GENERAL PROVISIONS

§ 154.001 PURPOSE OF AUTHORITY AND ENACTMENT CLAUSE.

In pursuance of authority conferred by NC.G.S, the County Board of Commissioners and Taylorsville Town Council ordains and enacts into law this chapter for the purpose of:

(A) Promoting the public health, safety, morals, and general welfare;

(B) Promoting the orderly development of the county;

(C) Lessening congestion in roads and streets securing safety from fire, panic and other dangers;

(D) Providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population; and

(E) Facilitating the adequate provision of transportation, water, sewerage, schools, banks and other public requirements, all in accordance with a well considered comprehensive plan.

§ 154.002 SHORT TITLE.

This chapter shall be known as "The Alexander County/Town of Taylorsville Zoning Ordinance" and the map referred to, which is identified by the title "Official Zoning Map, Alexander County and Taylorsville, North Carolina" shall be known as the "Zoning Map."

§ 154.003 JURISDICTION; ZONING MAP INCORPORATED BY REFERENCE.

This chapter shall apply to all lands within the designated boundaries of the "Alexander County and Taylorsville Planning Area" as shown on the "Official Zoning Map, Alexander County and Taylorsville, North Carolina." This "Official Zoning Map" and all notations, references, and other information shown on the map are incorporated by reference and made a part of this chapter.

§ 154.004 USE REQUIREMENTS BY DISTRICT.

Within the districts indicated on the "Official Zoning Map, Alexander County and Taylorsville North Carolina," no building or land shall be used, and no building shall be erected or altered which is intended or designed to be used in whole or in part, for any use other than these listed as permitted for that district in this chapter.

§ 154.005 Reserved.

§ 154.006 DEFINITIONS. (Amend. 3-6-03; 9-8-03; 3-3-05; 1-23-06; 5-21-07; 2-25-08; 11-9-09; 1-4-10)

For the purpose of interpreting this chapter, certain words or terms are herein defined. The following words shall, for the purpose of this chapter, have the meaning herein indicated.

(A) Interpretation of commonly used terms and words.

(1) Words used in the present tense include the future tense.

(2) Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

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

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(4) The words "used for" shall include the meaning "designed for."
(5) The word "structure" shall include the word "building."
(6) The word "lot" shall include the words "plot," "parcel," or "tract."
(7) The word "shall" is always mandatory and not merely directory.

(B) Definitions of specific terms and words.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ACCESSORY DWELLING UNIT. A dwelling unit permitted on the same parcel as the principal building /single-family dwelling, but shall clearly be incidental and subordinate to the principal building. This term shall include garage apartments and guesthouses but does not include manufactured homes. Accessory dwelling units are permitted, subject to deed restrictions, in the R-20 and RA-20 Residential Districts and must meet the following provisions:

(1) An accessory dwelling unit may be attached to the single-family dwelling or combined with a detached private residential garage/workshop.
(2) Only one (1) accessory dwelling unit is allowed per lot and the home must be located on the same lot as the principal building.
(3) The accessory dwelling unit cannot exceed 75% of the heated sqft of the principal building or 1,000sqft, whichever is less.
(4) A detached accessory dwelling unit must be located in the side or rear yard of the principal building and be separated by at least 20 feet from the principal building and all other structures on the subject property and adjoining lots.
(5) Accessory dwelling unit must be compatible with the single-family dwelling in terms of appearance, roof pitch, etc.
(6) A detached accessory dwelling unit cannot be subdivided from the single-family dwelling and the accessory dwelling unit shall be owned by the same person that owns the single-family dwelling.
(7) No accessory dwelling units are allowed on the same lot as two-family or multi-family dwelling units, lodging establishments, care facilities, campgrounds or parks.
(8) A detached accessory dwelling unit could be served by the same driveway that serves the single-family dwelling, unless the accessory dwelling unit is accessed from a different road or street than the single-family dwelling.
(9) The accessory dwelling unit shall be occupied by members of the lineal family or caregiver.
(10) The impervious surface created by all proposed buildings must conform to maximum lot coverage regulated by the Watershed Protection Ordinance.
(11) The accessory dwelling unit must comply with all other local and state regulations.
(12) The use must comply with all requirements of the Alexander County Health Department, Environmental Health Division, for on-site sewage and well regulations.

ACCESSORY MANUFACTURED HOME. A manufactured home permitted on the same parcel as the principal building, but shall clearly be incidental and subordinate to the principal building. Accessory manufactured homes are permitted, subject to deed restrictions, in the RA-20 Residential District and must meet the following provisions:
(1) Only one (1) accessory manufactured home allowed per lot and the home must be located on the same lot as the principal building.
(2) Accessory manufactured homes located with a site-built single-family dwelling unit cannot exceed 75% of the heated sqft of the principal building.
(3) No accessory manufactured home shall be allowed on the same lot as a two-family or multi-family dwelling units, lodging establishments, care facilities, campgrounds or parks;

(4) The accessory manufactured home shall not be attached to the principal building.

(5) There shall be sufficient land area to be considered independent units, both the principal and the accessory units meeting minimum lot size and setback requirements. An imaginary lot line shall be assumed between the structures.

(6) An accessory manufactured home could be served by the same driveway that serves the principal building, unless the accessory dwelling unit is accessed from a different road or street than the principal building.

(7) The accessory manufactured home shall be occupied by members of the lineal family or caregiver.

(8) The impervious surface created by all proposed structures must conform to maximum lot coverage regulated by the Watershed Protection Ordinance.

(9) The accessory manufactured home must comply with the Manufactured Housing Appearance Criteria and all other local and state regulations.

(10) The use must comply with all requirements of the Alexander County Health Department, Environmental Health Division, for on-site sewage and well regulations.

ADMINISTRATOR. The Code Enforcement Officer of the County.

ADULT USES. A place of business including the opening of a new establishment, conversion of an existing business, addition to an adult use or the relocation of any adult use that consists of, including or having the characteristics of any or all of the following:

(1) **Adult Arcade**. An establishment in which still or motion picture machines, projectors or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities or specified anatomical areas.

(2) **Adult Bookstore or Adult Video Store**. An establishment which more than twenty-five percent (25%) of the stock is devoted to adult material or more than ten percent (10%) of the floor area is devoted to adult material, including but not limited to any one or more of the following: (i) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or (ii) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. In determining the amount of floor area, only the area in which stock is displayed shall be counted. Floor area existing in employee office(s), break room(s) or storage area(s) shall not be included in any calculations.

(3) **Adult Cabaret**. A nightclub, bar, restaurant, or other establishment that regularly features, exhibits or displays persons who appear nude or semi-nude; or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.

(4) **Adult Massage Parlor**. An establishment in which massages are offered as a primary service by employees who are in a state of nudity or semi-nude that expose specified anatomical areas or engage in specified sexual activities. Licensed health massage/body therapists shall not be considered an adult massage parlor.

(5) **Adult Motel**. A hotel, motel or similar establishment that offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities or specified anatomical areas as one of its principal business purposes; or offers a sleeping room for rent or sub-rent for a period of time that is less than 10 hours.

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(6) **Adult Motion Picture Theater**. A establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities or specified anatomical areas.

(7) **Adult Nude Model Studio**. Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school, college or university licensed by the State of North Carolina and supported entirely or partly by taxation; or in a structure:

a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

b) where in order to participate in a class a student must enroll at least three days in advance of the class; and

c) where no more than one nude or semi-nude model is on the premises at any one time.

(8) **Adult Theater**. A theater, concert hall, auditorium, or similar establishment which regularly features, exhibits or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas or specified sexual activities.

(9) **Escort Agency**. A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

(10) **Sexual Encounter Center**. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

ADULT BUSINESS LICENSEE. The person(s) in whose name a license to operate an adult use has been issued.

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERNATIVE TOWER STRUCTURE. Clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

APPLICANT OF AN ADULT BUSINESS LICENSE. The person who will operate the adult use, and shall include each of the following persons associated with that business:

1) The owner of a sole proprietorship;
2) Each member of a firm, association, general partnership, or limited liability company;
3) Each general partner in a limited partnership;
4) Each officer, director and owner of more than ten percent (10%) of the stock of a corporation;
5) The manager of an establishment operated by a corporation;
6) Any manager who has been empowered as attorney-in-fact for a nonresident individual or partnership.

BASEMENT. A story partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet, or if used for business purposes by other than a janitor or his/her family.

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BIODIESEL. Any fuel derived from biological sources, typically vegetable oils, and used as a fuel alternative or additive.

BIODIESEL PROCESSING PLANT. Any operation whose purpose is to derive fuel products from biological sources, including but not limited to vegetable oils and animal fat.

BOARD OF ADJUSTMENT. The Alexander County Board of Adjustment.

BOARD OF COMMISSIONERS. The Alexander County Board of Commissioners.

BONA FIDE FARM. Any agricultural use of land that meets the criteria set forth in G.S. 105-277.2-3, thus receiving special taxation classification from the Alexander County Tax Department. Any bona fide farm, as well as all structures or uses directly related to it, shall be exempt from the provisions of this ordinance.

BREWERY/WINERY. An establishment for the manufacture, blending, fermentation, processing, and packaging of alcohol. These facilities may incorporate tasting rooms or tours, with all applicable ABC commission permits. A facility which only provides tasting or retail sale of alcoholic beverages is not considered a brewery or winery.

BUFFER. A horizontal distance from a side or rear lot line which may only be occupied by underground utilities, retention areas, landscaping materials and screening used to visually separate property boundaries and adjoining land uses.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

BUILDING CODE. The North Carolina State Building Code.

BUILDING COVERAGE. The portion of the lot area, expressed as a percent, which is covered by the maximum horizontal cross-section of a building or buildings. Structures, which are below the finished lot grade, including shelters for nuclear fallout shall not be included in building coverage.

BUILDING, HEIGHT OF. The average height of a building or portion thereof may be measured as the vertical distance from the average elevation of the finished lot grade to the highest point of the ceiling of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the eaves and ridge of a gable, hip or gambrel roof.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is located. In any residential district any structure containing a dwelling unit shall be deemed to be a principal building on the lot on which it is located.

CEMETERY. An area set apart for or containing graves, tombs, or funeral urns; provided that all buildings and graves shall be located not less than thirty (30) feet from any property line.

COMMUNITY SEWER FACILITIES. Those provided to serve more than one dwelling or business unit and where sewage is received and treated by some method other than septic tanks and drain lines.

COMMUNITY WATER FACILITIES. A system whereby water is supplied to lots other than the lot on which the water is produced and which system is subject to mandatory inspection by either the North Carolina Health

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Department or the County Health Department or else is controlled and supervised by the North Carolina Utilities Commission.

CONDOMINIUM. A dwelling that is a single-unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. Built with a one-hour firewall. There is no property ownership. While the unit is individually owned, the common areas are owned, controlled and maintained through an organization consisting of all the individual owners.

CONSTRUCTION PERMIT. A permit authorizing the owner or agent to make physical improvements to a piece of property based on a manufactured home park plan that has received preliminary approval.

COUNTY ATTORNEY. The Alexander County Attorney or their designee.

COURT. An open space other than a yard. An "outer court" is the space lying between some portion of a building and the line of the building closest to a street. An "inner court" is any other court.

DISTILLERY. A legal establishment for the manufacture, blending, fermentation, processing and packaging of distilled alcohol spirits (including but not limited to; rum, vodka and whiskey). Such facility does not provide onsite retail sales and must comply with all ABC commission laws and permits.

DWELLING, MULTI-FAMILY. A building or portion thereof used for or designed as residence for three or more families living independently of each other and doing their own cooking therein including townhouses for sale, apartments, apartment hotels, high rise apartments.

DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family. Manufactured homes shall not be included in this definition.

DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by two families living independently of each other.

ELECTRONIC MESSAGE BOARD. Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes

EMPLOY, EMPLOYEE AND EMPLOYMENT OF AN ADULT USE. Any person who performs any service on the premises of an adult use on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises. All employees must be twenty-one (21) years or age or older.

ESCORT. A person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

EXISTING APPROVED MANUFACTURED HOME PARK. A park that is operating within areas where manufactured home parks are permitted and have been operating since before the adoption of this ordinance.

EXISTING APPROVED RECREATIONAL VEHICLE PARK. A park that is operating within areas where recreational vehicle parks are permitted and have been operating since before the adoption of this chapter.

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EXISTING NONCONFORMING MANUFACTURED HOME PARK. A park that is operating outside of areas where manufactured home parks are permitted and has been operating since before the adoption of this ordinance or any other previous manufactured home regulations.

EXISTING NONCONFORMING RECREATIONAL VEHICLE PARK. A park that is operating outside of areas where recreational vehicle parks are permitted and has been operating since before the adoption of this ordinance or any other previous manufactured home regulations.

FAMILY. One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

FAMILY CARE HOME. A dwelling with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident disabled persons. Disabled person means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

GARAGE, PRIVATE (RESIDENTIAL). A building housing not more than the number of vehicles in use by the family occupying the main structure to which the private garage is attached or detached and in which space may be used for not more than one commercial vehicle.

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

GROSS LEASABLE FLOOR AREA. The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from center lines of joint partitions and exterior of outside walls.

GROUP DEVELOPMENT. A group of two or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided.

HEALTH DEPARTMENT. The Alexander County Health Department.

HIGH RISE APARTMENT. A building or portion thereof used or designed for residential purposes that is three or more stories and more than 35 feet in height located above front ground level.

HOME OCCUPATION. The use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services provided that:

(1) No person other than members of the family residing on the premises shall be engaged in such occupation;

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(3) The exterior appearance of the dwelling shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs (except as permitted below) or the emission of sounds, noises, vibrations, or glare;

(4) The home occupation in the R-20 and R-SF Districts shall be confined entirely to the principal building, and no accessory building or outside storage shall be used in connection with the home occupation. Home occupations in the RA-20 District will be allowed to locate in accessory structures;

DRAFT

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and on the premises of the home occupation. Vehicular traffic and parking associated with the home occupation may increase vehicular traffic by no more than two vehicles at one time and no more than 12 vehicles per day;

(6) No home occupation shall create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances where in no home occupation exists;

(7) No more than one commercial type vehicle may be used for the delivery of materials from the premises;

(8) No commercial type vehicle shall be used for the delivery of materials to the premises;

(9) No display of products shall be visible from outside the dwelling;

(10) Instruction in music, dancing and similar subjects shall be limited to two students at a time;

(11) Traffic generated by the home occupation shall be limited to the hours between 8:00 a.m. and 8:00 p.m.;

(12) One professional or announcement sign may be used to identify the customary home occupation providing such sign shall not exceed two square feet in area and shall not be illuminated.

(13) Beauty salons/barber shops shall be limited to one (1) operator.

(14) Sale of products related to the service being provided are allowed.

(15) *Examples of uses that frequently qualify as home occupations*: accountant; architect; artist; attorney; author; bookkeeper; commission merchant; consultant; dance, music or art instruction on an individual basis; dressmaking, interior decorating, mail order business; telephone service; millinery; preserving and home cooking; realtor; individual tutoring. Uses qualifying as home occupations are not limited to those named in this division (2) nor does listing in this division (2) automatically qualify the use as an acceptable home occupation. All home occupations are subject to the standards established in this Section.

(16) *Uses that are prohibited.* The following uses by nature of the investment or operation have a tendency to grow beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore the uses specified herein shall not be permitted as home occupations: animal hospitals; auto repair; any retail business; medical or dental offices and clinics; truck or trailer repairs; paint shops or painting of vehicles, trailers or boats; printing shops; mortuaries; private clubs; restaurants.

INDOOR FIRING/SHOOTING RANGE. An enclosed, permanent structure open to the public or to members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility.

JUNK or SALVAGE YARDS. The use of any unenclosed portion of a lot or tract for the storage or abandonment of junk, including scrap metals and other scrap material, or dismantling or abandonment of automobiles or other vehicles or machinery, but not including the temporary storage of damaged vehicles in connection with the operation of a repair garage. The deposit or the storage on a lot not in use as a repair garage of one or more wrecked or broken down vehicles titled in the name of the property owner for more than 90 days shall also be deemed a salvage yard.

KENNEL. Any location where boarding, caring for or keeping of more than a total of six dogs or cats or other small animals or a combination thereof (except litters of animals of not more than six months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats, or other small animals for commercial purposes.

LINEAL FAMILY. The members of a lineal family shall include: direct lineal descendants (children, grandchildren, great-grandchildren), direct lineal ascendants (father, mother, grandfather, grandmother) and spouses.

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LOT. A parcel of land occupied or to be occupied by one main building or use with accessories and including the open space accessory to it. The word "lot" shall also mean any number of contiguous lots or portions thereof in single ownership; provided, that in no case shall any residual lot or parcel be created which does not meet the requirements of this chapter.

LOT, CORNER. A lot at the junction of and fronting on two or more intersecting streets.

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

LOT OF RECORD. A lot which is part of a subdivision, or plat of which has been legally recorded, or a lot described by metes and bounds, the description of which has been so recorded.

LOT, REVERSE CORNER. A corner lot which does not front on the same side, as distinguished from the same end, of the block.

LOT, DOUBLE FRONTAGE. A lot having frontage on two parallel or approximately parallel streets.

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

MANUFACTURED HOME. Any structure for the purposes of living and sleeping that does not meet the requirements of the North Carolina State Uniform Residential Building Code, Volume II, that must be manufactured and approved under regulations of an approved testing laboratory and/or Manufactured Home Standard A119.1 and/or Department of Housing and Urban Development standards.

MANUFACTURED HOME PARK. Land used or intended to be used, leased or rented for occupancy by three or more manufactured homes which are mounted on a permanent frame, anchored in place by a foundation or other stationary supports to be used for living purposes and accompanied by automobile parking space and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

MANUFACTURED HOME SPACE. An area within an approved manufactured home park meeting all applicable requirements for the purpose of setting up a manufactured home.

MARINA. A facility containing moorings and boat slips available for the use by the general public and which may also offer retail sales incidental to the use.

MINI-WAREHOUSE. A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies. Mini-warehouses are permitted in the Light Industrial (L-I) and Heavy Industrial (H-I) districts as primary structures.

MIXED-USED PLANNED DEVELOPMENT DISTRICT. Land under unified control to be planned and developed for residential and non-residential use in a single development operation or a definitely programmed series of development operations.

MULTI-FAMILY HOUSING. Multi-family housing development consisting of two-family, three-family and multi-family dwellings are subject to the requirements listed in § 154.142.

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NONCONFORMING USE. A building or land lawfully occupied by a use that does not conform with use regulations of the district in which it is situated.

NUDITY OR A STATE OF NUDITY. The appearance of a human anus, male or female genitals or a state of dress which fails to opaquely cover the foregoing.

OPEN STORAGE. Unroofed storage areas, whether fenced or not.

OPERATES OR CAUSES TO BE OPERATED. To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a use whether or not that person is an owner, part owner, or licensee of the business.

OUTDOOR FIRING/SHOOTING RANGE. A facility open to the public or to members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility.

PARKING SPACE. A parking space is defined as an off-street space available for the parking of automobiles with minimum dimension of nine feet in width and 18 feet in length and with a total of 162 square feet, (handicapped spaces shall be a minimum of 12 feet in width and 18 feet in length and with a total of 216 square feet), exclusive of passageways and driveways appurtenant thereto and giving passage thereto. It shall always be located outside the dedicated street or highway right-of-way.

PERSON. An individual, proprietorship, partnership, corporation, association, limited liability company, or other legal entity.

PLANNING AND ZONING COMMISSION. The Alexander County Planning and Zoning Commission.

PRE-EXISTING TOWERS AND ANTENNAS. Any tower or antenna on which a permit has been properly issued prior to the effective date of this Ordinance amendment.

RECREATIONAL VEHICLE (R.V.). A vehicular, portable structure built on a chassis, designed to be used as a temporary residence for travel, recreational and vacation uses, permanently identified as a recreational vehicle by the manufacturers of the unit which either has its own motive power or is mounted on or drawn by another vehicle. The term shall include, but not limited to travel trailer, camper, truck camper or motor home. Recreational vehicles shall not be used as permanent residences.

RECREATIONAL VEHICLE PARK. A parcel, tract, plat or lot, consisting of a minimum of one acre which is designed and improved to accommodate two or more RVs and is permitted as a R.V. Park.

RECREATIONAL VEHICLE SITE (LOT). A piece of land within an R.V. Park whose boundaries are delineated in accordance with this ordinance and designed and improved to accommodate a RV.

RESIDENTIAL PLANNED DEVELOPMENT DISTRICT. Land under unified control to be planned and developed for residential use in a single development operation or a definitely programmed series of development operations.

RURAL BUSINESS. Commercial activities within primarily rural areas with no access to major thoroughfares. These businesses provide locations where compatible rural land uses, such as retail and service establishments, and can be located in proximity to established rural neighborhoods.

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SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region, and the female breast as well as portions of the body covered by supporting straps or devices.

SERVICE BUILDING. A structure housing a toilet, lavatory and other such facilities as the Planning and Zoning Commission or Health Department may require.

SETBACK LINE. A line parallel to the front, side or rear property line setting the limits as to where a building shall be built. Setbacks shall be measured from rights-of-ways where applicable.

SETUP. The process of placement of a manufactured home on a manufactured home space and includes the minimum requirements for blocking, wiring, plumbing, and anchoring in accordance with applicable local, state, and federal construction regulations.

SIGN. Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made 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, association, corporation, profession, business, or commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge or insignia of any nation, state, county, city, town or other governmental unit.

(1) **ON-PREMISE SIGN**. A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

(2) **OFF-PREMISES DIRECTIONAL SIGN.** An off-premise sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing upon a lot in which the use cannot be seen from the collector or arterial street.

(3) **OFF-PREMISES SIGN.** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term "off-premises sign" shall include an outdoor advertising sign (billboard) on which space is leased or rented for the purpose of conveying a commercial or noncommercial message.

(4) **SIGN, PORTABLE.** A portable sign is any sign that is intended to be readily relocated or which is not permanently affixed to a structure or to the ground. This shall include signs on wheels, trailers, truck trailers, truck beds, A-frames, airborne signs such as balloons or any other device which is capable of or intended to be moved from one location to another. Portable signs may not be converted to permanent signs.

(5) **TRI-VISION**. Rotating multi-panel technology, typically used on off-premise signs.

SMALL-SCALE REZONING. A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected.

SPECIFIED ANATOMICAL AREAS. Human genitals in a state of sexual arousal.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or

2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

3) masturbation, actual or simulated; or

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4) excretory functions as part of or in connection with any of the activities set forth in 1) through 3) above.

STEPS. A structural component bonded or fastened as one unit in accordance with the North Carolina Residential Uniform Building Code, Volume 1B, Section 24, Stairs and Exits, and for the purpose of ingress and egress from including, but not limited to, manufactured homes.

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

STORY, HALF. A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET. A dedicated and accepted public right-of-way for vehicular traffic, which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having more or less permanent location on the ground.

STRUCTURE, ACCESSORY. A structure that is subordinate to, and the use of which is incidental to the principal building on the same lot. The structure must meet the North Carolina State Building Code. This term shall include swimming pools, satellite dishes, and pre-constructed buildings, which are built specifically for storage and/or other accessory uses.

TACTICAL TRAINING CENTER. The use of privately owned land, structures or buildings for the provision of training in various skills which may include, but are not limited to, law enforcement, fire, military and other governmental agencies.

TELECOMMUNICATIONS TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

TIE-DOWN. The process of anchoring a manufactured home to the ground in accordance with applicable local, state, and federal construction regulations.

TOWER BASE. The foundation, usually concrete, on which the telecommunications tower is situated. For measurement calculations, the tower base is the actual or geometric center of the tower.

TOWER HEIGHT. The vertical distance measured from the tower base to the highest point on a telecommunications tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.

TOWER SITE. The land area which contains, or will contain, a proposed telecommunications tower, and related equipment enclosures and other improvements.

TOWNHOUSE. A single-family dwelling unit constructed in a row of attached units separated by property lines and with open spaces on at least two (2) sides. There are two (2) walls between units for fire protection. Townhouse owners have an actual deed with property descriptions.

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TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT USE. Includes any of the following:

1) the sale, lease, or sublease of the business;

2) persons other than those named as applicants for a license becoming associated with the business, as provided in the definition of applicant; except that a mere substitution of a person as manager of an establishment shall only require filing with the County Attorney as provided in Section 154.303(B).

3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

VICINITY MAP. A drawing showing the general location of a manufactured home park within the county.

WATERCRAFT MAINTENANCE FACILITY. A commercial establishment devoted to the detailing and repair of privately owned watercraft. Retail sales incidental to the use are allowed.

WATERCRAFT RENTAL, SALES OR STORAGE. A commercial establishment devoted to the storage, rental and sales of privately owned watercraft and incidental boating supplies.

YARD, FRONT. A front yard is an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the front line of the building projected to the side lines of the lot and the street or highway right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR. A rear yard is an open space on the same lot with a main building unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

YARD, SIDE. A side yard is an open unoccupied space on the same lot with a main building situated between the side line of the building or any projecting portion thereof and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there be no front yard, the front boundary of the side yard shall be the front line of the lot and if there be no rear yard the rear boundary of the side yard shall be the rear line of the lot.

ESTABLISHMENT OF DISTRICTS

§154.015 USE DISTRICTS NAMED. (Amend. 5-21-07)(Amend. 6-23-14)

In order to regulate and restrict the location of residential, commercial, industrial and other uses, and the location of buildings designed, erected, altered or occupied for specified purposes, to regulate and limit the height and size of buildings hereafter erected or altered, to regulate and determine the area of yards and open spaces and to regulate and limit the density of population, Alexander County is divided into the following districts:

R-1	Single-Family Residential District
R-2	General Residential District
R-3	Suburban Residential District
B-1	Central Business District
B-2	General Business District
B-3	Neighborhood Business District
RA-20	Residential – Agricultural District

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R-20	Residential District
R-SF	Floating Residential Planned Development
H-C	Highway Commercial District
C-R	Commercial Recreational District
N-B	Neighborhood Business District
L-I	Light Industrial District
H-I	Heavy Industrial District

§ 154.016 DISTRICT BOUNDARIES SHOWN ON OFFICIAL ZONING MAP; ZONING MAP ADOPTED BY REFERENCE.

The boundaries of the districts are shown on the map accompanying this chapter and made a part hereof and titled "Official Zoning Map-Alexander County Zoning Map, North Carolina," adopted on November 17, 1986 and August 7, 2001, and certified by the County Clerk to the Board of Commissioners. The Official Zoning Map and all notations, references, and amendments thereto, and other information shown thereon are made a part of this chapter the same as if such information set forth on the maps was fully described as set out herein. The Official Zoning Map properly attested and posted at the Alexander County Planning and Development Department is available for inspection by the public.

§ 154.017 RULES GOVERNING INTERPRETATION OF DISTRICT BOUNDARIES DELINEATION.
District boundary lines shall be construed to be along or following property lines, lot lines, the centerline of highways, streets, alleys, railroads, easements, other rights-of-way, and creeks, streams or other water channels. In the absences of specified distances on the map, dimensions or districts shall be determined by scaling the distance on the Official Zoning Map.

APPLICATION OF DISTRICT REGULATIONS

§ 154.030 ZONING AFFECTS EVERY BUILDING AND USE.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as herein provided in this chapter.

§ 154.031 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

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

§ 154.032 RELATIONSHIP OF BUILDING TO LOT.

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot, except in the case of a specially designed group development of institutional, residential, commercial or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, industrial park, and so forth.

§ 154.033 BUILDING HEIGHT.

No building shall be erected, reconstructed, or structurally altered to exceed the height limits herein established for the zoning district in which such building is located.

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§ 154.034 LOT MUST ABUT A PUBLIC STREET.

No building, structure or use of land for other than agricultural purposes shall be constructed on a lot which does not abut a publicly dedicated street for 35 feet.

§ 154.035 LAKE FRONTAGE LOTS - RESTRICTIONS.

In any residential district where lot frontage is on Lake Hickory, only one principal building and its customary accessory building may hereafter be erected on any lot, abutting at least 25ft on the lake.

§ 154.036 LAKE FRONTAGE LOTS - LAND-DISTURBING ACTIVITIES.

(A) This section shall apply to land-disturbing activities undertaken by any person on lots with frontage on Lake Hickory for the purposes of controlling accelerated erosion and sedimentation in order to prevent the pollution of water and damage to the lake and other public and private property.
(B) The following activities are excluded:

(1) Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, or goats, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; and

(2) Those undertaken on forest land for the production and harvesting of timber and timber products; and

(3) Activity undertaken by persons as defined in G.S.§ 113A-52(8) who are otherwise regulated by the provisions of the Mining Act of 1971, being G.S.§ 74-46 through 74-68; and

(4) Land-disturbing activity over which the state by statute has exclusive regulatory jurisdiction, which include but are not limited to those:
(a) Conducted by the state;
(b) Conducted by the United States;
(c) Conducted by persons having the power of eminent domain;
(d) Conducted by local government;
(e) Licensed by the state or the United States;
(f) Funded in whole or in part by the state or the United States.

§ 154.037. LAKE FRONTAGE LOTS - GENERAL REQUIREMENTS.

(A) No person or business entity shall initiate any land-disturbing activity on lake frontage lots without having received approval from the Code Enforcement Officer and/or NCDENR for a plan of erosion and sedimentation control measures. This approval would be necessary prior to the receipt of a zoning or building permit.

(B) All reasonable measures to protect all public/private property from damage shall be taken.

(C) The basic control objectives which are to be considered in developing and implementing an erosion and sedimentation control plan are to:
(1) *Identify Critical Areas*. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention;

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(2) *Limit Time of Exposure*. All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;

(3) *Limit Exposed Areas*. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;

(4) *Control Surface Water*. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;

(5) *Control Sedimentation*. All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage. The disturbance of one acre or more requires a sedimentation and erosion control plan.

(6) *Manage Storm Water Runoff*. When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

(7) *Manage Wetlands*. All land-disturbing activity is to be planned and conducted so as to prevent wetland damage. Wetland mitigation may be required.

§154.038 CEMETERIES EXEMPT FROM AREA, LOT AND YARD REQUIREMENTS.

All cemeteries shall be exempt from the area, lot and yard requirements of any zoning district in which they are permitted as a use, but shall remain a minimum of thirty feet from any road right-of-way or property line.

§ 154.039 LANDSCAPING AND SCREENING REQUIREMENTS. (Amend. 3-3-05)

In order to reduce the impact of a use of land on adjacent uses which are significantly different in character, density or intensity, buffers or screening shall be required in accordance with this section.

(A) General requirements. A buffer shall be required between a non-residential use located in the B-1, B-2, B-3, N-B, H-C, , C-R, L-I, or H-I Districts and an adjacent residential use or vacant, residentially zoned property (R-1, R-2, R-3, R-20, RA-20 and R-SF). Such screening devices shall be provided along the full length of any common property line and shall be maintained as long as the conditions requiring the screening exist. The screening device shall not be required where the use on the abutting property is a non-residential use or along a street, road or highway right-of-way. The buffer shall only be occupied by underground utilities, retention areas, landscaping materials and screening devices allowed by this section.

(B) Screening Devices. The screen or buffer may be composed of a landscaped earthen berm, hedges, planted vegetation, existing vegetation, fences or walls or a combination thereof. Screening devices must follow the requirements as described in this section.

(1) Planted vegetation shall consist of at least the following:

(a) A mixture of both deciduous and evergreens for year-round effectiveness. The deciduous plants shall comprise no more than 30% of the total trees and shrubs required by this section.

(b) Trees at least three (3) feet high when planted and shall be of such variety that an average height of at least six (6) feet could be expected by normal growth within no later than two (2) years from the time of planting.

(c) The trees and shrubs shall be no less than six (6) feet and no more than ten (10) feet apart based upon the mature width of the plant material being used to form an opaque barrier.

(d) All planted vegetation shall be located at least five (5) feet from the side and/or rear property lines.

(e) In the case of multiple required rows, a row of evergreen conifers or broadleaf evergreens shall be plated bordering the adjoining property line.

(2) *Other Screens*.

(a) Fences must be opaque and at least six feet in height. Fences must be one (1) foot from the adjoining property lines and are permitted as one of the rows when the required buffer width exceeds ten (10) feet.

(b) Earthen berms must be at least six feet in height.

(3) In no case shall the screening device required by this section interfere with the visibility at street or driveway intersections.

(4) The preservation of existing vegetation shall be maximized where such vegetation contributes to the required screening. The Code Enforcement Officer is authorized to approve existing vegetation as compliance with the requirements for screening; provided, however, that the spirit and intent of this section and the provisions pertaining to the required buffer are adhered to.

(C) ***Required Buffer Widths***. The required buffer width and number of required rows between a use in a non-residential district and a residential use or vacant residentially zoned property is set forth below:

Non-Residential District:	Minimum Buffer Width:	# of Required Rows:
N-B (Neighborhood-Business)	10 feet	1
H-C (Highway-Commercial)	15 feet	2
L-I (Light-Industrial)	20 feet	2
H-I (Heavy-Industrial)	20 feet	2
B-1 (Central Business)	10 feet	2
B-2 (General Business)	10 feet	2
B-3 (Neighborhood Business)	10 feet	2

(D) ***Emergency Access***. The property owner shall provide a fire lane between the aforementioned buffer and the proposed building as required by the International Building Code and International Fire Code, as amended.

(E) ***Maintenance***. The buffer strip shall be maintained by the property owner and/or occupant(s) of the premises. The plant material shall be periodically trimmed or pruned at a height of not less than six (6) feet, and diseased or dead plant material shall be removed and replaced with planted vegetation that conforms to this section.

NONCONFORMING USES

§ 154.050 APPLICATION.

Any use of buildings, structures, or land as defined in § 154.006 (Nonconforming Use) is considered nonconforming. Nonconforming uses may be continued provided they conform to the provisions of this subchapter.

§ 154.051 CONTINUING THE USE OF NONCONFORMING LAND.

The regulations set forth below provide the conditions under which the nonconforming use of land shall be continued.

(A) ***Extensions of use***. Nonconforming uses of land shall not hereafter be enlarged or extended in any way.

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(B) ***Change of use***. Any nonconforming uses of land may be changed to a conforming use, or with the approval of the Board of Adjustment to any use more in character with the uses permitted in this district.

(C) ***Cessation of use***. If active operations are discontinued for a continuous period of 180 days with respect to a nonconforming use of land, such nonconforming use shall thereafter be occupied and used only for a conforming use.

§ 154.052 CONTINUING THE USE OF NONCONFORMING BUILDINGS; CESSATION.

(A) ***Continuing use***. The conditions under which the nonconforming building shall be continued are set forth as follows:

(1) *Extension of uses*. Nonconforming buildings and nonconforming uses of buildings may be enlarged upon the existing lot or tract which was, at the time of passage of this chapter, part of a business or industrial lot or tract and intended for such use where, if in the opinion of the Board of Adjustment, such extension would not substantially increase traffic volumes, air pollution, water pollution, noise pollution, provision of services and utilities or in some other way adversely affect the health, safety or welfare of the residents of the area. In permitting such extension, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(2) *Change of use*. Any nonconforming building or use of buildings may be changed with the approval of the Board of Adjustment to any use more in character with uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(B) ***Cessation of use***. If active operations are discontinued for a continuous period of 180 days with respect to a nonconforming use of building, such nonconforming use shall thereafter be occupied and used only for a conforming use.

§154.053 REBUILDING NONCONFORMING USES AFTER DAMAGE OR DESTRUCTION.

(A) Nonconforming single-family residences or two-family residences, which are partially or fully destroyed, may be rebuilt or repaired as a matter of right provided that all other requirements of this chapter are complied with, as it applies to the construction of single-family and two-family residences; and

(B) Nonconforming commercial, industrial and multi-family (three or more dwelling units) structures which are partially or fully destroyed, may be rebuilt or repaired as a matter of right provided that the Board of Adjustment can make the following finding:

(1) That the use will not adversely affect traffic;

(2) That the use will not adversely affect the physical environment pertaining to water pollution, air pollution and noise pollution;

(3) That the use will not adversely affect the provision of services and utilities;

(4) That the use will not create a health or safety hazard;

(5) That the use will not adversely affect other property values;

(6) That the use will not impair the public safety and welfare of the surrounding neighborhood and that substantial justice would be done in carrying out the request.

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(C) In permitting such reconstruction, the Board of Adjustment may require appropriate conditions and safeguards to protect the purpose and intent of this chapter.

(D) In meeting to decide on the issuance of a permit under division (B) of this section, the Board of Adjustment must hold a public hearing. Notice of this hearing shall be posted on the property under consideration and advertised in regular notice in a local newspaper for at least ten days prior to the hearing. The legal notice shall describe the request and appear at least once weekly for two consecutive weeks. Adjacent property owners shall also be notified by first class mail.

LOT, YARD AND STRUCTURE REQUIREMENTS

§ 154.070 OBSTRUCTION TO VISION.

There shall be no obstruction to vision by structures, signs, fences, walls, parking of automobiles or vegetation over three feet and under ten feet in height within the area from the street pavement edge to a line setback 15 feet and parallel with the street right-of-way line. This section does not apply to utility poles, mailboxes, vehicle parking facilities authorized by the code of ordinances and essential highway oriented signs installed by the county and the NCDOT.

§ 154.071 LOCATION OF ACCESSORY BUILDINGS.

(A) Accessory structures, not including accessory dwelling units, in residential zones shall be five (5) feet from any property line, ten (10) feet from the principal structure and twenty (20) feet from any buildings used for human habitation on adjoining lots. Accessory structures within the Town of Taylorsville shall be (5) feet from the principal structures, ten (10) feet from any property line, and twenty (20) feet from any buildings used for human habitation on adjoining lots. Accessory structures in residential zones shall not be allowed in the front yard of the principal building. Setback lines for accessory dwelling units shall follow the provisions listed in Section 154.006. (Amended 9-8-03)

(B) The RA-20, R-20 and R-SF zoning districts may have two (2) accessory structures not covering over 30% of the total lot area including the principal structure. If the lot size in the RA-20 zoning district is three (3) acres or larger then there is no limit on the size and number of accessory structures allowed. Home occupations shall be allowed to operate in accessory structures only in the RA-20 zoning district. The number of accessory structures allowed shall not include an accessory dwelling unit or accessory manufactured home as provided in Section 154.006. (Amended 9-8-03)

(C) Swimming pools, pool houses, satellite dish antenna, boat docks, piers, and boat storage facilities shall be excluded from the two (2) accessory structure limit.

(D) Accessory structures in commercial zones shall be ten (10) feet from any property line, fifteen (15) feet from the principal structure and fifteen (15) feet from any other structure. Accessory structures in commercial zones will be allowed in the front yard of the principal building.

(E) Accessory structures in industrial zones shall be twenty-five (25) feet from any property line, fifteen (15) feet from the principal structure and fifteen (15) feet from any other structure. Accessory structures in industrial zones will be allowed in the front yard of the principal building.

§ 154.072 LOT OF RECORD - DATE AND PERMITTED USE.

In any district in which residences are permitted, where a lot has an area or width of less than the required area or width and was a lot of record on or before the effective date of this chapter, such lot may be occupied by a single-

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family dwelling; provided, that the minimum front, rear, and side yard requirements for the district in which it is located are met. This provision shall not apply to any lot to which the provisions of § 154.073 apply.

§ 154.073 ADJOINING AND VACANT LOTS.

If two or more adjoining and vacant lots of record are in a single ownership at any time after the effective date of this chapter and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot which meets the minimum requirements of this chapter for the district in which such lots are located.

§ 154.074 SIDE YARDS ON CORNER LOTS.

In residential districts, the minimum width of the side yard along an intersection of streets shall be equal to one-half the front yard requirement of the district in which the lot is located. Accessory buildings in the rear yard shall also comply with the side yard requirement.

§ 154.075 FRONT YARD SETBACKS.

The front yard requirements of this chapter shall not apply to any lot where the front yard coverage on developed lots, located wholly or in part within 100 feet of each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard. In such cases, the front yard on such lot may be less than the required front yard but not less than the average of the existing front yards on the developed lots; provided that the front yard on such lot shall not be less than one-half of the required front yard.

§ 154.076 CONDITIONS FOR MODIFICATION OF REQUIRED YARDS.

Requirements for front, rear and side yards may be modified under the following conditions:

(A) Cornices, eaves, steps, gutters, bay windows less than ten (10) feet wide, fire escapes, fire balconies, fire towers, and similar features may project not more than two and one-half (2.5) feet into any required yard.

(B) On corner lots no fence more than three (3) feet in height shall be located within any yard or building setback required along the side street line by any other provision of this chapter. The height of any fence located within a yard abutting on a street line shall be measured from the sidewalk; and if there is no sidewalk, from the top of the curb; and if there is no sidewalk or curb, from the centerline of the street. All other fence heights shall be measured from natural grade. Terraces, steps and uncovered porches which are not in any part more than four (4) feet above the ground floor level and not within two and one-half (2.5) feet of any adjoining lot line shall be exempt from the yard requirements of this chapter. Residential retaining walls equal to or greater than five (5) feet in height shall be designed by a professional engineer licensed by the State of North Carolina.

§ 154.077 EXCEPTIONS TO HEIGHT LIMITS.

(A) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, steeples, flagpoles, chimneys, wireless masts, water tanks, silos or similar structures may be erected above the height limits herein specified, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential use.

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(B) Building and zoning permits are required for towers, satellite dishes, and antennas which must meet the following regulations:

(1) All towers, satellite dishes, and antennas shall have setbacks, equal to or greater than the height of the proposed structure.

(2) Distance of any guy anchorage or similar device shall be at least ten feet from any property line.

(3) Suitable protective anti-climb fencing and a landscape planting screen may be required and maintained around the structure and accessory attachments.

(4) The applicant shall present documentation of the possession of any required license by any federal, state or local agency.

(5) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five (5) feet.

(6) Only one such structure exceeding the distance height limitations shall exist at any one time on any residentially zoned and used lot or parcel.

(7) Application for the permit may require construction drawings showing proposed method of installation, structural engineering analysis, and site plan depicting structures and plantings on the property and all adjacent properties. At the request of administrative authority, documentation of a maintenance program may be required.

(8) If any modifications are made to the structure, the Zoning Enforcement Officer shall have the authority to require proof that the addition, change or modification is in conformity with the permit and the County Building Code.

(9) The owner of such a structure shall assume complete liability in case of personal property damage.

§ 154.078 HEIGHT RESTRICTIONS OF FENCES.

Fences consisting of masonry, rock, wire or wooden material and hedges may be installed on the boundaries of any residential lot, provided that the height of such fencing or screening shall be limited to a maximum height of three (3) feet between the street right-of-way line and the normal building line for that section adjacent to the street. Fencing and hedges on all other boundaries of residential property shall be limited to a maximum of eight (8) feet in height. Retaining walls shall not be subject to the above height requirements.

§ 154.079 AREA, YARD AND HEIGHT REQUIREMENTS - TABLE.

Districts	Minimum Lot Size			Minimum Yard Requirements			
	Lot Area (sq ft.)	Square Feet Per Dwelling Unit	Lot Width at the Building Line	Front Yard Setback (ft.)	Side Yard Setback (ft.) (g)	Rear Yard Setback (ft.) (h)	Maximum Height (ft.)
RA-20 Residential							
Single-family without public or community water or sewers	20,000	20,000	100	40(a)	15	40(b)	35c
Single-family with either public or community water or sewer	15,000	15,000	80	40(a)	15	40(b)	35c
Two-family without public or community water or sewer	30,000	15,000	100	40(a)	15	40(b)	35c

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Two-family with either public or community water or sewer	20,000	10,000	100	40(a)	15	40(b)	35c
Multi-family	20,000 + 5,000 for each unit		80	35(a)	15	40(b)	35c
Condos and Townhouses	as required by 154.142						
Group Housing	30,000	30,000	100	40	15	40	35
R-20 Residential							
Single-family with public or community water and sewer	12,000	20,000	80	35 (a)	10	30	35c
Single-family with public or community water or sewer	15,000	15,000	80	40(a)	15	40(b)	35c
Single-family without public or community water or sewer	30,000	30,000	100	40(a)	15	40(b)	35c
Condos and Townhouses	as required by 154.142						
Group Housing	30,000	30,000	100	40	15	40	35
R-SF Residential Single-Family							
Single-family with public water and sewer, only	6,500	6,500	65	30	8	30	35
R-1 Single-Family Residential	20,000	20,000	100	35	10(j)	25	35
R-2 General Residential							
Single-family & Non-Residential	14,000	14,000	70	30	10(j)	25	35
Two-Family	20,000	10,000	80	30	10(j)	25	35
Multi-Family	10,000	10,000	100	35	10(j)	30	50
R-3 Suburban Residential							
Single-family & Non-Residential	20,000	20,000	100	45	15(j)	40	35
Two-Family	30,000	15,000	110	50	15(j)	40	35
B-1 Central Business	n/a	n/a	25	0(d)	0(d)	0(d)	50
B-2 General Business	n/a	n/a	25	10	10(d)	10(d)	35
B-3 Neighborhood Business	n/a	n/a	25	40	10(d)	10(d)	35
N-B Neighborhood Business	10,000	n/a	60	40	10(d)	10(d)	35
H-C Highway-Commercial	10,000	n/a	60	40	10(d)	10(d)	35(e)
C-R Commercial Recreational	10,000	n/a	60	40	10	10	35(e)
I Industrial	10,000	n/a	60	40	10(d)	10(d)	35(e)
L-I Light Industrial	1 acre	n/a	100	40(f)	30(d)	30(d)	50(e)
H-I Heavy Industrial	1 acre	n/a	100	40(f)	30(d)	30(d)	50(e)

Notes

(a) When lots have a double frontage, the required front yard shall be provided on both streets, however, when a lot fronts on Lake Hickory and a publicly dedicated street, the front yard setback shall be measured from the right-of-way of the publicly dedicated street, and it shall not be considered as a double frontage lot.

(b) An accessory building, as defined in this chapter, may be located in a rear yard, provided the minimum distance of five feet in the RA-20 and R-20 Districts is between the accessory building and the rear and/or side lot line.

(c) A structure other than a church steeple, flag pole, chimney or similar structures may exceed 35 feet in height provided the depth and total width of side yards required herein is increased by one foot, or fraction thereof, for each foot of building height in excess of 35 feet.

(d) Where any proposed non-residential use abuts directly upon any residential use, an additional setback of 15 feet shall be required. A densely planted buffer shall be forth in §154.039 along the side and/or rear lot lines abutting the residential use.

(e) Building may exceed 35 to 50 feet in height, depending on the district, provided that they are set back from the regular building line by the ratio of one foot per each two feet rise above either 35 or 50 feet, as the case may be. However, in the L -I Light Industrial District, this setback ratio will apply only if such districts abut directly upon residential districts.

(t) May be used for parking.

(g) The required side yard shall be determined by the following formula:
S=(L/10 + (H-35) + 15) X L (1) (1)

Where: S=Required side yard area in square feet; H=Height of building in feet; L=Length of building facing the side property line in feet; and 15 feet is the minimum distance between any point on the building and the side property line(s). Any negative number is calculated as zero and any fraction is rounded up to the nearest whole number.

(h) The required minimum rear yard for any multi-family building shall be determined by the following formula:
R= (L/10 + (H-35) + 25) X L(1)(1)

Where: R=required area between the structure and any rear property line(s) in square feet; H=height of building in feet; L=length of building facing the rear property line(s) in feet; and 25 feet is the minimum distance between any point on the building and the rear property line(s). Any negative number is calculated as zero and any fraction is rounded up to the nearest whole number.

(I) The required minimum open space of the total project area shall be 10%. For the purpose of calculating the minimum open space, the total project area shall include total acreage in the tract on which the project is to be developed. The open space shall be owned and maintained by a Homeowner's Association.

(j) When abutting a street, the side yard depth shall be increased by 10 feet.

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PARKING AND LOADING REQUIREMENTS

§ 154.090 PURPOSE.

In all zoning districts there shall be provided, at the time of the erection of any building or structure, or at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms and seats or floor area, permanent off-street parking and loading space in the amount specified in this section. It is not the intent of this subchapter to require the retroactive provision of parking facilities by uses already established. Neither is it the intent of this subchapter to permit existing areas to be built upon or used for other than parking purposes without an equivalent amount of usable parking space being provided in proximity to the use involved. This replacement parking space would be over and above the additional spaces needed to accommodate the enlarged floor area of the establishment altered.

§ 154.091 PERMANENT OPEN SPACE REQUIRED.

The off-street parking space required by this section shall be permanent open space and shall not be used for any other purpose, except as noted above. This open space may be provided beneath, within or on top of a structure in addition to being located outside the structure.

§ 154.092 COMBINATION OF REQUIRED PARKING SPACE FOR SEPARATE USES.

The required parking space for any number of separate uses may be combined in one or more lots, but the required space assigned to one use may not be assigned to another use.

§ 154.093 PRE-EXISTING SPACES.

Off-street parking spaces maintained in connection with an existing use at the time of the adoption of this chapter up to the number required by this chapter shall be continued and may not be counted as serving a new structure or in addition thereto.

§ 154.094 STREET RIGHT-OF-WAY EXCLUDED FROM FULFILLING PARKING REQUIREMENTS, OTHER RESTRICTIONS.

No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling the off-street parking requirements of this subchapter. Furthermore, the use of streets, sidewalks, alleys or other public right-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.

§ 154.095 MINIMUM DIMENSIONS OF SPACES.

All parking spaces shall have at least the minimum dimensions set forth in definition of "parking space" in §154.006. Ingress and egress to parking areas shall be limited to driveway entrances and exits specified in parking area plans as approved by the Code Enforcement Officer.

§ 154.096 PAVEMENT.

All parking areas containing five or more parking spaces, including accessways accessory thereto, shall be paved with a dustless, stabilized all-weather material capable of carrying without damage the heaviest vehicle loads that can reasonably be anticipated on such surface. Every such parking area abutting residentially zoned property shall be effectively screened to shield the residential property from parking lot illumination, headlights, fumes, blowing papers and dust; provided, however, that screening will not be required on any side which adjoins another

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such parking area. In addition, all areas not used for buildings, parking, maneuvering, or pedestrian walks shall be landscaped.

§ 154.097 ADDITIONAL LOT PERMITTED TO MEET PARKING REQUIREMENT.

Each application for a zoning permit shall include information as to the location and dimensions of off-street parking spaces, if required, and the means of ingress and egress between such space and public street or alley. This information shall be in sufficient detail to enable the Code Enforcement Officer to determine whether or not the requirements of this section are being met.

§ 154.098 RESERVED.

§ 154.099 ZONING PERMITS AND CERTIFICATES OF OCCUPANCY - PARKING REQUIREMENTS TO BE MET BEFORE ISSUANCE.

A zoning permit and certificate of occupancy for any building, structure or land where off-street parking space is required shall not be issued until the requirements of this chapter have been complied with.

§ 154.100 PARKING REQUIREMENTS.

Off-street automobile parking shall be provided and permanently maintained in accordance with the minimum standards set forth below (refer to table.)

Use	Parking Space Requirement
Automobile sales-repair	One space for each two employees at maximum employment on a single shift, plus two spaces for each 300 square feet of repair space.
Bowling Alleys	Three spaces for each alley, plus one space for each employee.
Churches	One space for each four seats in the main assembly room or chapel.
Cultural establishments/places of public assembly including private clubs, lodges, and fraternal buildings not providing overnight accommodations, theaters, stadiums, gymnasiums, amusement parks, armories, community centers and all similar places of public assembly	One space for each three seats provided for patron use, plus one space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats.
Elementary schools and junior high schools, both public and private	One space for each classroom and three spaces for each administration office.
Funeral Home	One space for each two seats in the main assembly room or chapel.
Furniture showrooms	One space for each 300 square feet of gross floor area.
Hospitals, nursing and convalescent homes	One space for each two patient beds, excluding bassinets, plus one space for each staff or visiting doctor plus one space for each two employees.
Hotels	One space for each two units to be rented.
Kindergartens/Day care facilities	One space for each employee plus five spaces for off-street drop-off or pick-up.
Libraries/Museums	One space for each four seats provided for patron use.
Medical/Dental offices and clinics	Two spaces for each examining room, dental chair, etc., plus one space for each employee including the doctors.
Manufactured homes	Two spaces for each manufactured home.
Motels/Tourist homes	One space for each room or unit to be rented.
	Two spaces for each dwelling unit, except that public housing or other federally-assisted low-income housing constructed as group

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Two-family and multi-family dwellings	housing by or for a Public Housing Authority shall provide one parking space per dwelling unit and federally-assisted elderly and/or handicapped housing constructed as group housing by or for a Public Housing Authority shall provide one parking space for each dwelling unit.
Offices, business, professional and public other than medical or dental offices-clinics	One space for each 200 square feet of gross floor area.
Restaurants, drive-in	Parking space equivalent to five times the gross floor area. Each parking space shall have at least an aggregate of 400 square feet for parking and turning space.
Restaurants, indoor and lounges	One space for each three seats or stools, plus one space for each employee on the shift with the largest employment.
Retail stores and personal service establishments	One space for each 200 square feet of gross floor area, excluding storage area.
Rural Business	1 space for each 200 square feet of gross floor area, excluding storage areas.
Senior high schools, trade and vocational schools, colleges, including public and private schools	Five spaces for each classroom and three spaces for each administrative office plus one space for each three fixed seats in auditoriums and other places of assembly. If an outdoor stadium is built in conjunction with the school, only the parking spaces in excess of the other parking spaces required for the school shall be required.
Service stations	Two spaces for each gas pump plus three spaces for each grease rack or similar facility.
Shopping centers - Planned Unit Development-Business (PUD-B)	Three square feet of parking area for each square foot of gross floor area.
Single-family dwellings	Two spaces for each dwelling unit.
Wholesaling and industrial establishments	One space for each two employees based on the maximum number of employees on one shift which the plant or building is designed to employ; plus one space for all vehicles used directly in conducting such use.

§ 154.101 OFF-STREET LOADING AND UNLOADING SPACE.

Every building or structure used for business, trade or industry hereinafter erected, shall provide space as indicated in the table set forth below for the loading and unloading of vehicles off the street or public alley. Such space shall have access to any alley, or if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have the minimum dimensions of fourteen (14) feet in height above the alley or street grade and twenty-five (25) feet in depth from the alley or street line and shall have adequate space for maneuverability. Off-street loading shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way. Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations herein.

Use	Off-Street Loading and Unloading Space Requirement
Retail business, except shopping center	One space of 300 square feet for each 5,000 square feet of floor area
Wholesale and industry	One space of 500 square feet for each 10,000 square feet of floor area
Commercial or Industrial Planned Development	One loading berth with minimum dimensions of 12 feet by 55 feet and 14 feet overhead clearance for every 20,000 square feet of floor area and any fraction thereof in excess of 10,000 square feet.

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SIGN REGULATIONS

§ 154.110 PURPOSE.

This section regulates the number, size and location of signs in all zoning districts and is designed to stabilize and protect property values, maintain the visual attractiveness of the county, and promote public safety, health and general welfare of the county citizens and the traveling public.

§ 154.111 SIGNS EXEMPT FROM REGULATION.

The following signs are exempt from the permit and regulation requirements of this section:

(A) Official governmental signs, such as traffic or similar regulatory devices, legal notices, identification or informational signs, erected and maintained pursuant to any federal, state, county or city governmental function.

(B) Identification signs, not to exceed two square feet in area bearing only property identification numbers and names, post office box numbers, names of occupants of the premises which are not illuminated and are not of a commercial nature.

(C) Memorial plaques, cornerstones, historical tablets and similar devices.

(D) Instructional signs not to exceed six square feet in surface area, displayed strictly for the direction, safety or convenience of the public, such as signs which identify rest rooms, parking area exits and entrances, signs warning of danger and no trespassing signs. Instructional signs shall not be used for advertising.

(E) Bulletin boards customarily incidental to places of worship, libraries, museums or public buildings when located on the same premises as the building to which they refer and provided that such signs shall not exceed twelve (12) square feet in area and six (6) feet in height. If such sign is a detached ground sign, a sign permit shall be secured.

(F) Signs directing and guiding traffic on private property, but which bear no advertising matter and do not exceed four (4) square feet.

(G) On-premises directional church signs shall not exceed four (4) square feet in size. Off-premise directional church signs shall not exceed six (6) square feet for a single use sign or four (4) square feet per use for a multiple listing. Neither on-premise nor off-premise signs shall exceed six (6) feet in height.

(H) Insignia of nonprofit charitable or government organizations.

(I) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights that would not be calculated in permitted sign dimensions.

(J) Time and temperature displays may be in addition to a regulated sign. The displays may not flash.

§ 154.112 SIGNS PROHIBITED IN ALL DISTRICTS.

The following signs shall be prohibited in all districts:

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(A) Portable signs, roof signs, banners, balloons or other air or helium filled device designed to attract attention, and pennants made of lightweight fabric, plastic or similar materials, whether or not containing a message of any kind are permitted for a maximum of 30 days following the issuance of a sign permit. Portable signs shall not be converted into a permanent structure or sign.

(B) Signs cannot contain pulsating rotating or flashing lights due to public safety concerns.

§ 154.113 TEMPORARY SIGNS.

The following temporary, non-illuminated signs may be erected in the manner prescribed without the issuance of a sign permit:

(A) Political signs and posters when located entirely on private property and which comply with the requirements of § 154.070 and are less than 32 square feet in area provided all such signs shall be removed within fourteen (14) days after the election.

(B) Construction Site Signs. One construction site identification sign may be displayed and contain the property owner, architect, engineer or contractor(s), and placed on premises where construction, repair or renovation is in progress.

(1) The sign shall not exceed thirty-two (32) square feet.
(2) The sign may not be erected prior to the issuance of a building permit and must be removed within seven (7) days of the issuance of a Certificate of Occupancy.
(3) The sign must be located at least 10 feet from the front property line and any other rights-of-way.

(C) Portable signs utilized by the county or the North Carolina Department of Transportation are exempt from the provisions of this section of the sign regulations. Construction contractors and public utility companies are permitted to erect temporary construction and maintenance signs at work sites for public safety reasons, provided that such signs must conform to state standards.

(D) On-premise signs announcing fundraising, civic or philanthropic events may be displayed for up to 30 days.

§ 154.114 PROHIBITED SIGN LOCATIONS.

Except where specifically exempted by this subchapter, no sign shall be located in any public right-of-way, or attached to any utility pole or utility boxes and equipment.

§ 154.115 DIRECT ILLUMINATION.

No flashing or source of illumination shall be used on any sign such as spot or flood lights and unshielded bulbs may shine directly onto adjacent properties or rights-of-way.

Electronic Message Boards shall be limited to light emitting diode (LED) or liquid crystal display (LCD) boards and shall not contain any scrolling, moving or animated display. The minimum time between any display change shall be three seconds. Electronic Message Boards shall not exceed 24 square feet in the B-1 Central Business district and 32 square feet in the B-2 General Business and H-C Highway Commercial district. Electronic Message Boards are not permitted in any other zoning district.

§ 154.116 MAINTENANCE AND REPAIR.

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All signs and sign supports shall be kept in good repair, including the replacement of burned out bulbs for illumination and broken plastic facing. The signs and sign support structures must be maintained in good structural and aesthetic condition. Inadequacies include but are not limited to chipped paint, broken plastic, missing letters, disfigured surfaces and partial illumination is evidence of a lack in maintenance.

The Code Enforcement Officer shall order the removal of signs that, in his opinion, are unsafe and thereby endanger the public safety unless they are rendered safe by repairing them. Such removal shall be at the expense of the owner or lessee and shall occur within ten days (10) after written notification has been issued.

§ 154.117 SAFETY MEASURES.

(A) Signs located in any district must comply with the requirements of §154.070.
(B) Signs cannot use words such as “stop”, “slow”, “caution”, “danger” or similar language which may be confused with traffic directional signs erected by governmental agencies.

§ 154.118 SIGN AREA COMPUTATIONS.

(A) In the case of freestanding or projecting signs, the sign area shall be computed as the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted unless such structure or bracing is made a part of the sign's message. However, in computing the sign area, only one side of a double-faced structure shall be counted.

(B) For signs which are substantially three-dimensional, the entire display surface is included in the computation.

(C) The area devoted for signage on the face of a canopy or awning sign counts towards the percentage of wall signage allowed.

(D) Any blank surface areas that could be utilized as display will be included in the surface area computation.

(E) Unless otherwise provided in this section, the maximum sign surface area permitted on any lot in the B-3 Neighborhood Business District is twelve (12) square feet.

(F) Subject to other provisions of this section, the maximum sign surface area permitted on any lot in the B-1 Central Business District shall be determined as follows: There may not be more than 1.0 square foot of sign surface per linear foot of building frontage, up to a maximum of fifty (50) square feet.

§ 154.119 SETBACKS FOR ON-PREMISE SIGNS.

On-premise signs may be located in a required yard, provided that such signs shall not be located within twenty (20) feet of any residential boundary. Signs three (3) feet or less in height may be located within one (1) foot of any right-of-way or nonresidential boundary. Where height limitations permit, a detached sign that is mounted on a pedestal, so that the sign is at least eight (8) feet above grade. No part of the free-standing sign shall extend over any sidewalk or driveway. Other on-premise signs shall be set back at least one (1) foot from any right-of-way or nonresidential boundary.

§ 154.120 APPLICATION PROCEDURES.

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(A) It shall be unlawful to commence construction, erection, alteration in size or shape, addition to, or moving of any sign regulated by this subchapter without first securing a sign permit for the same from the Zoning Code Enforcement Officer.

(B) All signs must be constructed and installed in accordance with the applicable provisions of the State of North Carolina Building Code.

(C) All illuminated signs must be installed in accordance with the applicable provisions of the National Electrical Code.

§ 154.121 ON-PREMISE FREESTANDING SIGNS.

On-premise freestanding signs are allowed as follows:
(A) One freestanding on-premise sign is allowed on a lot, unless as excepted below in Section §154.123.

(B) A single consolidated sign, of unified design and construction, is required when more than one use is located on a single lot.

(C) All on-premise signs must observe the maximum permitted sign area requirements of Section 154.123, with the exception of home occupation signs as regulated in this section.
(D) A single on-premise sign is permitted on each additional street front on multiple frontage lots, provided it is separated from any other on-premise sign by 150 feet and is located a minimum of 100 feet from any residential district.

(E) All parts of the sign and sign structure must be located one (1) foot from all rights-of-way. The applicant is responsible for obtaining right-of-way information for any sign permit.

(F) Multi-tenant sign (Shopping Centers, Business/Industrial Parks). One multi-use sign structure having no more than two sign surface areas may be erected to identify a planned development along each street frontage from which there is a major entrance to a development. The maximum area permitted for each planned development on-premise sign is 200 square feet, not to exceed 35 feet in height.

(G) Home occupation sign.

(1) On residential lots located outside the Taylorsville planning jurisdiction, one home occupation sign per lot will be permitted not to exceed six (6) square feet in size. The sign must be located at least one (1) foot off of the right-of-way and at least ten (10) feet from adjacent property lines. Home occupation signs shall not be illuminated.
(2) The maximum sign surface area permitted on any residential lot within the Town of Taylorsville (zoned R-1, R-2, or R-3) is four (4) square feet. Signs for home occupations shall be attached flat to an exterior wall of the structure. Freestanding signs are prohibited for home occupations in these districts.

(H) Subdivision signs: It shall be the responsibility of the applicant to erect and maintain the sign and the area around the sign. The signs shall be removed, if not properly maintained, at no expense to the public. A maximum of two ground signs are permitted for each entrance and shall not exceed twenty-five (25) square feet in size per ground sign and eight (8) feet in height.

§ 154.122 ON-PREMISE WALL SIGNS.

One wall sign is permitted on the street frontage side of a nonresidential building in addition to one freestanding sign. If the building fronts along two streets, one wall sign is permitted on each wall with street frontage. Each

DRAFT

wall sign may have a maximum area equal to 10% of the wall surface, up to a maximum total of 32 square feet in area.

§ 154.123 ON-PREMISE FREESTANDING SIGN DIMENSIONAL REQUIREMENTS

District	# of Signs	Max. Square Footage	Max. Height	Direct Illumination
R-20	1	25	10	Yes
R-SF	1	25	10	Yes
RA-20	1	32	10	Yes
R-1	0	n/a	n/a	n/a
R-2	0	n/a	n/a	n/a
R-3	0	n/a	n/a	n/a
N-B	1	32	20	Yes
H-C	1	120 (1)	30 (2)	Yes
C-R	1	120 (1)	30 (2)	Yes
I	1	120 (1)	30 (2)	Yes
L-I	1	120 (1)	30 (2)	Yes
H-I	1	120 (1)	30 (2)	Yes
B-1	1	50 (3)	20	Yes
B-2	1	100 (3)	30	Yes
B-3	1	12	20	Yes

(1) 2 sq. ft. of sign area per linear foot of building frontage not to exceed 120 sq. ft.
(2) A sign may exceed thirty (30) feet in height provided the depth from the right-of-way in the occupied yard is increased by five (5) feet for each one (1) foot of sign height in excess of thirty (30) feet.
(3) 1 sq. ft. of sign area per linear foot of building frontage, not to exceed the given maximum square footage.

§ 154.124 NON-CONFORMING PORTABLE SIGNS.

Portable signs are prohibited in all zoning districts. Portable signs in use prior to the amendment date may continue to be used; however the signs must remain in good repair and cannot be moved to another location on the same lot or a different lot. Once a portable sign is removed or falls into disrepair, the portable sign may not be replaced.

§ 154.125 OFF-PREMISES SIGNS – BILLBOARDS.

The County Commissioners find and declare that outdoor advertising is a legitimate, commercial use of private property adjacent to streets and highways within the Alexander County, but that the erection and maintenance of outdoor advertising signs and devices in areas in the vicinity of the rights-of-way of such streets and highways should be controlled and regulated in order to promote the safety, health, welfare and convenience and enjoyment of travel on and protection of the public investment in streets and highways within the area, to prevent interference with the effectiveness of traffic regulations and to promote safety on streets and highways, to attract tourists and promote prosperity, economic well-being and general welfare of the residents within Alexander County, and to preserve and enhance the natural scenic beauty of the area and areas in the vicinity of the streets and highways and to promote the reasonable, orderly and effective display of such signs, displays and devices.

(A) Off-premise signs shall be allowed subject to compliance with the following sections:

(B) The maximum permitted area shall be 380 square feet for signs abutting US 64 and NC 16, and 200 square feet per face for signs on other roadways.

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(C) The maximum sign height shall be 35 feet for signs fronting along limited access highways as measured from the road surface adjacent to the sign.

(D) Signs shall be separated from other structures on the same lot by a minimum of 50 feet.

(E) Off-premises signs shall be permitted in the H-C, L-I and H-I Districts only. The sign shall be located a minimum of 400 feet from any residential area, park, school, hospital, and the like, with this distance being measured along the street right-of-way adjacent to the district or use. The distance shall be measured from the nearest point of the sign to the nearest point of the property line of the uses identified above.

(F) Off-premise or billboard signs shall be limited to one per lot. For signs mounted back-to-back or v-shaped, the surface area of one side is calculated. Double-stacked sign units are prohibited.

(G) The distance between off-premises signs shall be, for Federal Aid Primary Highways (US 64 and NC 16) 2,000 feet between signs on the same side of the right-of-way and 2,000 feet for signs on opposite sides of the right-of-way. The distance between off-premises signs, in all other circumstances, shall be 2,000 feet. The off-premises sign shall be a minimum of 500 feet from the use, product or service to which it refers. All distances shall be measured along the centerline of the street adjacent to the sign.

(H) Off-premise signs shall observe the setback requirements of the zoning district within which they are located as noted in this subsection. All parts of the sign and sign structure must be located out of the right-of-way. However, if sign structures on adjacent lots are setback from the front lot line more than the required front setback dimension, the signs must meet the greater front setback requirement.

(I) The poster material of the off-premise sign shall be made of all-weather, fade-resistant material such as vinyl or similar synthetic material. For short-term advertisers (60 days or less), other material may be used subject to it being properly maintained to avoid separation and flagging from the billboard.

(J) The sign façade must be covered at all times with a background as to shield the traveling public from the sign surface. In addition, when displaying an advertisement, the entire sign surface area must be utilized.

(K) Lighting, if installed, shall directed such that the illumination is contained to the sign area of the off-premise sign. Flashing or strobe lights are prohibited.

(L) No vegetation on public property, including the public right-of-way, shall be cut for the purpose of increasing or permitting visibility to the off-premise sign unless pre-approved by the governmental authority having jurisdiction, such as NCDOT.

(M) The back of the sign and the structural pole shall be painted in an earth-tone color, which includes shades of gray and brown.

(N) All new sign structures must be supported by a steel monopole.

(O) Off-premise roof mounted signs and off-premise wall-mounted signs are prohibited.

(P) A new off-premise sign may be constructed, where permitted, using LED technology. A LED off-premise sign must hold a static message of eight seconds.

(Q) Tri-vision is allowed on off-premise signs and must hold one message for eight seconds.

§ 154.126 OFF-PREMISE DIRECTIONAL SIGNS.

A single off-premise directional sign is permitted under the following standards:

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(A) The principal use is not visible from a collector or arterial street, and must be located in a neighborhood-business, highway-commercial or industrial zoning district. Furthermore, the use to which the sign is referring must be an approved permitted use, conditional use or a legal nonconforming use.

(B) The sign shall not exceed 16 square feet for a single establishment or 48 square feet for more than one establishment or exceed 6 feet in height.

(C) The sign shall be of unified design when more than one establishment displays a sign on the same lot.

(D) Directional signs are not allowed for home occupations.

(E) All parts of the sign and sign structure must be located outside all rights-of-way. The applicant is responsible for obtaining right-of-way information for any sign permit.

(F) Off-premise directional signs cannot be illuminated.

(G) This section is not intended to regulate the NCDOT Logo Signing Program.

§ 154.127 NONCONFORMING SIGNS - COMPLIANCE; RELOCATION.

(A) Signs and sign structures in existence at the time of the amendment of this section which do not conform to the requirements of this subchapter shall be allowed to remain unless the sign creates a hazard or deteriorates into a state of disrepair. The sign must be in compliance with Section 154.116.

(B) If the relocation of a nonconforming sign is required, and relocation to a position conforming with all setback requirements is not possible, the nonconforming sign shall be relocated to the least nonconforming position possible as determined by the Zoning Code Enforcement Officer. However, the required front yard setback and the size of the sign shall always be brought into compliance when the sign is relocated.

(C) Improvements to nonconforming off-premise signs, regardless of size, may not exceed 50% of the value of the sign before the improvements. A certified appraisal stating the present value of the nonconforming sign, along with the estimated cost of the improvements, must be submitted with the zoning compliance permit application.

§ 154.130 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

§ 154.130.1 ESTABLISHMENT.

This is a low-density neighborhood district consisting of single-family residences and public and private community uses. The regulations of this district are intended to discourage any use which, because of its character, would substantially interfere with the development of single-family residences in the districts and which would be detrimental to the quiet residential nature of the area included within this district.

§ 154.130.2 PERMITTED USES.

The following uses and uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(A) Public works and utility facilities such as distribution lines, transformer stations, electric substations, water tanks and towers, pumping stations, fire stations and telephone substations, if such facilities are essential to the service of the immediate area and further provided that no vehicles or equipment are

stored on the premises and that no offices will be permitted (except in the case of fire stations), provided:

(1) All buildings and facilities shall be set back at least twenty (20) feet from all property lines, and shall be designed and landscaped to blend in with the surrounding area;
(2) All dangerous apparatus shall be enclosed by a chain link fence at least six (6) feet in height.
(3) There shall be a buffer along the rear and side lot lines. No such buffer shall, however, extend nearer to a street right-of-way line than the established setback line of the adjoining lots.
(4) This section does not apply to telecommunication towers.

(B) Solar Farms may be permitted under this section subject to the following provisions:

(1) Lot size shall be 5 acres at a minimum.
(2) Security fencing and a vegetative buffer shall be installed around the entire perimeter of the development.
(3) All infrastructure must be set back at least 40 feet from all property lines.

(C) Customary accessory buildings or structures within the R-1, R-2, or R-3 district shall be located on the same lot as the main structure and be permitted only in a rear yard (with the exception of garages and carports) and are subject to the following provisions:

(1) Accessory buildings shall be located in the rear yard, shall not cover more than thirty percent (30%) of any required rear yard and shall be at least five (5) feet from any other building on the same lot and at least twenty (20) feet from any buildings used for human habitation on adjoining lots. All parts of the building, including the footings and roof overhang, shall be a minimum of ten (10) feet from any lot line; and further provided that in the case of corner lots such buildings or structures shall be set back at least twenty (20) feet from any side line right-of-way line.
(2) Garages and carports used for the primary purpose of vehicular storage shall be permitted in the side yard provided that all parts of the building shall be a minimum of ten (10) feet from the side lot line. Vehicular canopies for gas pumps may project into a required front setback to within five (5) feet of the right-of-way line, provided that such structures do not extend into required buffer or side yard setback areas.

§ 154.130.3 CONDITIONAL USES.

The uses listed with a “C” in specific zoning districts may be permitted as a conditional use subject to review and approval by the Taylorsville Town Council. All of the conditions set forth in Section 154.130.4 must also be met for home occupations.

§ 154.130.4 HOME OCCUPATIONS IN THE R-1, R-2, and R-3 DISTRICTS.

Home occupations, defined as an occupation conducted as an accessory use of a dwelling unit, may be permitted under this section, provided that:

(A) The home occupation shall not generate traffic volumes or parking needs greater than would normally be expected in a residential neighborhood.
(B) No external evidence of the conduct of the home occupation shall be visible, other than a sign as permitted in Section 154.121 of this Ordinance.
(C) No person other than members of the resident family shall be engaged in such activity; except that not more than one (1) assistant may be employed by the following occupations: dentist, lawyer, physician, chiropractor, and osteopath.
(D) The on-premise sale and delivery of goods which are not the products of the home occupation are prohibited.

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(E) No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses from the lot in the case of detached dwelling units, or outside the dwelling unit in the case of attached dwelling units.

(F) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

§ 154.130.5 AREA, BULK AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in § 154.110 *et seq*. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 *et seq*.

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§ 154.131 R-2 GENERAL RESIDENTIAL DISTRICT

§ 154.131.1 ESTABLISHMENT.

This district is established as a high-density residential neighborhood in which the principal use of the land is for single-family, two-family, and multi-family residences. The regulations of this district are intended to provide areas for those persons desiring small residences in relatively high-density neighborhoods.

§ 154.131.2 PERMITTED USES.

The following uses and uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(A) Uses permitted within the R-1 district are permitted in the R-2 district with the conditions set forth in section 154.130.2.

(B) Kindergartens or day nurseries located within the R-2 or R-3 zoning district must comply with the operating standards and licensing procedures for day-care facilities of the North Carolina Office of Child Day-Care Licensing. Additionally, not less than one hundred (100) square feet of outdoor play area shall be provided for each child, and further, such place space shall be surrounded by a sturdy fence at least four (4) feet in height.

(C) Convalescent homes, orphanages, residential care facilities, and similar charitable institutions within the corporate limits and extraterritorial jurisdiction of the Town of Taylorsville may not be used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.

§ 154.131.3 CONDITIONAL USES.

The uses listed with a "C" in specific zoning districts may be permitted as a conditional use subject to review and approval by the Taylorsville Town Council. All of the conditions set forth in Section 154.131.4 must also be met for group multi-family developments. All of the conditions set forth in Section 154.130.4 must also be met for home occupations in this district. All of the conditions set forth in Section 154.282 must also be met for Manufactured Home Parks.

§ 154.131.4 GROUP MULTI-FAMILY DEVELOPMENTS.

Group Multi-Family Developments may be permitted in certain districts only when authorized by the ACT PZC and by the Taylorsville Town Council after said Board holds a public hearing.

Group Multi-Family Developments are permitted in the R-2 zoning district subject to the following requirements:

(A)	Minimum plot or overall project area:	1 acre
(B)	Minimum lot area per dwelling unit:	3000 square feet
(C)	Minimum front yard depth for each building:	35 feet
(D)	Minimum rear yard depth for each building:	30 feet
(E)	Minimum side yard depth for each building:	30 feet
	When adjacent to a private street or a side lot line:	15 feet
	When adjacent to another building in the project area:	20 feet
(F)	Minimum distance between buildings:	40 feet
(G)	Maximum area of project area covered by all buildings:	30%

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(H) Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yards required are increased by one (1) foot for each two (2) feet or fraction thereof over the thirty-five (35) foot height limit.

(I) Off-street parking shall be provided as required by Section 154.100 of this Ordinance.

(J) A preliminary design layout must be submitted to the ACT PCZ with nine (9) copies for review before the submission of final design.

(K) A final corrected design shall be approved by the ACT PZC before a zoning permit may be issued. Special conditions may be recommended for the project plan by the ACT PZC and Taylorsville Town Council and planted buffer strips or suitable substitutions may be required when needed to maintain the integrity of the neighborhood. These shall be completed before occupancy will be allowed.

(L) Design standards for streets shall conform to the general requirements and minimum standards of design of the Town of Taylorsville Subdivision Ordinance.

§ 154.131.5 AREA, BULK, AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in § 154.110 *et seq*. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 *et seq*.

§ 154.132 R-3 SUBURBAN RESIDENTIAL DISTRICT

§ 154.132.1 ESTABLISHMENT.

The regulations of this district are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to provide a healthful environment.

§ 154.132.2 PERMITTED USES.

The following uses and uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(A) Uses permitted within the R-2 district are permitted in the R-3 district with the conditions set forth in sections 154.130.2 and 154.131.2.

§ 154.132.3 CONDITIONAL USES.

The uses listed with a “C” in specific zoning districts may be permitted as a conditional use subject to review and approval by the Taylorsville Town Council. All of the conditions set forth in Section 154.130.4 must also be met for home occupations in this district. All of the conditions set forth in Section 154.282 must also be met for Manufactured Home Parks.

§ 154.132.5 AREA, BULK, AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in § 154.110 *et seq*. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 *et seq*.

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§ 154.133 B-1 CENTRAL BUSINESS DISTRICT

§ 154.133.1 ESTABLISHMENT.

The intent of the Central Business District is to accommodate and encourage further expansion and renewal in the business core of Taylorsville. A variety of business, retail, professional, financial, cultural, and other related services are encouraged in an effort to provide a mix of activities necessary to consumers.

§ 154.133.2 PERMITTED USES.

The following uses and uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(A) Community colleges, barber and beauty schools, art schools, music and dance studios, and similar organizations, but not vocational trade schools, all without students in residence.

(B) Dry cleaning and laundry pick-up stations and dry cleaning plants having not more than two thousand (2,000) square feet of floor space and no emission of steam.

(C) Restaurants permitted within the B-1 district may include drive-thru restaurants, but not drive-in restaurants.

(D) Service stations, provided that gasoline pumps shall be located at least twenty (20) feet from any property line, and all service, storage or similar activities connected with such use shall be conducted entirely within the premises.

(E) Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard and are subject to the following provisions:

(1) Accessory buildings shall be located in the rear yard, shall not cover more than thirty percent (30%) of any required rear yard and shall be at least five (5) feet from any other building on the same lot and at least twenty (20) feet from any buildings used for human habitation on adjoining lots. All parts of the building, including the footings and roof overhang, shall be a minimum of ten (10) feet from any lot line; and further provided that in the case of corner lots such buildings or structures shall be set back at least twenty (20) feet from any side line right-of-way line.

(2) Garages and carports used for the primary purpose of vehicular storage shall be permitted in the side yard provided that all parts of the building shall be a minimum of ten (10) feet from the side lot line. Vehicular canopies for gas pumps may project into a required front setback to within five (5) feet of the right-of-way line, provided that such structures do not extend into required buffer or side yard setback areas.

§ 154.133.3 CONDITIONAL USES.

The uses listed with a “C” in specific zoning districts may be permitted as a conditional use subject to review and approval by the Taylorsville Town Council. All of the conditions set forth in § 154.290 *et seq.* must also be met for telecommunications towers in this district. All of the conditions set forth in § 154.133.4 must also be met for mixed use developments. All of the conditions set forth in § 154.133.5 must also be met for other central businesses not otherwise named herein.

§ 154.133.4 MIXED USE DEVELOPMENTS.

Mixed use developments, buildings erected for both dwelling and business purposes, may be permitted as conditional uses provided that such residential uses are only permitted above the ground floor of a business building.

§ 154.133.5 CENTRAL BUSINESSES NOT LISTED.

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Other Central Businesses not otherwise named may be permitted as conditional uses provided that no such use shall be permitted which is likely to be dangerous, offensive, or detrimental to the health, safety, welfare or general character of this zoning district or of the community by reason of emission of dust, gas, smoke, fumes, odors, noise, vibrations, or otherwise.

§ 154.133.6 AREA, BULK, AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in § 154.110 *et seq*. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 *et seq*.

§ 154.134 B-2 GENERAL BUSINESS DISTRICT

§ 154.134.1 ESTABLISHMENT.

This district is established for those areas of the community where the principal use of land is for general business that does not require a central location. It is the intent of this Ordinance that this district will usually be located adjacent to industrial areas and major traffic ways to provide retailing goods and services to the traveling public, as well as local townspeople.

§ 154.134.2 PERMITTED USES.

The following uses and uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(A) Uses permitted within the B-1 district are permitted in the B-2 district with the conditions set forth in sections 154.133.2 (A), (B), (D), and (E).
(B) Animal hospital or veterinary clinics, but excluding open kennels on the premises.
(C) Building supply and equipment sales, but excluding open storage.
(D) Theaters, drive-in, subject to the following conditions:
  (1) No part of the theater screen, projection booth, or other building shall be located closer than five hundred (500) feet to any residential district not closer than fifty (50) feet to any property line or public right-of-way; and no parking space shall be located closer than one hundred (100) feet to any residential district.
  (2) The theater screen shall not face a major street or highway; and reservoir-parking space off the street shall be provided for patrons awaiting admission in an amount of not less than thirty percent (30%) of the vehicular capacity of the theater.

§ 154.134.3 CONDITIONAL USES.

The uses listed with a “C” in specific zoning districts may be permitted as a conditional use subject to review and approval by the Taylorsville Town Council. All of the conditions set forth in § 154.134.4 must also be met for general businesses not otherwise named herein. All of the conditions set forth in § 154.185 *et seq.* must also be met for Planned Developments.

§ 154.134.4 GENERAL BUSINESS NOT LISTED.

Other general businesses not otherwise named herein may be permitted as a conditional use provided that no such use shall be permitted which is likely to be dangerous, offensive, or detrimental to the health, safety,

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welfare, or general character of this zoning district or of the community by reason of the emission of dust, gas, smoke, fumes, odors, noise, vibrations, or otherwise.

§ 154.134.5 AREA, BULK, AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in § 154.110 *et seq*. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 *et seq*.

§ 154.135 B-3 NEIGHBORHOOD BUSINESS DISTRICT

§ 154.135.1 ESTABLISHMENT.

This district is established for those areas of the community where the principal use of land is to provide for the retailing of goods and services to surrounding residential neighborhoods. The regulations of the district are designed to reduce traffic and parking congestion to a minimum in order to protect the surrounding residential areas.

§ 154.135.2 PERMITTED USES.

The following uses and uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(1) Kindergartens or day nurseries, provided that they meet the requirements set forth in § 154.131.2.
(2) Customary accessory uses, provided that the meet the requirements set forth in § 154.133.2.

§ 154.135.3 CONDITIONAL USES.

The uses listed with a “C” in specific zoning districts may be permitted as a conditional use subject to review and approval by the Taylorsville Town Council. All of the conditions set forth in § 154.135.4 must also be met for neighborhood businesses not otherwise named herein.

§ 154.135.4 NEIGHBORHOOD BUSINESS NOT LISTED.

Other neighborhood businesses not otherwise named herein may be permitted as a conditional use provided that no such use shall be permitted which is likely to be dangerous, offensive, or detrimental to the health, safety, welfare or general character of this zoning district or of the community by reason of emission of dust, gas, smoke, fumes, odors, noise, vibrations, or otherwise.

§ 154.135.5 AREA, BULK, AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in § 154.110 *et seq*. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 *et seq*.

§ 154.140 RA-20 RESIDENTIAL-AGRICULTURAL DISTRICT

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§ 154.140.1 ESTABLISHMENT.

The RA-20 residential district is established as a district in which the principal use of the land is for low-density residential and agricultural purposes including single-family dwellings, two-family dwellings (individual), individual manufactured homes, and related uses necessary for a sound neighborhood. Group housing developments in the form of multiple-family dwellings, condominiums, two-family dwellings, townhouses and manufactured home parks are permitted subject to the granting of a conditional use permit by the Board of Commissioners. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where neither public nor community water or sewer facilities are available. In areas where community/public water and sewer is available, group housing may be built as outlined in § 154.142.

§ 154.140.2PERMITTED USES.

The following uses and uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(A) Nursing, convalescent and rest homes, excepting those operated primarily for the treatment of alcoholics, drug addicts, infectious diseases, and the mentally ill, are permitted subject to the following requirements:

(1) Minimum site size: 2 acres.

(2) Maximum area of project area covered by all buildings: 25%.

(3) The minimum front, rear, and side yard setbacks shall conform to the district in which the additional community uses are located.

(4) Approval of the sewage disposal facilities by the County Health Department shall be submitted before a building permit will be issued.

(5) All nursing, convalescent and rest homes shall be subject to the regulations of the North Carolina State Department of Human Resources and its appropriate divisions and agencies.

(B) Kindergartens and day care facilities are permitted subject to the following requirements:

(1) Minimum lot size with public water and sewer available: 10,000 sqft.

(2) Minimum lot size with either public water or sewer available: 12,000 sqft.

(3) Minimum lot size with neither public water nor sewer available: 20,000 sqft.

(4) Minimum lot width: 80 sqft..

(5) Minimum front yards: Shall be same as the zoning district in which it is located.

(6) Minimum side yard: 12 feet.

(7) Minimum rear yard: 30% of average lot depth.

(8) The entire outdoor play area shall be enclosed by a sturdy fence at least 5 feet high.

(9) All kindergarten and day care facilities shall be subject to the regulations of the North Carolina State Department of Human Resources.

(C) *Residential Subdivision Sales Office*. In any residential district, the developers, builders or their agents may operate one residential subdivision sales office or model dwelling unit as a sales office for the specific project under construction, subject to the following restrictions:

(1) The use of the office shall be for the initial sale of properties and buildings within the developing subdivision and the subdivision shall contain at least twenty (20) lots.

(2) The modular sales office or model dwelling unit shall meet all zoning district dimensional requirements and must be located on one of the development's numbered lots. No other structures shall be located on the same lot.

(3) Signs can be a maximum of 15 square feet and may be illuminated.

(4) There will be provided one (1) temporary off-street parking space per 300 square feet of floor area, but in no case shall less than three (3) temporary off-street parking spaces be provided. The off-street parking surface may be of gravel or asphalt.

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(5) The unit shall not be used for any other business activity and no later than 9:00 p.m.

(6) The building used for the sales office is either constructed and intended for ultimate residential use as part of the residential development or a temporary modular office unit. If a temporary modular office unit is constructed, the following additional conditions shall be met:

(a) The modular office unit must meet all manufacturer requirements and applicable building codes.

(b) Skirting shall consist of any weatherproof material providing a continuous visual barrier between the ground and the underside of the modular unit.

(c) The term modular office unit as used herein shall have the same meaning characteristics as required by the North Carolina State Building Code.

(7) The modular office unit may be used for such sales purposes for a period of two (2) years, but can be extended by the Code Enforcement Officer on an annual basis, if greater than ten percent (10%) of the lots proposed for initial sale remain unsold at the expiration of the initial permit. The modular office unit must be discontinued and removed from the subdivision within fifteen (15) days of the last unit or lot sold. A model or demonstration dwelling unit may be used for sales purposes until the last dwelling unit or lot is sold.

§ 154.140.3CONDITIONAL USES.

The uses listed with a "C" in specific zoning districts may be permitted as a conditional use subject to review and approval by the County Board of Commissioners. All of the conditions set forth in Section 154.140.4 as it pertains to group housing projects, condominiums and townhouses; and 154.140.5 as it pertains to tactical training centers and shooting ranges; must also be met.
(Amend. 11-9-09)

§ 154.140.4CONDOMINIUM/TOWNHOUSE DEVELOPMENTS IN RA-20 DISTRICT.

Condominium/Townhouse Developments are permitted subject to the following requirements:

(A) ***Project area***.

(1) Minimum plot or overall project area: 2 acres
(2) Minimum lot area per dwelling unit: 2,400 sqft.
(3) Minimum front yard depth for each building: 35 feet.
(4) Minimum rear yard depth for each building: 30 feet.
(5) Minimum side yard depth for each building when adjacent to street: 20 feet.
(6) Where adjacent to a private street or a side lot line: 15 feet.
(7) When adjacent to another building in project area: 20 feet.
(8) Minimum between buildings: 40 feet.
(9) Maximum area of project area covered by all buildings: 30%.
(10) Minimum of 10% of project area, excluding swimming pool and all related facilities, to be designated and developed as a recreation area or open space.
(11) Access to public water and sewer.

(B) ***Preliminary design to be submitted***. A preliminary design layout must be submitted to the Planning Board with six copies for review before the submission of the final design.

(C) ***Final design to be approved***. A final, corrected design shall be approved by the Planning and Zoning Commission and the County Commissioners before a conditional use permit and building permit may be issued. Special conditions may be recommended for the project plan by the Planning and Zoning Commission and planted buffer strips or suitable substitutes may be required when needed to maintain the integrity of the neighborhood. These shall be completed before occupancy will be allowed.

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(D) ***Design standards for dedicated and private streets***. Major and collector streets shall be in conformity with the Major Thoroughfare Plan and be designed and constructed to NCDOT standards, as follows:

(1) Local and minor access streets: 50 feet R/W.
(2) Marginal access streets: 50 feet R/W.
(3) Cul-de-sacs: 60 feet R/W.
(4) Private streets: 50 ft. R/W.

(a) All private streets shall be paved to a minimum width of 20 feet that meets NC DOT design standards and shall be dedicated as an easement for utility purposes. They shall be laid out so that their use by through traffic will be discouraged.

(E) ***Dead-end streets***.

(1) Dead-end dedicated streets shall be no longer than 500 feet unless necessitated by topography and shall terminate with a paved turnaround having an outside road diameter of at least 80 feet.

(2) Dead-end private streets shall be no longer than 200 feet and shall terminate with a paved turnaround having an outside road diameter of at least 60 feet.

(F) ***Intersections***. Intersections shall be laid out as follows:

(1) Streets shall intersect as nearly at right angles as topography and other limiting factors permit. No street shall intersect at less than 60 degrees.

(2) All street intersections shall have at least 150 feet between intersections.

(3) Pavement lines at street intersections shall be rounded with a radius of 25 feet. Where a street intersects a highway, the design standards of the North Carolina Department of Transportation shall apply.

§ 154.140.5 TACTICAL TRAINING CENTERS AND FIRING/SHOOTING RANGES.

Tactical training centers and shooting ranges are permissible as a conditional use subject to the following requirements:

A) A minimum lot size of 25 acres is required for a tactical training center.

B) A minimum lot size of 10 acres is required for outdoor firing/shooting ranges.

C) No portion of the facility shall be closer than 300 feet to any exterior property line.

D) There shall be a 50 foot setback between structures.

E) A bullet-proof backstop, consisting of concrete, steel, earth or any combination, at least 15 feet in height must be erected and maintained behind all target areas and expanding out to the sides of each target by 15 feet.

F) The light source of outdoor lighting fixtures must not be directly visible from adjoining properties.

G) No retail sales shall be conducted on the site of a tactical training center. Retail sales may be conducted inside the structure of an indoor or outdoor firing range if the use is located within a Highway-Commercial Zoning District. For the purposes of this subsection, retail sales shall include weapons, ammunition and related accessories only; and is subject to approval by Alcohol, Tobacco and Firearms (ATF).

H) The property on which a tactical training center or outdoor firing/shooting range is located must contain a vegetative buffer of at least 100 feet in width and extending from all property lines of the subject tract. The initial 20 feet shall consist of two rows and comply with all other requirements in Section 154.039. The subsequent 80 feet shall remain vegetative in nature.

I) No firing or explosive training activities shall occur daily between the hours of 7:00pm and 7:00am. Training activities may be conducted after 7:00pm with additional permit issuance by the Planning Department and approval by the Alexander County Sheriff's Office.

J) The center or range must comply with all required permits and regulations, including but not limited to: Alcohol, Tobacco and Firearms (ATF) permits, National Fire Protection Association Standards, International Building Code (Fire Prevention) and local ordinances, as amended.

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K) The center or range and all individuals working with firearms or explosives at the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (ATF) to conduct such operations in compliance with its permits.
(Adopted 11-9-09)

§ 154.140.6 RURAL BUSINESS

Rural Businesses are permissible as a conditional use subject to the following requirements:

A) Rural businesses shall be allowed as the principal use or as an accessory use to a principal dwelling unit.

B) The maximum gross floor area of all new permitted nonresidential structures shall be considered as part of the conditional use permit.

C) The setbacks for all new principal or accessory structures shall be increased by 10 feet for all setbacks required in the RA-20 zoning district.

D) The use of manufactured homes as a rural business shall be considered a as part of the conditional use permit.

E) Rural businesses shall not be allowed in an approved major subdivision as defined by the Subdivision Ordinance – §157.006 (H)

F) One non-illuminated sign with a maximum square footage of 18 square feet and 8 feet in height shall be allowed. Signage shall comply with all NCDOT standards regarding sight distance triangles.

G) Parking shall be subject to the requirements set forth in §154.100 (Parking Requirements). Unpaved parking areas shall be allowed and all unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties. Stormwater runoff from property shall be controlled so as to not adversely impact adjacent properties and waterways.

H) The area of the site where the business is conducted must be screened from the view of adjacent residential uses in accordance with §150.035(B). Any outside storage of materials must be surrounded by an opaque evergreen hedge or fence, in accordance with §150.034(B)(2)(a), not more than 8 feet in height which completely screens stored materials from view. Screening and buffering requirements may be altered by the Board Of Adjustment.

I) Permitted uses shall be primarily neighborhood retail and service establishments. All retail and service oriented uses are subject to approval by the Board of Adjustment.

§ 154.140.7 AREA, BULK AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in §154.115. Off-street parking spaces shall be provided by permitted uses in accordance with §154.090 *et seq.*

§ 154.150 R-20 RESIDENTIAL DISTRICT

§ 154.150.1 ESTABLISHMENT.

The R-20 District is established to provide quiet, low-density living areas consisting of only single-family and related uses necessary for sound neighborhoods. The regulations for this district are designed to stabilize and

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encourage a healthful environment for family life in areas where public or community water or sewer facilities may be available and protect and provide for sound residential development of areas along the scenic shoreline of Lake Hickory (Catawba River). In areas where community or public water and sewer is available or where the County Health Department permits, group housing may be permitted as outlined in § 154.140.4.

§ 154.150.2 PERMITTED USES.

The uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(A) ***Residential Subdivision Sales Office***. In any residential district, the developers, builders or their agents may operate one residential subdivision sales office or model dwelling unit as a sales office for the specific project under construction, subject to the following restrictions:

(1) The use of the office shall be for the initial sale of properties and buildings within the developing subdivision and the subdivision shall contain at least twenty (20) lots.

(2) The modular sales office or model dwelling unit shall meet all zoning district dimensional requirements and must be located on one of the development's numbered lots. No other structures shall be located on the same lot.

(3) Signs can be a maximum of 15 square feet and may be illuminated.

(4) There will be provided one (1) temporary off-street parking space per 300 square feet of floor area, but in no case shall less than three (3) temporary off-street parking spaces be provided. The off-street parking surface may be of gravel or asphalt.

(5) The unit shall not be used for any other business activity and no later than 9:00 p.m.

(6) The building used for the sales office is either constructed and intended for ultimate residential use as part of the residential development or a temporary modular office unit. If a temporary modular office unit is constructed, the following additional conditions shall be met:

(7) The modular office unit must meet all manufacturer requirements and applicable building codes.

(8) Skirting shall consist of any weatherproof material providing a continuous visual barrier between the ground and the underside of the modular unit.

(9) The term modular office unit as used herein shall have the same meaning characteristics as required by the North Carolina State Building Code.

(10) The modular office unit may be used for such sales purposes for a period of two (2) years, but can be extended by the Code Enforcement Officer on an annual basis, if greater than ten percent (10%) of the lots proposed for initial sale remain unsold at the expiration of the initial permit. The modular office unit must be discontinued and removed from the subdivision within fifteen (15) days of the last unit or lot sold. A model or demonstration dwelling unit may be used for sales purposes until the last dwelling unit or lot is sold.

§ 154.150.3 CONDITIONAL USES.

The following uses may be permitted subject to a finding by the County Board of Commissioners that all conditions of the group housing regulations set forth in § 154.140.4 have been met: Group housing projects, specifically, condominiums, and townhouses.

§ 154.150.4 AREA, BULK, AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard, and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in §154.115 *et seq.* Off-street parking spaces shall be provided by permitted uses in accordance with §154.090 *et seq*.

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§ 154.160 R-SF FLOATING RESIDENTIAL SINGLE-FAMILY DISTRICT

§ 154.160.1 ESTABLISHMENT. (Amend. 11-2-99)

The purpose of this district is to secure housing for persons on small lots designed for single family residential uses. These small parcels are designed to have public water and sewer. The regulations are intended to provide high-density single-family districts at affordable rates. This zone must be located within or abut the R-20 Zoning District.

§ 154.160.2 PERMITTED USES. (Amended 11-2-99)

The uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

(A) ***Residential Subdivision Sales Office***. In any residential district, the developers, builders or their agents may operate one residential subdivision sales office or model dwelling unit as a sales office for the specific project under construction, subject to the following restrictions:

(1) The use of the office shall be for the initial sale of properties and buildings within the developing subdivision and the subdivision shall contain at least twenty (20) lots.

(2) The modular sales office or model dwelling unit shall meet all zoning district dimensional requirements and must be located on one of the development's numbered lots. No other structures shall be located on the same lot.

(3) Signs can be a maximum of 15 square feet and may be illuminated.

(4) There will be provided one (1) temporary off-street parking space per 300 square feet of floor area, but in no case shall less than three (3) temporary off-street parking spaces be provided. The off-street parking surface may be of gravel or asphalt.

(5) The unit shall not be used for any other business activity and no later than 9:00 p.m.

(6) The building used for the sales office is either constructed and intended for ultimate residential use as part of the residential development or a temporary modular office unit. If a temporary modular office unit is constructed, the following additional conditions shall be met:

(7) The modular office unit must meet all manufacturer requirements and applicable building codes.

(8) Skirting shall consist of any weatherproof material providing a continuous visual barrier between the ground and the underside of the modular unit.

(9) The term modular office unit as used herein shall have the same meaning characteristics as required by the North Carolina State Building Code.

(10) The modular office unit may be used for such sales purposes for a period of two (2) years, but can be extended by the Code Enforcement Officer on an annual basis, if greater than ten percent (10%) of the lots proposed for initial sale remain unsold at the expiration of the initial permit. The modular office unit must be discontinued and removed from the subdivision within fifteen (15) days of the last unit or lot sold. A model or demonstration dwelling unit may be used for sales purposes until the last dwelling unit or lot is sold.

§ 154.160.3 CONDITIONAL USES. (Amended 11-2-99)

None.

§ 154.160.4 AREA, BULK, AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in § 154.079. Sign allowances and regulations are treated in § 154.115 *et seq*. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 *et seq*. (Amended 11-2-99)

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§ 154.170 N-B NEIGHBORHOOD BUSINESS DISTRICT

§ 154.170.1 ESTABLISHMENT.

The NB District is primarily intended to accommodate very low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists.

§ 154.170.2 PERMITTED USES.

The uses listed in §154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

§ 154.170.3 AREA, BULK AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in §154.079. Sign allowances and regulations are treated in §154.115. Off-street parking spaces shall be provided by permitted uses in accordance with §154.090 *et seq.*

§ 154.175 C-R COMMERCIAL RECREATIONAL DISTRICT

§154.175.1 ESTABLISHMENT.

The C-R Commercial Recreational district is established to provide suitable locations for those commercial activities which provide recreation, leisure, entertainment, lodging and dining type facilities.

§ 154.175.2 PERMITTED USES.

The uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

§ 154.175.3 CONDITIONAL USES.

The conditional uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed when authorized by the Board of Commissioners.

§ 154.175.4 AREA, BULK AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in §154.079. Sign allowances and regulations are treated in § 154.115. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 et seq.

§ 154.180 H-C HIGHWAY COMMERCIAL DISTRICT

§ 154.180.1 ESTABLISHMENT.

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The H-C Highway Commercial District is established to provide suitable locations for those commercial activities which serve primarily the traveling public, including those which function rather independently of each other.

§ 154.180.2 PERMITTED USES.

The uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

§ 154.180.3 CONDITIONAL USES.

The following are permitted as conditional uses when authorized by the Board of Commissioners: Commercial or Industrial Planned Developments as set forth in § 154.185 *et seq*.

§ 154.180.4 AREA, BULK AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in §154.079. Sign allowances and regulations are treated in § 154.115. Off-street parking spaces shall be provided by permitted uses in accordance with § 154.090 *et seq.*

§ 154.185 PLANNED DEVELOPMENTS.

(A) *Definition.* A planned development is a type of combined development of two (2) or more commercial, industrial, or multi-family buildings or duplexes, established on a single development tract, having unified design of buildings and coordinated organization of open space and service areas, and developed in accordance with a site plan.

(B) *Approval procedure.* Planned developments may be permitted in any zoning district which lists them as a conditional use (C) within § 154.202, Schedule of Uses and Permissible Conditional Uses. A public hearing must be held, and the site plan must be approved by the appropriate Board as outline in § 154.334, Conditional Use Permits.

(1) A preliminary design layout must be submitted to the Board of Adjustment with twelve copies for review before the submission of the final design.

(2) A final corrected design shall be approved by the Board of Adjustment before a zoning permit may be issued. Special conditions may be recommended for the project plan by Board of Adjustment and planted buffer strips or suitable substitutions may be required when needed to maintain the integrity of the neighborhood or area. These shall be completed before occupancy will be allowed.

(C) *Design criteria.* Multi-family Residential Planned Developments must also meet the criteria set forth in § 154.186. Commercial or Industrial Planned Developments must also meet the criteria set forth in § 154.187.

(1) The site plan shall conform to all applicable requirements of the Town's or County's Subdivision Regulations for street design, drainage, and plat design. Sites within the Town of Taylorsville or its Extraterritorial Planning Jurisdiction shall comply with the Taylorsville Subdivision Regulations; all other sites within the county shall comply with the Alexander County Subdivision Regulations.

(2) Sites to be developed under this section shall have access to water and sewer lines.

§ 154.186 MULTI-FAMILY RESIDENTIAL PLANNED DEVELOPMENTS.

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Multi-family Residential Planned Developments may be approved as a conditional use subject to the following conditions:

(A)	Approved Uses:	Multi-family Units, Duplexes
(B)	Minimum plot or overall project area:	2 acres
(C)	Minimum lot area per dwelling unit:	3000 square feet
(D)	Minimum front yard depth for each building:	35 feet
(E)	Minimum rear yard depth for each building:	30 feet
(F)	Minimum side yard depth for each building:	30 feet
	When adjacent to a private street or side lot line:	15 feet
	When adjacent to another building in the project area:	20 feet
(G)	Minimum distance between buildings:	40 feet
(H)	Maximum area of project area covered by all buildings:	30%

(I) Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yards required are increased by one (1) foot for each two (2) feet or fraction thereof over the thirty-five (35) foot height limit.

(J) Off-street parking shall be provided as required by § 154.100 of this Ordinance.

(K) Sidewalks are required along one or both sides of all streets, existing or new, within or abutting the development. Sidewalks must be constructed to minimum standards as established by NC DOT.

§ 154.187 COMMERCIAL OR INDUSTRIAL PLANNED DEVELOPMENTS.

Commercial or Industrial Planned Developments may be approved as a conditional use subject to the following conditions:

(A) *Permitted Uses.* Uses are limited to those permitted within the zoning district in which the project is located. In no case shall the Board of Adjustment authorize a use prohibited in the district in which the project is to be located.

(B) *Required Yards*

(1) Yards with a minimum depth of 25 feet shall be provided around the entire perimeter of the Planned Development, and additional depth may be required where necessary to protect adjacent property in portions of the perimeter. No internal yards need be provided, but where buildings on the site are separated, the distance between them shall be at least 15 feet.

(2) Along minor public streets, and adjacent to any required residential front or side yard line, a yard 25 feet in least dimension shall be landscaped and maintained in a manner appropriate to a residential neighborhood. No such landscaped yard shall be used for off-street parking or loading, but such required yards may be used for walkways, and portions not within 25 feet of residential lots may be used for drives other than principal entrances or exits.

(3) Along thoroughfares, yards may be used for off-street parking, drives, and walkways, provided, however, that a yard 25 feet in least dimension shall be landscaped and maintained in a manner appropriate to a residential neighborhood where the lot adjoins any required residential front or side yard line, with uses limited as provided above. A fence to contain wind-blown trash within the development may be required within this yard.

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(C) *Landscaping.* No landscaping, fences, terrace, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping or other material impediment to visibility between the heights of three feet and eight feet shall be permitted within triangular areas defined by lines connecting points described as follows: Beginning at a point where the mid line of the entrance or exit intersects the public right-of-way in the direction of approaching traffic, thence to a point 25 feet toward the interior of the lot along the mid line of the entrance or exit, and thence to point of beginning.

(D) *Turnout and Merging Lanes.* Along thoroughfares, turnout lanes and merging lanes may be required by NC DOT to be constructed on the lot, with length and width as appropriate to flow of traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required or provided voluntarily, such turnout and merging lanes may be included as part of the required yard adjacent to the thoroughfare, except that no such lane, and no entrance or exit shall run through any part of any required landscaped yard adjacent to a required residential front or side yard.

(E) *Building Height.* No building shall exceed 35 feet in height unless any required perimeter yards abutting the building are increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, additional height over 35 feet.

(F) *Off-Street Parking and Loading.*

(1) Off-street parking spaces shall be provided for Commercial or Industrial Planned Developments as required in § 154.090 *et seq.* Also, parking for the physically handicapped driver shall be provided for in all shopping centers. Spaces for handicapped drivers shall be a minimum of 12 feet in width and 18 feet in length and shall be located in the section of the lot closest to the building served.

(2) Off-street loading and unloading spaces shall be provided for Commercial or Industrial Planned Developments as required in § 154.101.

(G) *Signs.* Signs erected in the Commercial or Industrial Planned Development shall be regulated by the provisions of § 154.125.

§ 154.190 L-I LIGHT INDUSTRIAL DISTRICT

§ 154.190.1 ESTABLISHMENT.

The L-I Light Industrial District in intended to provide for the development of areas devoted to light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises and limited office activities controlled by performance standards to limit the effect of such uses on uses within the district and adjacent districts.

§ 154.190.2 PERMITTED USES.

The uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

§ 154.190.3 CONDITIONAL USES.

The following are permitted as conditional uses when authorized by the Board of Commissioners: Commercial or Industrial Planned Developments as set forth in § 154.185 *et seq.*

§ 154.190.4 AREA, BULK AND SIGN REGULATIONS AND OFF-STREET PARKING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted use are set forth in §154.079. Sign allowances and regulations are treated in §154.115. Off-street parking spaces shall be provided by permitted uses in accordance with §154.090 *et seq.*

§ 154.200 H-I HEAVY INDUSTRIAL DISTRICT

§ 154.200.1 ESTABLISHMENT.

The H-I Heavy Industrial District is intended to provide areas for intensive manufacturing, processing and assembly uses controlled by performance standards to limit the effect of such uses on adjacent districts.

§ 154.200.2 PERMITTED USES.

The uses listed in § 154.202, Schedule of Uses and Permissible Conditional Uses, will be allowed.

§ 154.200.3 CONDITIONAL USES.

The following are permitted as conditional uses when authorized by the Board of Commissioners: Commercial or Industrial Planned Developments as set forth in § 154.185 *et seq.*

§ 154.200.4 AREA, BULK AND SIGN REGULATION AND OFF-STREET PARKING AND LOADING REQUIREMENTS.

The area, yard and height requirements which must be met by each permitted or conditional use are set forth in § 154.079. Sign allowances and regulations are treated in § 154.115 *et seq.* Off-street parking and loading space shall be provided by permitted uses in accordance with § 154.090 *et seq.*

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§ 154.202.1 SCHEDULE OF USES AND PERMISSIBLE CONDITIONAL USES--RESIDENTIAL

X = Permitted Principal Uses A = Permitted Accessory Uses C = Conditional Uses PC = Permitted with Conditions

USES	DISTRICTS						REFERENCE
	RA-20	**R-20**	**R-SF**	**R-1**	**R-2**	**R-3**	
AGRICULTURAL							
Animal husbandry	X	X					
Bona fide farms	X	X					
Commercial greenhouses							
Commercial nurseries							
Forestry	X	X					
Gardening	A	A	A	A	A	A	
Hatcheries	X						
Livestock sales							
Pasturage	X	X					
Private greenhouses	A	A		A	A		
Roadside stand:							
1. Commercial							
2. Residential	X						
Stable	X	X					
Truck farming and crop production	X	X					
COMMUNICATIONS FACILITIES							
Ham radio antenna	C	C					
Radio and television studio							
Radio and television transmitting and receiving facility				PC	PC	PC	§ 154.130.2
Telecommunication towers	C	C					
Radio and television receiving Antenna dish, accessory							
COMMUNITY RECREATION							
Community centers	C	C	C	X	X	X	
Country clubs	C	C	C				
Golf courses	X	X	X	X	X	X	
Greenways	X	X	X	X	X	X	

DRAFT

Parks and playgrounds	X	X	X	X	X	X	
Recreation clubs	C	C	C				
CULTURAL FACILITIES							
Aquarium							
Arboreta	X	X					
Art galleries				X	X		
Botanical gardens	X	X					
Museums	C	C		X	X		
MANUFACTURING, PROCESSING AND ASSEMBLY							
Asphalt products							
Bedding and carpet manufacturing							
Biodiesel Processing Plant							
Biodiesel Bulk Storage							
Biodiesel Wholesale Distribution							

	RA-20	R-20	R-SF	R-1	R-2	R-3	REF.
Boat works							
Bottling plants							
Brick, tile and pottery yards							
Cabinet shops							
Canvas goods manufacturing							
Cardboard containers							
Case goods							
Chemical manufacturing							
Clothing and textiles							
Concrete products production							
Distilleries, Wineries and Breweries							
Electrical appliances and equipment							
Farm machinery							
Fertilizers							
Fiberglass							
Flour and feed mills							
Food and food products							
Foundries							
Furniture (except case goods)							
Glass products							
lquarters of manufacturing, processing and assembly firms							
Hosiery mills							
Ice manufacturing							
Knitting mills							
Leather products							
Luggage							
Machine tools							
Manufacturer's showrooms							
Meatpacking plants							
Metal fabricating plants							
Monument works and sales							
Paints, varnishes, fmishes							
Paper goods							
Pharmaceuticals							
Pillow manufacturing							
Planing mills							
Plastic products							

DRAFT

Precision instruments							
Processing plants							
Refineries							
Rubber products							
Sawmills	C						
Sheet metal shops							
Springs manufacturing							
Stone products							
Textile finishing and dyeing							
Tobacco products							
Upholstering shops							
Wooden box factories							
Woodworking shops							

	RA-20	R-20	R-SF	R-1	R-2	R-3	REF.
MEMBERSHIP ORGANIZATIONS	C	C					
MISCELLANEOUS							
Air Strips (public & private)	C						
Adult Use							
Amusement parks							
Armories							
Bakeries (wholesale)							
Circus, carnivals, fairs	C	C					
Crematorium							
Customary accessory uses	A	A	A	PC	PC	PC	§ 154.130.2
Dragstrips and race tracks							
Electrical equipment sales							
Equipment rentals							
Indoor Firing/Shooting Range	C						
Flea markets, indoors							
Flea markets, outdoors							
Food packing and manufacturing							
Garbage disposal services							
Heating and refrigeration							
Housemovers							
Industrial supplies and equipment							
Kennel	C						
Livestock sale barns							
Lumberyard							
Marinas and dry storage facilities	C	C					
Municipal garages							
Music studios							
Oil and gasoline bulk storage							
Outdoor Firing/Shooting Range	C						
Plumbing and heating supplies							
Publishing and printing							
Research activities							
Slaughterhouse							
Tactical Training Center	C						
Tire recapping shops							
Transfer companies							
Utility company operation centers							
Vending companies							
Watercraft Maintenance Facility (enclosed only)							
Watercraft Maintenance Facility							
Watercraft Rental, Sales or Storage							

DRAFT

Wholesale distribution							
OPEN USES OF LAND							
Cemetery, human public	PC	PC		PC	PC	PC	§ 154.006
Cemetery, private	PC	PC		PC	PC	PC	§ 154.006
Cemetery, pet	PC						§ 154.006
Junkyards							
Landfills (Sanitary)							
Mining of earth products (sand, soil, clay)	C						
Mining of earth products (other)	C						
Open storage							
PLACES OF ASSEMBLY	C						

	RA-20	**R-20**	**R-SF**	**R-1**	**R-2**	**R-3**	**REF.**
PUBLIC FACILITIES							
Correctional facilities							
Public service facilities	C	C		X	X		
Public use facilities	C	C		X	X		
Public utility facility	PC	PC		PC	PC	PC	§ 154.130.2 (A)
Solar Farms	PC	PC		PC	PC	PC	§ 154.130.2 (B)
RESIDENTIAL SUPPORT FACILITIES							
Adult care center	X	X			PC	PC	§ 154.131.2
Child care center	X	X			PC	PC	§ 154.131.2
Church/synagogue/similar religious use	X	X		X	X	X	
Cemetery/parsonage/other religious accessory uses				X	X	X	
College/university/technical college				X	X		
Family care home	C	C	C				
Home occupation	A			C	C	C	
Schools (elementary, middle, high)	X	X		X	X	X	
RESIDENTIAL USES							
Campgrounds	C	C					
Cluster Development							
Congregate living facility	C	C					
Dwelling units:							
1. Single-family	X	X	X	X	X	X	
2. Two-family	X	X			X	X	
3. Multiple-family	X				X		
4. Condominiums/Townhouses	C	C			C	C	
5. Accessory Dwelling Unit	X	X					
Group Multi-Family Development					C		§ 154.131.4
Life and care treatment facility	C	C			PC	PC	§ 154.131.2
Manufactured or mobile homes:							
1. Double-wide (multi-section)	X				X	X	
2. Single-wide	X						
3. Accessory Manufactured Home	X						
Manufactured home park	C				C	C	
Orphanage					X	X	
Recreational vehicle park	C						
sidential development sales office; model dwelling unit	X	X	X				
Planned Unit Development—Mixed Use							

DRAFT

RETAIL							
Convenience goods:							
Bakeries							
Candy, nut, confectionery stores							
Convenience store							
Delicatessen							
Food stores							
Newsstands							
Tobacco shops							
Eating establishment:							
Sit-down							
Walk-in/drive-in							
Shopper's goods:							
Antique shops							
Apparel and footwear							
Appliances							
Art supplies							
Automotive supplies							
Auto, truck, board and motorcycle sales							
Bicycle sales and service							
	RA-20	**R-20**	**R-SF**	**R-1**	**R-2**	**R-3**	**REF.**
Book and stationery stores							
Camera and photography supplies							
Department stores							
Discount stores							
Drugstores							
Fabric stores							
Farm & heavy equipment sales & rental							
Farm supplies							
Floor covering stores							
Florists							
Furniture and home furnishings							
Fuel Oil Sales							
Biodiesel Sales							
Gas stations							
Gift Shops							
Glass and mirror shops							
Gun and ammunition sales							
Hardware Stores							
Hobby, toy and craft stores							
Jewelry stores							
Lawn and Garden Supplies							
Liquor store							
Lumber & building materials sales: retail							
Lumber & building materials sales: wholesale							
Manufactured home and RV sales							
Monument sales							
Music stores							
Novelty and souvenir shops							
Office equipment stores							
Paint and wallpaper stores							
Pawnshops							
Pet shops							
Radio and television sales							
Rental and leasing of light equipment							

DRAFT

Rental of domestic vehicles							
Secondhand stores and swap shops							
Service station							
Shoe stores							
Sporting goods							
Supermarkets (less that 5,000 sq. ft.)							
Supermarkets (5,000 sq. ft. or larger)							
Tailoring and dressmaking shops							
Trading stamp redemption stores							
Variety stores							
SERVICES							
Amusement services:							
Amusement arcades							
Bowling lanes							
Baseball hitting ranges							
Health clubs							
Gymnasiums							
Discotheques							

	RA-20	**R-20**	**R-SF**	**R-1**	**R-2**	**R-3**	**REF.**
Billiard or pool halls							
Golf driving ranges							
Miniature golf							
Dance schools or classes							
Skating rinks							
Movie theaters (indoor)							
Movie theaters (drive-in)							
Par-3 golf				X	X	X	
Shuffleboard courts							
Zoos							
Dance studios							
Swimming Pools				X	X	X	
Tennis Courts							
Spa/Salon							
Automatic bank teller							
Banks and finance companies							
Business service office:							
Advertising agency							
Arts and graphics services							
Blueprints and drafting supplies							
Building cleaning/maintenance services							
Computer and data processing services							
Detective agencies							
Employment agencies							
Insurance agencies							
Linen and uniform supply services							
Management consultants							
News syndicates							
Personnel services							
Photofinishing laboratories							
Photography services and studios							
Public relations services							
Real estate services							
Health services:							
Animal hospital/vet clinic					C		

DRAFT

Health practitioner's office					C		
Hospital	C			X	X		
Medical and dental labs							
Medical/dental clinics					C		
ng, convalescent & extended care facilities	C	C			X	X	
Rehabilitation center							
Sanitarium and mental institutions							
Lodging places:							
Board/rooming house, bed & breakfasts	C	C		X	X		
Hotels/motels							
Lodges							
Miscellaneous services:							
Car wash							
Contractor's office	X				C		
Contractor's office & equipment storage	X						
Dry cleaners							
Dry cleaning plants							
Exterminators							
Food catering							
Funeral parlor							
Landscapers							

	RA-20	R-20	R-SF	R-1	R-2	R-3	REF.
Lawn and garden care							
Machine and welding shops							
Mail order office							
Miniwarehouses							
Photography studio							
Sign painting							
farm equipment, heavy equipment sales and service							
Personal service office:							
Barbershop	A						
Beauty shop	A						
Coin-operated laundry							
Dry cleaning & laundry pickup facilities							
Seamstress shop							
Shoe repair and shining							
Professional service office:							
Accounting					C		
Architects					C		
Engineers					C		
Interior designers					C		
Legal services					C		
Surveyors					C		
Repair services:							
omobile repair (excluding open storage)							
Bicycle repair							
Electronic and electrical repair							
Furniture refinishing and repair							
Gunsmith							
Locksmith							

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§ 154.202.2 SCHEDULE OF USES AND PERMISSIBLE CONDITIONAL USES—COMMERCIAL

X = Permitted Principal Uses A = Permitted Accessory Uses C = Conditional Uses PC = Permitted with Conditions

USES	DISTRICTS								REFERENCE
	B-1	B-2	B-3	N-B	H-C	C-R	L-I	H-I	
AGRICULTURAL									
Animal husbandry				X	X		X	X	
Bona fide farms				X	X		X	X	
Commercial greenhouses		X		X	X		X	X	
Commercial nurseries		X		X	X		X	X	
Forestry				X	X		X	X	
Gardening				A	A		A	A	
Hatcheries							X	X	
Livestock sales								X	
Pasturage							X	X	
Private greenhouses		X		A	A		A	A	
Roadside stand:									
1. Commercial		X	X	X	X				
2. Residential		X	X						
Stable									
Truck farming and crop production				X	X		X	X	
COMMUNICATIONS FACILITIES									
Ham radio antenna				C	C		C	C	
Radio and television studio	X	X			X				
Radio and television transmitting and receiving facility	X	X		X	X				

DRAFT

Telecommunication towers	C	C		C	C		C	C	
Radio and television receiving Antenna dish, accessory				C	C		C	C	
COMMUNITY RECREATION									
Community centers	X	X		X	X	X			
Country clubs	X	X		X	X	X			
Golf courses				X	X	X			
Greenways				X	X	X	X	X	
Parks and playgrounds	X	X		X	X	X	X	X	
Recreation clubs	X	X		X	X	X			
CULTURAL FACILITIES									
Aquarium					X				
Arboreta				X	X		X	X	
Art galleries				X	X				
Botanical gardens				X	X		X	X	
Museums				X	X				
MANUFACTURING, PROCESSING AND ASSEMBLY									
Asphalt products								X	
Bedding and carpet manufacturing							X	X	
Biodiesel Processing Plant							X	X	
Biodiesel Bulk Storage							X	X	
Biodiesel Wholesale Distribution							X	X	

	B-1	**B-2**	**B-3**	**N-B**	**H-C**	**C-R**	**L-I**	**H-I**	**REF.**
Boat works		X					X	X	
Bottling plants							X	X	
Brick, tile and pottery yards					X		X	X	
Cabinet shops		X			X		X	X	
Canvas goods manufacturing					X		X	X	
Cardboard containers							X	X	
Case goods							X	X	
Chemical manufacturing								X	
Clothing and textiles					X		X	X	
Concrete products production								X	
Distilleries, Wineries and Breweries						C			
Electrical appliances and equipment							X	X	
Farm machinery							X	X	
Fertilizers							X	X	
Fiberglass							X	X	
Flour and feed mills							X	X	
Food and food products		X					X	X	
Foundries								X	
Furniture (except case goods)		X					X	X	
Glass products							X	X	
Headquarters of manufacturing, processing and assembly firms				X	X		X	X	
Hosiery mills					X		X	X	
Ice manufacturing					X		X	X	
Ice cream manufacturing		X							
Knitting mills					X		X	X	
Leather products							X	X	
Luggage							X	X	
Machine tools							X	X	

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Manufacturer's showrooms					X		X	X	
Meatpacking plants							X	X	
Metal fabricating plants					X		X	X	
Monument works and sales					X		X	X	
Paints, varnishes, finishes								X	
Paper goods							X	X	
Pharmaceuticals							X	X	
Pillow manufacturing							X	X	
Planing mills							X	X	
Plastic products							X	X	
Precision instruments							X	X	
Processing plants							X	X	
Refineries								X	
Rubber products							X	X	
Sawmills							X	X	
Sheet metal shops		X					X	X	
Springs manufacturing							X	X	
Stone products							X	X	
Textile finishing and dyeing							X	X	
Tobacco products							X	X	
Upholstering shops		X			X		X	X	
Wooden box factories							X	X	
Woodworking shops		X			X		X	X	

	B-1	B-2	B-3	N-B	H-C	C-R	L-I	H-I	REF.
MEMBERSHIP ORGANIZATIONS				X	X				
MISCELLANEOUS									
Air Strips (public & private)							C	C	
Adult Use								C	
Amusement parks					X				
Armories					X		X	X	
Bakeries (wholesale)		X			X		X	X	
Circus, carnivals, fairs				X	X				
Cold storage and freezer lockers		X							
Crematorium					X		X	X	
Customary accessory uses	PC	PC	PC	A	A	A	A	A	§ 154.133.2
Dragstrips and race tracks					C				
Electrical equipment sales					X		X	X	
Equipment rentals					X		X	X	
Indoor Firing/Shooting Range					C			C	
Flea markets, indoors					X		X	X	
Flea markets, outdoors					C		C	C	
Food packing and manufacturing					X		X	X	
Furriers and fur storage	X	X							
Garbage disposal services							X	X	
Heating and refrigeration					X		X	X	
Housemovers					X		X	X	
Industrial supplies and equipment					X		X	X	
Kennel					X		X	X	
Livestock sale barns								X	
Lumberyard					X		X	X	
Marinas and dry storage facilities				C	X				
Milk distribution (non-bottling) facilities		X							
Municipal garages				X	X		X	X	
Music studios				X	X		X	X	
Oil and gasoline bulk storage								X	
Outdoor Firing/Shooting Range					C			C	

DRAFT

Plumbing and heating supplies		X			X		X	X	
Publishing and printing	X	X			X		X	X	
Research activities					X		X	X	
Slaughterhouse								X	
Tactical Training Center								C	
Tire recapping shops					X		X	X	
Transfer companies					X		X	X	
Utility company operation centers	X	X			X		X	X	
Vending companies					X		X	X	
Watercraft Maintenance Facility (enclosed only)				C	X				
Watercraft Maintenance Facility					X				
Watercraft Rental, Sales or Storage					X				
Wholesale distribution					X		X	X	
OPEN USES OF LAND									
Cemetery, human public		PC		PC	PC				§ 154.006
Cemetery, private		PC		PC	PC				§ 154.006
Cemetery, pet					PC				§ 154.006
Junkyards								C	
Landfills (Sanitary)								C	
Mining of earth products (sand, soil, clay)								C	
Mining of earth products (other)								C	
Open storage								C	
Parking lots	X	X							
PLACES OF ASSEMBLY		X			X				
	B-1	**B-2**	**B-3**	**N-B**	**H-C**	**C-R**	**L-I**	**H-I**	**REF.**
PUBLIC FACILITIES									
Correctional facilities								X	
Public service facilities	X	X		C	X	C	X	X	
Public use facilities	X	X		C	X	C	X	X	
Public utility facility	PC	PC		PC	PC	PC	PC	PC	§ 154.130.2 (A)
Solar Farms							PC	PC	§ 154.130.2 (B)
RESIDENTIAL SUPPORT FACILITIES									
Adult care center				X	X				
Child care center		PC	PC	X	X				§ 154.131.2
Church/synagogue		X	X	X	X				
College/university/technical college	PC	PC			X				§ 154.133.2
Family care home				X	X				
Home occupation									
Schools (elementary, middle, high)				X					
RESIDENTIAL USES									
Campgrounds					X				
Congregate living facility					X				
Dwelling units:									
6. Single-family									
7. Two-family									
8. Multiple-family									
9. Condominiums/Townhouses									
10. Accessory Dwelling Unit									
Life and care treatment facility					X				
Manufactured or mobile homes:									
4. Double-wide (multi-section)									
5. Single-wide									

DRAFT

6. Accessory Manufactured									
Manufactured home park									
Recreational vehicle park									
Residential development sales office; model dwelling unit		X							
RETAIL									
Convenience goods:									
Bakeries	X	X	X		X				
Candy, nut, confectionery stores	X	X	X		X				
Convenience store				X	X				
Delicatessen			X	X	X	C			
Food stores	X	X	X	X	X				
Newsstands	X	X	X	X	X				
Tobacco shops	X	X	X	X	X				
Eating establishment:									
Sit-down	X	X		X	X	C			
Walk-in/drive-in	PC	X		X	X				§ 154.133.2
Shopper's goods:									
Antique shops	X	X			X				
Apparel and footwear	X	X			X				
Appliances	X	X			X				
Art supplies	X	X			X				
Automotive supplies	X	X			X				
Auto, truck, board and motorcycle sales	X	X			X				
Bicycle sales and service	X	X			X				
Boat sales		X							
	B-1	**B-2**	**B-3**	**N-B**	**H-C**	**C-R**	**L-I**	**H-I**	**REF.**
Book and stationery stores	X	X	X		X				
Camera and photography supplies	X	X			X				
Dairy bars & ice cream manufacturing		X							
Department stores	X	X			X				
Discount stores	X	X			X				
Drugstores	X	X	X	X	X				
Fabric stores	X	X			X				
Farm & heavy equipment sales & rental		PC			X		X	X	§ 154.134.2
Farm supplies	X	X			X		X	X	
Floor covering stores	X	X			X				
Florists	X	X	X	X	X				
Furniture and home furnishings	X	X			X				
Fuel Oil Sales				X	X		X		
Biodiesel Sales				X	X		X		
Gas stations	PC	PC		X	X		X		§ 154.133.2
Gift Shops	X	X	X	X	X	C			
Glass and mirror shops	X	X			X				
Gun and ammunition sales					X				
Hardware Stores	X	X		X	X				
Hobby, toy and craft stores	X	X		X	X				
Jewelry stores	X	X	X		X				
Lawn and Garden Supplies	X	X		X	X				
Liquor store	X	X			X				
Lumber & building materials sales: retail		PC			X		X	X	§ 154.134.2
Lumber & building materials sales: wholesale		PC			X		X	X	§ 154.134.2

DRAFT

Manufactured home and RV sales		X			X		X		
Monument sales					X		X		
Music stores	X	X			X				
Novelty and souvenir shops	X	X			X	C			
Office equipment stores	X	X			X				
Optical supply stores	X	X							
Paint and wallpaper stores	X	X			X				
Pawnshops	X	X			X				
Pet shops					X				
Radio and television sales		X			X				
Rental and leasing of light equipment		X			X		X		
Rental of domestic vehicles					X				
Secondhand stores and swap shops	X	X			X				
Service station	PC	PC			X		X		§ 154.133.2
Shoe stores	X	X			X				
Sporting goods	X	X			X				
Supermarkets (less than 5,000 sq. ft.)	X	X		X	X				
Supermarkets (5,000 sq. ft. or larger)					X				
Tailoring and dressmaking shops	X	X		X	X				
Trading stamp redemption stores	X	X	X		X				
Variety stores	X	X			X				
SERVICES									
Amusement services:									
Amusement arcades					X				
Bowling lanes		X			X				
Baseball hitting ranges					X		X		
Bus terminals and railroad stations	X	X							
Health clubs					X	X			
Gymnasiums		X			C	A			
Discotheques					C				

	B-1	B-2	B-3	N-B	H-C	C-R	L-I	H-I	REF.
Billiard or pool halls	X	X			X				
Golf driving ranges		X			X	A			
Miniature golf		X			X				
Dance schools or classes	X	X			X				
Skating rinks		X			X				
Movie theaters (indoor)	X	X			X				
Movie theaters (drive-in)		PC			X				§ 154.134.2
Par-3 golf		X			X	X			
Shuffleboard courts					X	X			
Zoos					X				
Dance studios	X	X			X				
Swimming Pools						X			
Tennis Courts						X			
Spa/Salon	X	X				X			
Automatic bank teller	X	X		X	X				
Banks and finance companies	X	X	X	X	X				
Business service office:									
Advertising agency	X	X			X				
Arts and graphics services	X	X			X				
Blueprints and drafting supplies	X	X			X				
Building cleaning/maintenance services	X	X			X				
Computer and data processing services	X	X			X				
Detective agencies	X	X			X				

DRAFT

Employment agencies	X	X			X				
Insurance agencies	X	X			X				
Linen and uniform supply services	PC	PC			X				§ 154.133.2
Management consultants	X	X			X				
News syndicates	X	X			X				
Personnel services	X	X			X				
Photofinishing laboratories					X				
Photography services and studios	X	X			X				
Public relations services	X	X			X				
Real estate services	X	X			X				
Health services:									
Animal hospital/vet clinic		PC			X				§ 154.134.2
Health practitioner's office	X	X	X		X				
Hospital					X				
Medical and dental labs	X	X			X				
Medical/dental clinics	X	X	X		X				
Nursing, convalescent & extended care facilities					X				
Rehabilitation center					X				
Sanitarium and mental institutions					C				
Lodging places:									
Board/rooming house, bed & breakfasts			X	X	X	C			
Hotels/motels	X	X			X	C			
Lodges						C			
Miscellaneous services:									
Car wash		X			X				
Contractor's office	X	X		X	X		X		
Contractor's office & equipment storage					X		X	X	
Dry cleaners	PC	PC			X				§ 154.133.2
Dry cleaning plants	PC	PC			X				§ 154.133.2
Exterminators					X				
Food catering					X				
Funeral parlor		X			X				
Jewelry repair stores	X	X	X						
Landscapers					X		X	X	

	B-1	B-2	B-3	N-B	H-C	C-R	L-I	H-I	REF.
Lawn and garden care					X		X	X	
Machine and welding shops					X		X	X	
Mail order office					X				
Miniwarehouses					X				
Photography studio	X	X			X				
Sign painting & fabricating		X			X		X	X	
Truck, farm equipment, heavy equipment sales and service					X		X	X	
Personal service office:									
Barbershop	X	X	X	X	X				
Beauty shop	X	X	X	X	X				
Coin-operated laundry		X	X		X				
Dry cleaning & laundry pickup facilities	PC	PC	X		X				§ 154.133.2
Seamstress shop	X	X		X	X				
Shoe repair and shining	X	X			X				
Professional service office:									

DRAFT

Accounting	X	X			X				
Architects	X	X			X				
Engineers	X	X			X				
Interior designers	X	X			X				
Legal services	X	X			X				
Surveyors	X	X			X				
Repair services:									
Automobile repair (excluding open storage)	X	X			X				
Bicycle repair	X	X			X				
Electronic and electrical repair	X	X			X				
Furniture refinishing and repair					X				
Gunsmith	X	X			X				
Locksmith	X	X			X				

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SITE PLAN REVIEW REQUIREMENTS

§ 154.220 INTENT.

Site plan review is intended to insure proper design in types of development, which can have potentially harmful effects on their surroundings. These effects are subject to modification or reduction through the physical design of such development. Review of the design, therefore, is aimed at the greatest possible benefit to the community as a result of building and site design.

§ 154.221 PROCEDURE FOR SITE PLAN REVIEW.

When the Director of Planning and Development determines that an application involves development requiring site plan review, the Director of Planning and Development shall notify the applicant that such review is required and shall require the documentation listed in this section.

§ 154.222 USES SUBJECT TO SPECIAL SITE PLAN REVIEW.

The following types of development shall be subject to the site plan review provisions in Section 154.223:

(A) All commercial and industrial facilities, including off-street parking;

(B) All institutional facilities such as schools, hospitals and clubs;

(C) All residential developments involving more than four dwelling units in one building or one lot;

(D) Manufactured home park;

(E) Special exceptions when specified in this ordinance;

(F) Townhouse development projects;

(G) Planned unit development projects, subject to additional requirements in Sections 154.180 *et seq*. herein;

(H) Recreation vehicle parks, subject to special site plan requirements in Section 154.255 herein; and

(I) Other uses when specified by the governing Board.

§ 154.223 DOCUMENTATION.

The following requirements shall govern documents submitted for site plan assessment:

(A) Site plans shall be submitted at a scale of not less than one inch equals four hundred feet.

(B) Ten (10) clearly legible blue-line or black-line copies of the site plan shall be submitted. Additional copies may be requested as deemed necessary.

(C) The names and addresses of owner and developer and a scale and north arrow shall be included on all maps.

(D) The following information shall be included on the map of existing conditions:

(1) Names and addresses of owners of record of all adjacent properties;

(2) Current use district boundaries, including surrounding areas to a distance of three hundred (300) feet;

(3) Easements, rights-of-way, or other reservations affecting the property;

(4) Topographic information as determined by the Director of Planning and Development;

(5) Location of water courses, wetlands, wooded areas and other significant features;

(6) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet, indicating whether existing buildings on the tract re to be retained, modified or removed;

(7) Location of existing water mains, culverts, drains, pipe sizes, grades and direction of flow;

(8) Location of graves and cemeteries;

(9) Vicinity map;

(10) Thoroughfares and location of streets on official Thoroughfare Plan.

§ 154.224 DOCUMENTATION - MAP OF PROPOSED DEVELOPMENT.

The following information shall be included on the map of proposed development:

(A) Erosion control measures as regulated by the NC Department of Environment and Natural Resources;

(B) Location and size of proposed buildings and uses thereof;

DRAFT

(C) Proposed topographic maps as determined by the Director of Planning and Development;

(D) Proposed streets and other access and egress facilities (indicating curb lines, sidewalk lines and public right-of-way lines); profiles and cross-sections of streets, provided the specifications of the Division of Highways Subdivision Roads, Minimum Construction Standards as amended, are met and said proposal shall be approved by the district engineer;

(E) Layout of off-street parking;

(F) Location of proposed utility lines, indicating where they already exist and whether they will be underground;

(G) Proposed storm and sanitary drainage systems, both surface and subsurface, showing pipe sizes, grades, flow and design loads;

(H) Proposed location, direction of, power, and time and use of outdoor lighting;

(I) Proposed planting, including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed;

(J) Location, size and design of proposed signs;

(K) Facilities for disposal of trash and other solid waste;

(L) Elevations of buildings to be built or altered on site; and

(M) Vicinity map at a scale no smaller than six hundred (600) feet to one inch, showing all streets and property within one thousand (1,000) feet of the property for which the application is made. All properties owned or controlled by the applicant in this area shall be identified.

DRAFT

§ 154.225 GENERAL SITE PLAN REVIEW.

For those permitted uses not requiring special site plan review under Section 154.222 of this ordinance, ten (10) copies of an acceptable site plan with such reasonable information shown thereon shall be submitted to the Planning Director along with the compliance permit application. Such site plan shall include, at a minimum, the following: lot dimensions with property line monuments located thereon, location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.

§ 154.226 COMMERCIAL DEVELOPMENT STANDARDS ***(amended 7/13/15)***

These standards shall apply to all new Commercial (including Office and Institutional) developments and shall apply to any subsequent development where expansion requires additional parking spaces to be installed.

Access Management and Pedestrian Facilities:

Access Management

(A) All new driveway access shall be permitted in accordance with the current NCDOT "Policy on Street and Driveway Access to North Carolina Highways". Additional restrictions will apply as follows:

(B) On lots that are developed for commercial and/or industrial use, stub outs will be required for interconnectivity to abutting lots or for future development of the remainder of the parcel.

(C) No property shall have more than two (2) driveway access points. In situations where public safety may be affected, additional driveway access points may be permitted only after a Traffic Impact Analysis has been completed at the responsibility of the developer. NCDOT and/or Alexander County may request that the study be completed. A certified professional engineer shall prepare the Traffic Impact Analysis. NCDOT and/or the County Engineer shall make the final decision in regards to location and number of driveway access points.

Pedestrian Facilities:

(A) Sidewalks are required along all major thoroughfares in commercial and industrial developments in Alexander County. Sidewalks will also be required along minor thoroughfares and collector streets if the development provides connectivity to the existing sidewalk system.

Parking Area Landscaping

The landscaping requirements of this section shall apply to land, public and private, designated as recreational, institutional, industrial and commercial land uses which are required to have fifteen (15) or more parking spaces. All those recreational, institutional, industrial and commercial land uses which are required to have one (1) to fourteen (14) spaces must comply with the street yard requirements only.

Parking area landscaping requirements of this section are as follows:

(A) Credit for using existing trees on site greater than or equal to those required by standards shall be two (2) trees for every one tree retained (in accordance with Section 154.226-C)

(B) When using an existing tree, the area under the dripline (maximum extension of branches) of the tree must remain undisturbed. This includes grading, fill, paving, etc.

(C) If an existing tree dies, it must be replaced with two (2) trees during the next planting season.(in accordance with Section 154.226-F)

(D) If any tree/shrub dies, replacement is required within the next planting season.

(E) Landscaping shall be placed in a manner, which meets the intent of this Ordinance, and shall be maintained.

(F) Any fraction of requirements shall be rounded to the next whole number.
(eg; in a street yard, if lot width is 149 feet or less then the number of required trees shall be 1. If the lot is 150 then the number of required trees shall be 2 (rounded up to 200 feet)).

DRAFT

(G) Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard.

Landscaping requirements for interior areas of parking areas:
(Interior areas are defined as the area within the property used for vehicular storage, parking and movement).

(A) Landscaped planting areas are to be located within or adjacent to the parking area as tree islands, at the end or parking bays, inside medians, or between rows or cars.

(B) There shall be one (1) tree for every twenty (20) parking spaces.

(C) There shall be one (1) shrub for every ten (10) parking spaces. Shrubs must be eighteen (18) inches tall at planting and reach a minimum height of thirty (30) inches in three (3) years.

(D) All trees and shrubs are to be planted within a landscaped planting area not less than one hundred sixty-two (162) square feet in area.

(E) No vehicular parking space shall be farther than one hundred (100) feet from a planting area.

Landscaping requirements for street yards of parking areas:
(Street yards are defined as the area between the public right-of-way and interior area)

(A) Street yards are required to be a minimum of fifteen (15) feet in width.

(B) One (1) tree is required every one-hundred (100) feet along the street frontage.

(C) Shrub beds (fifty (50) square feet minimum and a minimum of ten (10) shrubs per shrub bed) are required every fifty (50) feet along the street frontage. Berms may be used instead of shrubs with the following stipulations: 1) berms must be the required height of shrubs with no more than a 3:1 slope; 2) shorter shrubs may be used in combination with berms as long as the required total height is met; 3) berms must be capped or topped with groundcover vegetation; 4) berms shall be grassed; 5) berms must occupy sixty (60%) percent of the frontage area; 6) fences may be used in combination with berms as long as the fence is compatible in materials and color to the building and is not more than forty (40%) percent of the required height.

Tree and shrub specifications:

(A) Tree" as used herein means any tree, evergreen or deciduous, whose mature height of its species can be expected to exceed fifteen (15) feet for a small tree and thirty-five (35) feet for a large tree (except in cases where this would require the planting of incompatible species with the surrounding environment, such as overhead utility lines, then acceptable species may be used). The tree, existing or planted, shall be at least eight (8) feet in height and six and one-quarter (6 1/4") inches in circumference (two (2) inches in diameter) measured at one-half (1/2') foot above grade for newly planted trees and measured at four (4) feet above grade for existing trees.

(B) "Shrub" shall attain a minimum of thirty (30") inches in height with three (3) years of planting. All shrubs shall be a minimum of eighteen (18") inches tall when planted. All shrubs planted on

DRAFT

berms may have lesser

height provided the combined height of the berm and plantings after three (3) years is at least thirty (30") inches in height.

(C) Tree Replacement Standards: Any tree that dies or is damaged due to weather or other factors must be replaced within the next planting season. Trees must be replaced at a 2 to 1 ratio if the existing damaged/dead tree exceeds a height of twelve (12) feet and is more than six and one-quarter (6 1/4") inches in circumference (two (2) inches in diameter) measured at four (4) feet above grade. Existing damaged/dead trees that that are less than the above listed requirements may be replaced at a 1 to 1 ratio.

Building Design Standards

a. All buildings shall face a public street or parking area/development entrance on which the building is located. In no instance shall the rear of the building be oriented so that it may be visible from a public street. If the rear of a building must face a public street, the rear façade shall be required to meet the design standards set-forth in Section 154.226 (D) b.
The primary entrance of the building shall be located on the front or side of the building secondary entrances are permitted and encouraged.

b. The front façade of every building and the side of every building facing a public street shall be constructed of non-metallic material. These materials may include but are not limited to brick, rock, wood, and cement board siding but exclude concrete-block and vinyl.

c. The side and rear façade of a building shall be constructed of non-metallic material for the first five (5) feet measured at ground level. Construction materials should be consistent with those listed in Section 154.226 (D) b.

DRAFT

MANUFACTURED HOME PARKS

§ 154.230 ESTABLISHMENT

This section shall govern the establishment of each and every new manufactured home park and any addition or expansion of existing manufactured home parks lying within the jurisdiction of this ordinance.

The regulations contained herein shall govern the approval, construction, and operation of each and every new manufactured home park, the expansion of existing approved manufactured home parks, and the expansion or reopening of parks existing before the formal adoption of manufactured home park regulations in the county except that these regulations shall not apply within the city limits or extraterritorial planning or zoning areas of any city, town, or municipality within the county unless the city, town, or municipality has formally adopted a motion that these regulations be enforced within their area of jurisdiction and unless and until the Board of Commissioners has formally adopted a motion that these regulations be enforced within the area of jurisdiction

of the city, town, or municipality making the request. Any such agreement between a city, town, or municipality and the county may be repealed by either party upon written notification by either party to the other. Such notice shall carry a minimum 90-day notice to the effective date of the repeal unless otherwise agreed to by both parties.

The regulations for this section are designed to:

(A) Further the orderly layout of manufactured home parks;
(B) To help secure safety from fire, floods, panic, congestion and other dangers in manufactured home parks;
(C) To provide for adequate light, air, and open space in manufactured home parks;
(D) To ensure that facilities for transportation, parking, water, sewer, and recreation are provided to residents of manufactured home parks.

§ 154.231 COMPLIANCE.

(A) ***Subdivision regulations***. Where a proposed manufactured home park is planned or the expansion of an existing manufactured home park is planned and the property in question meets the definition of a subdivision as contained in the subdivision regulations, the subdivision regulations must be fully met before any action is taken on the proposed manufactured home park plan.

(B) ***Other regulations***. Before the Planning and Zoning Commission may give final approval of a proposed manufactured home park plan or the expansion of an existing manufactured home park, or an operating permit may be issued, the applicable regulations of the following agencies must be met and official notification must be given by an authorized agent of the agency to the Planning and Zoning Commission stating that their agency has reviewed the proposal, that the plan meets their agency's requirements, and that the park or phase of the park under consideration has been constructed to meet these requirements:

(1) North Carolina Department of Transportation District Engineer as to street entrance and intersection with a state maintained road.

(2) Health Department as to approval of all water and sewage systems and solid waste collection.

(3) Building Inspector as to compliance with North Carolina State Building Code (all applicable sections).

(4) Code Enforcement Officer as to compliance with local floodplain regulations.

(5) North Carolina Department of Natural Resources and Community Development as to compliance with North Carolina soil erosion and sedimentation regulations where applicable.

(6) Any other group that the County Planning and Zoning Commission may deem relevant or necessary in order to properly evaluate a proposed plan.

IMPROVEMENTS; DESIGN STANDARDS

§ 154.240 MANUFACTURED HOME SPACES.

All manufactured homes placed in parks shall be placed in a space that has been properly approved and is currently listed on the park operating permit as required by this chapter.

(A) ***Minimum acreage and space design***. Any site, tract of land or lot to be developed as a manufactured home park shall be not less than five acres in area, excluding any streets or street rights-of-way. The minimum space design in manufactured home parks shall be determined by the availability of public water and sewer facilities. The following minimum space requirements also take into account the need for adequate space to prevent overcrowding, prevents fire hazards, provide sufficient light and air, and the like.

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(1) Public water and sewer available:

(a) Minimum space size shall be 15,000 square feet.

(b) Minimum mean space width shall be 60 feet.

(c) Each space shall abut a street within the park by at least forty (40) feet.

(d) Minimum space setback requirements:

Street side or front: 20ft from the street or from the street right-of way

Sides: 10ft from the street or from the street right-of-way

Rear or side opposite street: 20ft from the street or from the street right-of-way

Setbacks from exterior streets outside the park: 40ft from the street right-of-way

(e) Accessory buildings shall be placed in the rear yard a minimum of 10 feet from any property line, 20 feet from any street right-of-way and 20 feet away from the principal structure.

Note: Setbacks shall be measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

(2) Public or community water available and septic system used:

(a) Minimum space size shall be 20,000 square feet.

(b) Minimum space width shall be 60 feet.

(c) Each space shall abut a street within the park by at least forty (40) feet.

(d) Minimum space setbacks:

Street side or front: 20ft from the street or from the street right-of-way

Sides: 10ft from the street or from the street right-of-way

Rear or side opposite street: 20ft from the street or from the street right-of-way

Setbacks from exterior streets outside the park: 40ft from the street right-of-way

(e) Accessory buildings shall be placed in the rear yard a minimum of 10 feet from any property line, 20 feet from any street right-of-way and 20 feet away from the principal structure.

Note: Setbacks shall be measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

(3) Where public, municipal, or community water or sewer systems exist, this section requires mandatory connection to such system, if agreements can be acquired from the owner of the system enabling the park to be added to the system.

(B) ***Corners marked***. Each space shall have the front and rear corners clearly marked so that visual establishment of the boundaries of each space can be made. This requirement applies during the inspection and approval phases, and such markers may be removed from a space after it is occupied by a home and has passed all inspections. Reestablishment of corners may be required by authorized inspectors at future times in order that verification of compliance with the requirements of this chapter can be made.

(C) ***Spaces numbered***. Each manufactured home space shall have a permanent number to identify the space. The number shall be visible from the street in front of the space.

§ 154.241 STREET AND PARKING REQUIREMENTS.

The primary access to all manufactured home parks shall be either from a publicly-maintained street on the North Carolina Department of Transportation system or shall be from a street that has been properly approved and placed on public record in accordance with the Alexander County Subdivision Regulations.

(A) ***Minimum street design***. All streets within a manufactured home park shall be paved and construction to NCDOT standards. Minimum pavement widths of streets within manufactured home parks shall be as follows:

(1) Two-way street: 20 feet

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(2) One-way street: 18 feet
(3) Cul-de-sac: 80 feet

(B) ***Intersections***. All streets in manufactured home parks shall intersect as nearly as possible at 90° angles; however, in no case shall a street intersect another street at less than a 60° angle. Street jogs of less than 100 feet shall not be allowed.

(C) ***Cul-de-sacs***. All permanent dead-end streets or cul-de-sacs shall be marked by a sign as a dead-end or no out. The sign shall be provided, installed, and maintained by the park owner/operator.

(D) ***Parking***. Each manufactured home space shall have a minimum oftwo (2) off-street parking spaces. The parking area shall be paved with an impermeable material. Required parking spaces may be included within the square feet required for each mobile home space.

(E) ***Drive access to streets outside park***. In no case shall a manufactured home space have direct access to streets or roads outside the manufactured home park except through the approved street layout of the park.

§ 154.242 UTILITY REQUIREMENTS.

The approval and installation of all utility improvements including, but not limited to water, sewer, electricity, and solid waste collection, shall be in accordance with this chapter.

(A) ***Water***. Each and every manufactured home located in a manufactured home park shall be supplied water from either an approved municipal system or an approved public or community water system. Before a final approval and operating permit may be issued to a manufactured home park, the proposed municipal, public, or community water system must be certified by the Health Department as being installed to meet all state and local regulations. Individual water wells shall not be allowed in manufactured home parks.

(B) ***Sewer***. Each and every manufactured home in a manufactured home park shall be supplied with either a hookup to a municipal or package sewage system or an approved septic tank system. Before final approval and an operating permit may be issued to a manufactured home park, the proposed method of sewage disposal must be certified as being installed to meet all state and local regulations by the Health Department. If septic tank systems are intended to be used, there shall be a separate tank for each manufactured home space.

(C) ***Electrical Hookups***. Each and every manufactured home space in a manufactured home park shall be provided with its own separate metered service. Installation of this electrical service shall be in accordance with the North Carolina State Building Code and all other state and local regulations that may apply. Before a final approval or operating permit may be issued to a manufactured home park, the Building Inspector shall certify that the proposed electrical service has been installed to meet all applicable codes.

(D) ***Streetlights***. Streetlights shall be provided in manufactured home parks insufficient numbers and spaced accordingly so as to provide a continuous and uninterrupted lighting pattern on all streets in the manufactured home park. Installation of streetlights shall be in accordance with applicable state building codes. Before final approval or an operating permit may be issued to a manufactured home park, the Building Inspector shall certify that the streetlights installed meet all applicable codes.

(E) ***Solid Waste Collection***. Solid waste and refuse collection shall be provided in manufactured home parks in accordance with the county's regulation concerning the storage, accumulation, collection, and disposal of garbage and solid waste. Before final approval or any operating permit may be issued to a manufactured home park, the Health Department must certify that the proposed method of solid waste collection is in accordance with county guidelines.

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§ 154.243 RECREATION AND OPEN SPACE REQUIREMENTS.

All proposed manufactured home parks must provide a recreational area for its occupants. The minimum requirements shall be 10% of the total park area up to a maximum of two acres. Recreational areas shall be located so as to be free of traffic hazards and easily accessible to all park occupants.

§ 154.244 SPACE PREPARATION AND GRADE.

All manufactured home spaces in proposed parks shall be so prepared and graded so that there is a slope of no more than 6% where the manufactured home is to be located.

§ 154.245 STEPS AND SETUP; TIE-DOWN.

All manufactured home spaces in proposed parks shall have a solid, well constructed set of steps for use by tenants. Loosely stacked brick, block, and the like, shall not meet the requirements of this section. It shall be the responsibility of the owner of the manufactured home to furnish the steps. All manufactured homes shall have either a deck or porch located in front of the home. The minimum square footage shall measure at least 48 square feet. All steps, decks, porches and entrances shall be constructed in accordance with the North Carolina State Building Code. All manufactured homes located in proposed parks shall be set up and tied down in accordance with the North Carolina State Building Code and all other applicable state and local codes.

§ 154.246 SIGNS.

Manufactured home park identification signs shall be limited to one sign per park entrance. No sign shall exceed thirty-two (32) square feet in area.

§ 154.247 OFFICE.

Manufactured home parks shall be allowed to set aside one space for the placement of an office to conduct the business of operating the park. This office may be of permanent or manufactured construction.

§ 154.248 SCREENING.

All proposed manufactured home parks shall provide a screen or buffer between the park and any developed property adjacent to the park that has visual access to the park. Compliance with this section shall constitute either planting a double row of evergreens staggered a maximum of six feet apart, and being a minimum of three feet in height, or erection of a fence, screen, and the like, a minimum of eight feet in height so as to block visual access. Screens or planting shall not be required for areas where adjacent development occurs after final approval and the operating permit has been issued by the park operator.

§ 154.249 FLOODPLAINS.

Proposed manufactured home parks shall comply with the applicable floodplain regulations.

PLAN APPROVAL; PERMITS

§ 154.250 SKETCH DESIGN PLAN.

Prior to the preparation of a preliminary plan, the manufactured home park developer may submit an informal sketch to the Administrator for review and consultation. The purpose of this review is for the Administrator to

DRAFT

inform the developer of the requirements in this ordinance and to discuss any obvious conflicts with the plan and this ordinance in the early stages of development.

§ 154.251 PRELIMINARY PLAN REQUIREMENTS.

The preliminary manufactured home park plan shall be submitted to the Administrator a minimum of 20 days prior to the date of the Planning and Zoning Commission meeting at which time the plan will be considered for approval. Prior to consideration of the plan by the Planning and Zoning Commission, the plan must be consistent with the requirements and standards established in this ordinance. When an existing manufactured home park is being expanded such that no additional property is being added or the boundaries of the park are not expanded, the preliminary plan shall be reviewed by the Administrator as a site plan review process. The preliminary plan for new or expanding manufactured home parks shall contain the following:

(A) The proposed name of the park.

(B) The name of the park developer, address, and telephone number.

(C) The outside boundaries of the tract of land on which the park will be built and the approximate bearings and distances of each line.

(D) The proposed location of all streets, driveways, open recreational areas, parking areas, service buildings, easements, manufactured home spaces, and existing structures.

(E) A vicinity map showing the location of the proposed park in the county.

(F) Street design and construction standards, water and sewer facilities, street lighting, and solid waste collection.

(G) The zoning classification of the property, if applicable.

(H) Manufactured home spaces numbered consecutively.

(I) Site calculations including approximate total area of park and approximate area of each space.

(J) The plan shall be drawn at a scale of one-inch equals 200 feet or larger.

(K) A north arrow and bar scale.

§ 154.252 PRELIMINARY PLAN APPROVAL.

To acquire preliminary approval for a proposed manufactured home park, the park developer must submit 10 copies of the plan. The following provisions shall be complied with before preliminary approval may be granted by the Planning and Zoning Commission:

(A) ***Agency review***. The following agencies shall review the preliminary plan and shall certify to the Administrator that the proposed design meets their agency's requirements before preliminary approval may be granted:

(1) NCDOT District Engineer as to street entrance design and proposed intersection with a state-maintained road.

(2) Health Department as to proposed water, sewer, and solid waste collection systems design.

(3) Building Inspection Department as to design compliance with the North Carolina State Building Code (all applicable sections).

(4) Code Enforcement Officer as to design compliance with the floodplain regulations and zoning regulations where applicable.

(5) North Carolina Department of Environment and Natural Resources as to design compliance with the state soil erosion and sedimentation control regulations where applicable.

(6) Any other agency that the Planning and Zoning Commission may deem necessary to properly evaluate the design of the proposed work.

(B) ***Preliminary plan review procedure by Planning and Zoning Commission***. The Planning and Zoning Commission shall review the application within 45 days of receipt of all required preliminary agency reviews in division (A) of this section. If the Planning and Zoning Commission fails to act within this period the developer may assume that preliminary approval is granted and proceed in accordance with this ordinance.

In reviewing the preliminary plan, the Planning and Zoning Commission shall determine its consistency with these regulations. The Planning and Zoning Commission in evaluating the plan will also consider the following standards:

(1) Does the proposed site and development plan provide for adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets?

(2) Are the size and shape of the site adaptable to good manufactured home park design?

(3) Will implementation of the development plan unduly disrupt any natural features of the site such as topography, streams, and the like?

The Planning and Zoning Commission may impose safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.

(C) ***Notification of preliminary approval***. Upon action by the Planning and Zoning Commission on a proposed plan, the Administrator shall notify the developer as shown on the plan of this approval within ten days of the action.

(D) ***Procedure for denial of preliminary plan***. Should the Planning and Zoning Commission decide to deny preliminary approval, the reasons for denial shall be stated in writing, citing the specific section or sections of this chapter upon which it has based this decision. Notification of such action shall be given to the developer shown on the plat by the Administrator within ten days of the action by the Planning Board. The developer may make corrections or changes to the plan and resubmit the plan for preliminary approval.

(E) ***Time limit of approval***. The developer shall have one year after the date of preliminary approval is granted to apply for a construction permit. If a construction permit is not applied for in the one year period, the preliminary approval shall become null and void. The plan must then be resubmitted for preliminary approval to be re-granted and the plan must comply with any changes in this ordinance that may have taken effect since the original approval was granted.

§ 154.253 CONSTRUCTION PERMIT.

Upon the granting of preliminary approval to a proposed manufactured home park plan, the owner of the proposed park or authorized agent may apply to the Administrator for a construction permit. There shall be no fee for this permit; however, this permit will not exempt the owner, agent, or developer from other required permits by other federal, state, or county agencies.

DRAFT

(A) ***Construction of park***. Upon receipt of the construction permit, the owner, agent, or developer may begin with construction of the proposed park in accordance with the approved preliminary plan.

(B) ***Time limitation on construction permit***. The construction permit shall be valid for a period of two years. If, at the end of two years, the developer has not applied for final approval of the plan, the construction permit shall become null and void. The developer may, however, apply to the Administrator before the two years expire for a one-year extension of the permit. The Administrator shall in no case grant more than one extension. If the construction permit becomes null and void, the plan must be resubmitted and preliminary approval regranted before another construction permit may be granted. The plan must then comply with any changes made in this chapter since the original preliminary approval was granted.

(C) ***Effects on development in stages***. If a plan receives preliminary approval, a developer may apply for a construction permit for only a portion of the total plan. However, if at the end of one year from the date of preliminary approval the remaining area of the plan has not had a construction permit applied for, the remaining portion of the plan shall lose its preliminary approval status in accordance with division (B) of this section.

§ 154.254 FINAL PLAN REQUIREMENTS.

(A) The final manufactured home park plan shall be submitted to the Administrator a minimum of 20 days prior to the date of the Planning and Zoning Commission meeting at which time the plan will be reviewed. The final plan shall be prepared by a professional land surveyor or engineer licensed to practice in North Carolina.

(B) The final plan shall contain the following:

(1) The park name.

(2) The name of the owner(s).

(3) The exact bearings and distances of the outside boundaries of the tract of land on which the park is built.

(4) The location of all streets, driveways, open and recreational areas, parking spaces, and other existing structures.

(5) A vicinity map showing the location of the park in the county.

(6) A cross-section of the construction of the streets, the location of streetlights, and location of solid waste collection containers (other than individual spaces).

(7) Manufactured home spaces numbered consecutively.

(8) Site calculations including total park area and total area of each manufactured home space.

(9) North arrow and bar scale; plan shall be drawn at a scale of one inch = 200 feet or larger.

(10) The seal and signature of the surveyor or engineer who prepared the plan.

§ 154.255 FINAL PLAN APPROVAL.

To acquire final plan approval for a manufactured home park, the developer must submit 10 copies of the plan.

(A) ***Agency review***. The following agencies shall review the final plan and shall certify to the Administrator that the actual installation of the required improvements of this chapter is physically in place and that they meet the requirements of these respective agencies:

(1) North Carolina Department of Transportation District Engineer as to street entrance and any intersection with a state-maintained road.

(2) Health Department as to the water, sewer, and solid waste collection system.

(3) Building Inspection Department as to compliance with the North Carolina State Building Code (all applicable sections).

(4) Zoning Inspector as to compliance with the floodplain regulations.

DRAFT

(5) North Carolina Department of Environment and Natural Resources as to compliance with the state erosion and sedimentation control regulations.

(6) Any other agency the Planning Board may deem necessary in order to adequately evaluate the proposed final plan.

(B) ***Final plan review; procedure by Planning and Zoning Commission***. The Planning and Zoning Commission shall make a decision on a final plan approval within 45 days of the receipt of all required final agency reviews in division (A) of this section. If the Board fails to act within this time, the owner may request that the Board of Commissioners review the plan for approval at its next scheduled meeting.

(C) ***Notification of final approval***. Upon action by the Planning and Zoning Commission to grant final approval to the park plan, the Administrator shall notify the owner as shown on the plan of this approval within ten days of the action.

(D) ***Procedure for denial of final plan***. Should the Planning and Zoning Commission decide to deny final approval, the reasons shall be stated in writing, citing the specific section or sections of this chapter upon which they have based their decisions. Notification of such action shall be given the owner as shown on the plat by the Administrator within ten days of the action. The owner may make corrections as necessary and resubmit the final plan for approval, or the owner may appeal the decision of the Planning and Zoning Commission to the Board of County Commissioners at its next meeting.

(E) ***Action by Board of Commissioners***. If the Board of Commissioners reviews a proposed park plan appeal, and overturns the decision of the Planning and Zoning Commission to deny final approval, the reasons for overturning the decision shall be stated in writing, citing the specific sections of this ordinance on which they based their decision. Notification of any decision shall be given to the owner of the park and the Chairperson of the Planning and Zoning Commission within ten days of the action.

§ 154.256 OPERATING PERMIT.

Upon action to give final approval to a manufactured home park in accordance with this chapter, the owner or operator of the park may apply to the Administrator for a permit to operate the park. The Administrator shall issue a certificate of occupancy and operating permit. There shall be no fee associated with this permit; however, this permit shall in no way exempt the owner, or operator from any other permits that may be required by federal, state or local laws. This operating permit shall be placed in a conspicuous place in the park and shall be available for inspection upon demand by authorized officials of review agencies.

RECREATIONAL VEHICLE PARKS

§ 154.260 ESTABLISHMENT.

The intent of this section is to establish minimum standards for: the orderly layout of Recreational Vehicle Parks, to secure safety from fire, panic and other dangers, to provide adequate light and air, and to insure that facilities for transportation, parking water, sanitation and yard areas are provided.

§ 154.261 DESIGN STANDARDS.

Any site, tract of land or lot to be developed as a recreational vehicle park shall not be less than two (2) acres. The following requirements also take into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light, air and the like.

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(A) Minimum space between each recreational vehicle shall be twenty (20) feet;
(B) Maximum density shall be twenty-five (25) spaces per usable acre;
(C) All streets serving the park shall at a minimum, be graveled;
(D) All spaces shall have direct access to the interior streets of the park;
(E) Every park shall have adequate parking areas. If parking is not available on the lot, then provisions shall be made in other areas. Parking areas may be paved or graveled.

§ 154.262 FACILITIES.

(A) Each RV lot shall be equipped with plumbing and electrical connections sufficient to safely meet demands;

(B) At least one service building shall be provided;

(C) All RV parks shall provide regular solid waste disposal. All disposal practices shall be in compliance with accepted practices established by Alexander County.

(D) All RV parks must provide a recreational area for its occupants. The minimum requirements shall be ten percent (10%) of the total park area up to a maximum of two acres. Recreational areas shall be located so as to be free of traffic hazards and easily accessible to all park occupants.

(E) Water supplies and sewerage disposal shall be approved by the Alexander County Health Department.

§ 154.263 REQUIREMENTS.

The same development requirements for manufactured home parks shall apply to recreational vehicle parks as set forth in subchapters 154.246, 154.247, 154.250 - 154.256 and 154.270 - 154.278 of this chapter.

ADMINISTRATION

§ 154.270 NONCONFORMANCE.

Manufactured home parks which have been operating in the county since before the effective date of this adopted manufactured home park ordinance as existing nonconforming uses may continue to operate unaffected by this ordinance. If, however, their operating permit should be revoked or if the nonconforming park should cease operation for a period of 90 days, then the park shall not reopen until it complies with this and all other applicable state and local regulations. Parks operating as existing nonconforming uses shall not be expanded.

§ 154.271 EFFECTS ON EXISTING MANUFACTURED HOME PARKS.

Manufactured home parks that are operating as existing approved parks as of the effective date of this ordinance may continue to operate under the terms of their operating permit unaffected by this ordinance. However, the expansion of such park must conform to the regulations herein and if such park should have its operating permit revoked or should cease operation for a period of 90 days then the park shall not reopen until it complies with the regulations contained herein, as well as all other applicable state and local laws.

§ 154.272 INSPECTIONS.

In order to achieve the objectives of this ordinance, authorized representatives of all review agencies contained in ordinance shall be authorized and allowed to enter the property on which a proposed or operating park exists

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and make such necessary inspections as may be required to enforce this ordinance. Inspections shall be made during the regular business hours of the agencies. Failure to permit such inspections may result in delays of plan approval or loss of operating permit.

§ 154.273 LOSS OF OPERATING PERMIT.

Upon issuance of an operating permit to an approved manufactured home park, the operator of such park is expected to operate the park in such a manner as to comply with the regulations contained herein and in accordance with all other applicable state and local regulations.
If upon an inspection made by any of the agencies authorized in this ordinance a violation of an applicable regulation is found, the agency shall notify the Administrator. Upon receipt of this notification, the Administrator shall notify the holder of the operating permit of the park of such violation and grant a 30-day grace period in which to correct the violation. If at the end of 30 days, the Administrator and a representative from the agency find corrections have not been made, the operating permit shall be revoked. The owner may reapply to open and operate the park at a later date; however, the park must meet any changes in this ordinance that may be in effect at that time.

§ 154.274 PENALTY.

After the effective date of adoption of this ordinance, any person, firm, or corporation who is the owner or developer of a manufactured home park or any person, firm, or corporation who is the agent of the owner or developer of a manufactured home park, who violates any provision contained in this chapter shall be given notice of such violation by the Administrator and shall be given a maximum of 30 days to correct the violation or be guilty of a misdemeanor and fined not more than $50 or imprisoned not more than 30 days for the violation. Each day the violation exists after notice is first given by the Code Enforcement Officer shall be considered a separate offense and may be prosecuted in accordance with G.S. § 14-4. If at the end of 30 days the violation has not been corrected, the operating permit shall be revoked.

§ 154.275 to § 154.279 Reserved.

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MANUFACTURED HOUSING APPEARANCE CRITERIA

§ 154.280 DOUBLEWIDE AND MULTI-SECTION MANUFACTURED HOMES. (Adopted 8-1-99; Amended 4-2-02; 7-14-03)

All doublewide and multi-sectioned manufactured homes shall meet the following appearance criteria:

(A) ***Length-width Ratio***. The main portion of the building shall have length not exceeding four times the building width.

(B) ***Roof Construction and Pitch***. The pitch of the main roof of the building shall have a minimum rise of 2 ½ feet for each 12 feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standards residential construction. Such roof shall be the original roof of the structure as installed by the manufacturer.

(C) ***Exterior Finish***. The exterior siding shall consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(D) ***Placement of Homes in Subdivisions and Parks***. All homes placed in subdivisions recorded after the effective date of this ordinance shall be placed with the front of the home running parallel to the street providing access to the site. On cul-de-sacs the home shall be sited with the front of the home being parallel to the street frontage. Where the home cannot feasibly be placed parallel to the street due to topographical constraints, the Code Enforcement Officer may exempt the applicant from that requirement. Homes placed on tracts of land that are not part of a subdivision, will be permitted to locate where practical as long as all other requirement are met. Homes placed in a manufactured home park may be placed perpendicular to the street. (Amended 6-20-00)

(E) ***Underskirting and Permanent Steps***.

(1) All doublewide and multi-sectioned manufactured homes shall have the entire perimeter of each home enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina Regulations for Manufactured Homes:

(a) Building materials to be used as underpinning shall include the following list: brick, masonry, concrete block with a stucco finish, and natural or synthetic stone masonry. Vinyl sidings will be allowed in manufactured home parks. Assembly's products and materials manufactured for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

(b) The underskirting shall be vented in accordance with the State of North Carolina Building Code.

(2) All doublewide and multi-sectioned manufactured homes shall have either a deck or porch with steps. This structure shall be located in the front of the home. The minimum square footage shall measure at least 48 square feet. All steps, decks, porches and entrances shall be constructed in accordance with the North Carolina State Building Code.

(F) ***Chassis and Tongue Removal***. The towing tongue shall be removed upon final placement of the unit or screened with shrubbery.

(G) ***Other requirements***. Any doublewide or multi-section manufactured home that exists in the county prior to the original adoption of this Ordinance that does not meet the appearance criteria but is currently suitable for use as a habitable dwelling unit, may be moved to any other location in the county that allows manufactured homes. The home must meet all other requirements set forth in Section 154.280.

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Any doublewide or multi-section manufactured home located in Alexander County for sale at the time of the original adoption of this ordinance, that does not meet the appearance criteria, may be sold if the home meets all other requirements set forth in Section 154.280 and standards set by the State of North Carolina Regulations for Manufactured Homes, as amended.

Multi-section manufactured homes that do not meet the appearance criteria shall not be brought into Alexander County from another county.

§ 154.281 SINGLEWIDE MANUFACTURED HOMES.
(Adopted 8-1-99; Amended 6-20-00; 12-5-00; 4-2-02; 7-14-03)

All singlewide manufactured homes shall meet the following appearance criteria:

(A) ***Roof Construction and Pitch***. The pitch of the main roof of the building shall have a minimum rise of 2 ½ feet for each 12 feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standards residential construction. A non-reflective galvanized metal roof with a minimum rise of 2 ½ feet for each 12 feet of horizontal run will be allowed on homes that are placed in manufactured home parks. Manufactured homes brought into Alexander County from another county with a non-reflective galvanized metal roof shall only be allowed in manufactured home parks. Such roof shall be the original roof of the structure as installed by the manufacturer.

(B) ***Exterior Finish***. The exterior siding shall consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction. Non-reflective galvanized metal siding will be allowed on homes that are placed in manufactured home parks. Manufactured homes brought into Alexander County from another county with non-reflective galvanized metal siding shall only be allowed in manufactured home parks.

(C) ***Placement of Homes in Subdivisions and Parks***. All homes placed in subdivisions recorded after the effective date of this ordinance shall be placed with the front of the home running parallel to the street providing access to the site. On cul-de-sacs the home shall be sited with the front of the home being parallel to the street frontage. Where the home cannot feasibly be placed parallel to the street due to topographical constraints, the Code Enforcement Officer may exempt the applicant from that requirement. Homes placed on tracts of land that are not part of a subdivision, will be permitted to locate where practical as long as all other requirement are met. Homes placed in a manufactured home park may be placed perpendicular to the street.

(D) ***Underskirting and Permanent Steps***.

(1) All singlewide manufactured homes shall have the entire perimeter of each home enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina Regulations for Manufactured Homes.

(a) Building materials to be used as underpinning shall include the following list: brick, masonry, concrete block with a stucco finish, natural or synthetic stone masonry and vinyl sidings. Assembly's products and materials manufactured for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

(b) The underskirting shall be vented in accordance with the State of North Carolina Building Code.

(2) All singlewide manufactured homes shall have either a deck or porch with steps. This structure shall be located in front of the home. The minimum square footage shall measure at least 48 square feet. All

DRAFT

steps, decks, porches and entrances shall be constructed in accordance with the North Carolina State Building Code.

(E) ***Chassis and Tongue Removal***. The towing tongue shall be removed upon final placement of the unit or screened with shrubbery.

(F) ***Other requirements***. Any singlewide manufactured home that exists in the county prior to the original adoption of this Ordinance that does not meet the appearance criteria but is currently suitable for use as a habitable dwelling unit, may be moved to any other location in the county that allows manufactured homes. A singlewide manufactured home that exists in the county may also be replaced by a newer model as determined by manufacturer's date and shall be constructed to HUD standards. The home must meet all other requirements set forth in Section 154.281.

Any manufactured home located in Alexander County for sale at the time of the original adoption of this ordinance, that does not meet the appearance criteria, may be sold if the home meets all other requirements set forth in Section 154.281 and standards set by the State of North Carolina Regulations for Manufactured Homes, as amended.

Manufactured homes that do not meet the appearance criteria or qualify under Section 154.281(F) shall not be brought into Alexander County from another county.

§ 154.282 SPECIAL PROVISIONS FOR INDIVIDUAL MANUFACTURED HOMES IN THE R-2 AND R-3 ZONING DISTRICTS.

(A) The purpose of these regulations is to promote sound neighborhood development and appearance, protect community property values, and to preserve the integrity and character of neighborhoods. In addition to the provision set forth in section 154.281, manufactured homes are permitted on individual lots in the R-2 and R-3 zoning districts within the Town of Taylorsville and its extraterritorial planning jurisdiction subject to the following conditions:

(1) The lot must be recorded as an individual lot in the office of the Alexander County Register of Deeds.

(2) If municipal utilities are not available, the Alexander County Health Department must approve the well and/or septic tank.

(3) All yard dimensional requirements for the respective district must be met.

(4) The lot must front on a public street and said street frontage will be considered the front of the lot.

(5) All homes shall face the road lengthwise if setbacks allow. No lot shall be subdivided for a manufactured home that would not allow for adequate road frontage to pace the home lengthwise on the property.

(6) At least two (2) off-street parking spaces shall be provided.

(7) The manufactured home must meet or exceed the construction standards established by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction. These standards became effective on July 15, 1976.

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(8) All areas not used for parking, manufactured home or required porches shall be grassed or otherwise suitable landscaped to prevent erosion.

(9) All manufactured homes shall have a deck, porch or a concrete patio with a minimum area of forty-eight (48) square feet. Permanent stairs shall be constructed at all exterior doors. They shall be self-supporting and anchored securely to the ground. A three foot by three foot (3' x 3') platform is required at all exits where the exterior door swings out. Decks, porches and steps must be built in compliance with the North Carolina State Building Code.

(10) All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.

(11) Manufactured homes may be placed on undeveloped land for temporary purposes incidental to construction or development of property within the Town of Taylorsville or its ETJ for a period not to exceed one hundred eighty (180) days. Extensions may be granted for a period as may be determined by the Board of Adjustment, but no longer than construction shall continue. Furthermore, no manufactured home shall be placed on land until construction commences nor when there is an existing structure or facility on the property which may be suitable or designed for the purpose for which the manufactured home is sought to be used. Manufactured homes may also be used as temporary living quarters in the event of a natural disaster such as fire, flooding, etc., which would render the former residence uninhabitable.

(12) The running lights shall be removed and the hitch shall either be removed or screened with shrubbery. Shrubbery shall be a height to ensure a total visual barrier of the towing apparatus. Shrubbery shall be maintained perpetually.

(13) Class A (Doublewide) manufactured homes are permitted in the R-2 and R-3 zoning districts. Class B (Single-wide) manufactured homes are permitted as replacement units for existing single-wide manufactured homes and are permitted in manufactured home parks.

(a) ***Class A Manufactured Homes.*** A manufactured home meeting or exceeding the United States Department of Housing and Urban Development standards (all manufactured homes built after July 15, 1976), which is of multi-sectional or double-wide design. Class A Manufactured Homes shall be a minimum of 1150 square feet.

(b) ***Class B Manufactured Homes.*** A manufactured home meeting or exceeding the United States Department of Housing and Urban Development standards (all manufactured homes built after July 15, 1976), these homes are typically referred to as single-wide manufactured homes. Class B Manufactured Homes shall be a minimum of 980 square feet.

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TELECOMMUNICATION TOWERS

§ 154.290 TELECOMMUNICATIONS TOWER / ALTERNATIVE TOWER STRUCTURE.

(A) The purpose of this section is to establish general guidelines for the siting of towers and antennas. The goals of this section are to: (a) encourage the location of towers in non-residential/non-historical areas and minimize the total number of towers throughout the community; (b) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (c)

encourage strongly the joint use of new and existing tower sites; (d) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; and (e) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

(B) Alternative tower structures may be considered principal or accessory uses and may be allowed in all districts subject to the administrative review criteria. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot size and coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this subsection shall not be deemed to constitute the expansion of a nonconforming use or structure.

(C) The following uses may be approved by the Zoning Administrator after conducting an administrative review:

(1) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing, non-residential structure) that is more than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;

(2) Installing an antenna on an existing non-residential structure other than a tower (such as a building sign, light pole, water tower, utility pole or other free-standing, non-residential structure) in any commercial or industrial district that is less than fifty (50) feet in height so long as such addition does not add more than twenty (20) feet to the height of the existing structure;

(3) Installing an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower;

(4) Locating any alternative tower structure in a zoning district other than industrial or commercial, that in the judgment of the Zoning Administrator, is in conformity with the goals set forth in subsection (A).

(5) Replacing an existing conforming tower which adds no more than 20 feet to the overall height of the existing structure.

(D) Any additional buildings or equipment shall be screened in accordance with (F) in the Telecommunications Tower Section § 154.292.

(E) Site development plans are required in accordance with (E) in the Telecommunication Tower Section § 154.292.

§ 154.291 TELECOMMUNICATIONS TOWER.

(A) The purpose of this subsection is to establish general guidelines for the siting of towers and antennas. The goals of this subsection are to: (a) encourage the location of towers in non residential/non-historical areas and minimize the total number of towers throughout the community, (b) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (c) encourage strongly the joint use of new and existing tower sites, (d) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, and (e) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

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(B) Telecommunication towers shall be considered principal uses and shall require conditional use approval from the Board of Adjustment.

(C) Communication companies are encouraged to locate telecommunication antennae on or in structures other than a tower. Such structures may include church steeples, transmission line towers, utility/light poles, water towers, etc. Where such facilities are not available, co-location of facilities is encouraged.

(D) When a new tower is proposed to be sited, a determination of whether the location will provide a minimal level of coverage vs. optimal coverage shall be taken into consideration. The following standards shall be used in the approval of the citing of new towers:

(1) Evidence that the applicant has investigated the possibilities for locating the proposed facilities on an existing tower where a minimal level of coverage can be provided. Such evidence shall consist of:

(a) Copies of letters sent to owners of all existing towers within a one-mile radius of the proposed site, requesting the following information:

i) tower height;

ii) existing and planned tower users;

iii) whether the existing tower could accommodate the proposed antenna without causing instability or radio frequency interference; and

iv) if the proposed antenna cannot be accommodated on the existing tower, an assessment of whether the existing tower could be structurally strengthened or whether the antenna's transmitters and related equipment could be protected from electromagnetic interference, and a general description of the means and projected cost of shared use of the existing tower.

(b) A copy of all responses within 30 days from the mailing date of the letter required by subsection 1(a); and

(c) A summary explanation of why the applicant believes the proposed facility cannot be located on an existing tower.

(d) A summary explanation of why the applicant believes that the use of an alternative tower structure is not possible.

(e) Provision of sound engineering evidence demonstrating that location in the proposed district is necessary in the interest of public safety or is a practical necessity**.**

(2) A new telecommunication tower must be located a minimum of one mile from any other communication tower.

(E) Evidence that the communications tower is structurally designed to support at least one additional user, and the special use application includes a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. The tower owner may require that such other users agree to negotiate reasonable compensation to the owner from any liability which may result from such attachment. The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.

A site development plan shall be prepared for tower structures by a North Carolina Professional Land Surveyor, landscape architect or professional engineer and shall contain the following information:

(1) The name, address and telephone number of the applicant and the property owner, tax parcel identification number, scale, and north arrow

(2) The name, address, telephone number, signature and seal of the professional preparing the site development plan, date of plan preparation, and any revision dates.

DRAFT

(3) All identifiable structures located on the parcel, all private and public roads, highways and underground and overhead utilities.

(4) Surveyed boundary lines of the parcel containing the proposed Telecommunication Tower construction and its fall zone.

(5) All existing towers and structures on the property or any towers whose fall zone encroaches onto the property.

(6) Description of adjacent land use and all property owner names, tax parcel numbers and mailing addresses.

(7) A preliminary tower design plan prepared by a registered North Carolina Registered Professional Engineer containing a plan depicting the tower and all proposed support structures, buildings and other improvements and access roads and utility connections within and to the proposed site. Such plan shall contain the following information:

(a) Names, addresses and telephone numbers of the applicant and property owner.

(b) The plan scale, date, north arrow and a vicinity map.

(c) Tax parcel identification number for any parcel of land containing the tower site and the tower's latitude and longitude coordinates.

(d) The name, address, telephone number, signature and seal of the person who prepared the site plan.

(e) The surveyed boundary lines of any parcel, or portion thereof, that will contain the proposed tower.

(f) The general location of boundary lines of any parcel or portion thereof within a radius from the tower base equal to the proposed tower height.

(g) The names and tax parcel identification numbers of all owners of property immediately adjacent to any parcel containing the tower site.

(h) All identifiable buildings and other structures (including existing towers) roads and perennial streams located on the parcel containing the tower site and within a radius from the tower base equal to the tower height.

(i) The tower base and the foundations for all support structures, all proposed buildings, accessory structures and any other proposed improvements, including roads and utilities serving the proposed site.

(j) The ground elevation of the base of the proposed tower, to the nearest foot.

(k) A structural engineering certification, signed and sealed by an active, registered North Carolina professional engineer, certifying the structural integrity of the tower and the tower base.

(F) In order to provide spatial separation and create visual block from adjacent properties and streets, a buffer shall be installed around the outside of all improvements on the site, including the tower and guy anchors, any ground buildings or equipment, and security fencing. Ground buildings located in a residential district may be located outside the buffered area if they are constructed so the exterior appearance of the building has the appearance of a residential dwelling, including pitched roof and frame or brick veneer construction. The applicant shall submit scaled elevations of such buildings to assist in the evaluation of compliance with this appearance criteria. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.

(1) A ten (10) foot buffer shall be provided between the fenced area of the tower and the property boundaries.

(2) The planting shall consist of evergreen trees and evergreen shrubs. Trees shall be planted along the full length of the buffer strip in a triangular pattern with maximum spacing of twenty-five (25) feet on centers. The minimum height at planting for trees shall be six (6) feet and they shall have an expected minimum maturity height of thirty-five (35) feet under normal growing conditions. There shall also be at least one row of dense shrubs, spaced not more than eight (8) feet on centers. Shrubs shall be a minimum of two (2) feet high at planting

DRAFT

and shall be a minimum expected maturity height of eight (8) 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 substantially meet this requirement.

(3) Buffer requirements may be waived upon a finding that the existing topography or existing screening materials on site screen the property as effectively as the buffering required in (ii); or that the installation of new screening materials would be impractical or would serve no useful purpose (such waiver may also include situations when the type of non-residential adjoining use would not warrant screening); provided; however, that the spirit and intent of this section are preserved. This paragraph shall not be construed to relieve the requirement of establishing screening for towers to be located adjacent to vacant properties or along any public street.

(G) The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.

(H) No outside storage shall be allowed on any telecommunication facility site.

(I) Associated buildings located in any residential district shall not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(J) The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport. Any lighting shall not project onto surrounding residential property.

(K) The minimum lot size requirement shall be in accordance with the zoning district where the tower is proposed to be located or the setback requirements of subsection (O), whichever is greater.

(L) The color of the tower shall be neutral, except to the extent required by Federal law, so as to minimize its visual impact.

(M) In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels certified by the FCC.

(N) No commercial advertising shall be allowed on the facility's site.

(O) Setback of the base of the tower from all adjacent property lines shall be one foot for each foot in height. This setback may be reduced by the Board of Adjustment upon a finding that failure to grant a setback reduction would have the effect of prohibiting the provision of personal wireless services, that the reduction serves the general intent and purpose of this section and the adopted Comprehensive Plan and that the reduction will not substantially interfere with or injure the rights of others whose property would be affected by the reduced setback. In no case shall the setback be reduced to less than fifty (50) per cent of the tower height. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may have a 10% reduction in the required setbacks. Also, to encourage the construction of monopole structures, monopole towers may have a 20% reduction in the required setbacks. To encourage location of towers in existing forested areas with a minimum depth of sixty-five (65) feet, the tower may have a 20% reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. Said setback reductions shall only be allowed upon a professional engineering certification which states that the structure's

DRAFT

construction will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.

(P) Notice shall be provided to the Zoning Administrator when the tower is placed out of service. Towers which are not used for a period of six (6) months or more shall be removed by the tower owner or land owner if applicable within 120 days of receipt of notification to that effect.

Section 154.293 – Section 154.299 Reserved.

ADULT USES

§ 154.300 PURPOSE

The Alexander County Board of Commissioners is committed to protecting the general welfare of the County through the enforcement of laws prohibiting obscenity, indecency, and sexual offenses. It seeks to reduce and eliminate the deleterious effects of adult uses while preserving constitutionally protected forms of expression. The Board of Commissioners finds that adult uses in certain locations contribute to neighborhood deterioration and blight through an increase in crime and diminution of property values, among other adverse consequences, and finds that such effects are contrary to the general welfare of the County. The Board of Commissioners recognizes that important and substantial government interests provide a constitutional basis for reasonable regulation of the time, place and manner under which adult uses operate; and that, therefore, the Board of Commissioners determined that persons seeking to operate adult uses shall be required to observe specific location requirements before they commence business, as provided for in this Section. The Board of Commissioners finds that the licensing of adult uses is necessary to ensure compliance with the location and zoning requirements of such businesses. The Board of Commissioners also recognizes that adult uses in other communities have been used for unlawful sexual activities, including prostitution, and sexual encounters of a casual nature. The concern over sexually transmitted diseases is a legitimate health concern of the County. The provisions of this Section shall not be construed as permitting any use, activity or structure that is otherwise prohibited, illegal or made punishable by law, nor shall it be construed so as to prohibit conduct or expression that are subject to constitutional protection.

§ 154.301 SPACING REQUIREMENTS.

(A) No adult use shall be located within 1,300 feet of any residential district.

(B) No adult use shall be located within a 1,300-foot radius of a church, daycare, public or private school, park or playground. Distance shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

(C) No adult use shall be located within a 2,000-foot radius of another adult use. Distance shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

§ 154.302 ADDITIONAL REQUIREMENTS.

(A) All windows, doors, entries and the like for all adult uses shall be so located, covered, screened or otherwise treated that any view of the interior of the establishment are not possible from any public or semipublic area, street or way.

(B) At no time shall the adult use place any displays, products, photographs, posters, or pictures of any kind in the windows or doors of the establishment.

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(C) Only one flat wall sign announcing the establishment's name is permitted per adult use. The sign cannot exceed one square foot for each foot of linear building frontage.

(D) No adult use, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) a.m. and six o'clock (6:00) a.m. on weekdays and Saturdays, and one o'clock (1:00) a.m. and one o'clock (1:00) p.m. on Sundays.

(E) No patron or employee parking shall be allowed in the rear yard of the property.

(F) Side and rear yards shall be buffered in accordance with Section 154.039(A) and (B) with a minimum buffer width of twenty (20) feet and a minimum number of two rows regardless of the adjoining use or adjoining zoning district.

§ 154.303 LICENSE REQUIRED.

A) It is unlawful for any person to operate an adult use without a valid adult business license issued by the Zoning Code Enforcement Officer pursuant to this Section.

B) An application for a license must be made on a form prescribed and approved by the Zoning Code Enforcement Officer and such application shall be made under oath and contain the following information:

1) If the applicant is a person, the name and residence address of the person. If the applicant is partnership, corporation, limited liability company, or association, the name and residence address of all persons having any legal or beneficial interest in such applicant. The name of the manager(s) of the establishment along with their residential address.

2) The address of the premises where the establishment shall be located.

3) A complete statement of all convictions of any persons whose name is required to be given in sub-paragraph (B)(1) for any felony convictions.

4) A complete statement of any revocation by any governmental unit of any license or permit to operate an adult use.

5) A complete statement of any conviction of any person whose name is required to be given in sub-paragraph (B)(1) above for violation of any statute, law, ordinance, or regulation of any government concerning an adult use.

6) The name and address of any adult use or other establishment owned or operated by any person whose name is required to be given in sub-paragraph (B)(1) above.

7) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

8) An application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale with marked dimensions of the interior of the premises. For reference see Section 154.317 for additional requirements for businesses with viewing or other rooms.

C) The application may request and the applicant shall provide such information as to enable the Zoning Code Enforcement Officer to determine whether each applicant meets the qualifications established in this Section.

D) Each applicant must be qualified under Section 154.303 and each applicant shall be considered a licensee if a license is granted.

DRAFT

E) The Zoning Code Enforcement Officer shall transmit a copy of the application to the Sheriff's Department for an investigative report, to the Inspections Department to determine compliance with all zoning and building regulations and ordinances, and to the Fire Marshal to determine compliance with any law relating to fire protection. The Sheriff, Fire Marshal and the Inspections Department shall within a reasonable time report the results of their examinations to the Zoning Code Enforcement Officer. Following receipt of investigations by the Sheriff, Fire Marshal and the Inspections Department, the Zoning Code Enforcement Officer shall forward the application and supplemental information to the County Attorney for additional review of compliance with applicable county, state and federal laws. Following notification by the County Attorney the Zoning Code Enforcement Officer will approve or deny the license application.

F) The licensed shall be renewed on an annual basis within thirty (30) days of the initial license approval.

G) No license shall be issued for any adult use to operate at any building, premises, structure, or other facility that contains any other kind of adult use.

§ 154.304 ISSUANCE OF LICENSE.

A) Within thirty (30) days after receipt of a completed application, the Zoning Code Enforcement Officer will approve or deny the issuance of a license to an applicant for an adult use. The Zoning Code Enforcement Officer will approve the issuance of a license to an applicant unless the Zoning Code Enforcement Officer finds one or more of the following to be true:

1) An applicant is under twenty-one (21) years of age.

2) The license fee required by this Section has not been paid.

3) An applicant is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to an adult use.

4) An applicant has failed to provide information required in order to determine the qualifications of the applicant under this Section for issuance of the license, or has falsely answered a question or request for information on the application form.

5) An applicant or the proposed establishment is in violation of or is not in compliance with this Section or other provisions of the Alexander County Codes, including local zoning requirements.

6) An applicant has been convicted of a felony, other than the offense of operating an adult use without a license. The fact that a conviction is being appealed shall have no effect.

7) An applicant has been convicted of a felony crime involving:

(a) any offense described in the North Carolina General Statutes; or any similar offenses to those described above under the criminal or penal code of other states, other cities, Alexander County or other counties; or facilitation, attempt, conspiracy, or solicitation to commit any of the foregoing offenses.

(b) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

8) The applicant has failed to make application using a legal name or has failed to produce a valid North Carolina Driver's License or a valid North Carolina Identification Card.

(B) The license, if granted, shall state on its face the legal name of the person or persons to whom it is granted, the classification of an adult use for which it is granted, the expiration date, and the address of the adult use. Licenses shall be posted in a conspicuous place at or near the entrance to the adult use so that they may be easily read at any time.

§ 154.305 APPEAL.

An applicant whose application is denied, suspended, or revoked by the Zoning Code Enforcement Officer may appeal such action in writing within thirty (30) days to the Alexander County Board of Commissioners, which shall decide either to uphold the action or to issue the license no later than the second regular Commissioners

DRAFT

meeting after receipt of the appeal. The applicant or licensee shall have the right to present evidence before the Board of Commissioners. The decision to uphold the action of the Zoning Code Enforcement Officer or issue the license shall be based solely on the criteria established herein for the action by the Zoning Code Enforcement Officer. A suspension or revocation shall be stayed during the pendency of an appeal to the Board of Commissioners.

§ 154.306 FEES.

A) Every adult use that applies for a new license shall pay to the County a fee of one thousand, five hundred dollars ($1,500), which shall be non-refundable if the license is issued. If the license is denied then one-half shall be refunded to the applicant. An application for renewal must be accompanied by a non-refundable fee of one thousand, five hundred dollars ($1,500).

B) The replacement of a manager of the business which occurs during the license year shall be filed with the Zoning Code Enforcement Officer within thirty (30) days of its occurrence, and a $500 investigation fee paid.

§ 154.307 INSPECTION.

A) An adult business license applicant or licensee shall permit representatives of the Sheriff's Department or any other county, state, or federal department, division, or agency that enforces codes, regulations or statutes relating to human health, safety or welfare or structural safety to inspect the premises of an adult use for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

B) A person who operates an adult use or his/her agent or employee commits an offense if such person refuses to permit a lawful inspection of the premises by persons designated above.

C) The provisions of this Section do not apply to areas of an adult motel which are currently being rented by the customer for use as a permanent or temporary habitation.

§ 154.308 EXPIRATION OF LICENSE.

All licenses shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 154.303 and paying the renewal fee as provided in Section 154.306(A). Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) before the expiration date, the expiration of the license will not be affected.

§ 154.309 SUSPENSION.

The Zoning Code Enforcement Officer is authorized to, and will, suspend a adult business license for a period not to exceed thirty (30) days if the Sheriff's Department and/or Inspections Department determine that a business licensee has:

(A) Violated or is not in compliance with this Chapter or with any other requirements of the Alexander County Code, including those relating to buildings, electricity, plumbing, fire safety, and mechanical equipment; or

(B) Refused to allow an inspection of the adult use premises as authorized by this Chapter; or

(C) Permitted illegal gambling by any person on the adult use premises; or

DRAFT

(D) Demonstrated an inability to operate or manage an adult use in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

§ 154.310 REVOCATION.

A) The Zoning Code Enforcement Officer is authorized to, and will, revoke a license if a cause for suspension in Section 154.309 occurs and the license has been suspended within the preceding 12 months.

B) The Zoning Code Enforcement Officer is authorized to, and will, revoke an adult business license if the Zoning Code Enforcement Officer determines that a business licensee:

1) gave false or misleading information in the material submitted to the County during the application process, including, but not limited to, the use of a name other than a legal name to procure a license; or
2) has allowed the possession, use, or sale of controlled substances on the premises; or
3) has allowed prostitution on the premises; or
4) has operated or worked in the adult use during a period of time when the licensee's license was suspended; or
5) has been convicted of a felony as provided in Section 154.304; or
6) has allowed any act of sexual intercourse, masturbation, oral copulation, or sodomy to occur in or on the licensed premises; or
7) is delinquent in payment to the County of ad valorem taxes, sales taxes, or the annual license fee, or any other fee or tax related to the adult use or other business of the licensee.

C) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

D) Subsection (B)(7) of this Section does not apply to adult motels as a ground for revoking the license unless the business licensee or employee allowed the act of sexual intercourse, masturbation, oral copulation, sodomy, or sexual contact to occur in a public place or within public view.

E) When the Zoning Code Enforcement Officer revokes a license, the revocation shall continue for one year and the licensee shall not be issued an adult business license for one year from the date revocation became effective. If, subsequent to revocation, the Zoning Code Enforcement Officer finds that the basis for the revocation has been corrected or abated, the licensee may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under the authority of Section 154.310(B)(5) or (6) an applicant may not be granted another license until the appropriate number of years required under Section 154.304(A)(6) or 154.306, as the case may be, have elapsed.

§ 154.311 DENIAL.

If the County denies the issuance of a license, or suspends or revokes a license, or denies an appeal, the County will send to the applicant, or licensee, by certified mail, return receipt requested, written notice of the action.

§ 154.312 TRANSFER OF LICENSE.

Unless a new application for a license is made, a licensee shall not transfer a license to another, nor shall a business licensee operate a different classification of an adult use than that designated in the application, or transfer ownership or control to another person(s), or operate an adult use under the authority of a license at any place other than the address designated in the application. No adult use shall be operated under any name or conducted under any designation or classification not specified in the license for that business.

§ 154.314 ADDITIONAL REGULATIONS FOR ESCORT AGENCIES.

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A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of twenty-one (21) years.

§ 154.315 ADDITIONAL REGULATIONS FOR ADULT THEATERS, ADULT CABARETS, ADULT MOTION PICTURE THEATERS.

A) An offense is committed if any person, whether employee or patron, appears in a state of nudity in an adult cabaret, adult theater, adult motion picture theater or adult arcade.

B) A licensee or employee commits an offense if the licensee or employee allows a person to appear in a state of nudity in an adult cabaret, adult theater, adult motion picture theater or adult arcade.

§ 154.316 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

A) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a refutable presumption that the establishment is an adult motel as that term is defined in this Section.

B) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an adult business license, such person rents or sub rents a sleeping room to another and, within ten (10) hours from the time the room is rented, such person rents or sub rents the same sleeping room another time.

C) For purposes of Subsection (B) of this Section, the terms "rent" or "sub rent" mean the act of permitting a room to be occupied for any form of consideration.

§ 154.317 ADDITIONAL REGULATIONS FOR ALL ADULT USES.

A person commits an offense if the person allows another person under the age of twenty-one (21) years to enter or remain on or in the enclosed portion of an adult use; or for a person under the age of twenty-one (21) years to enter or remain on or in the enclosed portion of an adult use. The owner and manager of the adult use commits an offense if any employee is under the age or twenty-one (21) years.

§ 154.318 REGULATIONS PERTAINING TO ADULT USES WITH VIEWING OR OTHER ROOMS.

A) A person who operates or causes to be operated an adult use, other than an adult motel, which either: (i) exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, videocassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, or (ii) has a room or booth (excluding restrooms) of less than 150 square feet to which patrons are admitted for any reason, shall comply with the following requirements:

1) Upon application for an adult business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises. The Zoning Code Enforcement Officer may waive the foregoing

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diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2) The application shall be sworn to be true and correct by the applicant(s).

3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Code Enforcement Officer or his/her designee.

4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises. It is the duty of the owners and operator of the premises and the employees who are present to ensure that no more than one person occupies a room or booth at any time, and that all other entrances to rooms, booths or viewing areas (and to the aisles, walkways and hallways leading to rooms, booths or viewing areas) are maintained free of any obstruction such as a door, curtain, panel, board, slat, ribbon, cord, rope, chain or other device.

5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction equipment, cameras, or any other kind of photographic equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

6) It shall be the duty of the owners and operator, and it shall also be the duty of all employees present in the premises to ensure that the line of sight and view area specified in Subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted in the application filed pursuant to Subsection (1) of this Section.

7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level.

8) It shall be the duty of the owners and operator and it shall also be the duty of all employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

9) No operator, owner or employee shall allow openings of any kind to exist between rooms or booths.

10) No person shall make or attempt to make an opening of any kind between rooms or booths.

11) The operator or owner, shall, during each business day, regularly inspect the walls between the rooms or booths to determine if any openings or holes exist.

12) The owner or operator shall cause all floor coverings in rooms, booths and viewing areas to be non-porous, easily cleanable surfaces, with no rugs or carpeting.

13) The owner or operator shall cause all wall surfaces and seating surfaces in rooms, booths and viewing areas to be constructed of, or permanently covered by, non-porous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight inches of the floor.

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B) A person having a duty under Subsections 1 though 13 of Subsection (A) above commits an offense if the person fails to fulfill that duty.

§ 154.321 LIABILITY FOR THE CONDUCT OF OTHERS.

A licensee of an adult use is jointly and individually liable for violations of and offenses under this Section by the employees of the adult use, and for all civil and criminal sanctions or remedies for such violations and offenses, including but not limited to license suspension or revocation, prescribed herein. (Amended 3-3-05)

PLANNING AND ZONING COMMISSION

§ 154.330 ESTABLISHMENT OF COMMISSION. (Amend. 1-23-06)

(A) In order to exercise the powers authorized in N.C.G.S. 153A-344 and 160A-361, the Alexander County and Taylorsville ("ACT") Planning and Zoning Commission is hereby established. The Commission shall consist of nine (9) members appointed by the Board of County Commissioners. Members shall be residents of Alexander County as defined by the "Alexander County Zoning Ordinance". A minimum of one (1) member shall reside within the Town of Taylorsville corporate limits, and a minimum of one (1) member shall reside within the Town of Taylorsville extraterritorial jurisdiction (ETJ). Town of Taylorsville and ETJ members shall be appointed upon recommendation from the Taylorsville Town Council.

(B) ***Term of Office***. Initial terms of office shall be as follows: The seven (7) Alexander County Planning and Zoning Commission members shall continue to serve until their current terms end. An additional two (2) members shall be appointed for terms of three years. Upon completion of the initial term of office for each member, all additional appointments to vacancies on the Commission shall be for three-year terms.

(C) ***Alternate members***. When acting as the Board of Adjustment, seven (7) members of the Commission serve as regular members and two (2) members serve as alternates. Upon appointment, the Board of County Commissioners shall designate two (2) of the nine (9) members of the Planning and Zoning Commission as alternates while acting in the capacity of the Board of Adjustment. The alternate members may serve in the absence for any cause of any regular member. Such alternate members while attending any regular or special meeting of the Board and serving in the absence of any regular member shall have and exercise all the powers and duties of such regular member so absent.

§ 154.331 PROCEEDINGS OF COMMISSION.

(A) The Commission shall adopt rules of procedures and regulations.

(B) The Commission shall elect a Chairperson and Vice-Chairperson from among its members, who in turn will appoint a Secretary and such other subordinates as may be authorized by the Board of County Commissioners in accordance with its rules and procedures. Meetings of the Commission shall be held at the call of the Chairperson or Planning Staff and at such other times as the Commission may determine. The Chairperson, or in his absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

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(C) All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and also keep records of its examinations and other official actions.

(D) A quorum of the Commission, necessary to conduct any business acting as the Board of Adjustment, shall consist of five (5) members.

(E) The concurring vote of five (5) members of the Planning and Zoning Commission, **acting as the Board of Adjustment** shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer or to decide in favor of the applicant any matter on which it is required to pass under this chapter or to effect any variation in the chapter. For 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 Commission for calculation of the requisite supermajority.

(F) A simple majority vote of those present shall be necessary to conduct routine business of the Commission when acting as the planning agency. (Amend. 1-23-06)

§ 154.332 POWERS AND DUTIES OF THE COMMISSION.

The Alexander County and Taylorsville (ACT) Planning and Zoning Commission shall have the following powers and duties when acting as a planning agency:

(A) Initiate or review applications for proposed amendments to the Zoning Ordinance and make recommendations to the Alexander County Board of Commissioners and/or Taylorsville Town Council.

(B) Prepare studies and plans related to controlling and creating orderly growth and development of the County.

(C) Develop and recommend to the Alexander County Board of Commissioners and/or Taylorsville Town Council plans, goals and objectives as well as policies, ordinances and administrative procedures or other means for carrying out the studies and plans referenced above.

(D) Perform any other duties assigned by the Board of County Commissioners and/or Taylorsville Town Council as authorized in N.C.G.S. as amended.

The ACT Planning and Zoning Commission shall have the following powers and duties when acting as the Board of Adjustment:

(A) Hear and decide variance applications as specified in Section § 154.333.

(B) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement of this chapter as specified in Section § 154.335. An appeal or administrative review of the Zoning Enforcement Officer shall be filed within 30days of the decision.

(C) Hear and decide a change of one nonconforming use to another or the expansion of a non-conforming use. The Commission shall permit a change in use only if the new use is equally or more compatible with the area and the permitted uses in the district in which it is located as a nonconforming use. Application for a change in nonconforming use shall follow the standards as established in Section § 154.050 to § 154.052. (Amend. 1-23-06)

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§ 154.333 VARIANCES.

The Planning and Zoning Commission shall authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Planning and Zoning Commission acting as the Board of Adjustment unless and until:

(A) A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
(2) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
(3) That said circumstances do not result from the actions of the applicant;
(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district;
(5) That no nonconforming use of neighboring land, structures, or buildings in the same district and no change in permitted uses of land, structures or buildings in other districts will be considered grounds for the issuance of a variance.

(B) Public hearing and notice shall be given as set forth in § 154.351(B)(3). At the public hearing which is held, any party may appeal in person or by agent or by attorney.

(C) The Planning and Zoning Commission acting as the Board of Adjustment shall make findings that the requirements of this section have been met for a variance.

(D) The Planning and Zoning Commission acting as the Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of a variance and that the variance is the minimum one that will make possible the reasonable use of the land, building or structure.

(E) The Planning and Zoning Commission, acting as the Board of Adjustment, shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, provided no change in permitted uses may be authorized by a variance.

(F) In granting any variance, the Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under § 154.999.

(G) Under no circumstances shall the Planning and Zoning Commission acting as the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district.

(H) A supermajority vote shall be required for the Commission to grant a variance. For 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 Commission for calculation of the requisite supermajority. (Amend. 1-23-06)

§ 154.334 CONDITIONAL USE PERMITS.

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(A) *Types of conditional use permits reviewed.* To grant in particular cases and subject to appropriate conditions and safeguards, permits for conditional uses as authorized by this chapter and set forth as conditional uses under the various use districts. Unless otherwise stated within this chapter, cases of conditional use permits will be heard and acted upon by the Governing Body. The Governing Body shall be the Taylorsville Town Council for cases related to property within the town limits or extra-territorial planning jurisdiction. The Governing Body for all cases related to property elsewhere in the county shall be the Alexander County Board of Commissioners.

(B) ***Procedure***.

(1) *Application Filing*. A written application for a conditional use permit is submitted indicating the section of this chapter under which the conditional use permit is sought.

(2) *Application Referral*. All applications for the conditional use permits shall be submitted to the Zoning Enforcement Officer, and then forwarded to the Governing Body.

(3) *Public Hearing and Notice*. A public hearing shall be held and notice given as set forth in Section § 154.351(B)(3).

(C) ***Action by the Governing Body***. In cases of conditional use permits, the Governing Body will act in the capacity of the Board of Adjustment. The conditional use permit is a means by which the Governing Body may allow for the proper accommodation into the community of land uses which may be suitable only if such uses are designed for the site in a particular manner.

(1) In granting a conditional use permit, the Governing Body shall find that:

(a) The application meets all of the regulations in the zoning district in which it is proposed;

(b) The use for which the conditional use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

(c) Will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

(2) In granting such a permit the Board may designate such conditions in connection therewith as will, in its opinion, assure that the proposed use will conform to the requirements and spirit of this chapter.

(3) After the approval of a conditional use permit by the Commissioners, the Zoning Enforcement Officer shall issue said permit to the applicant. The following general provisions apply:

(a) *Compliance with other codes*. Granting a conditional use permit does not exempt the applicant from complying with all of the requirements of building codes and other applicable ordinances.

(b) *Revocation*. In any case where the conditions of a conditional use permit have not been or are not being complied with, the Zoning Enforcement Officer shall give the permitted notice of intention to revoke such permit at least ten days prior to a County Commissioners review thereon. After review, the County Commissioners shall terminate the permit and the operation of such use shall be discontinued. If a conditional use permit is terminated for any reason, it may be reinstated only after a public hearing is held.

(D) ***Expiration***. In any case where a conditional use permit has not been exercised within the time limit set by the Commissioners, 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 for in this division (C), shall mean that binding contracts for the construction of the main building shall have been let; or in the 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 complete (sewerage, drainage, and the like). When construction is not a part of the use, "exercised" shall mean that the use in operation is in compliance with the conditions set forth in the permit.

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(E) ***Record***. A record of such application and plat, together with a record of the action taken thereon, shall be kept in the office of the Building Inspector.

(F) ***Vote***. No vote greater than a majority vote shall be required for the County Commissioners to issue a conditional use permit. For 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 Commission for calculation of the requisite majority. (Amend. 1-23-06)

§ 154. 335 APPEALS.

An appeal to the Planning and Zoning Commission acting as the Board of Adjustment may be taken by any person, firm, or corporation aggrieved, or by any county officer, department, board or agency affected by any decision of the Zoning Enforcement Officer based in whole or in part upon the provisions of this chapter.

(A) ***Application Filing***. An appeal or administrative review shall be filed within 60 days of the order, requirement, decision or determination made by the Zoning Enforcement Officer. The appeal shall be filed with the Zoning Enforcement Officer specifying the grounds thereof.

(B) ***Application Referral***. The Zoning Enforcement Officer shall forthwith transmit to the Commission all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(C) ***Public Hearing and Notice***. A public hearing shall be held as set forth in Section § 154.351(B)(3)(a).

(D) ***Vote***. A supermajority vote shall be required for the Commission to reverse any order, requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement of this chapter. For 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 Commission for calculation of the requisite supermajority. (Amend. 1-23-06)

§ 154. 336 DECISION OF BOARD.

In exercising the powers set forth in this subchapter, the Planning and Zoning Commission may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or in part, or modify any order, requirement, decision or determination, and to that end shall have the powers of the administrative official from whom the appeal is taken. (Amend. 1-23-06)

§ 154. 337 BOARD FEES. (Amend. 1-23-06)

A filing fee, as determined by the Alexander County Commissioners, shall accompany an application to the Commission for the following:

(A) Conditional use permits;

(B) Variances;

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(C) Extension of nonconforming use;
(D) Change of nonconforming use;
(E) Appeal or interpretation of the ordinance.

ADMINISTRATION AND ENFORCEMENT

§ 154.345 ZONING ENFORCEMENT OFFICER.

(A) The County Commissioners shall appoint an administrative officer to enforce this chapter. The assistance of other persons may be provided as the County Commissioners may direct.

(B) If the Zoning Enforcement Officer finds that any of the provision of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings, or structures; removal of illegal 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 chapter to insure compliance with or to prevent violation of its provisions.

(C) If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

§ 154.346 DUTIES OF THE ZONING ENFORCEMENT OFFICER, BOARD OF ADJUSTMENT, COURTS, COUNTY COMMISSIONERS AND TOWN COUNCIL ON MATTERS OF APPEAL

It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented first to the Zoning Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Enforcement Officer, and that from the decision of the Board of Adjustment recourse shall be had to courts as provided by law. It is further the intention of this chapter that the duties of the County Board of Commissioners in connection with this chapter 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 this chapter, and that the duties of the County Board of Commissioners in connection with this chapter as provided by law.

§ 154.347 ZONING PERMIT REQUIRED.

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer has issued a zoning permit for such work. Every person obtaining a zoning permit hereunder shall pay a fee as provided in a schedule of zoning permit fees to be adopted by the County Commissioners. No certification of zoning compliance shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment.

§ 154.348 APPLICATION FOR A ZONING PERMIT.

(A) All applications for a zoning permit shall be accompanied by a site plan showing:

(1) The actual dimensions of the lot to be built upon.
(2) The size of the building to be erected.
(3) The location of the building on the lot.
(4) The location of existing structures on the lot, if any.

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(5) The number of dwelling units the building is designed to accommodate.
(6) The approximate setback lines of buildings on adjoining lots.
(7) The intended use of the property.
(8) Such other information as may be essential for determining whether the provisions of this chapter are being observed.

(B) Any zoning permit issued shall expire and be cancelled unless the work authorized by it shall have begun within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year. Written notice thereof shall be given to the persons affected, including notice that further work as described in the cancelled permit shall not proceed unless and until other zoning permit has been obtained.

§ 154.349 CERTIFICATE OF OCCUPANCY REQUIRED.

A Certificate of Occupancy issued by the Zoning Enforcement Officer is required in advance of:
(1) Occupancy or use of a building hereafter erected, altered or moved.
(2) Change of use of any building or land.

A Certificate of Occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a zoning permit and shall be issued within ten days after the erection or structural alteration of such building or part shall have been completed in conformity with the provisions of this chapter. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter. If the Certificate of Occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer, and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land involved.

§ 154.350 (RESERVED)

§ 154.351 AMENDMENTS. (Amend. 1-23-06)

(A) ***Initiation of Amendments***. Proposed changes or amendments may be initiated by the Governing Body, Planning and Zoning Commission, or by one or more owners of property within the area proposed to be changed or affected.

(B) ***Procedure***.

(1) *Application Filing*. An application for an amendment accompanied by a filing fee, as determined by the Alexander County Commissioners, payable to Alexander County shall be filed in the office of the Planning and Development Director for consideration at the next scheduled Planning and Zoning Commission meeting.

(2) *Application Referral*. The application for the proposed amendment shall be referred to the Planning and Zoning Commission and the Planning Director. Following review by the Planning Director, the application will be referred in accordance with the following:

(a) The Planning Director or his/her designee shall prepare and submit a written report to the Planning and Zoning Commission and the Governing Body prior to the public hearings in which the application will be considered.

(b) The Planning and Zoning Commission shall consider the request and make its recommendation to the Governing Body within 30 days. The Planning and Zoning Commission shall

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provide written recommendation to the Governing Body as to whether the proposed amendment is consistent with the Alexander County Land Development Plan and/or Town of Taylorsville Land Development Plan and the Alexander County Thoroughfare Plan.

(c) After reviewing the recommendations of the Planning and Zoning Commission, the County Commissioners shall proceed with amending this chapter as required herein.

(3) *Public Hearing and Notice*. A public hearing shall be held in accordance with the following:

(a) A public hearing shall be held by the Planning and Zoning Commission and the Governing Body before adoption of any proposed amendment to this chapter. Notices of public hearings shall conform to N.C.G.S. 153A-343(b), as amended.

(b) In addition to the notice required in subsection 3(a) of this section, where the proposed amendment involves an amendment to the Official Zoning Map, the Planning Director or his/her designee shall, by first class mail, give notice of the public hearing to the owner of the parcel involved in the proposed amendment as well as adjoining land owners as defined in N.C.G.S. 153A-343(c). Parcel identification shall be obtained through the Alexander County Tax Department.

(c) A sign shall be placed on the property at least ten days prior to both the Planning and Zoning Commission and Governing Bodies hearings. The sign(s) shall be placed on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, Staff shall post sufficient notices to provide reasonable notice to interested persons. The sign shall give the nature of the proposed amendment, application number, and contact information.

(C) ***Action by the Governing Body***.

(1) *Required statement on all zoning amendments*. Prior to adopting or rejecting any zoning amendment, the Governing Body shall adopt a statement describing whether the proposed amendment is consistent with the Alexander County Land Development Plan and/or Town of Taylorsville Land Development Plan and the Alexander County Thoroughfare Plan; and if the proposed amendment is reasonable with regard to the public interest.

(2) *Required statement on small-scale rezoning amendments*. Prior to adopting or rejecting a small-scale rezoning application, the Governing Body shall adopt a statement analyzing the reasonableness of the proposed rezoning. The statement shall be prepared by staff. The record should reflect consideration of legitimate factors for differential zoning treatment of the property involved, including:

(a) Size of the subject tract;
(b) Compatibility with existing comprehensive plan;
(c) Benefits and detriments to the owners, neighbors and the community at large;
(d) Relationship between the proposed uses and current uses of adjacent property.

(3) Following the public hearing, the Governing Body shall either adopt or reject the zoning amendment with written statement given.

(D) ***Time limit between rezoning request submission***. A petition for a rezoning request for an amendment that has been denied shall not be again instituted sooner than one (1) year from the date of the denial, unless the Planning and Zoning Commission and Governing Body shall find that there have been substantial changes in conditions or circumstances bearing on the application.

§ 154.352 LEGAL STATUS - INTERPRETATION, PURPOSE AND CONFLICT.

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In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where the ordinance imposed a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the ordinances heretofore adopted by the County Board of Commissioners and Taylorsville Town Council are hereby repealed.

§ 154.353 CONFLICT WITH OTHER REGULATIONS.

Whenever the regulations contained in this chapter require a greater width or size of yards, courts, or other spaces, require a lower height of building or fewer number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute, ordinance or regulations, the provisions of this chapter shall govern. Whenever the provisions of a statute, code, ordinance or regulation require a lower height of building or fewer number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by this chapter, the provisions of such statute, code, ordinance or regulation shall govern.

§ 154.354 VIOLATIONS.

The County Attorney may prevent violations. If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any structure or land is used in violation of this chapter, the Building Inspector shall inform the County Attorney. In addition to other remedies, the County Attorney may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

§ 154.355 PENALTY.

(A) Any violation of this chapter shall subject the offender to a civil penalty in the amount of $50.00 PER DAY. Violators shall be issued a written citation, which must be paid within 72 hours. Each day's continuing violation shall be a separate and distinct offense.

(B) Notwithstanding division (A) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.

(B) In addition to or in lieu of remedies authorized in divisions (A) and (B) above, violations of this chapter may be prosecuted as a misdemeanor or otherwise in accordance with G.S.§ 153A-123.

§ 154.356 REPEAL OF EXISTING TOWN OF TAYLORSVILLE ZONING ORDIANCE

All existing ordinances or parts of same now in effect in the Town of Taylorsville and its Extra Territorial Jurisdiction (ETJ) are hereby repealed, provided, however, that all suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; an and all violations of existing zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

§ 154.357 SEPARABILITY.

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Should any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, such declarations shall not affect the validity of the chapter as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

§ 154.358 EFFECTIVE DATE.

This amended ordinance shall take effect and be in force from and after, this the 1st day of July, 2017 by the Alexander County Commissioners and Taylorsville Town Council

_____	ATTEST:	_____
Chair, Board of Commissioners		Clerk to the Board of Commissioners

_____	ATTEST:	_____
Mayor, Taylorsville Town Council		Town Clerk