensional Requirements: The zone dimensional requirements shall apply.
 2. Screening and Buffering: Outdoor storage must meet the requirements of Section 4.15. Screening and buffering must be provided in accordance with Section 4.16.
- G. Landfill (Demolition or Sanitary)
1. Distance Requirements: The landfill or any structure must be a minimum of one thousand (1,000) feet from any residential structure on surrounding properties. An owner occupied residence on the property of the tract is allowed. All buildings, including accessory garages or storage buildings, shall be set back a minimum of one hundred (100) feet from all property lines and street rights-of-way.
 2. Screening, Buffering, and Fencing: Outdoor storage must meet the requirements of Section 4.15. Screening and buffering must be provided in accordance with Section 4.16.
 - a. Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.
 - b. Screening is required which completely screens from view the stored items. Such screening shall be a durable wall or fence at least eight (8)

feet high *in addition* to a minimum fifteen (15) foot wide vegetated strip around the entire perimeter of any outdoor storage area. This vegetated strip shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area.

H. Mining and Quarrying or other Extraction Operations

1. Additional Site Plan Requirements:

- a. The names and addresses of property owner(s) or developers(s) and the designer or Registered Surveyor or Professional Engineer, if the plans are drawn other than by the property owner, operator or developer.
 - b. Date, scale and approximate North arrow.
 - c. Boundaries of the tract, parcel, plot or lot shown with bearing and distances.
 - d. Buffers, ingress and egress, surrounding land usage and any other specific information pertinent to the parcel, plot or lot
 - e. A vicinity map showing the location of the parcel, plot or lot.
 - f. The names for each adjoining property owner, shown on the parcel, plot or lot they own.
 - g. Land contours with vertical intervals of not less than ten (10) feet. U.S.G.S. 7.5 Minute Topographical Quadrangle Maps are acceptable.
 - h. When an expansion is being requested, the size and location of any existing area that is being operated as a mine or mining operation.
 - i. A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a State maintained street or road from the mine. In place of this requirement, the applicant may submit a completed application as required by the State of North Carolina for a Mining Permit.
2. Access: Access to a mine or mining operation must be from a road or street that is a State maintained road or a private road with a right-of-way width of not less than thirty (30) feet and a cleared or drivable area of not less than twenty (20) feet. Any ingress or egress that does not abut one of the above roads, entrance etc. must also have a right-of-way width of not less than thirty (30) feet and a cleared and drivable area that is adequately maintained at all times for vehicular travel and that is at least twenty (20) feet in width.
3. Screening and Buffering: An area of land, which shall not be less than one hundred fifty (150) feet in width, (unless the Board of Adjustment approves a lesser width) shall be provided along all boundaries of the affected land with the exception of permitted ingress and egress to public roadways. This buffer area may be left in a natural vegetative state if sufficient visual buffering is provided otherwise the buffer, where practicable, must be planted with trees, shrubs or plants that create a visual screen. Trees, plants, and ground covers to be planted must be native to the area and trees shall not be less than eight (8) feet in height when mature. Alternatively, an earthen berm (or berms) may be placed within the buffer for visual screening. Any berm must have a vegetative groundcover and side slopes sufficient to minimize erosion. If the berm(s) is (are) less than ten feet in

height, trees not less than six (6) feet in height at the crown shall be planted on the berm(s) to supplement visual screening.

4. Additional Considerations: In the case of denial because all the requirements of this section were not met, the Application may be resubmitted when all requirements have been met, with no additional fee required, provided the plan is resubmitted within one hundred eighty (180) days of the notice of rejection or denial. Following approval by the Vance County Board of Adjustment, the Zoning Administrator is authorized to issue a Conditional Use Permit. No site disturbing activities are allowed until all required permits have been issued by the State of North Carolina, including but not limited to a Mining Permit, an Air Quality Permit and a Water Quality Permit.
 5. If compliance with all terms of approval by the Vance County Board of Adjustment has not been completed within one year (365 days) from the date of approval of the application by the Board of Adjustment, the approval of the application and Conditional Use Permit shall be null and void and a new application must be submitted, unless the Board of Adjustment authorizes an extension beyond the one year time limit.
- I. Non-Single-Family Residential: Multi-Family Residential, Group Homes, Camp or Care Centers and Campground, Public and Private (including Recreational Vehicle Park), Manufactured Home Parks (see the Vance County Ordinances for requirements to establish Manufactured Home Parks), Motels, Hotels, and other Temporary Residential Use
1. Non-Single-Family Residential (Multi-Family Residential)
 - a. Dimensional Requirements: Large scale multi-family dwelling developments shall comply with the lot, yard, and height requirements of the district in which the development is located, unless otherwise provided herein or by the Board of Adjustment. The dimensional requirements shall apply to the entire development proposal rather than to only individual structures.
 - b. Landscaping, Buffers, and Screening: Outdoor storage must meet the requirements of Section 4.15. Screening and buffering must be provided in accordance with Section 4.16.
 - c. Other Requirements: Individual structures shall be separated by at least forty (40) feet end-to-end, and fifty (50) feet in all other configurations. No multi-family structure shall be more than two hundred (200) feet in length. There shall be provided a minimum of three hundred (300) square feet of usable open space for each multi-family unit. Such open space shall be improved active and passive recreation areas for the use of residents thereof.
 - d. Roads: Private, hard surface, drives are required. Individual structures or land uses need not front on a public street. Private drives shall allow for public safety vehicles to efficiently maneuver. The developer shall provide an assurance bond as outlined in Section 4.23 of this Ordinance, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof, will assume maintenance responsibilities for all private drives.
 - e. Utilities: Utilities, including storm sewers, sanitary sewers, refuse collection; water system shall be submitted by the project engineer for review by the Vance County Plan Review staff. As-built drawings of the facilities will be required where the utilities are to be dedicated to, and accepted by, the County, City or State, or any other public entity. The

developer shall provide assurances, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof, will assume maintenance responsibilities for all private utility systems.

- f. Parking: Requirements for parking shall meet the calculations outlined in the Table of Permitted Uses under Section 3 of this Ordinance and those identified in Section 7 of this Ordinance (if applicable)
2. Camp or Care Centers and Campground, Public and Private (including Recreational Vehicle Park)
- a. Dimensional Requirements: In areas with developed campsites, separate sanitary facilities for both sexes (including showers) shall be available within four hundred (400) feet of each campsite and drinking water shall be available within one hundred (100) feet of each campsite.
 - b. In areas with developed campsites (those with paved/gravel camp sites and accessory structures for use by patrons), a camp store may be provided, which may sell camping supplies, e.g. food, ice, personal supplies, etc.
 - c. In primitive camping areas (those without paved/gravel camp sites and no accessory structures), drinking water and sanitary facilities shall be available within twelve hundred (1200) feet of the campground.
 - d. In areas with developed campsites, each campsite shall have a minimum of parking for two (2) vehicles.
 - e. Adequate lighting shall be provided for all common areas, including interior lighting in any building open at night. All sanitary facilities and dumping areas, water faucets, parking areas (other than at each campsite), recreation areas, and other service buildings and general use sites shall be lit at night, either with a light mounted on the building or as a pole light. In developed camping areas, lights will be installed along walkways to water and sanitary facilities and at roadway or driveway intersections.
 - f. All outdoor lighting shall have a total cutoff at ninety (90) degrees.
 - g. Screening and Buffering: Outdoor storage must meet the requirements of Section 4.15. Screening and buffering must be provided in accordance with Section 4.16.
 - h. Additional Plan Requirements:
 - 1. Topography of the site, at contour interval no greater than five (5) feet.
 - 2. Natural features such as streams, lakes or ponds, rocky outcrops, wooded areas, marshes, meadow land, or any other site in interest.
 - 3. Historic sites and cemeteries.
 - 4. Location and approximate size of all buildings and structures within five hundred (500) feet.
 - 5. Proposed layout of campground, natural and developed camping areas (includes individual sites, cabins, recreation areas, drinking water outlets, sanitary disposal facilities, comfort stations, other service buildings.

6. In submitting a preliminary plan with the conditional use permit application, upon completion of review by the Board of Adjustments, if there are no changes to be made to the preliminary plan and the conditional use permit is approved, then no final plan review is required.
- i. Additional Site Operational Requirements:
 1. In developed camping areas, an attendant will be on the site twenty-four (24) hours a day while the campground is open for business.
 2. A public phone in working order shall be available.
 3. A fire extinguisher shall be available at each service building and at the office.
 4. Individual campsites and general use areas shall be kept clean and free from garbage, refuse, litter, and other conditions, which can lead to the transmission of disease, breeding of rodents and insects, and which may present a fire hazard or contribute to the spread of fire.
 5. All sanitary, laundry, and drinking water facilities shall be maintained in a clean, sanitary condition and kept in good repair at all times.
3. Manufactured Housing Parks: (Refer to the Vance County Manufactured Housing Park Ordinances-Ordinance #3 for requirements to establish Manufactured Housing Parks). Where applicable to develop a manufactured home community (also called a mobile home park) in other zoning categories as identified in this Ordinance, the more restrictive regulations of that particular zoning category shall apply in addition to the development standards as outlined in Ordinance #3.
4. Motels, Hotels, and other Temporary Residential Use.
 - a. Dimensional Requirements: The zone dimensional requirements shall apply.
 - b. Screening and Buffering: Outdoor storage must meet the requirements of Section 4.15. Screening and buffering must be provided in accordance with Section 4.16.
 - c. Lighting: Lighting must be directed away from adjacent property and roadways and shall be directed onto the applicant's site only.
 - d. Access: Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street (Also see section 7).
 - e. Parking: Requirements for parking shall meet the calculations outlined in the Table of Permitted Uses under Section 3 of this Ordinance and those identified in Section 7 of this Ordinance (if applicable)
 - f. Other Requirements:
 1. Roads: Private, hard surface, drives are required. Individual structures or land uses need not front on a public street. Private drives shall allow for public safety vehicles to efficiently maneuver. The developer shall provide, an assurance bond as outlined in Section 4.23 of this Ordinance, acceptable to the Board of Adjustment, that the owner, homeowners association,

or agent thereof, will assume maintenance responsibilities for all private drives.

2. Utilities: Utilities, including storm sewers, sanitary sewers, refuse collection, and water system shall be submitted by the project engineer for review by the Vance County Plan Review staff. As-built drawings of the facilities will be required where the utilities are to be dedicated to, and accepted by, the County, City or State, or any other public entity. The developer shall provide assurances, acceptable to the Board of Adjustment, that the owner, homeowners association, or agent thereof, will assume maintenance responsibilities for all private utility systems.

J. Public and Semi Public Uses: Facilities & Buildings including schools, colleges, hospitals, parks, community centers and other similar uses.

1. Dimensional Requirements: The Zone dimensional requirements shall apply.
2. Screening and Buffering: Outdoor storage shall meet the requirements of Section 4.15. If the development is located within 30' to 100' of the adjacent property line of an existing residential occupied property, screening and buffering shall be provided in accordance with Section 4.16.
3. Lighting: Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only.
4. Access: Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street (Also see section 7).
5. Parking: Requirements for parking shall meet the calculations outlined in the Table of Permitted Uses under Section 3 of this Ordinance and those identified in Section 7 of this Ordinance (if applicable).

K. Radio and Television Studios.

1. Dimensional Requirements: The Zone dimensional requirements shall apply. Transmission towers shall be setback a minimum distance that equals half the towers height subject to engineering plans and requirements.
2. Screening and Buffering: Outdoor storage must meet the requirements of Section 4.15. If the development is located within 30' to 100' of the adjacent property line of an existing residential occupied property, he/she must provide a screening and buffering in accordance with Section 4.16.
3. Lighting: Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only.
4. Access: Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street (Also see section 7).
5. Parking: Requirements for parking shall meet the calculations outlined in the Table of Permitted Uses under Section 3 of this Ordinance and those identified in Section 7 of this Ordinance (if applicable).

L. Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos).

1. Dimensional Requirements: The Zone dimensional requirements shall apply.

2. Screening and Buffering: Outdoor storage shall meet the requirements of Section 4.15. Screening and buffering shall be in accordance with Section 4.16.
3. Lighting: Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only.
4. Access: Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street.
5. Parking: Requirements for parking shall meet the calculations outlined in the Table of Permitted Uses under Section 3 of this Ordinance and those identified in Section 7 of this Ordinance (if applicable).
6. Hours of Operation: Hours of operation are limited to 7:00 am - 10:00 pm with the exception of any use that may require overnight stay, such as a bed and breakfast or campground.

M. SHOOTING RANGES

1. The purpose of the following requirements is to promote and to protect the public health, welfare, and safety by regulating existing and proposed shooting ranges. The requirements are intended to minimize the adverse effects on adjoining properties relating to shot containment and noise mitigation. Each shooting range facility shall be designed to contain the bullets, shot, arrows and ricochets discharged on or within the range facility. Each shooting range shall also be designed to minimize off-site noise impacts generated by the activities conducted on the range facility. This section does not otherwise apply to the general discharge of firearms or the use of bows and arrows in accordance with other applicable laws and regulations.
2. Existing Shooting Ranges: Existing shooting ranges shall be considered non-conforming and will be subject to the "grandfather clause" in accordance with Section 5 of this ordinance.
3. Performance Standards: The following performance standards shall apply to all shooting range facilities:
 - a. *Shot containment.* Shooting range facilities shall be designed to contain all of the bullets, shot, arrows or other projectiles or any other debris on the range facility.
 - b. *Noise mitigation.* Noise levels measured at the property line shall not exceed sixty-five (65) dBA when located adjacent to residential or commercial property or seventy-five (75) dBA when adjacent to industrial property.
4. Development Requirements:
 - a. *Minimum design requirements.* Where not otherwise specified within this ordinance, shooting range facilities shall apply for and have a Range Technical Team Advisor from the National Rifle Association (NRA) or an equivalent organization inspect and evaluate the range according to the guidelines specified by the NRA's Range Source Book: A Guide to Planning and Construction, current edition, and follow the suggestions made by the advisor.
 - b. *Setbacks.* Notwithstanding the performance standards above the following setbacks shall apply.
 1. All shooting stations and targets on a range facility shall be located a minimum of three (300) feet from any property line; and
 2. The surface danger zone shall be contained within the leased boundary line of the range facility on leased land or the property boundary line for non-leased land.

- c. *Warning signs.* Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at one hundred-foot intervals along the entire perimeter of the shooting range facility and along the entire perimeter of the property lines in the same intervals.
 - d. *Distance from occupied dwelling.* All shooting stations, targets, and firing lines shall be located at least one-half (1/2) mile from any existing, occupied dwelling.
 - e. *Access to facility.* Access to the facility and shooting range shall be secured and controlled, with ingress and egress permitted only during operating hours as established below. Prior to issuance of a permit, a valid driveway permit must be obtained from North Carolina Department of Transportation.
 - f. *Written variance.* The distance requirements of this section may be varied with written permission in the form of an affidavit from all adjoining property owners and all rightful leaseholders of dwellings located within the ½ mile surrounding area affected thereby, except that written approval is not needed for any adjoining land owned by the State of North Carolina.
5. Operational Requirements:
- a. *Maintenance.* Where not otherwise specified within this ordinance, shooting range facilities shall be operated and maintained in a manner that shall meet or exceed the guidelines as specified by the Range Technical Team Advisor upon inspection going by the guidelines in the NRA's Range Source Book: A Guide to Planning and Construction, current edition.
 - b. *Best Management Practices.* Outdoor Shooting Ranges shall provide a plan outlining its Best Management Practices (BMPs) relating to lead management. Said plan shall meet or exceed the guidelines as specified by the Environmental Protection Agency's (EPA) Best Management Practices for Lead at Outdoor Shooting Ranges, current edition.
 - c. *Hours of operation.* Shooting Ranges shall be allowed to operate between sunrise and sunset Monday through Saturday, except that the hours may be extended after sunset for purposes of subdued-lighting certification of law enforcement officers, or may be extended for other purposes only when a permit allowing such activity is issued in advance by the Sheriff's Office.
 - d. *Liability insurance.* The permittee shall be required to carry a minimum of three million dollars (\$3,000,000.00) per occurrence of liability insurance. Such insurance shall name Vance County as an additional insured party and shall save and hold Vance County, its elected and appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of the acts or omissions of the permittee, his/her group, club, or its agents or representatives. The County shall be notified of any policy changes or lapses in coverage.
- N. Solar Energy Systems, Large Scale (Solar Farms)
- 1. Height: Systems, equipment and structures shall not exceed twenty-five (25) feet in height when ground mounted. Excluded from this height requirement, however, are

electric transmission lines and utility poles. Roof mounted systems shall not exceed the maximum height for the applicable zoning district.

2. **Setback:** Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment including fences a minimum of 100 feet from street right-of-ways and 50 feet from other property lines. The Board of Adjustment may reduce such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining properties or public right-of-ways.
3. **Screening and Fencing:** Systems, equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 8 feet. A thirty (30) foot vegetative buffer consisting of a compact evergreen hedge or other type of evergreen foliage shall be required along the entire perimeter of the facility. The buffer shall be planted at a minimum of three (3) feet tall and reach the height of at least eight (8) feet within three years and shall be maintained in good condition. Failure to maintain the buffer shall constitute a violation of this ordinance. Earth-berms, other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view and are maintained.
4. **Lighting:** If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
5. **Noise:** Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.
6. **Power Transmission Lines:** To the extent practical, all new power transmissions lines to any building, structure or utility connection shall be located underground. Existing above ground utility lines shall be allowed to remain in their current location.
7. **Installation and Design:** Electric solar system components must have a UL listing and must be designed with anti-reflective coating(s). Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
8. **Compliance with Building and Electrical Codes:** All solar farms shall be in conformance with the requirements of the State Building and Electrical Codes (current addition), the State of North Carolina and Vance County. All active solar systems shall be inspected by a Vance County building inspector.
9. **Inspections:** Each solar farm shall be required to have the facility inspected annually for 3 years following the issuance of the zoning permit to verify continued compliance with the Zoning Ordinance. Additional inspections necessitated by complaints or otherwise shall not replace the annual inspection requirement.
10. **Utility Notification:** No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
11. **Abandonment and Decommissioning:** It is the responsibility of the solar system owner and landowner to notify the County and to remove all obsolete or unused systems within twelve (12) months of cessation of operations. Reusable components are to be recycled whenever possible.

A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with the permit application.

- a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)

- b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations
- c. Restoration of property to condition prior to development of the solar farm.
- d. The timeframe for completion of decommissioning activities.
- e. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
- f. The party currently responsible for decommissioning.
- g. Plans for updating this decommissioning plan.

O. WIRELESS COMMUNICATIONS TOWERS (“CELL TOWERS”)

1. The purpose of the following requirements is to promote and to protect the public health, welfare, and safety by regulating existing and proposed communication towers. The requirements are intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of designated areas.
2. *General Requirements.* When allowed, such towers and associated equipment shall be subject to the following additional requirements:
 - a. Towers shall not interfere with normal radio and television reception in the vicinity. Commercial messages shall not be displayed on any tower. Violations shall be considered zoning violations and shall be corrected under the enforcement provisions.
 - b. Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if lighting is required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.
 - c. Towers shall be constructed and maintained in conformance with all applicable building code requirements.
 - d. In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide appropriate Federal Communications Commissioner (FCC) documentation indicating that the power output levels do not exceed federally approved levels.
 - e. In allowed districts, towers of 75 feet or more require that a Conditional Use Permit be granted by the Board of Adjustment. The Board of Adjustment may consider variances up to 10 % of the setback requirements for such towers as a part of the Conditional Use Permit approval.
 - f. To encourage shared use of towers, no new tower shall be located within one (1) mile of an existing tower. The Board of Adjustment may allow a tower to be placed within one (1) mile of an existing tower upon being presented written documentation that (1) appropriate space on the tower is not available, (2) the new sponsor has made good faith efforts to negotiate an agreement with the owner of the current tower, or (3) equipment currently on the tower is not compatible with the proposed equipment. If the petitioner cannot locate on an existing tower and a new tower has to be constructed, the height of the tower cannot exceed two hundred feet (200'). The new tower cannot be located closer than one mile from an existing tower.

- g. All new towers shall be constructed to be able to accommodate at least two or more users so that future co-location will be available. In addition, reasonable accommodation for public service uses is also suggested.
3. When permitted, towers shall conform to the following dimensional requirements:
 - a. On top of structures: Towers (with the exception of concealed towers) may not be located on top of structures in any residential district. Towers which are located on top of structures in nonresidential districts (which are not tower accessory structures) shall not be more than 75 feet above the top of the structure. The structure shall meet the normal setbacks of the zone.
 - b. Setbacks: Towers located on the ground or top of a tower accessory structure:
 - a. If the tower is more than 75 feet high and adjacent to, inside, or separated by a public right of way from property that is residually zoned or used, the setback shall be one foot (1') for every foot in height, or the setback of the zoning district, whichever is greater. If the tower is more than 75 feet in height and adjacent to, inside, or separated by a public right of way from nonresidential property, the setbacks shall be one foot (1') for every two feet in height or the setback in the zoning district, whichever is greater, and in no case less than fifty feet (50').
 - b. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may reduce setbacks from adjacent nonresidential property. The setback from adjacent nonresidential property may be reduced by 25% when two users commit to occupy the tower immediately upon its completion, or reduced by 50% when three or more users commit to occupy the tower immediately upon its completion. However, the required setback distance may not be reduced to less than fifty feet (50'). The reductions do not apply if the tower adjoins a residential zone on any side.
 - c. No setbacks shall be required if the tower is to be located on an existing structure.
4. Residential District. Towers (with the exception of concealed towers) where allowed in residential districts shall conform to the following setbacks:
 - a. Where allowed, towers 75 feet or more in height may be permitted subject to the issuance of a Conditional Use Permit. A tower shall have a setback from all property lines that is in compliance with this section.
 - b. To prevent a clear view of the base of the tower, the setback shall contain an established forested area with a depth of at least 100 feet. When the 100 foot forested area requirement cannot be met, a natural buffer shall be provided as required in Section 6.10.K.5 below. The Board of Adjustment, when deciding the Conditional Use Permit, may reduce the setback adjacent to nonresidential property upon consideration of circumstances which reduce the offsite effects of the tower such as topography, berms, the proximity of other existing or potential uses, and existing vegetation and improvements made to the site to obscure or reduce the visibility of the tower. The Board of Adjustment shall not reduce the required setback from adjacent property which has residential use.

- c. No outdoor storage yards shall be allowed on tower sites, storage buildings that are secondary and/or incidental to the primary use of the site are allowed within the provisions of the designated zoning category.
- 5. Buffers.
 - a. The base of the tower, any guy wires, and any associated structures, walls, or fences shall be surrounded by a landscaped buffer. The site developer may have the option of: (a) providing a buffer around the tower base and associated items individually or (b) providing a buffer around the perimeter of the entire site.
 - b. A 10 foot buffer shall be provided between the tower and the property boundaries in all zones other than residential. In all residential zones, the buffer shall be a minimum of 25 feet in width.
 - c. The planting shall consist of a mix of deciduous or evergreen trees and evergreen shrubs. Trees shall be planted along the full length of the buffer strip in a triangular pattern with a maximum spacing of 25 feet on centers. The minimum height at planting for trees shall be six feet, and they shall have an expected minimum maturity height of 35 feet under normal growing conditions. There shall also be one row of dense shrubs, spaced not more than eight feet on centers. Shrubs shall be a minimum of two feet high at planting and shall have a minimum expected maturity height of eight feet under normal growing conditions. It is the intent of this section to encourage the use of existing vegetation in whole or in part to meet this requirement.
- 6. *Site Plan Requirements.* The following information must be supplied with the site plan or building permit application for towers that are 75 feet in height or more prior to any approval:
 - a. Identification of the intended user(s) of the tower.
 - b. Documentation provided by registered engineer that the tower has sufficient structural integrity to accommodate more than one user.
 - c. Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant.
 - d. A statement indicating the owner's intent to allow shared use of the tower and how many other users can be accommodated.
- 7. *Co-Location.* To further encourage co-location, additional users and associated equipment that do not add to the tower's height may be added without additional approval. However, additional building code regulations may apply. Site plans must show the locations for at least two equipment buildings, even if the tower is proposed for a single user.
- 8. *Removal of Towers.* Towers that are not used for a period of six (6) months or more shall be removed by the owner within one hundred eighty (180) days after receiving notice from the County to remove the tower. To assure the removal of towers that do not meet requirements for use or maintenance, this section serves as notice that the County may remove said tower and may file a lien collectable as taxes against the property.
- 9. *Additional Requirements for Conditional Use Permits for Telecommunication Towers and Equipment:*
 - a. When considering a Conditional Use Permit request, the Board of Adjustment shall be required to make a determination of the electromagnetic field (EMF) effects of the tower on the health of the public.

- b. All property owners within a 1,500 foot radius and/or adjoining the property where the tower is proposed shall be notified, in writing, of the hearings at which the application will be considered.
- c. Conditional Use Permits for all towers shall expire unless documentation, including but not limited to an FCC license, is submitted each January to the Board of Adjustment indicating that the tower is being utilized.
- d. The tower shall meet all other applicable supplementary requirements.

SECTION 7 – PARKING, OFF STREET PARKING, AND LOADING**7.1 OFF-STREET PARKING REQUIRED**

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, guestrooms, seats, or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Section. Such parking space may be provided in a parking garage or properly controlled open space.

7.2 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

Each application for a Zoning Permit (except for dwellings) shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Article are met.

7.3 COMBINATION OF REQUIRED PARKING SPACE

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use, with one exception. One-half (1/2) of the parking space required for churches 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 or in shopping centers where uses may have different peak hours.

7.4 REMOTE PARKING SPACE

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to such principal use, provided such land is in the same ownership as the principal use and in the same zoning zone. Said land shall be used for no other purposes so long as no other adequate provisions of parking space meeting the requirements of this Ordinance have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with their application for a Zoning Permit or a Certificate of Occupancy an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available. Such instrument shall become a permanent record and be attached to the Zoning Permit or Certificate of Occupancy application. In the event such land is ever used for other than off-street parking space for the principal use to which it is encumbered and no other off-street parking space meeting the terms of this Ordinance is provided for the principal use, the Certificate of Occupancy or Zoning Permit for such principal use shall become void.

7.5 REQUIREMENTS FOR PARKING LOTS

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with in addition to the requirements below:

- A. The lot may be used only for parking and not for any type of commercial use, but shall not preclude convention exhibits or parking of rental vehicles.
- B. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
- C. A strip of land ten (10) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs or trees.
- D. Any parking lot of more than five (5) cars which is adjacent, along the side or rear property lines, to property used or zoned for residential uses, shall be provided with screening as described in Section 4.17.

- E. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.
- F. It shall be the duty of the property owner to keep the parking area free of damaging potholes, obstructions, and maintain the overall appearance and functionality of the parking area in good repair.

7.6 MOBILE, MANUFACTURED AND MODULAR HOME AND TRAILER PARKING AND STORING

It shall be unlawful to park or otherwise store for any purpose whatsoever any manufactured or modular home (see Definitions Section 12) or trailer within any-zone except as follows:

- A. At a safe, lawful, and non-obstructive location on a street, alley highway, or other public place, providing that the trailer or mobile home shall not be parked overnight;
- B. Within a mobile home park, provided, however, the mobile home shall either have a North Carolina or HUD Label of Compliance permanently attached thereto; and,
- C. On any other lot or plot outside of the City of Henderson and its Extraterritorial Jurisdiction (ETJ) provided that trailers, as defined in Section 12, shall be stored in a garage or carport or in the rear or side yard.
- D. Junk or Dilapidated Mobile Home/Manufactured Home Storage or repair yards must obtain a conditional use permit.
- E. Trailers shall include those pulled behind a tractor trailer (18-wheeler) and for use in transporting vehicles, boats, or freight shall be parked in a suitable commercial parking area outside of residential areas.
- F. In circumstances where a dwelling unit (modular or manufactured) is either new for installation or being replaced, the replacement unit may be temporarily stored on the development site for up to five (5) days with permission of the property owner.

7.7 VEHICLE STORAGE

A. Residential, Open Space, and Watershed Overlay Zones: Only vehicles intended for personal use (not part of a commercial operation) shall be parked or stored on any property zoned for Residential use (includes residential uses in the O-S and W-O-Z categories, this provision is not inclusive of the Agricultural Residential zone) . No storage of commercial inventory whatsoever shall be permitted and no inoperative and/or unlicensed vehicles shall be permitted to be parked or stored longer than (14) fourteen days, unless said vehicles are being stored while undergoing repairs and are not part of a commercial operation prohibited in the residential zone. This Section shall further not be applicable to restoration of antique vehicles. (NOTE: Four or more junk, inoperable, or unlicensed vehicles constitute a junk yard). Commercial trucks or vans customarily driven home by employees or owners shall not be affected by the regulations of this Section, this shall include the cab portion (also called a “semi”) of an eighteen (18) wheeled truck and trailer combination, customarily used to transport a large, multi-wheeled trailer (trailers of this type shall be stored in an appropriate commercial or industrial location). Storage of Junk, inoperable or unlicensed vehicles shall comply with the Vance County Abandoned Vehicle Ordinance-Ordinance #2. This section shall apply to the following zoning categories as either a residential zone or where a residential use is permitted (not inclusive of the A-R zone): R-30, R-20, R-10, R-M-H-C, O-S, and W-O-Z.

B. Commercial and Industrial Zones: Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any public, commercial, or industrial zone. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk or wrecking yard (NOTE: Four or more junk, inoperable, or unlicensed vehicles constitute a junk yard).

7.8 MINIMUM PARKING REQUIREMENTS

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Part 4 of this Section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate their own needs to determine if they are greater than the minimum specified by this Ordinance. For purposes of this Ordinance, an off-street parking space shall be no less than one hundred sixty (160) square feet in area, plus adequate ingress and egress provided for each off-street parking space.

- ☐ Single Family Residential Uses shall provide parking area for at least 2 vehicles off the public right of way.
- ☐ Multi-family Uses shall provide parking spaces for at least 2 vehicles per unit off the public right of way in designated park lots.
- ☐ Commercial Uses shall provide 1 parking space for each 200 sq. feet of gross floor area off the public right-of-way.
- ☐ Industrial Uses shall provide 1 parking space for each 500 sq. feet of gross floor area off the public right-of-way.

The Zoning Administrator is allowed to adjust these parking ratios when it is deemed necessary and place such reason on the face of the permit and/or site plan.

7.9 DESIGN STANDARDS FOR OFF-STREET PARKING

All off-street areas required by this Section shall conform to the following design standards:

- A. All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length. All access or backup aisles shall conform to the following minimum dimensions:

<u>Parking Angle</u>	<u>Aisle Dimension</u>
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

- B. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two family dwellings. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.
- C. Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots. It shall be the duty of the property owner to keep the parking area free of damaging potholes, obstructions, and maintain the overall appearance and functionality of the parking area in good repair.
- D. Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
- E. Where two (2) or more driveways are located on the same lot, other than a mobile home park, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater; however, this provision shall not apply to any commercial or industrial planned development. Driveway locations in such developments shall be approved by the North Carolina Department of Transportation.

- F. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.
- G. No driveway shall be located closer than twenty-five (25) feet to any street intersection.
- H. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.
- I. All applicable ADA (American Disabilities Act) standards shall apply.

7.10 OFF-STREET LOADING PURPOSE AND GENERAL REQUIREMENTS

Off-street loading requirements are established in order to ensure the proper and uniform development of loading areas throughout the County, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street loading areas on adjacent properties. Each application for a Zoning Permit or Certificate of Occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Plans for off-street loading areas shall include information as to:

- A. The location and dimensions of driveway entrances, access aisles and loading spaces.
- B. The provisions for vehicular and pedestrian circulation.
- C. The location of sidewalks and curbs.

The Zoning Permit or Certificate of Occupancy for the construction or use of any building, structure or land where off-street loading space is required shall be withheld by the Zoning Administrator until the provisions of this Section have been met. If at any time such compliance ceases, any Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

7.11 DESIGN STANDARDS FOR OFF-STREET LOADING SPACE

The off-street loading space required by this Section shall be provided for standing, loading, and unloading operations either inside or outside a building, on the same lot with the use served, and shall conform to the following standards:

- A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
- B. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen (15) feet in width and forty-five (45) feet in length as a minimum.
- C. All off-street loading spaces shall have a minimum vertical clearance of fifteen (15) feet.
- D. Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.
- E. Required off-street loading areas including drives and access aisles shall be paved with an all-weather hard surface material.
- F. Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such areas shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle or pedestrian way used for general circulation. In addition, the off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.
- G. Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.

- H. Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.
- I. Any off-street loading areas and access ways adjacent, along the side or rear property lines, to property used or zoned for residential purposes, shall be provided with screening meeting the standards described in Section 4.16 (Screening and Buffering).

7.12 MINIMUM OFF-STREET LOADING REQUIREMENTS

Off-street loading shall be provided and maintained as specified in the following:

- A. Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area (Min. Square Feet)</u>	<u>Number of Spaces</u>
5,000 - 20,000	1
20,001 - 50,000	2
50,001 - 80,000	3
80,001 - 125,000	4
125,001 - 170,000	5
170,001 - 215,000	6
215,001 - 260,000	7
For each additional 45,000	1 – Additional

- B. Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area (Min. Square Feet)</u>	<u>Number of Spaces</u>
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001 - 500,000	4
For each additional 180,000	1- Additional

SECTION 8 – VARIANCES

Where applicable in this section, the State Environmental Management Commission is under the North Carolina Department of Natural Resources-Division of Water Quality. For purposes of development that requires a variance for under the minimum watershed management requirements for the low density option (see 15A NCAC 2B), this text is appropriate for this Ordinance.

8.1 Purpose

When unnecessary hardships would result from carrying out the strict letter of this zoning ordinance, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

- A. The unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- B. 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.
- C. 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.
- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

8.2 Authorized Variances

The Board of Adjustment is authorized to grant variances to the provisions of this ordinance in accordance therewith. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

8.3 Applications

A person requesting a zoning variance must submit a variance application to the Senior Planner or the Zoning Administrator. Applications shall include the following:

- A. Site plan drawn to an appropriate scale and illustrating property lines, existing or proposed structures, parking areas and other built upon areas, surface water drainage (if applicable), and indicates north point.
- B. Lists name and address of person who prepared the plan.
- C. Lists the date of the plan and date of revisions (if applicable).
- D. A complete and detailed description of the proposed variance.
- E. Any other pertinent information which the applicant feels would be helpful.
- F. For purposes of notification to abutting property owners, the following is required for a variance application:
 - 1. Location of property.
 - 2. General description of the request
 - 3. Time and date of meeting
 - 4. Location of meeting

5. Notification to be sent to: adjoining property owners if applicable and to all other local governments having jurisdiction abutting the property, this notice shall be sent by the Zoning Administrator by certified mail return receipt requested.

8.3.1 VARIANCES:

The applicant has the burden of proving unnecessary hardship. The proof must be compelling and reasons for granting the variance must be substantial. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, personal preferences, or the disapproval of one's neighbors also do not qualify. The hardship that the applicant must prove must be measured against the community's need for strictly enforced regulations that protect its citizens from dangers and damages from development and the long-term risk to owners and occupants of the building.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

A written report addressing each of the above factors shall be submitted with the application for a variance. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. Conditions for Variances include:

1. Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief.
3. Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; and, (iii) a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the requirement and what the variance specifies. Such notification shall be maintained with a record of all variance actions.
5. The Zoning Administrator shall maintain the records of all appeal actions.

8.4 Quasi-Judicial Proceedings

Although the Board of Adjustment acts in a quasi-judicial capacity, it is not intended that proceedings before it be conducted as formally as those before courts. Nevertheless, it is necessary that the rules of procedure and evidence set forth in this ordinance be followed to protect the interests of the parties and of the public. To this end, the presiding officer may administer oaths to any witnesses and may make any rulings as are necessary to preserve fairness, order, or proper decorum in any matter before the Board of Adjustment. In addition, any member of the Board of Adjustment or any interested party may object to, and the presiding officer may exclude, any evidence or testimony or statement which is so incompetent, irrelevant, immaterial, or unduly repetitious as to fail to reasonably address the issues before the Board of Adjustment.

8.5 Evidence and Testimony

Any interested party (defined as person (s) affected by the variance application) may be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony in explanation or rebuttal. A person who is interested in the matter but who does not have a personal stake in the outcome (such as a likely effect on his or her property value) may

attend and observe the hearing, but they have no legal right to offer evidence, ask questions, or otherwise directly participate in the matter. The presiding officer (Board of Adjustment Chair or County staff) may determine whether testimony, oral argument, or cross-examination must be limited in duration. Any member of the Board of Adjustment may question any interested party. Persons other than interested parties may make comments. Such comments must be competent, relevant, and material.

8.6 Hearings

- A. The Board of Adjustment must hold a quasi-judicial hearing before taking action on a zoning variance application.
- B. At least 10 working days before a hearing on a variance, the Senior Planner or Zoning Administrator must post notice of the hearing on the affected property and send written notice of the hearing to the applicant, the owner of the affected property, and the owners of all real property adjoining the affected property (as shown on County tax listings current when the application is filed).
- C. If a requested variance would result in the relaxation of any of the North Carolina Department of Natural Resources-Division of Water Quality minimum watershed management requirements (or the Vance County Watershed Protection Ordinance), the Senior Planner or Zoning Administrator must, at the same time, send written notice of the hearing to all other local governments having jurisdiction within the same water supply watershed.
- D. On determining that the application would impact non-adjoining properties in the neighborhood of the affected site, the Senior Planner or Zoning Administrator may also send written notices to the owners of those properties, and may require the applicant to submit the additional materials necessary to provide such notices.
- E. Notices to the applicant and the owner of the affected site must be sent via certified mail, return receipt requested. All other mailed notices must be sent via first-class mail to those interested parties as applicable.
- F. If the Senior Planner or Zoning Administrator determines that an application for a variance would have significant impacts on properties beyond the neighborhood of the affected site, the Senior Planner or Zoning Administrator must cause notice of the hearing to be published in a newspaper of general circulation in the county or the area of the affected site. The notice must be published in each of 2 successive calendar weeks, with the first notice being published between 10 and 25 days before the hearing date.
- G. The Senior Planner or Zoning Administrator must make every reasonable effort to comply with these notice requirements. However, where the Senior Planner or Zoning Administrator has made a reasonable and good-faith attempt to comply with the requirements for notice to owners of adjoining properties, no failure to comply with those requirements must render any decision on the application invalid.

8.7 Review and Decision

The decision of the Board of Adjustment must include findings of fact and conclusions of law and must be based upon substantial evidence or testimony that is competent, relevant, and material. Findings concerning the existence or nonexistence of crucial facts must be based upon sworn evidence or testimony unless the party or parties before the Board of Adjustment stipulate the facts or waive this requirement. Every decision of the Board of Adjustment must also include the vote, abstention from voting, or absence of each member.

- A. Appeals for variances shall be filed with the Zoning Administrator, who shall transmit all such records to the Board of Adjustment.

- B. The Board of Adjustment shall fix a reasonable time, not to exceed thirty (30) days, for the hearing of the variance.
- C. The Zoning Administrator shall post a sign on any property for which a Variance has been requested. The sign shall state the date, time, and a phone number to call for information on the Variance, and shall be posted at least 10 days, but not more than 25 days prior to the hearing date.
- D. The concurring vote of four-fifths of the board shall be necessary to grant a variance.
- E. Each decision of the Board of Adjustment is subject to review by the Vance County Superior Court. Any appeal to the Superior Court shall be taken within thirty (30) days after the decision of the Board of Adjustment is filed in the Office of the Zoning Administrator, or after a written copy of the decision is delivered to the appellant by registered mail, return receipt requested, whichever is later.

Additional Evidence: Notwithstanding any other provision of this ordinance, the Board of Adjustment may require additional evidence, as part of the initial application and hearing process, or memoranda of authority to be submitted, and may reserve its decision until such evidence or memoranda have been submitted and considered.

8.8 Required Findings of Fact

A variance may not be granted unless the Board of Adjustment makes findings of fact supporting its conclusions, and concludes, at a minimum, that:

- A. There are special circumstances or conditions applying to the land, building, or use referred to in the application which exists through no fault of the property owner;
- B. The granting of the application is necessary for the preservation and enjoyment of property rights;
- C. The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare or injurious to property or improvement in such neighborhood;
- D. A denial of the application would cause unnecessary hardships to the landowner;
- E. In areas of special flood hazard the Board of Adjustment must additionally conclude that:
 - 1. No increase in flood levels will result within any designated floodway during the base flood discharge as a result of granting the variance;
 - 2. A more limited or narrower variance would not provide relief;
 - 3. Failure to grant the variance would result in exceptional hardship (see Definition Section 8.1) to the property-owner;

NOTE: The Board of Adjustment must make specific findings of fact, based on evidence introduced, on the following issues, and these findings of fact must not be inconsistent with the conclusions concerning variances in areas of special flood hazard:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding damage;
- C. The susceptibility of the proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed use to the community;
- E. The necessity for the use of a waterfront location, where applicable;
- F. The availability of alternative locations on the same parcel, not subject to flooding damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- I. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and

- J. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as wastewater, gas, electrical, and water systems, and streets and bridges.

8.9 Conditions of Approval

In granting zoning variances, the Board of Adjustment is authorized to impose conditions that secure substantially the objectives of the regulations of the Zoning Ordinance or provisions being varied or modified.

8.10 Variations from State Watershed Management Requirements

If the Board of Adjustment grants a variance that would result in the relaxation, by a factor greater than ten (10%), of any of the North Carolina Department of Natural Resources-Division of Water Quality minimum watershed management requirements (or the Vance County Watershed Protection Ordinance), the Board of Adjustment's decision is subject to review and approval by the State Environmental Management Commission before it becomes final. In such cases, the Senior Planner or Zoning Administrator must prepare a preliminary record of the variance application, the evidence submitted to the Board of Adjustment, and the Board of Adjustment's findings and decision, and submit it to the State Environmental Management Commission. If the State Environmental Management Commission approves the variance as granted by the Board of Adjustment, the Board of Adjustment's decision must then be considered final and the variance granted. If the State Environmental Management Commission approves the variance with conditions varying from, or in addition to, those imposed by the Board of Adjustment, the Board of Adjustment must revise its decision to include the varied or added conditions. If the State Environmental Management Commission denies the variance, the Board of Adjustment must reverse its decision and deny the variance.

8.11 Appeals to Superior Court

Any interested party (defined as person (s) affected by the variance application) may seek review of the decision of the Board of Adjustment in Superior Court by proceedings in the nature of certiorari. Any notice of appeal to the Superior Court must be taken within thirty (30) days after decision of the Board of Adjustment is filed in the office of the zoning administrator, or after a written copy thereof is delivered to the person taking the appeal by personal service or registered mail, whichever is later.

SECTION 9 – SIGNS

For the purposes of this Ordinance, the intent of this Section is to recognize that signs serve a legitimate public service, complementing and supporting trade, tourism and investment within Vance County. The regulations of this section are intended to establish standards which maximize the effectiveness of permitted signs while limiting visual distraction to motorists, preserving property value, and preserving the natural aesthetics of the County.

All signs except those specifically listed in Section 9.3 (Exempt Signs) shall be erected, installed, or modified only in accordance with a valid sign permit issued by the Zoning Administrator. Sign permits shall be issued in accordance with the zoning permit requirements and procedures of this Ordinance. If plans submitted for a zoning, special use, or conditional use permit include sign plans in sufficient detail that the Zoning Administrator can determine whether the proposed sign(s) comply with the provisions of this Section, then issuance of the requested zoning, special use, or conditional use permit shall constitute approval of the proposed sign(s).

NOTE: In all circumstances, signs must meet all applicable North Carolina Department of Transportation (NC-DOT) standards and provisions (per all NC-DOT guidelines) for clear lines of site and placement of signs in NC-DOT rights of way. Applicants shall comply with all applicable building and zoning regulations, as necessary, in relation to sign permits.

9.1 Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection should have the meaning indicated when used throughout this section (Section 9.0).

1. **Sign:** Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is known (including any surface, fabric or other material or structure designed to carry such devices such as are used to designate or attract attention to an individual, firm, an association, a corporation, a profession, a business, or a commodity or product) which are exposed to public view and used to attract attention.
2. **Advertising Signs (Billboards or Outdoor Advertising Signs):** A sign which publicizes and directs attention to a business, profession, commodity, activity, product, service or entertainment not conducted, sold or offered upon the premises where such sign is located.
3. **Animated Sign:** Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.
4. **Banner:** A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. Banners may be of permanent or temporary nature, if permanent it shall be rigidly mounted to a pole or a building by rigid frame at two or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
5. **Building Marker:** A sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.

6. Canopy Sign: Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.
7. Commercial Message: Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. This definition does not include company nameplates or logos on instructional signs.
8. Construction Sign: A sign on a construction site during the period of construction on which is printed or written the name of the owner, developer, contractor, architect, planner, engineer, or development title.
9. Electronically Controlled Message Sign: A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of two seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum two seconds shall be considered a flashing sign.
10. Flashing Sign: A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronically controlled message sign is not a flashing sign.
11. Freestanding Sign: Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.
12. Governmental Sign: Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
13. Identification Sign: A permanent sign announcing the name of a subdivision, manufactured home park, campground/RV park, multifamily or townhouse development, planned unit development, church, school, park or quasi-public structure or facility.
14. Incidental Sign: A sign that provides only information for the convenience and necessity of the public. Company logos may be displayed on such signs but must not occupy more than 25% of the sign area. Incidental signs include directories, entrance, exit and other necessary directional signs.
15. Menu Sign: A permanent on-premises sign located at businesses that provide drive-up or drive-through services such as fast food restaurants, banks, laundries, etc. Menu signs shall be located so as not to create vehicle stacking problems which will interfere with the flow of traffic.
16. Nonconforming Sign: Any sign that does not conform to size, height, location, design, construction, or other requirements of this Section. The nonconformity may result from adoption of this Article or any subsequent amendment.
17. On-Premises Sign: A sign that publicizes and directs attention to a profession, commodity, activity, product, service or entertainment conducted, sold or offered upon the premises where such sign is located. On-premises signs include pole and ground mounted signs.
18. Political Sign. A sign advertising a candidate or issue to be voted upon on a specific election day, which is attached to the ground by a stake or stakes, but which excludes any other sign defined as a portable sign. See TEMPORARY SIGN definition below, this type of sign shall not be placed

more than 30 days prior to the event/election and must be removed within 10 days following the event/election.

19. Portable Sign: A sign not permanently attached to any surface.
20. Professional or Occupational Sign or Name Plate: A sign that publicizes and directs attention to a home occupation, rural family occupation, or to a profession.
21. Projecting Sign: Any sign that is end mounted or otherwise attached to an exterior wall of a building that forms an angle with said wall.
22. Real Estate Sign: A sign that advertises the sale, rent, or lease of property.
23. Sign Area: The area of a sign shall be measured in conformance with the following:
 - a. The area of the face of a sign shall be calculated to include the outermost part that forms the shape or display. Necessary supports and trim moldings shall not be included when calculating the area of the sign. Aprons below advertising signs shall not exceed 3 feet in height. Aprons serve an aesthetic function and shall not be used for any purposes other than to identify, by name, the sign company responsible for the sign.
 - b. In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used.
 - c. In the case of an irregularly shaped sign or a sign with letters and/or symbols affixed to or painted, displayed or incorporated into or upon a wall, canopy, awning or decorative facade of a building, the area of the sign shall be the area within the singular continuous perimeter, outlining the limits of the writing, representation, emblem, or any figure of similar character.
 - d. Back-to-back and V-type signs mounted so as to be connected and not spread more than 15 feet will be considered as one sign location when calculating horizontal separation between signs. Advertising signs (billboards) shall not be stacked, horizontally or vertically.
24. Sign Height: The vertical distance measured from the ground elevation where the sign is located, to the highest point of the sign except as follows: When the ground elevation is different from the elevation of an adjacent road, the height of a sign shall be measured from the road elevation of the adjacent road at the edge of the pavement.
25. Temporary Signs: Temporary signs are those signs (inclusive of banners as defined in this section) that relate to such events as elections, farm auctions, yard sales, agricultural production sales, annual charitable, civic or fraternal events, horse shows; festivals, bona fide grand openings and model home show openings.
26. Wall Sign: A sign which is attached to a wall or facade of a building or canopy.
27. Warning Sign: Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of 'high voltage', 'no trespassing', and similar directives.

9.2 Sign Standards

9.2.1. All signs, except for those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the NC State Building Code. Sufficient documentation

shall be submitted to the Zoning Administrator for review to assure that wind and stress requirements have been met prior to any permit being issued.

9.2.2. All signs shall be installed and maintained in compliance with the North Carolina State Building Code and the National Electrical Code and shall have appropriate permits and inspections. Electrical signs and fixtures shall bear labels of a nationally accepted testing laboratory.

9.2.3. All signs shall be maintained in a state of good repair and shall present a neat, well-kept appearance. The Zoning Administrator or his authorized representative shall have the authority to order the painting, repair, alteration or removal of a sign, at the expense of the owner of such sign, which shall constitute a hazard to safety, health or public welfare by reasons of inadequate maintenance, dilapidation or obsolescence. The existence of a sign or its support structure with no message display for a period of one hundred-eighty (180) days shall be justification to declare the sign abandoned and require its removal.

9.2.4. All lights used for the illumination of a sign shall be shielded so that the light will not shine directly on surrounding areas (inclusive of residential areas within three hundred (300) feet) or create a traffic hazard or distraction to operators of motor vehicles on the public thoroughfares. The Zoning Administrator shall have the power to order a change in the illumination of any sign that becomes a hazard or a nuisance.

9.2.5. No illuminated sign, other than professional or occupational signs or nameplates, on-premises signs, incidental signs, or identification signs shall be permitted within 100 feet of any residential zoning district. Illuminated signs other than those listed above which are located within 300 feet of a residence or residentially zoned district shall not be illuminated between the hours of 12 midnight and 6 a.m., unless said lighting is designed in such a manner as to shield the neighboring residence or residentially zoned district from the illumination.

9.2.6. Any sign erected without proper permits or in violation of this Section shall be brought into compliance within 30 days of notification by the Zoning Administrator or said sign shall be removed immediately.

9.2.7. Any sign that meets the provisions of this Ordinance, upon its adoption, and requires a remedy to any deficiency (such as a sign that is damaged and requires repair), in this instance the owner shall be given written notice by certified letter return receipt requested by the Zoning Administrator to remedy the situation. The owner shall have ninety (90) days to remedy or be in violation of this Ordinance.

9.3 Exempt Signs

The following listed signs are subject to all placement and dimensional requirements of this Section and shall comply with the North Carolina Department of Transportation sight distance and road rights-of-way clearances. The following listed signs shall, however, be exempt from permit and fee requirements. Exempt signs shall be maintained in good condition and shall not constitute a hazard to safety, health or public welfare. Exempt signs that are found to be in violation shall be ordered corrected or removed.

1. Any sign 32 square feet or less in area.
2. Any sign that is required by law or erected at the direction of a governmental agency.
3. Signs erected to regulate traffic.
4. Any warning signs; utility signs; signs for public use; and no trespassing, no hunting, or neighborhood watch signs shall contain no commercial message.
5. Mailboxes, house numbers, nameplates, and building markers not exceeding 32 square feet in area.
6. Religious symbols at a place of worship or at a church-owned or operated facility. Such symbols must meet all setbacks and lighting requirements for signs.

7. Construction signs having a maximum area of 32 square feet and a maximum height of 8 feet and limited to one sign per construction site per road frontage. Exempt construction signs must be removed within 15 days following the completion of the project.
8. Real estate signs having a maximum area of 32 square feet and a maximum height of 8 feet. Real estate signs are limited to one per site or one per 300 feet of road frontage. Temporary real estate signs associated with the marketing of a subdivision shall be limited to one sign per subdivision entrance and 32 square feet in area and 8 feet in height. This type of sign must be set back a minimum of 2 feet from all exterior property lines of the subdivision and shall remain clear of the roadway sight distance easement. An additional directory-type sign of the same dimension, height and setback requirements may be located within the interior of a subdivision. Real estate signs must be removed within 30 days following completion of the project or transaction.
9. Temporary signs shall not be placed more than 30 days prior to the event, election or grand opening and must be removed within 10 days following the event, election or grand opening. Such signs are limited to 32 square feet in area and 8 feet maximum height.

9.4 Prohibited Signs

The following signs shall not be permitted, erected or maintained within Vance County's planning and zoning jurisdiction inclusive of the Towns of Kittrell and Middleburg (not inclusive of the City of Henderson or its Extraterritorial Jurisdiction-ETJ).

1. Signs with moving, revolving or rotating parts, optical illusions or movement or mechanical movements by any description or other apparent movement achieved by electrical, electronic or mechanical means, except for time, temperature, date signs; traditional barber poles; and electronically controlled message signs.
2. Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations, except for: time, temperature, date signs; traditional barber poles; and electronically controlled message signs.
3. Strings of light bulbs used in connection with commercial premises for commercial purposes other than traditional holiday decorations.
4. Portable signs, including signs painted on or displayed on vehicles or trailers used to serve primarily as a sign, shall be prohibited except that portable signs used as temporary signs as defined in Section 9.1.25 and in compliance with Section 9.3.9 are permitted.
5. Signs erected, maintained, painted or drawn on any tree, rock or other natural feature.
6. Signs that are attached to a structure and extend vertically above the highest portion of the roof of any structure.
7. This section shall not apply to signs that are of an artistic nature and painted on natural features.

9.5 Sign Placement, Size, Height, Setback, Separation, Clearances/Construction By Sign Type

- A. Advertising Signs (Billboards): All advertising signs (billboards) located within 660 feet of interstate or federally assisted primary highways are subject to the standards and permitting requirements of the Outdoor Advertising Control Act administered by the North Carolina Department of Transportation.
 1. For Advertising Signs (billboards) that are off-premise, the maximum permitted sign area, location, characteristics, and number of off-premise outdoor advertising signs shall be in accordance with the standards in this section, the following regulations for such signs shall apply:

- a. Permitted only with the issuance of a Conditional Use Permit.
- b. Limited to a maximum size of:
 - 1. 400 square feet along any U.S. or North Carolina designated highway.
 - 2. 200 square feet along all other streets/roads.
- c. Be setback a minimum of fifty (50) feet from the public right-of-way, or any legal private access road.
- d. Not exceed thirty (30) feet in height.
- e. Have only one (1) face per side of the sign. "Double-decker" signs with signs erected one over or above the other and side-by-side signs with signs erected one next to the other are prohibited.
- f. Be a minimum of one-thousand (1,000) feet from any residential zoning district or residentially developed property, whether within the jurisdictional limits of the county or not. The distance shall be measured radially from the proposed sign location to the nearest point of the residential district or property.
- g. Shall be a minimum of one-thousand (1,000) feet from any other off-premise outdoor advertising sign, located on the same or on the opposite side of the street. The distance shall be measured radially from the proposed sign location to the existing sign location.
- h. Shall be a minimum of one-hundred (100) feet from any existing or proposed building, off-street parking area, or other building or structure. The distance shall be measured radially from the proposed sign location to the nearest point of the building, off-street parking area, or other building or structure.
- i. No vegetation in the public right-of-way shall be cut for the purpose of increasing or permitting visibility to such off-premises outdoor advertising sign unless approved by the chief engineer of the governmental authority having jurisdiction over such right-of-way.
- j. No outdoor advertising sign (billboard) shall be located in a required front yard setback.
- k. Outdoor advertising signs (billboards) shall meet North Carolina Building Code requirements for wind load and all supports shall be of steel, aluminum, concrete, or other non-combustible material.
- l. No outdoor advertising signs (billboards) shall be erected closer than ten (10) feet from any conductor of electricity, and all such signs shall comply with all requirements of the National Electrical Code with respect to clearance from overhead electrical conductors.

B. On-Premise Signs-Businesses (freestanding pole/ground mounted on-premise signs):

- 1. Maximum height: 35 feet.
- 2. Maximum Sign Size: 200 square feet of sign area per adjoining public road frontage. Maximum sign size is a cumulative total and shall not exceed 300 square feet in area when multiple displays are used on a single support.

3. Maximum number of freestanding or ground mounted on-premises signs per parcel: 1 sign per adjoining public road frontage.
 4. Minimum separation from rights-of-way, property lines and structures: 10 feet.
 5. Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.
 6. No unfinished surfaces or structures shall be exposed on on-premises signs.
 7. Multiple signs (ground mounted and on the same property) for businesses: Businesses advertising special sales, special events, and promotions may display one temporary sign or banner per establishment in addition to the permitted signs, provided that such sign is not illuminated and if mounted on a building shall be flush against the building wall. Maximum size is 18 square feet and such sign may not be is not located within a street right-of-way or required sight triangle. NOTE: SIGNS OF THIS NATURE ARE EXEMPT FROM FEES/PERMITTING PER SECTION 9.3 ABOVE (less than 32 square feet in size).
- C. Wall Signs (including canopy, awning and building facade signs):
1. Maximum area: 1 square foot of sign area per linear foot of building, canopy or awning per building side. Sign footage permitted per building side may not be used on any side other than that building side.
 2. Minimum guaranteed wall signage area at any individual premises is 32 square feet.
 3. The maximum projection of a wall sign shall not exceed 12 inches.
 4. The height of a wall sign shall not exceed the height of the building or canopy facade.
- D. Professional or Occupational Name Plates and Incidental Signs:
1. Maximum sign area: 32 square feet.
 2. Maximum height: 30 inches if ground mounted, signs in this category may also be mounted against the structure.
 3. Minimum setback from all property lines: 2 feet.
 4. Maximum number of signs per business establishment: 1.
- E. Identification Signs:
1. Maximum sign area: 32 square feet.
 2. Maximum height: 8 feet.
 3. Minimum setback: 10 feet from all property lines.
 4. Maximum number of signs per entrance: 1.
- F. Menu Signs
1. Maximum sign area: 45 square feet.
 2. Maximum height if ground mounted: 8 feet.
 3. Minimum setback from all property lines: 10 feet.
 4. Maximum number of signs per business establishment: 1.

9.6 Nonconforming Signs

It is the intent of this Section to permit signs that were lawful before the effective date of this Article to remain in service. All non-conforming signs existing on the effective date of this Ordinance, which do not conform to the requirements of this section, shall be removed and/or brought into compliance within twelve (12) months from the effective date of this Ordinance.

SECTION 10 - BOARD OF ADJUSTMENTS

The Board of Adjustments is charged with hearing and deciding on Conditional Use Permits, Variances, and Appeals from orders and Interpretation of the Senior Planner and/or Zoning Administrator.

10.1 AUTHORITY

A board of Adjustment is hereby established pursuant to North Carolina General Statutes 153A-345. (NOTE: CONFLICT OF INTEREST RULES ARE STATED IN NORTH CAROLINA GENERAL STATUTES UNDER G.S 153-345): A member of the board or any other body exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

10.2 MEMBERSHIP

The Board of Adjustment shall consist of seven (7) members, and initially be those current members of the Planning Board. As seats become available thereafter, each Board of Adjustment seat shall be assigned a separate Board of Commissioners District until all seven seats shall be so assigned. The Board of Commission member then currently serving from the designated district shall have the right to nominate an individual to fill the seat, with the Board of Commissioners to make the final decision of appointment. In addition to the seven full time members of the Board of Adjustment, up to two (2) at-large alternates may be appointed and available to serve in a member's absence. Terms of office shall be for a three year period, with the initial Board Member's term being consistent with their current term on the planning board.

Additionally should any of the municipalities within the county elect to allow Vance County to administer this ordinance within their jurisdictions, each of the municipalities shall have the option of nominating 1 additional alternate member from that jurisdiction that shall be considered a full voting member for issues within that jurisdiction's boundaries only. These alternate members are encouraged to voice opinions and recommendations concerning matters outside of their jurisdiction but shall have no vote on these matters. The nomination from the municipalities shall not be official without Board of Commissioner approval.

A. Powers and Duties: The Board of Adjustment shall have the following powers and duties:

1. To hear and decide appeals from and review any order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this Ordinance.
2. To hear and decide any exceptions which are specifically delegated to it by this Ordinance.
3. To determine and vary application of zoning regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained herein.
4. To hear and decide appeals for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the zoning provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning zone.

5. To interpret zoning maps and pass upon disputed questions of zone boundary lines and similar questions that may occur in the administration of this Ordinance.
6. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

10.3 VOTING

- A. Required Vote for Approval: A four-fifths (4/5) vote of its members shall be required to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.
- B. Vote of the Chairperson: The Board Chairperson shall vote as any other Board member.
- C. Delay of Decision: The Board may, direct that its decision be delayed to a date and time specific subsequent to the Board's vote on an appeal, not to exceed thirty (30) days.
- D. NOTE: VOTING REQUIREMENTS OF THE BOARD OF ADJUSTMENTS ARE ESTABLISHED BY NORTH CAROLINA GENERAL STATUTES UNDER G.S 153-345.1 and 160A-388 as referenced): The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

10.4 COURT REVIEW

- A. Appeal to Superior Court: Each decision of the Board shall be subject to Superior Court review by proceedings in the nature of certiorari.
- B. Timing of Appeal:
 1. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty days after the decision by the Board is filed in the Planning and Development Department; or
 2. After a written copy thereof is delivered by certified mail return receipt, to every aggrieved party who has filed a written request for such copy with the Secretary or Chairperson of the Board at the time of its hearing of the case, whichever is later.

10.5 NOTICE OF HEARINGS/DECISIONS

Hearing Notice: Notice of quasi-judicial hearings shall be mailed to the person or entity whose appeal, application, or request is subject to the hearing, to the owner of the property that is 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 this ordinance. In the absence of evidence to the contrary, the County may rely on the 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 County 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.

Decision Notice: The decision of the Board may be delivered by certified mail return receipt to the aggrieved party either by personal service or by registered mail return receipt requested. The board is authorized to impose reasonable and appropriate conditions upon decisions/permits that are issued.

10.6 OATHS

The Chair of the Board or any member acting as Chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the Board.

10.7 APPEALS TO THE BOARD OF ADJUSTMENTS

The board shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to the following:

- A. **Appeal Eligibility:** Any person who has standing under G.S. 160A-393(d) may appeal a decision of the board of adjustment. An appeal is taken by filing a notice of appeal with the county clerk. The notice of appeal shall state the grounds for the appeal.
 - 1. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
 - 2. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
 - 3. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which such action appealed from was taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is subject of the appeal if the appellant is not the owner.
- B. **Effect of Appeal:** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the officer who made the decision certifies to the Board after notice of appeal has been filed that because of facts stated in an affidavit, a stay would cause imminent peril to life or property or that because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such request is filed.
- C. The Board shall fix a reasonable time for hearing the appeal, not to exceed thirty (30) days, give due notice of the appeal to the parties, and decide the appeal within a reasonable time. The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination or interpretation appealed from, and shall make any order, requirement, decision, determination or interpretation that in the Board's opinion ought to be made under the circumstances.

10.8 VARIANCES

- A. **Application:** An application for a variance shall be submitted in writing to the Board by filing a copy of the completed application with the Planning Director.
- B. **Procedure:** The Board shall:
 - 1. Fix a reasonable time for holding a quasi-judicial hearing on the variance request;
 - 2. Give notice of the variance request as prescribed in Section 8; and
 - 3. Decide the variance request within a reasonable time.

NOTE: The Board shall make findings of fact that the requirements of Section 8.8, Granting of a Variance, have been met by the applicant. The Variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. Board shall not, under any

circumstances, grant a variance to permit a use or density not otherwise permitted by this Ordinance in the zone involved. Neither the nonconforming use of lands, buildings or structures in the same zone, nor the permitted use of lands, buildings or structures in other zoning zones shall be considered as grounds for the issuance of a variance.

- C. Granting of Variance: A variance may be granted by the Board if evidence that is presented by the applicant persuades the Board to reach the following conclusions:
1. There are unnecessary hardships (as defined under Section 8.1 of this Ordinance) that would result from the strict enforcement of this Ordinance. The Board may reach this conclusion if it finds that:
 - a. The unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. 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.
 - c. 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.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- D. Conditions: In granting a variance, the Board may prescribe such reasonable and appropriate conditions and safeguards as will assure the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.
1. Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 2. A variance granted subject to a condition shall be permitted only so long as there is compliance with the condition.
 3. If a violation of a variance occurs, the applicant shall have thirty (30) days to correct the violation, otherwise the Enforcement Officer may revoke the Certificate of Occupancy.
 4. In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void.
- E. Duration: The variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, construction or operation shall be commenced within twelve months of the date of issue.

10.9 CONFLICT OF INTEREST

The purpose of this section is to protect the interests of Board of Adjustments (also referred to as the Zoning Board) when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a member of the board or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to appointed boards.

10.9.1 DEFINITIONS

1. Board – Shall refer to the Vance County Board of Adjustments, Planning Board, and/or Board of Commissioners, and the members thereof.
2. Interested Person - Any member of the Boards as defined in this section and/or a County Commissioner, who has direct or indirect financial interest, as defined below, is an interested person.
3. Financial Interest - A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - A. An ownership or investment interest in any entity with which any member of the Boards as defined in this section and/or a County Commissioner has a transaction or arrangement;
 - B. A compensation arrangement with the Boards as defined in this section or with any entity or individual with which the Boards as defined in this section has a transaction or arrangement; or
 - C. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Boards as defined in this section are negotiating a transaction or arrangement.
4. Compensation – Includes direct and/or indirect remuneration as well as gifts or favors that are not insubstantial.

NOTE: A financial interest is not necessarily a conflict of interest. Under Section 10.9.2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

10.9.2 PROCEDURES

1. Duty to Disclose: In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the members of the Board considering the proposed transaction or arrangement.
2. Determining Whether a Conflict of Interest Exists. After disclosure of the financial interest and all material fact and after any discussion with the interested person he/she shall leave the Board meeting while the determination of a conflict of interest is discussed and voted upon by the remaining members who shall decide if a conflict of interest exists.
3. Procedures for Addressing the Conflict of Interest:
 - A. An interested person may make a presentation at the Board meeting, but after the presentation he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
 - B. The Chairperson of the Board shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - C. After exercising due diligence, the Board shall determine whether the Board can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
 - D. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested members whether the transaction

or arrangement is in Vance County's best interest, for its own benefit, and whether it is reasonable. In conformity with the above determination the Board shall make its decision as to whether to enter into the transaction or agreement.

4. Violations of the Conflict of Interest Policy:

- A. If the Board has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- B. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board determines the member has failed to disclose an actual or possible conflict of interest, the Board shall take appropriate disciplinary and corrective action.

10.9.3 RECORDS OF PROCEEDINGS

The minutes of the Board shall contain:

1. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present and the Board's decisions as to whether a conflict on interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

SECTION 11 - CHANGES AND AMENDMENTS

11.1 Initiation of Amendments:

The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person, amend, supplement, change, modify or repeal the regulations or zone boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Board of County Commissioners through, and reviewed by, the Planning Board, which shall consider its merit and make a recommendation to the Board of County Commissioners. In no case shall final action by the Board of County Commissioners be taken on amending, changing, supplementing, modifying or repealing the regulations or zone boundaries hereby established until the Board of County Commissioners has held a public hearing.

11.2 Action By the Applicant:

- A. Initiation of Amendments: Proposed changes or amendments to the Vance County Zoning Map may be initiated by the Board of County Commissioners, Planning Board, County Administration, Board of Adjustment, or by the owner(s), or his agent, of property within the area proposed to be changed. Any interested party may initiate proposed amendments to the text of the Ordinance.
- B. Application: An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or zone boundary, and the names and addresses of the owner or owners of the property involved. Such application shall be filed not later than three weeks prior to the meeting at which the application is to be considered. There must be a separate application prepared for each parcel of land that has different ownership.
- C. Fees: A nonrefundable fee, according to the schedule posted in the Planning Department, shall be paid to Vance County for each application for an amendment, to cover costs of advertising and other administrative expenses involved.
- D. Public Hearing Notices for Changes:
 - 1. Notification procedure for text amendments or changes: A public hearing shall be set and published no less than ten (10) days nor more than twenty-five (25) business days before the date fixed for the public hearing by the Board of Commissioners in a newspaper of general circulation in Vance County.
 - 2. Notification procedure for Rezoning and Map Amendments: In addition to the required newspaper notification of zoning changes and amendments above in D. 1, rezonings and map amendments require that adjacent property owners be notified by first class mail. The Planning and Zoning Department shall cause such mailing to occur. Notice to all adjacent property owners and newspaper advertisement shall take place no less than ten (10) days nor more than twenty five (25) business days prior to the public hearing. Additionally notice of the public hearing must be posted on the affected property at least ten (10) days prior to the hearing.
- E. Reapplication for Amendment: An application for any rezoning of the same property or any application for the same amendment to the Zoning Ordinance text shall be permitted only once within any one year period, unless the application made is for a different use.

11.3 Action By the Planning Board

Every proposed amendment, supplement, change, modification or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning amendment. The Planning Board shall follow policy guidelines for all zoning amendments. A proposed zoning amendment will not receive favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed zone classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed zone classification would be appropriate in the area included in the proposed change. (When a new zone designation is assigned, any use permitted in the zone is allowable, so long as it meets zone requirements, and not merely uses which applicants state that they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with the County Land Use Plan and sound planning principles.

The Planning Board shall render its decision on any properly filed petition within 60 days after the introduction of such petition and shall transmit its recommendation and report, including the reasons for its determinations, to the Board of County Commissioners and the applicant.

11.4 Action By the Board of County Commissioners

Before taking such lawful action, as it may deem advisable to approve or deny an applicant's request, the Board of County Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. If no recommendation is received from the Planning Board within sixty (60) days after the Planning Board receives the application, the proposed amendment shall be deemed to have been a positive recommendation by the Planning Board.

11.5 Withdrawal of the Application

Any application submitted in accordance with the provisions of this Article for the purpose of amending the regulations or zone boundaries established by this Ordinance may be withdrawn at any time, but fees are nonrefundable.

SECTION 12 - DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word “lot” shall include the words “piece”, “parcel”, “tract”, and “plot”.
- F. The word “building” includes all structures of every kind, except fences and walls, regardless of similarity to buildings.
- G. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.
- H. The word “map” or “zoning map” shall mean the official Zoning Map(s) of Vance County, North Carolina.
- I. The term “Board of Adjustment” shall mean the Zoning Board of Adjustment of Vance County, North Carolina.

Abutting: Having property or zone lines in common; i.e., two lots are abutting if they have property lines in common. Lots are also considered to be abutting if directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

Active Solar System: A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

Abandonment: That the use, structure, building, or sign is not used occupied or otherwise operating for the intended non-conforming activity for the period specified in Section 5 of this Ordinance. Periods of active re-modeling during which the use is closed for repairs should not be considered in determining abandonment, provided the remodeling is completed within a reasonable time period as indicated on the zoning permit issued for re-modeling the nonconforming use. Abandonment of signs shall mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

Access: A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, and the right to leave.

Accessory Building, Structure, or Use: A building, structure, or use, not including signs, which is:

- A. Conducted or located on the same zoning lot as the principal building, structure, or use, except as may be specifically provided elsewhere in the Ordinance;
- B. Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and,
- C. Either in the same ownership as the principal uses or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Adult Entertainment Establishment: Includes clubs and eating and drinking establishments with nude or seminude entertainment or dancing; physical culture establishments, such as but not limited to massage parlors, etc.; and establishments that include adult bookstores, adult motion picture theaters, adult motels and hotels, and similar establishments depicting/emphasizing sexual activities and/or nudity.

Affected land (relating to mining): The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on

which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and selling ponds.

Agriculture: The practice of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry, and animal and poultry husbandry. However, the operation of any accessory uses shall be secondary to that of the normal agricultural activities. See definition of Bona Fide Farm for complete listing of activities included within the definition of Agriculture.

Agriculture Support and Services (Agri-business): Any support or service (agri-business) store or any such use where the primary activity is supplying farm hardware, seed, fertilizer, and/or that provides tractor or other agricultural equipment sales/service.

Agri-tourism: A type of tourism, as a commercial practice, in which farmers provide their farms as a venue for tours of the farming operations and/or making the operation available to overnight guests. This type of commercial venture allows visitors and guests the opportunity to experience “what it's like to live on a farm, to see how food is produced and gain an appreciation for natural ecosystems.” This practice also provides farmers with additional operating income to assist in preserving their respective farms operations as well as preserving such farmlands and their native ecosystems.

Airport: A use that includes facilities for the flying of aircraft and their maintenance for the private use of an individual and those used by ultra-light aircraft. This definition includes flight schools.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Alter: To make any structural changes in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders, or floor joists.

Antenna: Any exterior transmitting or receiving device that radiates or captures electromagnetic waves (excluding radar signals).

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

Apartment House: A building containing three (3) or more dwelling units, except where permitted as an accessory use.

Apartment Hotel: A hotel in which at least ninety (90) percent of the hotel accommodations are occupied by permanent guests.

Assembly: A joining together of completely fabricated parts creating a finished product.

Automobile Service Station (Gas Station): Any building or land used for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. There shall be no fuel pumps within fifteen (15) feet of any property line or street right-of-way and incidental activities shall not include tire re-treading, major bodywork, major mechanical work, or upholstery work.

Automobile Repair Services. An establishment primarily engaged in one or more of the following activities: (1) general automotive repair or service, (2) automotive engine repair, (3) installation or repair of automotive transmissions, (4) installation or repair of automotive glass, (5) installation or repair of automotive exhaust systems, (6) repair of automotive tops, bodies and interiors, and (7) automotive painting and refinishing.

Bed and Breakfast: A form of temporary housing for travelers with breakfast included, but no other meals available (no restaurant, but a dining room may be used by overnight guests only, which is open only during breakfast hours).

Berm: Any elongated earthen mound designed or constructed to separate, screen, or buffer adjacent land uses.

Best Management Practices (BMP's): BMP's are structural, managerial, or vegetative practices that are used to protect and improve surface water, groundwater, and overall water quality. These practices can utilize rock rip-rap to stabilize stream banks, could include establishing grasses and plants on raw soils, could incorporate gravel-lined livestock stream crossings, silt fencing, and seeding/mulching. There are three categories of BMP's, which include:

- A. Structural: include physical structures/materials that are used to protect water quality and slow water velocities to prevent soil erosion (rock rip-rap, silt fence, check dams, water diversions, retention-detention basins, grade stabilizations).
- B. Managerial: cover how projects are implemented, primarily the order and fashion of carrying out a project (organic material disposal, maintenance of other BMP's, sweeping to collect sediment, construction practices to limit/prevent soil erosion).
- C. Vegetative: used to prevent soil erosion/establish ground cover, stabilize eroding soils (seeding, mulching, sod, tree planting, soil management, grass waterways).

Board of Adjustment: As created by Ordinance, the convening body of members appointed by the Vance County Board of Commissioners charged with hearing and deciding on Conditional Use Permits, Variances of Ordinance Regulations, and Appeals from orders and Interpretation of the Zoning Administrator.

Board of County Commissioners: The governing body of Vance County.

Boarding House: A building other than a hotel, inn, or motel, where, for compensation, meals are served and lodging is provided.

Bona Fide Farm: For purposes of this ordinance, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

1. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
2. The planting and production of trees and timber.
3. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
4. Aquaculture as defined in N.C.G.S. 106-758.
5. The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
6. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.
7. A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

1. A farm sales tax exemption certificate issued by the Department of Revenue.
2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.

3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
4. A forest management plan.
5. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, idle (land that is currently not cultivated or that is fallow-currently unplanted for crops) or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, 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. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

Buffer: A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.

Buildable Area (Building Envelope): The space remaining on a lot after the minimum open-space requirements (yards, setbacks) have been met.

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

Building-integrated Solar Systems. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

Building Footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

Building Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.

Building Lot Coverage: The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

Building, Principal (Main): A building in which is conducted the principal use of the plot on which it is situated.

Building Setbacks: The minimum distance from the property line, right-of-ways, and / or easements to closest projection of the exterior face of buildings, walls, or other form of construction (i.e. decks, landings, terraces, porches, and patios on grade).

Building Setback Line: The line on the front, rear, and sides of a lot, set according to the zone regulations, which delineates the areas upon which a structure may be built or maintained. At the time of application, all yard setbacks are determined from the most recent Vance County Official Tax Map.

- A. Front yard setback - shall be measured from the roadway right-of-way as shown on tax maps.
- B. Side and Rear yard setbacks - shall be measured from the property lines as shown on tax maps.
- C. Corner lot setbacks - shall be measured from the roadway right-of-ways it is adjacent to as on a flag lot, the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part), which is closest to the street (minimum lot width must be met in this area, as well; if the point closest to the street is

a corner rather than a line, the setback will have to extend as far as necessary to meet the required minimum lot width)

Built-Upon Area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooded slatted decks, golf courses, and the water area of a swimming pool are not considered built-upon area).

Camp or Care Center: A facility licensed by the State of North Carolina, which consists of one or more buildings, located on at least twenty (20) acres of land, which provides accommodations for more than nine (9) individuals and where the activities of those individuals predominantly occur in supervised groups.

Camper: A structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels, which includes a living area and is designed for travel, recreation or vacation use. A camper is not designed or intended to be used as a permanent dwelling and is synonymous with recreational vehicles. (See also recreational vehicle definition)

Campground: Land upon which shelters (such as tents, travel trailers, campers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

Canopy, Marquee, or Awning: A roof-like cover extending over a sidewalk, walkway, driveway, or other outdoor improvement for the purpose of sheltering individuals or equipment from the weather. An awning is made of fabric or some flexible fabric-like substance. Canopies and marquees are rigid structures of a permanent nature.

Car Wash: A building, or portion thereof, containing facilities for washing automobiles or other vehicles, using production line methods with a chain conveyor, blower, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.

Cemetery, Church: All graves and crypts shall be set back at least thirty (30) feet from all exterior property lines, and provided that no burial lots are sold on a commercial basis.

Cemetery, Commercial: All graves and crypts shall be set back at least thirty (30) feet from all exterior property lines, and provided that no burial lots are sold on a commercial basis.

Cemetery, Family: All graves and crypts shall be set back at least thirty (30) feet from all exterior property lines, and provided that no burial lots are sold on a commercial basis.

Certificate of Occupancy. An official certification that a premise conforms to provisions of the State Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Club or Lodge (Private, Nonprofit, Civic, or Fraternal). A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. A Board of Directors, executive committee, or similar body chosen by the members conducts the affairs and management of such “private club or lodge”. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

Cluster Development. A development process that keeps land in agriculture or open space, and protects natural resources, by requiring buildings to be concentrated on a specified, proportional area of a total

acreage. For this definition (and as relates to Planned Unit Development - PUD) for zero (0) side and/or rear yard setbacks (townhouse and/or condominium development), a zero (0) side and/or rear yard setback is within the development only and does not refer to the setbacks that abut adjoining properties (relates to the sides of dwelling units that face open spaces areas).

Common Open Space. A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

Condominium. A dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual, and such ownership is not inclusive of any land.

Conditional Use: A use that, given special characteristics related to its operation or installation, is permitted in a zone subject to approval by the Board of County Commissioners, and subject to special requirements, different from those requirements for the zone in which the conditional use may be located. When required, a Conditional Use Permit:

- A. Shall have, as its purpose, to create a set of conditions under which a certain use could become compatible or acceptable, which current regulations do not allow.
- B. Shall have the process is to allow review of all pertinent information by the public, technical staff members, appointed officials and elected officials and to allow each entity the opportunity to suggest, or require, conditions which will mitigate the adverse impact of the use.
- C. Shall not be construed to be a variance to any existing regulation.
- D. Does not waive or alter any portion of the existing regulations.
- E. Additional requirements shall be specific to the use or structure under consideration.
- F. As a request, shall specify the nature of the proposed development and shall propose conditions to assure compatibility between the development and the surrounding neighborhood. General requirements would include:
 1. A request for a Conditional Use Permit shall be considered only upon request by the property owner(s).
 2. All standards and requirements shall be met, except to the extent that the conditions imposed are more restrictive than that standard or requirement.
 3. The use shall not endanger the public health or safety if located where proposed and developed according to the plan submitted.
 4. Additional requirements shall be specific to the use or structure under consideration.
 5. No alterations to the use or structure shall be permitted, except as specifically reviewed and approved.
 6. Changes shall require a new request and shall be treated as a new and separate request.
 7. The use shall not injure the value of adjoining or abutting property or the use is a public necessity.
 8. The location and character of the use, if developed according to the plans submitted, will be in harmony with the area in which it is to be located and generally in conformity with the County's Land Use Plan.

Contractor. One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this Ordinance, the term "contractor" does not include general assembly, fabrication, or manufacture at his business location.

Controlled-Access Highway. A roadway which, in accordance with State and Federal guidelines, is designed to give preference to through traffic by providing access connections at interchanges or selected public roads only, with no direct access from private roads or driveways and with no crossing at grade, including any interstate, State, or U.S. Route.

Convalescent Home (Nursing Home). An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

Convenience Store. A commercial building where a variety of items are sold, which may include food, magazines, automobile accessories and maintenance supplies, and other such items. In addition to the commercial building, other services on the premises may include gasoline sales, and a coin operated (automated) car wash.

Conversion. Changing the original purpose of the building to the different use.

Covenant. A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

Day Care Facility (Adults and Children). A place other than an occupied dwelling, which provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. All State registration requirements and inspections shall be met. If children are the primary clients of the day care home the following shall apply: Any child care arrangement where three (3) or more children under thirteen (13) years of age receive care away from their own home by persons other than relatives, guardians, or full-time custodians, or in the child's own home where other unrelated children are in care. Child day care does not include seasonal recreational programs operated for less than four (4) consecutive months. Child day care also does not include arrangements that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible.

Day Care Home (Adults and Children). A dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and are not dependents of the occupant, do not reside on the site. For the purpose of this ordinance, such activities shall meet all requirements for home occupations. All State registration requirements and inspections shall be met. If children are the primary clients of the day care home the following shall apply:

- A. Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), which provides day care on a regular basis at least once a week for more than four (4) hours, but less than twenty-four (24) hours, per day for more than five (5) children under the age of thirteen (13) years, not including the operator's own school-aged children. It does not matter where it is located, whether the same or different children attend, and whether or not operated for profit.
- B. The following are not included: public schools; nonpublic schools, as described in G.S. 110-86(2); summer camps having children in full-time residence; summer day camps; specialized

activities or instruction such as athletics, clubs, the arts, etc.; and Bible schools normally conducted during vacation periods.

Day-Night Level (DNL): A measure of noise that is an outdoor, day-night average (a weighted sound level).

dBA. The sound pressure level, in decibels, as measured using the impulse mode and "A" weighting network on a precision sound level meter.

Dedication. The transfer of property from private to public ownership with no compensation involved.

Density. The average number of families, persons, housing units, or buildings per unit of land.

Drip Line. A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Driveway. A private roadway located on a parcel or lot used for vehicle access.

Dwelling. A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

Dwelling, Attached. A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached. A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, Duplex. A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

Dwelling, Multifamily. A building containing three (3) or more dwelling units, except where permitted as an accessory use.

Dwelling, Single Family: A building containing one dwelling unit only, but may include one (1) separate unit as an accessory use to be occupied only by employees or relatives of the household. This definition does not include Manufactured Home, see definition of Manufactured Home)

Dwelling Unit. One or more rooms, which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

Easement. A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.

Electronic Gaming Operations. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, beach sweepstakes or cybercafés. This does not include any lottery approved by the State of North Carolina.

Erect. Build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

Fabrication. Manufacturing, excluding the refining or other initial processing of basic raw materials, such as metal, ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Fall Zone Buffer A land buffer around a tower base to provide for containment of the tower to the site in the event that it falls.

Family. One or more persons related by blood, marriage, or adoption living together as a single housekeeping unit. For the purpose of this Ordinance, such persons may include gratuitous guests, also persons living together voluntarily as a family in a dwelling as a single housekeeping group.

Family Care Home. A facility that provides health, counseling, or related services, including room, board, and care, to six (6) or fewer handicapped persons in a family-type environment. These handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or to others.

Fence, Security. A fence designed to keep out unauthorized persons and kept locked when the area or facility is not in use or under observation. Security fences are often equipped with a self-closing and positive self-latching mechanism.

Firearm. A weapon, including but not limited to pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

Firing line. A line parallel to a target from which firearms or arrows are discharged.

Flag Lot. An irregularly shaped lot where the buildable area of the lot is connected to its street frontage by an arm of the lot.

Floor Area (for determining off-street parking and loading requirements). The gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production. However, “floor area”, for the purpose of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted above); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or business or professional offices.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area, Gross. The total floor area enclosed within a building.

Freestanding Tower. All towers which are placed on an independent base, and erected without support from other structures (examples include: monopole towers, and lattice/cage towers). NOTE: Guy-wires are not used in freestanding towers.

Frontage. All of the real property abutting a street line measured along the street right-of-way.

Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading/unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities (term does not include long-term storage, manufacture, sales, service facilities).

Garage, Commercial. Any building or premises, except those described as a private or parking garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale. If the garage is listed as a business in the Tax Assessor’s Office by January 31 or each year and consists of two acres, six (6) additional motor vehicles may be allowed.

Garage, Parking. Any building or premises, other than a private or commercial garage, used exclusively for the parking or storage of motor vehicles.

Garage, Private. A building or space used as an accessory to, or a part of, the main building permitted in any residential zone, providing for the storage of motor vehicles, and in which no business, occupation, or service for profit is conducted, except in an approved home occupation.

Gas Station. See Automobile Service Station.

Greenhouses and Nurseries (commercial): An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which are grown at the establishment.

Greenhouses (private-to include gardening): A small facility where plants are grown for personal use, not for retail or commercial sale.

Greenway. A corridor of open space that connects different parts of a community (county) and offers opportunities for walking, bicycling, other forms of passive recreation, and non-motorized transportation. Greenways help to promote a pollutant-free environment in reducing the need for modes of travel dependent on fuel.

Grid Tied Solar System. A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

Groundcover. Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Height. For the purpose of determining the height limits in all zones set forth in this Section, the datum shall be mean sea level elevation unless otherwise specified.

Heliport: A use that includes facilities for the flying of helicopters and associated rotary-wing aircraft and their maintenance for the private use of an individual and those used by flight schools.

Historic Structure. Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic zone or a zone preliminarily determined by the Secretary to qualify as a registered historic zone; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

Home Care Unit. A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, and is located on a lot of at least one (1) acre in size.

Home for the Aged, or Rest Home. A place for the care of aged and infirmed persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated. A major factor distinguishing those homes is that the residents may be given congregate services (distinguished from individualization of medical care required in “patient” care). A person may be accepted for sheltered or custodial care because of a disability, which does not require continuing, planned medical care, but which does make him unable to maintain himself in individual living arrangements. For the purposes of this Ordinance, a “home for the aged” shall also be considered a “rest home”.

Home Occupation. Any occupation or profession carried on entirely within a dwelling or accessory building on the same lot by one or more occupants thereof, providing the following (No Retail Sales Permitted):

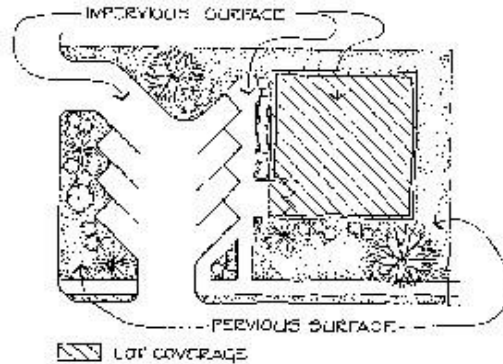
- A. That such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;
- B. That no more than twenty-five percent (25%) of the total floor area of the dwelling is used for such purposes;
- C. That there is no outside or window display;
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the home occupation other than one non-illuminated sign, not exceeding three (3) square feet in area.
- E. That no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or emergency treatment; and,
- F. That not more than one person not a resident of the dwelling is employed in connection with the home occupation. A doctor or dentist may have one nurse or receptionist employed in his office.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and required parking shall be met off the street and other than in a required front yard.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

Home Occupation of an Industrial or Commercial Nature. A home occupation in a rural area that may be of a heavier commercial or industrial nature than a typical home occupation. The business owner resides on the premises, but the amount of floor area used and the type of equipment used may be different than the standard home occupation and more than one person not a resident of the dwelling may be employed. Such home occupations may include commercial or industrial uses listed in the Table of Uses.

Horse Farm. A bona fide farm that, as a primary activity, conducts business by engaging in any one or more of the activities of breeding, training, buying, selling, showing, racing, and boarding of horses, including associated accessory activities.

Hotel. A building or other structure kept, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants. Rooms are furnished for the accommodation of such guests, and the hotel may or may not have one or more dining rooms, restaurants, or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, are located in the same building. Entry to sleeping rooms shall be from the interior of the building.

Impervious Surface Area. That portion of the land area that allows little or no infiltration of precipitation into the soil. Impervious areas include, but are not limited to, that portion of a development project covered by buildings, areas paved with concrete, asphalt, or brick, gravel roads, patios, driveways, streets, and recreation facilities such as tennis courts (wooden slatted decks and the water area of a swimming pool are considered pervious). See example illustration:



Impervious Surface Ratio: The algebraic ratio calculated to determine the percentage of open land versus built-upon area on any tract(s) of land used for the purpose of actual or anticipated residential or nonresidential development.

Incompatible Use. A use or service that is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

Inn (shall also refer to what is termed a Country Inn). An establishment meeting the definition of “hotel” except that it is designed for a more leisurely paced lifestyle with no more than twenty-five (25) guestrooms, and with a maximum of ten (10) percent of the total floor area (excluding guestrooms and hallways) in use as accessory commercial uses, such as gift shops, newsstands, or restaurants.

Inoperative Vehicle. Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle that is registered with the North Carolina Division of Motor Vehicles with a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

Interested Persons and/or Parties. In reference to filing for a variance, rezoning, and/or conditional use permit (definition shall also apply to the quasi - judicial process of hearings held by the Board of Adjustments-G.S.153A-345 (b)), unless otherwise specified in this Ordinance, applications for review and approval may be initiated by an interested person/party who is:

- A. The owner of the property that is the subject of the application;
- B. The owner’s authorized agents; or
- C. Any review or decision-making body (inclusive of the Board of Commissioners, Board of Adjustments, and Planning Board) as specified in this Ordinance.

When an authorized agent files an application under this section on behalf of a property owner, the agent shall provide the County with written documentation that the owner of the property has authorized the filing of the application. When review or a decision-making body initiates action under this Ordinance, it does so without prejudice toward the outcome.

Junk Yard. Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A “junk yard” includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. A “junk yard” for vehicles is defined as four or more junk, inoperable or unlicensed vehicles stored on the property. See definition of commercial garage for exception.

Kennel: Any facility used for the purpose of boarding animals, not including horses, cattle, swine, sheep, goats, geese or peafowl. Kennels may conduct other such incidental activities, such as the sale of animals, treatment of the animals, grooming or cleaning, and the sale of pet supplies. This definition shall include any establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than three domesticated animals at any one time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one litter of domesticated animals at any one time or the selling of any three individual domesticated animals (not defined as litter herein) at any one time. Domesticated animals, for the purpose of this ordinance, shall be defined as dogs, cats, and other generally accepted household pets. Litter, for the purpose of this Ordinance, shall be defined as the offspring resulting from the breeding of two domesticated animals. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following (for personal use):

- (a) The ownership of domesticated animals as household pets;
- (b) The ownership of domesticated animals for hunting or tracking purposes;
- (c) The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and
- (d) The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

Landfill, Demolition. A landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

Landfill, Sanitary. A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day. Sanitary landfills shall also conform to requirements of 15A NCAC 13B regarding solid waste management.

Landscaped Area. A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns, and plantings.

Lattice/Cage Tower. A structure consisting of connected sections of metal supports. Towers of this type typically are 250-300 feet in height and require no supporting guy-wires.

Life Care Center. A facility which combines the functions of any combination of a retirement community, rest home, nursing home, and convalescent home, providing residential facilities for independent living, assisted care, and, possibly, nursing care.

Loading Area or Space, Off-Street. An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

Lot. A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the Register of Deeds. For the purpose of this Ordinance, the word “lot” shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected and their accessory buildings.

Lot, Corner. A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this Ordinance, such as in corner visibility requirements.

Lot, Depth. The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

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

Lot Lines. The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

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

Lot, Width. The straight line distance between the points where the building setback line intersects the two side lot lines.

Lot of Record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Vance County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds by the owner or predecessor in title thereto.

Machine and Welding Shop: This industry comprises establishments known as machine shops primarily engaged in machining metal parts on a job or order basis. Generally machine shop jobs are low volume using machine tools such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding, and milling. This industry also comprises establishments primarily engaged in the repair and maintenance of commercial and industrial machinery and equipment. Establishments in this industry either sharpen/install commercial and industrial machinery blades and saws; or provide welding (e.g., automotive, general) repair services; or repair agricultural and other heavy and industrial machinery and equipment (e.g., forklifts and other materials handling equipment ,machine tools, commercial refrigeration equipment, construction equipment, and mining machinery).

Manufactured Home Space: A designated area of land within a manufactured home park designed for the accommodation of a single manufactured dwelling home in accordance with the requirements of the Vance County Manufactured Housing Ordinance (Ordinance #3).

Manufactured Home: A factory-built structure composed of one or more components, each of which is manufactured or constructed under the authority of 42 United States Code Section 5401, the National Manufactured Home Construction and Safety Standards Act, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheel or axles. A mobile home, a recreational vehicle or travel trailer are not a manufactured homes.

Manufactured Home Development: A general category of development that includes manufactured home subdivisions and manufactured home parks.

Manufactured Home Park: A parcel of land under single ownership on which three or more manufactured homes are located where spaces are offered for use, lease or rent for the purpose of locating manufactured homes. Also referred to as land-lease or rental communities. A group development site with required improvements and utilities for the long-term location of manufactured homes which may include services and facilities for the residents.

Manufactured Home Subdivision: A subdivision designed and/or intended for the sale of lots for siting manufactured homes. Manufactured Home Subdivisions shall conform to the same land development and site improvement standards that apply to conventional subdivisions.

Mining. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location. The

preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use. Mining does not include:

- ☐ Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
- ☐ Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
- ☐ Mining operations where the affected land does not exceed one (1) acre in area.
- ☐ Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land.
- ☐ Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one (1) acre in area.

Mini-Warehouse / Storage Facilities: A building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage (see definition in this section) units are permitted on the premises.

Mobile Home: A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. A mobile home does not meet the criteria for a manufactured home. A recreational vehicle or travel trailer is not a mobile home.

Mobile Office: A structure identical to a mobile home (as defined in this section) or a modular home (as defined in this section), that has been converted to, or originally designed and constructed for, commercial or office use.

Modular Home: A factory-built home certified as meeting the North Carolina Building Codes and associated codes as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as a site-built home.

Monopole Tower: A single pole structure that supports telecommunication equipment. These towers are typically less than 200 feet in height. Said towers have been shown to be resistant to wind and ice conditions that could cause tower collapse.

Motel: A building or other structure kept, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

Nonconforming Lot: A lot existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet the minimum area or lot width or depth requirements of the zone in which the lot is located.

Nonconforming Use: The use of a building, mobile home, or land which does not conform to the use regulation of this Ordinance for the zone in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated.

Nonconformity, Dimensional. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure, or the relationship between an existing building or buildings and other buildings or lot lines (i.e. setbacks), does not conform to the regulations applicable to the zone in which the property is located.

Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses (sight, smell, touch, hearing, and taste).

Ordinance. This, the Zoning Ordinance, including any amendments. Whenever the effective date of the Ordinance is referred to, the reference includes the effective date of any amendment to it.

Off-grid Solar System. A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Off-Premise Outdoor Advertising. any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the interstate or primary system or other public right of way, whether the same be permanent or portable installation.

Opaque. In reference to screening, buffering, and fencing, this term shall mean “not able to be seen through from one side to the other.

Outdoor Display. The placement of merchandise normally associated with the commercial or industrial use outside for public display.

Outdoor Storage. The placement /storage of goods, equipment, or material, such as junk vehicles, junk appliances and other such items, trash, and other debris outside of an enclosed building for a period of more than forty-eight (48) consecutive hours shall be considered outdoor storage. Outdoor storage does not refer to licensed vehicles in use by the person occupying the property, or other minor/incidental storage, such as items specifically designed for outdoor use including; lawn furniture, outdoor grill, swing set, lawn care equipment, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

Parking Lot or Area. An area or plot of land used for, or designated for, the parking or storage of vehicles, either as a principal use or as an accessory use.

Parking Space. A storage space of not less than one hundred sixty (160) square feet for one automobile, plus the necessary access space.

Parking Space, Off-Street. A parking space located outside of a dedicated street right-of-way.

Person. An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.

Planned Unit Development (PUD). A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and mix of building types/land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. For this definition (and as relates to Cluster Development) for zero (0) side and/or rear yard setbacks (townhouse and/or condominium development), a zero (0) side and/or rear yard setback is within the development only and does not refer to the setbacks that abut adjoining properties (relates to the sides of dwelling units that face open spaces areas).

Planning Board. As created by Ordinance #28 in Vance County, the purpose of this ordinance is to establish a Vance County Planning Board in accordance with North Carolina General Statutes, Section

153A, Article 18, “Planning and Regulation of Development.” The Planning Board shall consist of seven members, and their alternates. All members shall be citizens and residents of Vance County and shall be appointed by the Vance County Board of Commissioners. Work conducted by the Vance County Planning Board is outlined in Ordinance #28.

Pre-Existing Tower. Any tower erected or for which a permit has been issued prior to the effective date of this ordinance.

Premises. A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

Private Road or Street: Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

Recreational Vehicle: A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. Recreational vehicles and camping trailers shall not be used as temporary living quarters for more than ninety (90) days in any twelve (12) month period except if these are placed in an approved RV/Camper park or in the event of an emergency or disaster when a governmental grant/program provides a temporary recreational vehicle while the damaged/destroyed home is being replaced. Recreational vehicles must be ready, willing, and able to move off-site within 48 hours.

Right-of-Way. An area owned and maintained by a municipality, the State of North Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles/pedestrians, including roads, pedestrian walkways, utilities, or railroads.

Satellite Dish Antenna (Earth Station): A dish antenna, or earth station, is defined as an accessory structure and shall mean a combination of:

- ☐ Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- ☐ A low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
- ☐ A coaxial cable whose purpose is to carry the signals into the interior of the building.

Self-Service Gasoline Pump. A gasoline or diesel fuel dispensing pump, which is, operated by the customer who pays the charge to an attendant or cashier.

Self-Supporting Tower. See definition of Freestanding Tower.

Setback. The required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right of way in the front and property lines on the remaining portions of the property).

Shopping Center: A commercial area with one or more buildings or lots and designed as a unit to house two (2) or more businesses offering products and/or services to the public.

Shooting range facility. A public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Does not include incidental target practice areas on private property.

Shooting station. A fixed point from which firearms or arrows are discharged.

Sign. Any words, lettering figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message.

Site Plan. A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes such things as lot lines, streets, building sites, reserved open space, buildings, major landscape features – both natural and manmade and depending on requirements, the locations of proposed utility lines.

Solar Collector (Accessory): A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into another source for direct power consumption and interconnection with the power grid to offset energy consumption of a principal use. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of several devices that absorb and collect solar radiation for use as a source of energy.

Solar Farm: A facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption. Also referred to as a Solar Energy Generation Facility, Solar Power Plant or Solar Photovoltaic Farm.

Solar Mounting Devices: Devices that allow the mounting of a solar collector onto a roof surface or the ground.

Sound Management Program for Agricultural Land and Horticultural Land (per North Carolina G.S. 105-277.3). If the property owner demonstrates any one of the following factors with respect to agricultural land or horticultural land, then the land is operated under a sound management program:

1. Enrollment in and compliance with an agency-administered and approved farm management plan.
2. Compliance with a set of best management practices.
3. Compliance with a minimum gross income per acre test.
4. Evidence of net income from the farm operation.
5. Evidence that farming is the farm operator's principal source of income.
6. Certification by a recognized agricultural or horticultural agency within the county that the land is operated under a sound management program.

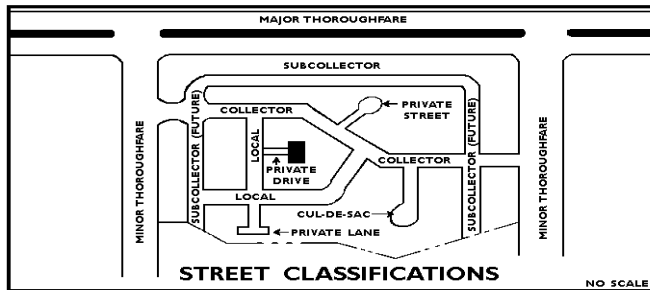
Operation under a sound management program may also be demonstrated by evidence of other similar factors. As long as a farm operator meets the sound management requirements, it is irrelevant whether the property owner received income or rent from the farm operator.

Sound Management Program for Forestland (per North Carolina G.S. 105-277.3). If the owner of forestland demonstrates that the forestland complies with a written sound forest management plan for the production and sale of forest products, then the forestland is operated under a sound management program.

Storage. The deposition of commodities/items for the purpose of future use or safekeeping.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Street. A thoroughfare, which affords the principal, means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley. Examples of street classifications are as follows:



- A. Subcollector Street: street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.
- B. Public Street: dedicated public right-of-way for vehicular traffic which 1) has been accepted by NCDOT for maintenance; or 2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.
- C. Private Street: vehicular travelway not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.
- D. Cul-de-Sac Street: short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
- E. Local Street: street with primary function to provide access to abutting properties.
- F. Private Lane: private cul-de-sac for vehicular traffic serving four (4) or fewer residential lots in a minor subdivision, maintained pursuant to NCGS 136-102.6.
- G. Private Drive: vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two (2) or more principal buildings in a group housing or group nonresidential development.
- H. Collector Street: street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets, and streets of higher classification, but which may also provide direct access to abutting properties.
- I. Major Thoroughfare Street: Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
- J. Minor Thoroughfare Street: Minor thoroughfares collect traffic from collector, subcollector, and local streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

Structure. Anything constructed or erected, including a building; a manufactured (modular) or mobile home; storage tank for gases or liquids; or any other permanent or temporary, man-made facilities, including swimming pools, walls, signs, and storage buildings.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

Subdivision. Means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development whether immediate or future and includes all division of land involving the dedication of a new street or change in existing streets; however, the

following is not included within this definition and are not subject to any regulations enacted pursuant to the Vance County Subdivision Ordinance (Exemptions):

- A. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;
- B. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for widening or opening streets; and
- D. The division of a tract into single ownership where the entire area is no greater than two (2) acres, into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by the Vance County Subdivision Ordinance.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home (as defined in this section-modular) or a mobile home (as defined in this section) on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Stealth Tower. A hidden tower, where the telecommunication equipment is placed in such a way as to not be obvious (typically incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure as in placement in/on a church steeple, a water tower, or on a tall building).

Street: A dedicated and accepted public right-of-way for vehicular traffic. The word “street” shall include the word “road”. This definition shall include reference to a “private road (a vehicular right-of-way and street or road not intended for dedication to or maintenance by NCDOT or other appropriate public agency) and “public road” (a dedicated public right-of-way for vehicular traffic which 1) has been accepted by NCDOT for maintenance; or 2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic). Alleys are specifically excluded.

Substantial damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

Substantial improvement: means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a

historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surface Danger Zone. Any area that may reasonably expect projectile impact resulting from direct fire, including misdirected and accidental discharges, and ricochets from any firearm or bow, which takes into consideration all mitigation efforts as submitted by the applicant and determined by a certified engineer.

Target. Any object or area which is used as the intended recipient of the projectiles fired from a firearm or bow.

Telecommunication Tower. Any structure designed and built to support one or more antennae, including self-supporting and guyed lattice/cage towers, or monopole towers used for the support of PCS and cellular mobile services. This definition does not address commercial radio and television towers and does not include personal satellite dishes or amateur radio antennas.

Temporary. Anything temporary is to exist less than six (6) months.

- A. Commercial (temporary Outdoor Sales include uses such as flea markets, auctions, and fireworks sales tents.
- B. Temporary Miscellaneous Sales include such uses other than flea markets, auctions, fireworks sales tents, but does not include what are termed yard/garage sales (no restrictions imposed on small scale/individual home yard/garage sales).

Tourist Home. Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging of transients and travelers for compensation, and where food may be served, other than a bed and breakfast.

Tower Setback. A buffer between the tower structure and adjoining property owners.

Townhouse: A dwelling unit as part of a structural arrangement of four (4) or more single family attached dwellings joined by common walls on not more than two (2) opposite sides with the uppermost story being a portion of the same dwelling located directly beneath at the grade or first floor level and having exclusive individual ownership and occupant rights of each dwelling unit including, but not limited to, the land area directly beneath the dwelling. Said units shall have separate entrances to the outside and are entirely separated from each other by walls that meet North Carolina Building Standards.

Tower Height. The vertical distance measured from the ground to the uppermost point of the tower, including the antennas and lightning rod.

Trailer. Any vehicle or structure originally designed to transport something or intended for human occupancy for short periods of time. Trailers shall include the following:

- ☐ House Trailer. A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten (10) feet or less or a body length thirty-two (32) feet or less when equipped for road travel.
- ☐ Camping Trailer. A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.
- ☐ Trailer. A vehicle hauled by another vehicle and designed to transport vehicles, boats, or freight.

Transmission Line, High Voltage Electric Power. A line transmitting, or designed to transmit, electricity of 66,000 or more volts, including poles, guys, wires, towers, and appliances, but not including transformer stations or substations.

Under story. The small trees, shrubs, and other vegetation growing beneath the canopy of forest trees.

Use. Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, and educational.

Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open space.

Wetlands. Those areas that are defined as wetlands by the United States Army Corps of Engineers from time to time

Woodlands. Undeveloped land except for roads and utilities and contains stands of native trees.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, Front (Highway Yard). A yard across the full width of the lot extending from the front line of the building.

Yard, Side. An open space on the same lot with a building, between the building and the side line of the lot, extending through, from the front building line, to the rear of the lot.

Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Zero Lot Line. A concept commonly used in Planned Unit Developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold, along with the ground underneath and perhaps a small yard or patio area. Such commercial or residential units are located in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place up to the lot line.

Zoning. A police power measure, enacted primarily by general-purpose units of local government, in which the community is divided into zones or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from zone to zone, but they must be uniform within zones. The Zoning Ordinance consists of two parts – a text and a map.

Zoning Administrator: The official person charged with the administration of the Zoning Ordinance. This definition may include other Zoning Enforcement Officers; both the positions of the Administrator and the Enforcement Officer are sworn positions.

Zoning District: An area established by this Ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

Zoning Permit. An official certification that a premise, site plan, building or land conforms to provisions of this Zoning Ordinance and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a permit is issued a building permit cannot be issued by the County Planning and Development Department.

APPENDIX A - AMENDMENTS

January 7, 2013

1. Amended section 3.2F to include prohibitions on new utilities for campers and limiting campers if utilities are present.
2. Amended the Table of Permitted Uses by adding “Solar Collector (Accessory) as a permitted use within all current zoning districts.
3. Amended section 4.13 to include Solar Collectors as an accessory use.
4. Amended section 12, Definitions, adding Active Solar System, Building-integrated Solar System, Grid Tied Solar System, Off-grid Solar System, Photovoltaic System, Solar Collector (Accessory), Solar Collector Surface, Solar Energy, Solar Energy System, Solar Farm, Solar Mounting Device.
5. Amended section 12, Definitions amending definition of campgrounds.

February 4, 2013

1. Amended the Table of Permitted Uses by adding “Solar Energy Systems, Large Scale (Solar Farms) as a conditional use within the AR, LI, IM, EIA, and OI zoning districts.
2. Amended section 6, Conditional Use Permits, adding conditions for the issuance of a conditional use permit for solar energy systems and solar farms.

December 1, 2014

1. Amended sections 1.5 and 12 to update the definition of agriculture and bona fide farms as per session law 2013-347.
2. Amended sections 1.8, 6.3, 6.10 O9, 8.1, 8.2, 8.5, 8.6A, 8.7, 8.8D, 8.11, 10.3A, 10.3D, 10.5, 10.6, 10.7, 10.8 B, and 10.8C to update and modernize language regarding quasi-judicial hearings and board of adjustment procedures as per session law 2013-126.

July 6, 2015

1. Amended the Table of Permitted Uses by permitting Cemetery (Church, Family) as a Permitted Use within the OI zoning district and prohibiting Cemetery (Church, Family) within the R-10 zoning district.
2. Amended the Table of Permitted Uses by permitting Manufacturing as a Conditional Use within the (HC) Highway Commercial zoning designation.

September 8, 2015

1. Amended section 6.10N to update the solar farm regulations providing additional protections for setbacks, screening and fencing, lighting, installation and design, inspections, and decommissioning.