OFFICIAL ZONING ORDINANCE

TOWN OF CHOCOWINITY

North Carolina

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Contents

ARTICLE I. TITLE, ENACTMENT AND PURPOSE 1
SECTION 1.01. TITLE AND ENACTMENT 1
SECTION 1.02. SHORT TITLE 1
SECTION 1.03. PURPOSE 1
ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS, PROVISION FOR ZONING MAP, AND LAND USE PLANS 2
SECTION 2.01. OFFICIAL ZONING MAP 2
SECTION 2.02. RULES GOVERNING THE INTERPRETATION OF DISTRICT BOUNDARIES 2
SECTION 2.03. COMPREHENSIVE PLAN AND LAND USE PLAN 3
ARTICLE III. INTERPRETATION AND DEFINITION OF TERMS 4
SECTION 3.01. INTERPRETATION OF COMMON WORDS AND TERMS 4
SECTION 3.02. DEFINITION OF SPECIFIC TERMS AND WORDS 4
ARTICLE IV. APPLICATION OF REGULATIONS 12
SECTION 4.01. TERRITORIAL APPLICATION 12
SECTION 4.02. USE, OCCUPANCY AND CONSTRUCTION 12
SECTION 4.03. HEIGHT, BULK DENSITY. LOT COVERAGE, YARDS AND OPEN SPACES 12
SECTION 4.04. COMPUTATION OF REQUIRED SPACES 12
SECTION 4.05. REDUCTION OF LOTS OR AREAS BELOW MINIMUM 13
SECTION 4.06. CLASSIFICATION OF ADDED TERRITORY 13
SECTION 4.07. ONE PRINCIPAL BUILDING ON ANY LOT 13
SECTION 4.08. LOT ACCESS REQUIREMENTS 13
SECTION 4.09. VISION CLEARANCE AT INTERSECTIONS 13
SECTION 4.10. WALLS AND FENCES 13
SECTION 4.11. STRUCTURE EXCLUDED FROM HEIGHT LIMITATIONS 14
SECTION 4.12. REDUCTION OF FRONT YARD SETBACK REQUIREMENTS 14
SECTION 4.13. REQUIRED BUFFERS 14
SECTION 4.14. STORAGE OF VEHICLES (UNLICENSED AND/OR UNINSPECTED) 14
SECTION 4.15. FLAG LOTS 15
ARTICLE V. NON-CONFORMITIES 16
SECTION 5.01. INTENT 16
SECTION 5.02. REGULATION OF NON-CONFORMITIES (MERGER/LOT CONSOLIDATION) 16
SECTION 5.03. NON-CONFORMING MANUFACTURED HOMES 19
ARTICLE VI. SCHEDULE OF DISTRICT REGULATIONS 20
SECTION 6.01. R-1 LOW DENSITY RESIDENTIAL DISTRICT 20
SECTION 6.02. R-1A LOW DENSITY RESIDENTIAL DISTRICT (Inclusive of Mobile Homes on Individual Lots) 21
SECTION 6.03. R-2 LIMITED LOW DENSITY RESIDENTIAL DISTRICT 22
SECTION 6.04. R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT 23
SECTION 6.05. MANUFACTURED HOME RESIDENTIAL DISTRICT 24
SECTION 6.06. B-1 GENERAL COMMERCIAL DISTRICT 25
SECTION 6.07. B-2 HIGHWAY COMMERCIAL DISTRICT 26
SECTION 6.08. L1 LIGHT INDUSTRIAL DISTRICT 28
SECTION 6.09. OI OFFICE AND INSTITUTIONAL DISTRICT 31
ARTICLE VII. SCHEDULE OF DISTRICT REGULATIONS 33
SECTION 7.01. OFF-STREET PARKING REQUIREMENTS 33
SECTION 7.02. REGULATIONS GOVERNING SIGNS 38
SECTION 7.03. OUTDOOR LIGHTING 43
SECTION 7.04. REGULATIONS GOVERNING MANUFACTURED HOME PARKS .. 43

SECTION 7.05. GROUP DEVELOPMENT PROJECTS (includes apartments, townhomes, and condominiums) 47
SECTION 7.06. CONVERSION OF EXISTING STRUCTURES TO CONDOMINIUM OWNERSHIP 49
SECTION 7.07. HOME OCCUPATIONS 49
SECTION 7.08. JUNKYARDS/SALVAGE YARDS 50
SECTION 7.09. USE OF MOBILE HOMES AS TEMPORARY OFFICE SPACES 50
SECTION 7.10. PERFORMANCE REQUIREMENTS 50
SECTION 7.11. MANUFACTURED HOMES: GENERAL REQUIREMENTS 51
SECTION 7.12. CONTINUATION OF EXISTING MANUFACTURED HOME PARKS 51
SECTION 7.13. COMMUNICATIONS TOWERS 51
SECTION 7.14. SOLAR FARMS 53
SECTION 7.15. SELF-SERVICE (MINI) STORAGE FACILITIES 57
SECTION 7.16. KENNELS/ANIMAL BOARDING 58
ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT 59
SECTION 8.01. ZONING ADMINISTRATOR 59
SECTION 8.02. ZONING PERMIT REQUIRED 59
SECTION 8.03. WATER SUPPLY AND SEWAGE DISPOSAL REQUIREMENTS 59
SECTION 8.04. APPLICATION FOR ZONING PERMIT FOR PERMITTED USE 60
SECTION 8.05. APPLICATION FOR ZONING PERMIT FOR SPECIAL USES 60
SECTION 8.06. ZONING COMPLIANCE CERTIFICATE REQUIRED 61
SECTION 8.07. VIOLATION 61
SECTION 8.08. DETERMINATION 62
ARTICLE IX. PENALTY 63
ARTICLE X. BOARD OF ADJUSTMENT 64
SECTION 10.01. BOARD OF ADJUSTMENT ESTABLISHED 64
SECTION 10.02. CHAIRMAN OF THE BOARD 64
SECTION 10.03. MEETINGS OF THE BOARD 64
SECTION 10.04. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT 65
SECTION 10.05. APPEALS FROM DECISION OF THE BOARD OF ADJUSTMENT 67
SECTION 10.06. DUTIES OF ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, COURTS AND BOARD OF COMMISSIONERS AS TO MATTERS OF APPEAL 67
ARTICLE XI. CHANGES AND AMENDMENTS 68
SECTION 11.01. MOTION TO AMEND 68
SECTION 11.02. CITIZEN COMMENT 69
SECTION 11.03. PLANNING BOARD ACTION 69
SECTION 11.04. FEE 69
ARTICLE XII. LEGAL STATUS PROVISIONS 70
SECTION 12.01. EFFECTS UPON OUTSTANDING BUILDING PERMITS 70
SECTION 12.02. INTERPRETATION, PURPOSE, AND CONFLICT 70
SECTION 12.03. VALIDITY 70
SECTION 12.04. EFFECTIVE DATE 70
SECTION 12.05. PRIOR INCONSISTENT ORDINANCES 70
ARTICLE XIII. CONFLICTS OF INTEREST 71

ZONING ORDINANCE
OF THE
TOWN OF CHOCOWINITY, NORTH CAROLINA

ARTICLE I. TITLE, ENACTMENT AND PURPOSE

SECTION 1.01. TITLE AND ENACTMENT

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY THE NORTH CAROLINA GENERAL STATUTES CHAPTER 160D, AS AMENDED AND SUPPLEMENTED, FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF ZONING DISTRICTS WITHIN THE TOWN AND ITS EXTRATERRITORIAL JURISDICTION; TO REGULATE WITHIN THOSE DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, SIZE, AND SETBACKS OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE REQUIRED OPEN SPACE, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS AND OTHER STRUCTURES TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF, AND TO SUPERSEDE AND/OR REPEAL ANY ORDINANCES IN CONFLICT HEREWITH.

NOW THEREFORE, the Board of Commissioners of the Town of Chocowinity, North Carolina, does hereby ordain and enact into law the following Articles and Sections, this the 1st day of December, 1998, and as amended and supplemented.

SECTION 1.02. SHORT TITLE

This ordinance shall be known as the "Town of Chocowinity Zoning Ordinance." The map herein referred to which is identified by the title "Official Zoning Map of Chocowinity, North Carolina," shall be known as the "Zoning Map."

SECTION 1.03. PURPOSE

In accordance with the provisions of Chapter 160D, as amended and supplemented, of the General Statutes of North Carolina, and for the purposes more fully set out in that Chapter, the Board of Commissioners of the Town of Chocowinity, North Carolina, adopt this ordinance to provide for the orderly growth and development of the Town and its Extraterritorial Jurisdiction.

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS, PROVISION FOR ZONING MAP, AND LAND USE PLANS

SECTION 2.01. OFFICIAL ZONING MAP

For the purposes of this ordinance, the Town is hereby divided into zones or districts as shown on the "Official Zoning Map of Chocowinity, North Carolina," dated September 27, 1998, adopted December 1, 1998, and as amended and supplemented, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the Town Clerk and bearing the Seal of the Town under the following words:

> "This is to certify that this is the Official Zoning Map referred to in Article 11 of the Zoning Ordinance of Chocowinity, North Carolina," together with the date of adoption of this ordinance.

If, in accordance with Article XI of this ordinance changes are made in district boundaries or other matter portrayed on the Official Zoning Map, those changes shall be promptly entered on the Official Zoning Map after the amendment has been approved, in writing, and as required by law, by the Board of Commissioners.

Regardless of the existence of purported copies of this Official Zoning Map which may be made, published, and/or disseminated, the Official Zoning Map, all previous zoning maps, and any state or federal maps incorporated by reference into the Official Zoning Map which shall be located in the Chocowinity Municipal Building shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Town and its Extraterritorial Jurisdiction.

The town of Chocowinity must maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.)

SECTION 2.02. RULES GOVERNING THE INTERPRETATION OF DISTRICT BOUNDARIES

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

(1) Boundaries indicated as approximately following the center lines of dedicated streets, highways, and railroad rights-of-way or alleys shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following Town corporate limits shall be construed as following such Town corporate limits.

(4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(5) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

(6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.

(7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Commissioners may permit, as special use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 2.03. COMPREHENSIVE PLAN AND LAND USE PLAN

Plans shall be adopted by the Board of Commissioners with the advice and consultation of the Planning Board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under G.S. 160D shall be advisory in nature without independent regulatory effect. Plans adopted under G.S. 160D do not expand, diminish, or alter the scope of authority for development regulations.

If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning map amendment that is inconsistent with the plan, that amendment shall be noted in the future land use map. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

The comprehensive plan or land-use plan shall be reasonably maintained by the Town of Chocowinity.

ARTICLE III. INTERPRETATION AND DEFINITION OF TERMS

For the purpose of this Ordinance certain words or terms used herein shall be interpreted as follows:

SECTION 3.01. INTERPRETATION OF COMMON WORDS AND TERMS

Words used in the present tense include the future tense.

Words used in the singular number shall include the plural and words used in the plural shall include the singular.

The word "person" includes a firm, co-partnership, entity, company, organization, trust, association, or corporation as well as an individual.

The word "lot" includes the words "plot," "parcel," or "tract."

The word "building" includes the word "structure."

The word "used" or "occupied" as applied by any land or building shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

The word "shall" is always mandatory.

The word "may" is permissive.

SECTION 3.02. DEFINITION OF SPECIFIC TERMS AND WORDS

Accessory Use: A use which is legal and clearly incidental to and customarily found in connection with the principal use and located on the same lot with such principal use.

Alley: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Animal Boarding: See “Kennel” (As Amended May 1st, 2018)

Automobile Carwash: A structure containing facilities for washing automobiles and automatic or semi-automatic application of cleaner, brushers, rinse water, and heat for drying. (As amended March 7th, 2000)

Automobile Sales (New or Used) and Service: An agency selling new or used motor vehicles and providing services commonly associated with motor vehicles. (As amended June 6th, 2017)

Bank/Financial Institution: A structure/facility/establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds. (As amended March 5th, 2002)

Bingo/Beach Bingo: An establishment whose primary use is for the playing of Bingo (a game played with cards having numbered squares corresponding to numbered balls/paper drawn at random and won by covering five such squares in a row). (As amended June 3, 2008)

Buffer Strip: A device of material, evergreen plantings, and/or other plantings (vegetative matter), and space used to provide sight and sound screening from adjoining properties. The required height and width of the buffer strip and the materials and/or other plantings (vegetative matter) used in its construction vary according to use. Where a buffer strip is required under the provisions of this ordinance, it shall meet the requirements of the Zoning Administrator.

Building: Any structure or improvement enclosed and isolated by exterior walls constructed or used for supporting or sheltering any use or occupancy.

Building, Accessory: A subordinate building consisting of walls and an attached roof, the use of which is legal and clearly incidental to that of a principal building on the same lot. Accessory buildings may be placed in any rear or side yard but may be no closer than Five (5) Feet from any property line. Accessory buildings are not permitted in the front yard.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Setback Line: A line parallel to or concentric with the street right-of-way establishing the minimum allowable distance between such right-of-way and the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, saves, gutters and similar fixtures.

Communications Tower: A monopole, self-supporting lattice or guyed structure whose primary design is to provide support and placement of wireless telecommunications antenna. (As amended May 3, 2005)

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants together with individual ownership in fee of a particular dwelling unit in such building.

Determination: A written, final, and binding order, requirement, or determination regarding an administrative decision.

Development Approval: An administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, and variances.

Drive-in Restaurant or Refreshment Stand: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in the premises.

Dwelling: A building that contains one or two *dwelling units* used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping living quarters for owner occupancy, or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing Independent cooking and sleeping facilities for a single family.

Dwelling, Single-Family: A detached residential building, other than mobile home or modular unit, designed for or occupied exclusively by one family, and is surrounded by open space or yards.

Dwelling, Two-Family (Duplex): A detached residential building, divided horizontally or vertically, and designed for or occupied by two single-family housekeeping units contained entirely under one roof and having one dividing partition common to each unit, or having the ceiling structure of the lower unit the floor structure of the unit above.

Dwelling, Multiple: A building or portion of one used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses.

Electronic Gaming Operation: Any business establishment, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of skill or chance, including but not limited to sweepstakes, where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina, any nonprofit operation that is otherwise lawful under state law, such as church or civic fundraisers, or "Recreation Establishments" as defined in this chapter. (As Amended June 5, 2018)

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

Family: One or more persons occupying a single family dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain more than five (5) persons.

Family Care Home: A home 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 persons with disabilities.

Flag Lot: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way, or driveway. (As amended December 7, 2004)

Funeral Home: A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services. Shall not include cremation services. (As amended August 1, 2017)

Golf Club: Land area and buildings containing golf course(s), recreational facilities, a club house, and customary accessory uses, open only to members and their guest, and primarily recreational in nature; controlled by a group of people formally organized for a common

interest, usually golf, with formal written membership requirements. (As amended March 5, 2002)

Home Occupation: The accessory use in a legal owner occupied one-family residence for legal, gainful employment involving the manufacture, provision, or sale of goods or services under the provisions of Section 7.07.

Junkyard: The use of more than two hundred (200) square feet of the area of any lot for the storage, keeping or abandonment of junk; including scrap metal or other materials, or for storage of wrecked, dismantled or partially dismantled machinery or automotive vehicles which are unlicensed or uninspected. NOTE: This definition does not apply to vehicles which are actively under repair or restoration.

Kennel: A fenced in or enclosed structure or structures, facility or facilities in which actual or intended use is to domicile more than four dogs or other domesticated animals. (As amended May 1st, 2018)

Legislative Decision: The adoption, amendment, or repeal of a regulation under this Ordinance or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement.

Legislative Hearing: A hearing to solicit public comment on a proposed legislative decision.

Lot: A parcel of land which fronts on and has ingress and egress by means of a public right-of-way or an approved private street and which is occupied or intended to be occupied by a building or groups of buildings as provided herein with the permitted customary accessories and open spaces.

Lot Area: The total horizontal area included within lot lines exclusive of any right-of-way easements.

Lot, Corner: A lot of which at least two adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135°) degrees.

Lot, Depth: The average distance from the street line of the lot to its rear line measured in a general direction of the side lines of the lot.

Lot Lines: The lines bounding a lot as defined here.

a. Lot Line, Front: The line separating the lot from that street which is designated as front street on the building permit, certificate of occupancy or subdivision plat.
b. Lot Line, Rear: The lot boundary opposite and most distance from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than thirty (30) feet long and wholly within the lot.
c. Lot Line, Side: A side lot line is any lot boundary line not a front lot line or rear lot line.

Lot Width: The width of a lot at the required building setback line measured at right angles to its depth.

Lot of Record: A lot which is part of a legally approved subdivision recorded in the Office of the County Register of Deeds, or a lot or parcel from a previously approved legal subdivision described by metes and bounds, the description of which has been so recorded.

Manufactured Home: A dwelling unit, also known as a mobile home, that (As Amended December 12, 2019):

a. Is not constructed in accordance with the standards set forth in the North Carolina State Building Code for site-built homes, and
b. Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis,
c. Exceeds forty (40) feet in length and eight (8) feet in width, and

A travel trailer is not to be considered as a manufactured home.

Manufactured Home Class A: (Also known as a Mobile Home Class A.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria (As Amended December 12, 2019):

a. The manufactured home has a length not exceeding four (4) times its width;
b. The pitch of the manufactured home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
c. The exterior siding consists of wood, hardboard, aluminum or vinyl (that does not exceed the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly use in standard residential construction;
d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home;
e. Stairs, porches, entrance platforms and other means of entrance and exit to the home shall be installed or constructed in accordance with the standard set by the North Carolina Department of Insurance; and
f. The moving hitch, wheels and axles, and transporting lights have been removed; and
g. It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built single-family dwelling.

Manufactured Home Class B: (Also known as a Mobile Home Class B.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to quality the house as a Class A manufactured home. (As Amended December 12, 2019.)

Manufactured Home, Class B – "Set-up and Curtain": All Class B manufactured homes shall be set up in accordance with the standards set by the North Carolina Department of Insurance and shall have a continuous, permanent foundation or curtain walls, unpierced except for required ventilation and access, installed under the perimeter of the manufactured home. (As Amended December 12, 2019.)

Manufactured Home Class C: A manufactured home that does not fall under Class A or Class B.

Manufactured Home Park: A parcel or tract of land under single ownership which has been planned and legally improved for the placement of manufactured homes for dwelling purposes under the provisions of Section 6.05 and Section 7.04. (As Amended December 12, 2019.)

Medical Clinic: A building or structure or portion thereof where medical services are provided for outpatients only.

Modular Home: A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a mobile home (except that the modular home meets the N.C. State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Non-conforming Use: A use of a building, structure, and/or improvement, or land which does not conform with the regulations of the district in which such building, structure, and/or improvement, or land is situated but was lawful before adoption or amendment of this ordinance.

Open Space: An unoccupied space open to the sky.

Open Storage: Unroofed storage area, whether fenced or not.

Parking Space: A vehicular storage space of not less than ten (10) feet by twenty (20) feet, plus the necessary access space. It shall always be located outside any dedicated right-of-way.

Person with Disabilities: A person with a temporary or permanent physical, emotional or mental disability including but not limited to intellectual disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

Private Club: A building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership. (As amended March 5, 2002)

Quasi-Judicial Decision: A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include, but are not limited

to, decisions involving variances, special use permits, and appeals of administrative determinations. See Evidentiary Hearing.

Recreation Establishment: An establishment designed for the conduct of sports and leisure time activities including but not limited to video, table, and other related games, as well as instructional programs. However, there shall be no alcoholic beverages served or allowed upon such premises. Recreation establishments shall not include "Electronic Gaming Operations" as defined in this chapter, nor shall they include any other use which requires an adult only area. (As amended June 3, 2008 and May 1, 2018)

Self-Service (Mini) Storage Facilities: A structure containing separate, individual and private storage spaces of varying sizes leased or rented on an individual basis for varying periods of time. (As amended April 7, 2015)

Solar Farm: a use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (kW) direct current (DC) or more when operating at maximum efficiency. Solar farm is also referred to as a solar power plant and solar photovoltaic farm. (As Amended August 5, 2002)

Storage Facility: An open space surrounded by a wall or fence of such characteristics as will provide an obscuring screen of not less than seven (7) feet in height. No goods, materials or vehicles shall be stored outside the enclosed storage areas. (As amended March 5, 2002)

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Swim and Fitness Center: An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers. (As amended March 5, 2002)

Townhouse: A single-family dwelling on its own Individual lot but connected on two sides, by means of a common wall for at least ten (10) feet of its length, to two (2) other single-family dwellings or an end dwelling of a row of such dwellings. No more than six (6) such dwelling units may be attached in a single group.

Trailer: Shall include any of the following:

a. Travel Trailer: A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, and, when factory equipped for the roads, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty-two (32) feet.
b. Pick-up Coach: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
c. Motor Home: A portable, temporary dwelling to be used for travel, recreation, and' vacation, constructed as an integral part of a self-propelled vehicle.
d. Camping Trailer: A folding structure of canvas or other material mounted on wheels and designed for travel, recreation, and vacation use.

Trailer Park: A parcel or tract of land under single ownership, which has been planned and legally improved for this temporary placement of campers or trailers as a service to the traveling public. All trailer parks legally existing at the time of passage of this ordinance which do not meet the minimum requirements established for trailer parks by this ordinance shall be considered a non-conforming use.

Use: A "Use" is

a. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or;
b. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, Special: A special use is a use that would not be appropriate generally or without restriction throughout a particular zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would preserve the intent of this ordinance to promote the public health, safety, morals, and general welfare. Specific provisions are made for special uses which may be permitted in certain zones and the procedures for application are set out in Article VII, Section 8.05 of this ordinance.

Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. In this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open space. The establishment or expansion of the use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or any other requirement of this ordinance, and further provided that customary accessory buildings may be located in any side or rear yard no closer than five (5) feet to any property line and subject to other limitations of this ordinance.

a. Yard, Front: A yard extending between side lot lines across the front of a lot adjoining the public street. Depth of required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street Intersections, shall be assumed to be the point at which the side and front' lot lines would have met without such rounding. Front and rear yard lines shall be essentially parallel.
b. Yard, Rear: A yard extending across the rear of the lot between side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is s strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.
c. Yard, Side: A yard extending from the rear line of the required front yard to the rear yard. Width of a required yard shall be measured in such a manner

that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

ARTICLE IV. APPLICATION OF REGULATIONS

SECTION 4.01. TERRITORIAL APPLICATION

The provisions of this ordinance shall apply to all lands and structures and uses within the jurisdiction of the Town and its Extraterritorial Jurisdiction, as shown on the "Official Zoning Map of Chocowinity, North Carolina."

Property used for bona fide farm purposes in the Extraterritorial Jurisdiction is exempt for zoning regulations.

For an extension of the Extraterritorial Jurisdiction, the Town shall provide a mailed notice thirty (30) days prior to the hearing to affected property owners.

The Extraterritorial Jurisdiction population estimate shall be updated with every decennial census with proportional representation on the Planning Board and Board of Adjustment as defined by G.S. 160D-307.

SECTION 4.02. USE, OCCUPANCY AND CONSTRUCTION

After the effective date of this ordinance, its amendments and supplements, no building, structure, or land shall be used or occupied, and no structure or part of a structure shall be constructed except in conformity with all of the regulations specified for the district in which it is located, as set forth in this ordinance, and other applicable Town Ordinances, County Regulations, and State Statutes.

SECTION 4.03. HEIGHT, BULK DENSITY. LOT COVERAGE, YARDS AND OPEN SPACES

After the effective date of this ordinance, no building, improvement, or other structure shall be erected or altered to exceed the height or bulk requirements of this ordinance; nor to accommodate a greater number of families than allowed by this ordinance; nor to occupy a greater percentage of lot area than allowed by this ordinance; nor to have narrower or smaller front yards, side yards, rear yards, or other open spaces than required by this ordinance; nor shall any building structure or land be used in any, other manner contrary to the provisions of this ordinance.

SECTION 4.04. COMPUTATION OF REQUIRED SPACES

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 4.05. REDUCTION OF LOTS OR AREAS BELOW MINIMUM

No yard or lots existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance.

Yards or lots created after the effective date of this ordinance shall meet at least the minimum established by this ordinance.

SECTION 4.06. CLASSIFICATION OF ADDED TERRITORY

All territory not included under the provisions of this ordinance which are later added to the zoning jurisdiction of the Town shall be considered to be in R-3 Medium Density Residential classification until otherwise classified.

SECTION 4.07. ONE PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and customary accessory building may be erected on any lot except as authorized in the ordinance for Group Development in Section 7.05, and properties in the R-1, R-1A, R-2 and R-3 Zoning Districts. Properties located in the R-1, R-1A, R-2, and R-3 Zoning Districts are allowed no more than two customary accessory buildings and must not exceed the maximum allowable lot coverage for the specific district. Principal buildings erected after the passage of the ordinance must front on a publicly dedicated right-of-way. (As amended June 19, 2006)

SECTION 4.08. LOT ACCESS REQUIREMENTS

All lots created after the passage of this ordinance must front on a publicly dedicated right-of-way. No structure requiring a building permit shall be erected on any lot which does not abut either a public right-of-way or a private street or easement at least twenty (20) feet in width which was recorded by the County Register of Deeds prior to the effective date of this ordinance. There shall be an exception for one single family residence on an existing lot of record. One single family residence may abut an easement of at least fifty (50) feet in width, and the owner shall not be required to construct a private street, provided that no subdivision occurs. (As Amended May 1, 2018)

SECTION 4.09. VISION CLEARANCE AT INTERSECTIONS

On a corner lot which abuts a state or town maintained right-of-way in any district no planting, structure, fence, wall, improvement, or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the Intersecting street right-of-way lines and a straight line connecting points on those street lines each of which is twenty-five (25) feet distance from the point of intersection.

SECTION 4.10. WALLS AND FENCES

The setback requirements of these regulation shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, within or abutting any Residential District, no wall or fence shall

exceed six (6) feet in height within a front or side yard and in any Business or Industrial District no fence shall exceed eight (8) feet in height. All new and relocated walls and fences shall require a zoning compliance permit.

SECTION 4.11. STRUCTURE EXCLUDED FROM HEIGHT LIMITATIONS

The height limits of these regulations shall not apply to a church spire, belfry, cupola and dome or ornamental tower not intended for human occupancy, monument, water tower, elevator appurtenance/tower, observation tower, transmission tower, chimney, smokestack, conveyor, flagpole, radio or television tower, mast or aerial, parapet wall not exceeding more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.

SECTION 4.12. REDUCTION OF FRONT YARD SETBACK REQUIREMENTS

In any Residential District, where the average setback distance for existing building on all lots located wholly or partly within two-hundred (200) feet of any lot, and within the same zoning district and fronting on the same side of the same street as that lot, is less than the minimum setback required in the zoning district, the setback of that lot may be less than the required setback, but not less than the existing average setback distance for all lots within the two-hundred (200) feet and in no case shall the setback be less than fifteen (15) feet. When lots within two-hundred (200) feet are unimproved/vacant, those lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance.

SECTION 4.13. REQUIRED BUFFERS

In order to lessen the impact of incompatible land use, an aesthetically Town approved visual buffer of six (6) feet or more in height shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential or other area. When new business or industrial construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the business or industrial use. In the event that new residential construction will abut existing business or industrial uses, the buffer strip and visual buffer will be provided by the residential developer and maintained by the lot owner(s).

SECTION 4.14. STORAGE OF VEHICLES (UNLICENSED AND/OR UNINSPECTED)

From and after the effective date of this ordinance, the keeping of unlicensed and/or uninspected vehicles is subject to the following restrictions:

1. In residential districts, the property owner shall have sixty (60) business days to obtain license and/or inspection on the vehicle or remove it from the property. After sixty (60) business days, action will be taken by the Town to bring the property into compliance.

2. In commercial districts, the property owner shall have one hundred and twenty (120) business days to obtain license and/or inspection on the vehicle or remove it from the

property. After one hundred twenty (120) business days, action will be taken by the Town.

Exceptions to this regulation are vehicles actively under repair or restoration, genuine antique vehicles, authorized new or used vehicle sales operations, and commercial junkyard/salvage yard operations where legally permitted.

SECTION 4.15. FLAG LOTS

From and after the effective date of this Ordinance, Flag Lot are specifically prohibited within the jurisdiction of the Town of Chocowinity. (Adopted December 7, 2004)

ARTICLE V. NON-CONFORMITIES

SECTION 5.01. INTENT

Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, improvements, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these legal non-conformities to-continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that legal non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the legal placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially legally begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 5.02. REGULATION OF NON-CONFORMITIES (MERGER/LOT CONSOLIDATION)

A. Non-Conforming Lots of Record

1. In any district in which single-family dwellings are permitted, a single-family and a customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for an area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment as established in Article X of this ordinance.
2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of that parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements

established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

B. Non-Conforming Uses of Land

Where, at the time of passage of this ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where the use involves no individual structure with a replacement cost exceeding $1,000, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be altered, enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this ordinance;
3. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of the land shall conform to the regulations specified by this ordinance for the district in which the land is located.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with any non-conforming use of land.

C. Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, the structure may remain so long as it remains lawful, subject to the following provisions:

1. No such non-conforming structure may be altered, enlarged, changed, or increased in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of the structure be destroyed by any means to an extent of more than 75 percent of its replacement cost at a time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. A non-conforming mobile home on an individual lot outside of a mobile home park may not be replaced except by a conforming mobile home or other dwelling. A non-conforming mobile home may not be enlarged or altered externally in any way.

D. Non-Conforming Uses of Buildings or of Buildings and Premises in Combination

If lawful use involving individual buildings with a replacement cost of $1,000 or more, or of building and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the

lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any legal non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any legal non-conforming structure or use of structures may be changed to any conforming use, or, with the approval of the Town Board of Commissioners, to any use more in character with uses permitted in the district. In permitting such a change, the Board of Commissioners must find that the proposed use is more appropriate or equally as appropriate to the district as the existing legal non-conforming use and shall require appropriate conditions and safeguards necessary to ensure that the change is in keeping with provisions and spirit of this ordinance.
4. Any structure, or structure and land in combination, in or on which a legal non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a legal non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where legal non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

E. Repairs and Maintenance

1. On any legal non-conforming structure or portion of a structure containing a legal non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the legal non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became legally non-conforming shall not be increased.
2. If a legal non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

3. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of that official.

F. Uses Under Special Use Provisions Not Non-Conforming

Any use which is permitted as a special use in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

SECTION 5.03. NON-CONFORMING MANUFACTURED HOMES

Where a manufactured home is located on an individual lot or in a Manufactured Home Park in a zoning district in which a manufactured home is a non-conforming use, it may be replaced with another manufactured home, provided that the manufactured home that replaces it is of the same dimensions or less, a Class A or Class B manufactured home, and

1. All other applicable state and county requirements are met, and
2. That such replacement must occur within one hundred eighty (180) days after the lot is vacated for reasons other than the destruction of the structure as set forth in Section 5.02. D. 6; after such time, the non-conforming manufactured home may only be replaced with a conforming structure.

ARTICLE VI. SCHEDULE OF DISTRICT REGULATIONS

SECTION 6.01. R-1 LOW DENSITY RESIDENTIAL DISTRICT

A. Intent

The R-1 District is intended to encourage the orderly and aesthetically desirable development of low-density residential neighborhoods. These districts are located primarily in areas which are protected from more intensive uses of the land.

B. Permitted Uses

The following uses shall be permitted by right:

1. Detached single-family dwellings.
2. Duplexes.
3. Customary accessory buildings including private swimming pools and tennis courts.
4. Modular Homes.
5. Family Care Homes.

C. Special Uses Permitted

The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Churches and cemeteries.
2. Fire stations, schools, and other public buildings.
3. Home occupations under the provisions of Section 7.07.
4. Non-commercial amphitheaters on sites of not less than five (5) acres.
5. Private clubs on sites of not less than five (5) acres including a building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, or recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership. (As amended March 5, 2002)
6. Public utility facilities [must provide a vegetated buffer strip at least ten (10) feet in height where the facility abuts a residential lot or use].
7. Townhouse developments under the provisions of Section 7.05 with a density of not more than three (3) dwelling units per acre.
8. Communication Towers under the provisions of Section 7.13 (As amended May 3, 2005)
9. Solar Farms under the provisions of Section 7.14 (As amended August 5,2014)

D. Dimensional Requirements for Low Density Residential Districts

1. Minimum lot size: 20,000 square feet (Except that for a duplex unit lot size must be at least 30,000 square feet.)
2. Minimum lot width: 75 feet (measured at the building setback line.)

3. Minimum front yard: 25 feet
4. Minimum side yard: 10 feet (Except that the side yard adjacent to the street on a corner lot must be at least 20 feet.)
5. Minimum rear yard: 25 feet
6. Maximum allowable lot coverage by principal use and all accessory structures: 30%
7. Height limitation: 35 feet

SECTION 6.02. R-1A LOW DENSITY RESIDENTIAL DISTRICT (Inclusive of Mobile Homes on Individual Lots)

A. Intent

The R-1A District is intended to encourage the orderly and aesthetically desirable development of low-density residential neighborhoods, inclusive of Class A and B Mobile Homes on individual lots. These districts are located primarily in areas which are protected from more intensive uses of the land.

B. Permitted Uses

The following uses shall be permitted by right:

1. Detached single-family dwellings.
2. Duplexes.
3. Customary accessory buildings including private swimming pools and tennis courts.
4. Class A, B, and C Mobile Homes on individual lots.
5. Modular Homes.
6. Family Care Homes.

C. Special Uses Permitted

The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Churches and cemeteries.
2. Fire stations, schools, and other public buildings.
3. Home occupations under the provisions of Section 7.07.
4. Mobile home parks under the provisions of Section 7.04.
5. Non-commercial amphitheaters on sites of not less than five (5) acres.
6. Private clubs on sites of not less than two (2) acres including boat launching areas, golf courses, tennis courts, community centers, libraries, picnic areas, and concessions integral thereto provided that there is no open commercial activity and no sign other than a directional sign is allowed.
7. Public utility facilities [must provide a vegetated buffer strip at least ten (10) feet in height where the facility abuts a residential lot or use].
8. Townhouse developments under the provisions of Section 7.05 with a density of not more than three (3) dwelling units per acre.

D. Dimensional Requirements for Low Density Residential Districts

1. Minimum lot size: 20,000 square feet (Except that for a duplex unit lot size must be at least 30,000 square feet.)
2. Minimum lot width: 75 feet (measured at the building setback line.)
3. Minimum front yard: 25 feet
4. Minimum side yard: 10 feet (Except that the side yard adjacent to the street on a corner lot must be at least 20 feet.)
5. Minimum rear yard: 25 feet
6. Maximum allowable lot coverage by principal use and all accessory structures: 30%
7. Height limitation: 35 feet

SECTION 6.03. R-2 LIMITED LOW DENSITY RESIDENTIAL DISTRICT

A. Intent

The R-2 District is intended to provide a planned and orderly transition area where permanent limited low density residential uses are encouraged. These districts are located between lower and higher intensities of land use and are generally served by a higher level of public facilities.

B. Permitted Uses

The following uses shall be permitted by right:

1. Detached single-family dwellings.
2. Customary accessory uses.
3. Modular Homes.
4. Family Care Homes.

C. Special Uses

The following uses are permitted subject to the requirements of this district, additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Churches and cemeteries.
2. Home occupations under provisions of Section 7.07.
3. Duplex apartments: lot minimum size 30,000 square feet.
4. Public utility facilities: subject to provision of a vegetated buffer strip at least ten (10) feet in height.
5. Group developments under the provisions of Section 7.05 with a density of not more than three (8) dwelling units per acre. (As amended April 2, 2013)

D. Dimensional Requirements for R-2 Limited Low Density Residential District

1. Minimum lot size: 20,000 square feet
2. Minimum lot width: 75 feet
3. Minimum front yard: 20 feet
4. Minimum side yard: 10 feet, except corner lot side adjacent to street must be 20 feet.
5. Minimum rear yard: 20 feet
6. Maximum allowable lot coverage by principal use and all accessory structures: 30%
7. Maximum height: 35 feet

SECTION 6.04. R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

A. Intent

The R-3 District is intended to encourage the planned and orderly development of permanent moderate density residential neighborhoods. These districts are generally served by a higher level of public facilities including, at a minimum, public water, paved streets, and storm drainage.

B. Permitted Uses

The following uses shall be permitted by right:

1. Detached single-family dwellings
2. Customary accessory buildings including private swimming pools
3. Modular Homes
4. Family Care Homes

C. Special Uses Permitted

The following uses are permitted subject to the requirements of this district, additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Churches and cemeteries.
2. Fire stations, schools, and other public buildings.
3. Home occupations under the provisions of Section 7.07.
4. Private clubs on sites of not less than two (2) acres including tennis courts, community centers, libraries, picnic areas, and concessions integral thereto provided that there is no open commercial activity and no sign other than a directional sign is allowed.
5. Public utility facilities (must provide a vegetated buffer strip at least ten (10) feet in height where the facility abuts a residential lot or use).
6. Those uses delineated as Permitted Uses in Article VI, Section 6.06, subsection B, provided that the Planning Board take into consideration at the time of its review and recommendation, landscaping, lighting, buffers – natural and otherwise, noise pollution, compatibility with surrounding residential uses, and nuisance. This amendment applies to specific properties fronting on US Highway 17, between the

Southwest Corner of North End Street and the Northwest Corner First Street. (Amended by the Town Board on October 19, 1999.)

7. Solar Farms under the provisions of Section 7.14 (As Amended August 5, 2014)

D. Dimensional Requirements for R-3 Medium Density Residential District

1. Minimum lot size: 20,000 square feet. (Except that if served by an approved public or community water and sewage disposal system, lot size may be reduced to 10,000 square feet.)
2. Minimum lot width: 50 feet.
3. Minimum front yard: 15 feet.
4. Minimum side yard: 10 feet. (Except that a side yard adjacent to the street on a corner lot must be at least 15 feet.)
5. Minimum rear yard: 20 percent of lot depth. (Except that no rear shall be required to exceed 20 feet in depth.)
6. Maximum allowable lot coverage by principal use and all accessory structures: 30 percent
7. Height limitation: 35 feet

SECTION 6.05. MANUFACTURED HOME RESIDENTIAL DISTRICT

A. Intent

The Manufactured Home Residential District (or Mobile Home District) is intended to allow the planned and orderly development of legally approved manufactured home parks in the corporate limits while maintaining a reasonable population density and by providing unique requirements for this type of development. To this end, the site development and arrangement in relation to other areas together with the provision of associated facilities shall be an important consideration in achieving an attractive and aesthetically desirable, residential environment of sustained desirability. (As Amended December 12, 2019.)

B. Permitted Uses

The following shall be permitted by right:

1. Class A and Class B Manufactured Homes equipped with a water flushed toilet, lavatory, and bath or shower facilities, as well as kitchen facilities.
2. Customary Accessory Use. Accessory building and uses in association with the permitted dwellings including:

    a A permanent dwelling for one (1) family, office and maintenance facilities for the operators of the Manufactured Home Park.
    b. Such other facilities including recreation as may be provided for the use and amenities of the occupants of the Manufactured Home Park.

C. Special Uses Permitted

The following use is permitted subject to the requirements of this district, additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Home occupations under the provisions of Section 7.07, Article VII.

D. Dimensional Requirements for MHR Manufactured Home Residential District

1. Refer to Section 7.04-B (1-18), Article VII for Dimensional Requirements.

SECTION 6.06. B-1 GENERAL COMMERCIAL DISTRICT

A. Intent

The B-1 District is established to provide for a commercial trade and services area for the Town. These regulations are designed to encourage the continued use of land for legal commercial purposes and to permit concentrated development of the district while maintaining a substantial relationship between the intensity of land use and the capacity of utilities, emergency services, and streets.

B. Permitted Uses

The following uses shall be permitted by right:

1. Office, including:
   a. business, financial, governmental, medical, dental, legal, accounting, engineering, and architectural.
2. Retail stores, including:
   a. groceries, drugs, notions, fish, meat, clothing, antiques, hardware, upholstery, paints, furniture, plumbing fixtures, appliances, radio and television, gun shops, and mobile/modular home sales.
3. Services, including:
   a. motels, banks, barber and beauty shops, shoe repair, laundry and dry cleaning, radio and television broadcasting stations and towers, daycare nursery, service stations, and restaurants.
4. Apartment units only on the second floor of principal buildings containing a permitted or special use.
5. Customary Accessory Uses and Structures.

C. Special Uses

The following uses and possible others shall be permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as, provided in Article VIII.

Including, but not limited to:

1. Public utility facilities.

2. Churches and cemeteries.
3. Fire stations, schools, and other public buildings.
4. Group Development under the provisions of Section 7.05.
5. Automobile Carwash, with the following conditions: (As amended March 7, 2000)
    a. Provision must be made so that there will be no automobile stacking on public streets and/or right-of-ways.
    b. The issue of loitering must be addressed to the satisfaction of the Chocowinity Police Department.
    c. Provisions must be provided for the ongoing maintenance of the facility, so that it is at all times in compliance with Federal, State, County, and Municipal Ordinances/Code/Regulations/Policies.
    d. Provisions must be made for sewage, runoff, and drainage, surface and subsurface to the satisfaction of Municipal Engineer.
    e. Provisions must be made for buffering and screening for locations proximate to residential or other sensitive uses, such as churches, house of worship, etc.
    f. Provision must be made for hours of operation compatible with both surround zoning and land use.
7. Repair and storage of automobile and trucks (As amended March 2, 2010)
8. Automobile Sales (New and Used) and Service (As amended June 6, 2017)
9. Funeral Home, with the following conditions: (As amended August 1, 2017)
    a. The use shall be arranged so that adequate assembly area is provided off-street for vehicles to be used in a funeral procession
    b. All required federal, state, and local licensing and permits shall be maintained at all times.
    c. Provisions must be made for sewage, runoff, and draining, surface and subsurface to the satisfaction of the Municipal Engineer or Public Works Director.
    d. There shall be a minimum of one (1) parking spot for every three (3) seats in the viewing room.

D. Dimensional Requirements for Business Lots in the General Business District

1. Minimum lot size: 20,000 square feet. In addition, a visual vegetative buffer is required where a commercial use or zone abuts a residential use or zone. (Amended by the Town Board on July 13, 1999.)
2. Maximum height of the B-1 District will be 35 feet.
3. Minimum front yard shall be ten (10) feet, except where sidewalks are provided.
4. Minimum side yard shall be eight (8) feet, except if a common wall exists between buildings, no side yard shall be required.

SECTION 6.07. B-2 HIGHWAY COMMERCIAL DISTRICT

A. Intent

The B-2 District intent is to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public and the reduction of highway congestion.

B. Permitted Use

The following shall be permitted by right:

1. All uses permitted in the General Business District.
2. Drive-in restaurants.
3. Nursery and garden stores
4. Nursing homes

C. Special Uses

The following and possible other uses shall be permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Public utility facilities.
2. Church and cemeteries.
3. Fire stations, schools, and other public buildings.
4. Group Development under the provisions of Section 7.05.
5. Junkyards.
6. Bingo/Beach Bingo. (As amended June 3, 2008)
7. Recreation Establishment. (As amended June 3, 2008)
8. Repair and storage of automobile and trucks. (As amended March 2, 2008)
9. New and used car sales. (As amended March 2, 2008)
10. Television and radio broadcast towers. (As amended March 2, 2008)
11. Heavy and farm equipment sales and service. (As amended March 2, 2008)
12. Automobile parts and accessories. (As amended March 2, 2008)
13. Veterinarians and kennels, subject to buffer requirements. (As amended March 2, 2008)
14. Building material sales. (As amended March 2, 2008)
15. Boat and marine sales. (As amended March 2, 2008)
16. Self-Service (Mini) Storage Facilities under the provisions of Section 7.15 (As amended April 7, 2015)

D. Dimensional Requirements for B-2 Highway Commercial Districts

1. Minimum lot size: 10,000 square feet.
2. Minimum lot width shall be seventy-five (75) feet with a minimum lot depth of one hundred twenty (120) feet.
3. Minimum front yard depth shall be forty (40) feet from the right-of-way of the street. The first fifteen (15) feet from the property line shall be developed for sidewalk, grass and plants, and shall not be used for any purpose except for the necessary drives and walks and shall not include off-street parking.
4. No side yard shall be required except where a lot abuts a residential district a fifteen (15) foot side yard and buffer shall be required. In other cases where a side yard, not required is provided, it shall be at least three (3) feet in width.
5. No sidewall is required if a commercial building is constructed with a common wall.

6. No portion of any entrance driveway leading from a public street shall be closer than twenty (20) feet to the corner of any intersection measured from the right-of-way line.
7. The width of any entrance driveway leading from the public street shall not exceed thirty-six (36) feet at its intersection with curb or street line. No two (2) driveways leading from a public street shall be within twenty (20) feet of each other measured along the full height of the curb.
8. On any corner lot there shall be no planting, structure, fence or other obstruction to visibility within the range of three (3) to seven (7) feet above level within twenty-five (25) feet of the intersection of any two (2) right-of-way lines.

SECTION 6.08. L1 LIGHT INDUSTRIAL DISTRICT

A. Intent

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

B. Permitted Uses

1. Air conditioning and heating equipment manufacturing
2. Amusement, recreational and sporting good manufacturing
3. Animal hospitals
4. Apparel and clothing manufacturing, including hosiery
5. Assembly halls, armories, coliseums, ballrooms and similar structures
6. Auction sales, except livestock
7. Automobile parking lots and structures
8. Automobile parts and accessories manufacturing
9. Bakeries, and other establishments manufacturing prepared food products for wholesale distribution
10. Building materials storage and sales yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height
11. Business machines manufacturing
12. Business signs provided such are not located within fifty (50) feet of any residential district
13. Cabinet, casket, woodworking and upholstery shops
14. Coffee, tea, and spices processing
15. Contractors' offices and storage yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height
16. Dairy products processing and distributing facilities
17. Drugs, medicines, and cosmetics manufacturing
18. Dry cleaning and laundry plants
19. Electrical appliances and electronic equipment manufacturing
20. Electrical supply houses and repair shops
21. Exterminators
22. Felt and sandpaper manufacturing
23. Flour and feed mills

24. Freezer lockers and ice plants
25. Greenhouses and horticultural nurseries
26. Hardware and housewares manufacturing
27. Heating and refrigeration shops
28. Industrial supplies and equipment, sales and service, provided all open storage is fenced by a solid fence not less than six (6) feet in height
29. Industrial trade schools and research laboratories
30. Laboratories for research and testing of products, the manufacturing or processing of which is permitted in this district
31. Leather products, including luggage and shoe manufacturing
32. Light machine tool manufacturing
33. Machine and welding shops
34. Mobile home manufacturing and on-site display and sales
35. Monument works and sales
36. Motorcycle, lawnmowers, and power saw sales and service
37. Musical instrument manufacturing
38. Offices pertaining to any permitted use
39. Oil cloth and linoleum manufacturing
40. Pickle processing
41. Plumbing and heating supply houses, provided all storage is fenced by a solid fence not less than six (6) feet in height
42. Pottery, porcelain or vitreous china manufacturing
43. Precision instruments and jewelry manufacturing
44. Printing, engraving and publishing establishments
45. Public safety facilities such as fire and police stations and rescue squad
46. Public works and public utility facilities, including service and storage yards, provided they are fenced by a solid fence not less than six (6) feet in height
47. Rodenticides, insecticides, and pesticides manufacturing
48. Service stations, including major repair work, provided that all gasoline pumps shall be located at least twelve (12) feet behind the property line
49. Sign painting and fabricating shops
50. Tire recapping shops
51. Trailer manufacturing
52. Trucking terminals
53. Vinegar and yeast manufacturing
54. Wholesale and warehousing establishments, except for the storage of dangerous or offensive hems such as uncured hides and explosives
55. Wholesale storage of gasoline and oil products, including bottled gas and oxygen
56. Windows and doors manufacturing
57. Customary accessory uses and structures, including open storage, provided the area devoted to open storage is enclosed by a fence at least six (6) feet in height
58. Belting and brake linings, manufacturing
59. Boat and trailer works and sales
60. Bookbinding
61. Bottling works
62. Bowling alleys and skating rinks

C. Special Uses Permitted

The following uses and possible others are permitted subject to the requirements of this district and any additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Manufacturing uses not otherwise named herein which come with the spirit or intent of this Zoning Ordinance.
2. Junkyards
3. Detention centers, jails, emergency operations centers, and related facilities (As amended June 3, 2014)
    A. Setbacks
        a. The principal structure shall be located a minimum of one hundred (100) feed from an adjacent residential use or zoning district.
        b. No principal or accessory building shall exceed forty (40) feet in height within one hundred (100) feed of a residential use or zoning district.
        c. Accessory uses and security fencing attendant to the principal structure shall be fifty (50) feet from an adjacent residential use or zoning district.
    B. Fencing materials such as barbed wire, razor wire, or electrical fences may not be used within sixty (60) feet of an adjacent residential use or zoning district unless screened from view or otherwise approved by the Chocowinity Board of Commissioners.
    C. All lighting for the facility must be oriented so that lighting is directed away from all adjoining properties and into the property.
    D. Exercise yards and other outdoor activity areas shall be located internally on the site and screened from view from adjacent properties and public ways.
    E. Vehicle storage: Except law enforcement, staff, and visitor vehicles; all vehicles associated with the use shall be store in an enclosed or screened area. The vehicle storage area may be screen with vegetation, fences, a combination of fences and landscape material, or other means designed to effectively screen the stored vehicles from adjacent properties and the public way.
    F. Vehicles entering and/or leaving the facility shall not use sirens or emergency lights unless responding to an emergency.

D. Dimensional Requirements for L1 Light Industrial Districts

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. Minimum front yard shall be fifty (50) feet.
4. Minimum side yard on each side of every principal building shall be fifteen (15) feet.
5. Minimum required rear yard shall be twenty (20) feet.
6. The total ground area covered by the principal building and all accessory buildings shall not exceed forth percent (40%) of the total lot area.
7. No building shall exceed fifty (50) feet in height unless the depth of the front and total width of the side yards herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of fifty (50) feet.

8. Buildings legally constructed or legally converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 7.01. D. of this ordinance.

SECTION 6.09. OI OFFICE AND INSTITUTIONAL DISTRICT

(As amended September 6, 2006)

A. Intent

This District is developed to provide space for institutions (public or private), office uses, and certain commercial uses which have limited or specialized contact with the general public. This is not inclusive of merchandising establishments (retail or wholesale). Due to the complementary nature of these uses and the regulations governing their development, residential uses are also permitted within the District.

B. Permitted Uses

The following uses shall be permitted by right:

1. Single family residential uses
2. Bed and Breakfast Inn
3. Business Services

    a. Advertising
    b. Brokerage
    c. Financial Establishments (banks/savings and loans)
    d. Insurance
    e. Real Estate
    f. Studios (such as artist, sculptors, or photographers)

4. Public Service

    a. Charitable institutions
    b. Chiropractic, osteopathic
    c. Community centers, civic clubs
    d. Governmental offices
    e. Libraries
    f. Medical and dental services
    g. Museums and art galleries
    h. Recreational uses (parks, playgrounds, open space)
    i. Schools (public and private)
    j. Beauty salon/spa

C. Special Uses Permitted

The following uses and possible others are permitted subject to the requirements of this district and any additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Child care/day care/kindergarten
2. Home occupations
3. Public utility facilities
4. Veterinary medicine clinic/animal hospital
5. Churches and parsonages

D. Dimensional Requirements for OI Office and Institutional District

1. Minimum lot size: 20,000 square feet (except that if served by an approved public or community water and sewage disposal system, lot size may be reduced to 10,000 square feet)
2. Minimum lot width: 50 feet
3. Minimum front yard: 15 feet
4. Minimum side yard: 10 feet (except that a side yard adjacent to a street on a corner lot must be at least 15 feet)
5. Minimum rear yard: 20 percent of lot depth (except that no rear shall be required to exceed 20 feet in depth)
6. Maximum allowable lot coverage by principal use and all accessory structures: 30 percent
7. Height limitations: 35 feet

ARTICLE VII. SCHEDULE OF DISTRICT REGULATIONS

SECTION 7.01. OFF-STREET PARKING REQUIREMENTS

At the time of erection of any structure, or at any time any structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space shall be provided according to the requirements of this ordinance.

A. General Provisions

1. Each parking space shall have a minimum length of twenty (20) feet and a minimum width of ten (10) feet. It shall have vehicular access to a publicly dedicated street.
2. With the exception of required spaces for single-family and two-family dwelling units, sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way.
3. No parking space for multi-family residential use shall be located in the required front yard.
4. Required off-street parking spaces are permanent areas and shall not be used for any other above-ground purpose. Removal or elimination of a required parking space shall immediately revoke the zoning compliance certificate/occupancy permit of the use for which the parking space is required.
5. For uses not specifically mentioned, off-street parking requirements shall be applied by the Zoning Administrator based upon requirements for similar uses listed in this ordinance.
6. All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period during the day or night.
7. Each application for zoning compliance certificate/occupancy permit submitted to the Zoning Administrator shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section are met.
8. The required space for any number of separate uses may be combined in one lot but the required space assigned to the use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
9. In any district except Residential, if the off-street parking requirement cannot be reasonably provided on the same lot on which the principal use is located, the space may be provided on any land within four hundred (400) feet of the main entrance to the principal use. That land shall be used solely to meet the parking requirement so long as no other provisions of parking space meeting the requirements of this ordinance have been made for the principal use. In such cases, the applicant shall submit with his application for a zoning compliance certificate/occupancy permit an instrument duly executed and acknowledged, which subjects the land to parking use in connection with the specified use for a period of twenty (20) years with an option for renewal for an additional period of twenty (20) years. The applicant shall cause the instrument to be registered in the Office of the County Register of Deeds.

10. Off-street parking space required by a use permitted in any Residential district shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial and industrial uses in other districts shall not be permitted in a Residential District.

B. Requirements for Parking Lots

Where parking space for five (5) or more cars is provided or required, the following provisions shall be complied with:

1. Yards: No parking lot shall be located closer than five (5) feet to a public right-of-way. The area between the parking lot and street right-of-way shall be planted and maintained in lawn or other appropriate planting, or shall be improved otherwise as approved in site plan review.
2. Curb Bumpers: The required front and side yards shall be set off from the parking area by a fixed curb of masonry or wood, not less than six (6) inches or more than two (2) feet high.
3. Lighting: Lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
4. Surfacing: All parking lots shall be provided and maintained with a paved or gravel surface and with drainage facilities adequate to provide safe and convenient access in all weather conditions. Off-street parking areas for ten (10) or more vehicles shall be paved with asphalt and have concrete or brick pavers.
5. Drainage: Parking lot shall not drain onto or across public sidewalks, or into adjacent property except into a natural water course or a drainage easement.
6. Markings: Each parking space shall be marked off and maintained so as to be distinguishable.
7. Entrances: On all corner lots, no vehicular openings shall be located at closer than fifteen (15) feet from the point of intersection of the established street right-of-way lines. No entrance or exit on any lot shall exceed thirty (30) feet in width at the property line, or forty (40) feet at the curb line. There shall be a minimum distance between one-way driveways of twenty-five feet measured along the curb line.
8. Internal Circulation: The internal circulation plan of parking lots shall be approved by the Zoning Administrator.

C. Minimum Parking Requirements

The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use except as provided in subsection (A)(9) above, and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. Accessory buildings shall be included with principal buildings in measurement of gross floor area for determining parking requirements. Gross floor area shall be measured from the outside walls of all structures. Where a fraction of a space is required by this ordinance, the next whole number shall be provided. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this ordinance.

1.	Residential and Related Uses	Required Parking
	Single-family detached dwelling units and townhouses:	Two (2) parking spaces for each dwelling unit.
	Multi-family residence, group housing projects and condominiums:	1.5 parking spaces on the same lot for each unit.
	Hotel, tourist home, motel, motor court, rooming or boarding house:	1.25 parking spaces for each room to be rented plus one (1) additional parking space for each three (3) employees.
	Doctor's or dentist's office in own residence:	Three (3) parking spaces per doctor in addition to residence requirements.
	Home occupation:	1.5 parking spaces for each employee in addition to residence requirements.

2.	Public and Institutional Uses	Required Parking
	Hospital:	One (1) parking space for each two (2) beds intended for patient use, one (1) space for each resident physician and one (1) parking space for each two (2) employees.
	Clinic:	Ten (10) parking spaces minimum plus five (5) parking spaces for each doctor assigned plus one (1) parking space for each employee.
	Nursing home:	One (1) parking space for each five (5) beds intended for patient use, and one (1) parking space for each three (3) employees.
	Churches:	One (1) parking space for each four (4) seats in sanctuary.
	Elementary School and Junior High School:	One (1) parking space for each classroom and administrative office.

Senior High School:	One (1) parking space for each five (5) students for which the building was designed plus one (1) parking space for each classroom and administrative office.
Stadium:	One (1) parking space for each three (3) seats.
Auditorium or Amphitheater:	One (1) parking space for each three (3) seats.
Public or Private Clubs:	One (1) parking space for each three (3) seats.
Public Utility Buildings:	One (1) parking space for each employee. With customer service facilities, a minimum of five (5) additional spaces.

3.	Retail and Office Uses	Required Parking
	General or professional offices and banks (other than doctors, dentists. See Clinic requirements.):	One (1) parking space for each two hundred (200) square feet of gross floor space plus one (1) parking space for each two (2) employees.
	Roadside stands, plant nurseries, outdoor concessions, sightseeing rides, automobile sales lots and similar activities involving outdoor display of merchandise or services:	Minimum of five (5) parking spaces and one (1) parking space for each five hundred (500) square feet of gross ground area exclusive of the area required for parking.
	Marinas and boat rentals:	One (1) parking space for each boat slip or rental unit and one (1) parking space for each employee on the largest shift.
	Restaurant, cafe, or public eating place:	One (1) parking space for every three (3) customer seats, plus one (1) additional parking space for each three (3) employees.
	Drive-in restaurant or refreshment stand:	Thirty (30) parking spaces in addition to the requirements for a restaurant, cafe, or public eating place.

Furniture, appliance and grocery store:	One (1) parking space for each five hundred (500) square feet of gross floor area.
Indoor entertainment facilities including bowling alleys, dance halls, skating rinks, amusement arcades, and similar facilities:	One (1) parking space for each one hundred (100) square feet of gross floor area and one (1) additional space for each two (2) employees.
Outdoor entertainment facilities including amusement parks, miniature golf courses, and similar facilities:	One (1) parking space for each one hundred (100) square feet of gross ground area exclusive of the area required for parking and buffering and one (1) additional space for each two (2) employees.
Theaters:	One (1) parking space for each three (3) seats in the auditorium.
Funeral homes:	On (1) parking space for each four (4) seats in the chapel or parlor.
Retail uses not otherwise listed:	One parking space for each two hundred (200) square feet of gross floor area, plus one (1) for each employee.

4. Wholesale Uses and Warehouses	Required Parking
Wholesale uses:	One (1) parking space for each employee on the largest shift.
Industrial uses:	Two (2) parking spaces for each three (3) employees on the largest shift.

D. Off -Street Loading

Where off-street loading space is required under the dimensional requirements of a particular district, one or more loading berths shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every building erected after the enactment of this ordinance in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of twelve (12) feet by twenty-five (25) feet and a fourteen (14) foot overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations appropriate to the property served. **The Zoning Administrator shall determine the sufficiency of loading space but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street and/or sidewalk.**

Use Classification	Space Requirements
Retail operation, including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of 20,000 square feet or more devoted to that purpose.	One (1) loading berth for every 20,000 square feet of floor area.
Retail operations, and all first floor non-residential uses, with a gross floor area of less than 20,000 square feet and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet.	A loading space (not necessarily a full berth) as defined in this Section next above.
Office buildings and hotels with a total usable area of 100,000 square feet or more devoted to such purposes.	One (1) loading berth for every 10,000 square feet of floor area.
Industrial and wholesale operations with a gross floor area of 10,000 square feet or over and as follows:	Minimum number of loading berths required:

10,000 - 40,000 square feet ----- 1
40,000 - 100,000 square feet ----- 2
100,000 - 160,000 square feet ----- 3
160,000 - 240,000 square feet ----- 4
240,000 - 320,000 square feet ----- 5
320,000 - 400,000 square feet ----- 6

Each 90,000 square feet
above 400,000 square feet ----- 1

SECTION 7.02. REGULATIONS GOVERNING SIGNS

A. Definition

1. For the purposes of this ordinance, a sign is any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structure, including billboard or poster panels designed to carry visual information. However, the following shall not be included in the application of these regulations:

a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box number, names of occupants or premises, or other identification of premises not having commercial connotations;
b. Flags and insignia of any government except when displayed in connection with commercial promotion;
c. Legal notices, identification, informational, or directional signs erected or required by governmental bodies or public utilities;
d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
e. Signs directing and guiding traffic and parking-on private property but bearing no advertising matter.

2. Signs are defined as either on-site signs or off-site signs.

a. An on-site sign is one relating in its subject matter to the premises on which it is located, or to products, services, accommodations, or activities on those premises.
b. An off-site sign is any sign other than on-site sign including signs erected for the provision of outdoor displays or display space as a business on a lease or rental basis.

B. Number and Area

For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area: The area of a double-faced sign shall be the area of one face of the sign, provided that the two faces are of the same size and are parallel to one another with no more than twenty-four (24) inches between each sign face.

C. Permit Required

No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure nor shall any existing sign be structurally altered, remodeled or relocated until a zoning compliance certificate has been issued by the Zoning Administrator. No certificate/permit is required for signs enumerated in Subsection H.

D. Material and Design

All signs shall be constructed and designed according to generally accepted engineering practices, to withstand wind pressures and load distribution as specified in Section 804 of the North Carolina Building Code, 1958, as amended.

E. Inspection Required

Each sign may be subject to an annual inspection by the Zoning Administrator for the purpose of assuring that the structure is maintained in a safe condition. The fee for the annual inspection shall be in accordance with a regularly adopted fee schedule of the Town. When a sign becomes structurally unsafe, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located, that the sign shall be made safe or removed within ten (10) business days of receipt of notice.

F. Illuminated Signs

All signs in which electrical wiring and connections are to be used shall require a permit and shall comply with the North Carolina Electrical Code and be approved by the Zoning Administrator.

G. Prohibited Signs

1. No sign may be erected or maintained which is a copy or imitation of an official highway sign and carrying the words "STOP" or "DANGER." No sign shall be erected or maintained which involves flashing or intermittent red, green, amber, or blue illumination or resembles a traffic control signal or sign.
2. No sign may obstruct corner visibility or visibility at a driveway between a height of two (2) feet and ten (10) feet.
3. No sign may be posted on any telegraph, telephone, or electrical light poles or on any tree along any street except for approved street name signs.
4. No sign may obstruct ingress and egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any room or building as required by law.
5. No sign may violate any provision of any law of the State of North Carolina relative to outdoor advertising.
6. No sign may be erected which contains, employs, or utilizes lights or lighting which rotates, flashes, moves or alternates except for otherwise approved time or temperature signs.
7. No sign may be located within a public right-of-way or within thirty (30) feet of the center line of any public thoroughfares.

H. Signs Permitted in Residential Districts

1. An indirectly lighted name plate or professional sign not over four (4) square feet in area may be permitted with an approved home occupation.
2. Temporary real estate signs, not exceeding four (4) square feet in area, directing the way to premises which are for sale, rent, or lease, provided such signs shall be neatly painted or printed and shall be removed promptly when the property has been sold, rented, or leased.
3. Directional signs not over four (4) square feet in area indicating the location of churches, schools, hospitals, parks, scenic or historic places, or other places of general interest. Any such sign and mounting shall not exceed three (3) feet in total height.

4. One name sign or bulletin board not exceeding twelve (12) square feet for any permitted church, school, or other non-commercial institution. The sign or board may be directly lighted and shall be set back at least fifteen (15) feet from the property line.
5. Temporary real estate signs, not exceeding six (6) square feet in area, advertising the sale, rent or lease of the premises on which located. However, these signs shall not be less than fifteen (15) feet from any street or lot line, shall not be illuminated, shall be neatly painted and maintained, and shall be removed promptly when the property has been sold, leased or rented.
6. Temporary non-illuminated signs not exceeding six (6) square feet in area advertising the general contractor, contractor, subcontractor, architect, landscape architect or other such professional persons or organizations engaged in or associated with the lawful construction, alteration, remodeling, or demolition of any building or use. However, these signs shall be limited to one for each organization involved and shall be set back from the property line at least fifteen (15) feet and shall be removed within thirty (30) days after the completion of the general contract.
7. A sign not to exceed two (2) square feet in area announcing the name, owner, or location of a dwelling.
8. Non-illuminated signs announcing the name of a subdivision or group housing project located on the premises at major entrances. However, these signs must be neatly constructed and maintained, limited to announcing only the name of the subdivision or group housing project and must not obstruct corner visibility.
9. Direction signs in parking lots if required by Section 7.01 of this ordinance.

I. Signs Permitted in the B-1 General Business District

1. On-Site Signs

For each lot, in business use, one (1) square foot of business sign area for each two (2) lineal feet of frontage on a public right-of-way may be allowed. However, the total sign area for any single lot may not exceed forty (40) square feet in area. The sign area may be in single or in a combination of signs subject to the following limitations:

a. One (1) free standing sign per lot may be located either temporarily or permanently on the ground and shall not exceed forty (40) square feet in area and shall not exceed twenty (20) feet in height above street grade. For a lot which has frontage on more than one public right-of-way there may be two (2) signs, neither of which may exceed forty (40) square feet in area.
b. Window signs shall be placed only inside a commercial building and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
c. Projecting signs may project from the building over the street right-of-way, alley or other public space provided the sign does not exceed beyond a vertical plane twenty-four (24) inches inside the curb line. The bottom clearance of such signs shall be at least ten (10) feet above the finished grade of the sidewalk along the street and at least fourteen (14) feet above grade at alleys and corners.
d. Wall sign placed against the exterior walls of buildings shall not extend more than six (6) inches beyond the building wall surface and shall not exceed

twenty percent (20%) of the exposed finished wall surface area including openings.

e. Temporary sign having detachable lettering may be allowed by permit for no more than thirty (30) days at a time for purposes of announcing special occasions or events. Signs in which electrical wiring or connections are used must be approved by the zoning administrator.

2. Off-Site Signs

None permitted.

J. Signs Permitted in the B-2 Highway Business District

1. On-Site Signs

For each lot, in business use, two (2) square feet of business sign area for each lineal foot of frontage on a public right-of-way may be allowed. However, the total sign area for any single lot may not exceed a total of three hundred (300) square feet. No single sign may exceed one hundred twenty-eight (128) square feet in area. The sign area may be in a single or in a combination of signs subject to the following limitations:

a. Wall signs placed against the exterior walls of building shall not extend more than six (6) inches beyond the building wall surface and shall not exceed twenty percent (20%) of the exposed finished wall surface area including openings.

b. One (1) free standing sign per lot may be located either temporarily or permanently on the ground but shall not exceed sixty four (64) square feet in area and shall not exceed twenty (20) feet in height above street grade. For a lot which has frontage on more than one public right-of-way there may be two (2) signs, neither of which may exceed sixty-four (64) square feet in area.

c. Window signs shall be placed only inside a commercial building and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.

d. Projecting signs may project from the building over the street right-of-way, alley or other public space provided the sign does not extend beyond a vertical plane twenty-four (24) inches inside the curb line. The bottom clearance of such sign shall be at least ten (10) feet above the finished grade of the sidewalk along the street and at least fourteen (14) feet above grade at alleys and corners.

e. Temporary signs with detachable lettering may be allowed by permit for no more than thirty (30) days at a time for purposes of announcing special occasions or events. Signs in which electrical wiring or connections are used shall be approved by the zoning administrator.

2. Off-Site Signs (Amended as of December 7, 1993)

a. One free-standing sign per lot may be allowed provided that:

(1) Such sign shall not exceed 100 sq. ft. in area and shall not exceed 20 ft. in height above street grade.
(2) Such sign shall be for directional purposes only and may not contain language of a Commercial nature.

SECTION 7.03. OUTDOOR LIGHTING

Outdoor lighting for yards, signs, advertising structures, parking lots and other areas must be oriented or shielded so that the light and glare reflects away from streets and adjacent property.

SECTION 7.04. REGULATIONS GOVERNING MANUFACTURED HOME PARKS

(As Amended December 12, 2019.)

A. General Regulations

1. Location and Maintenance of Manufactured Home Parks

Manufactured home parks shall be located in the MHR zoning district or in the R1-A district when approved as a special use. No person may maintain, operate or occupy a manufactured home park within the zoning jurisdiction of the Town or its Extraterritorial Jurisdiction, unless the park meets the requirements of this ordinance, as well as all other Town Ordinances, County Regulations, and State Statutes. If three (3) or more manufactured homes are located on the same undivided lot or tract of land, they must meet the requirements of this section.

2. Application for Manufactured Home Park Permit

Application for a zoning compliance certificate/permit to develop, operate, alter or maintain a Manufactured Home Park shall be made to the Zoning Administrator under the provisions of Section 9.05. The application for a permit shall include the following:

a. A plan for the general layout of the park containing the information required below:

1) The area to be used for the park showing present zoning, property lines, adjacent zoning, land use, ownership and addresses of owners;
2) Existing and proposed driveways, entrances, exits, roadways and walkways, with dimensions;
3) Location of individual manufactured home lots and buildings (actual, not proposed, with setbacks);
4) Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility rooms;
5) Method and plan of sewage disposal (with calculations);

6) Location and quantity of refuse containers (with calculations);
7) Plan of water supply;
8) Plan of electric lighting;
9) Fire hydrants;
10) Parking;
11) Surface water drainage plans; and
12) Sedimentation control plans, if the area to be disturbed is greater than one acre. Evidence must be presented that these plans have been approved by the North Carolina Department of Environmental Quality.

b. Plans and specifications for any building to be constructed on the site.
c. Further information may be required by the Zoning Administrator and/or County Health Department to enable them to determine if the proposed park will comply with the regulations of this ordinance, applicable Town Ordinances, County Regulations, and State Statutes, and their applicable laws/ regulations.

3. Sanitary Facilities, Water Supply, Sewerage, Refuse Disposal, and Utilities

In every manufactured home park and related permanent building, all installations of plumbing and electrical wiring, and all gas and oil appliances shall comply with the provisions of the building, plumbing and electrical, heating and gas ordinances and codes and any other applicable regulations of the State, County, and Town. In addition, the following requirements must be met:

a. Each manufactured home lot shall be provided with legal and inspected plumbing and electrical connections.
b. Water supply - A supply of pure running water for domestic purposes, from a source approved by the County Health Department shall be provided for every park. The water supply for each manufactured home shall be obtained only from approved connections located on each manufactured home space or inside each manufactured home.
c. Sewage Disposal - Every park shall be provided with an adequate sewage disposal system constructed in compliance with the regulations of the County Health Department. All sewage wastes from each park including wastes from toilets, and toilet room, showers, lavatories and wash basins and wastes from refrigerator drains, washing machines, sinks or faucets in manufactured homes or on manufactured home spaces shall be piped in the park sewage disposal system. All sewage wastes from every trailer equipped with its own toilet facilities shall be piped into the park sewage disposal system.
d. Refuse Disposal - All garbage and refuse in every park shall be stored in suitable watertight and fly-tight receptacles in accordance with the Town of Chocowinity and County Health Department requirements.

4. Registration

It shall be the duty of the operator of the manufactured home park to keep an accurate register containing a record of all manufactured homes or trailers, their titles and date

of manufacture, owners, and occupants of the park. The register shall contain the following information:

a. Name and address of owner and each occupant;
b. License number and state of issue of each licensed vehicle;
c. Lot number in which the manufactured home or trailer is parked;
d. Date of entering park; and
e. Date of leaving park.

B. Specifications for Manufactured Home Parks

1. Every manufactured home park shall be at least one (1) acre in area.
2. The amount of land for each individual manufactured home lot shall be determined by the Zoning Administrator after an investigation of soil conditions, water supply, and fire hydrants, the proposed method of sewage disposal, and proposed water system. However, in no case shall the size of a manufactured home lot be less than Eight Thousand (8,000) square feet.
3. Each manufactured home lot shall be at least fifty (50) feet wide and clearly marked. There shall be at least forty (40) feet clearance between manufactured homes including manufactured homes parked end-to-end. No manufactured home shall be located closer than fifteen (15) feet to any building within the park, within twenty (20) feet of any exterior boundary line of the park and no closer than twenty (20) feet to the edge of any interior street.
4. All manufactured home lots shall abut upon an interior drive of no less than twenty-five (25) feet in width, which shall have unobstructed access to a public street or highway. It is the intent of this section that individual manufactured home lots shall not have unobstructed access to public streets or highway except through an interior drive. All interior drives shall be graded, paved and maintained so that they are passable in all weather.
   Maintenance and repair of the streets shall be provided by the owner of the park. The streets shall be maintained so as to provide paved, all-weather access to all manufactured home spaces at all times. The Zoning Administrator shall make the determination as to whether a manufactured home park is in compliance with this street maintenance.
5. Dead end drives shall not exceed one thousand (1,000) feet in length. Any interior street designed to be permanently closed shall have a minimum turnaround radius of 35’ plus road width at the closed end.
6. Drives shall intersect as nearly as possible at right angles, and no drive shall intersect at less than seventy-five degrees (75°). Where a drive intersects a public street or highway, the design standard of the North Carolina Department of Transportation shall apply and be approved by same.
7. Suitable vehicular access for fire fighting equipment, emergency services, delivery of fuel, removal of refuse, parking and removal of manufactured homes and for other necessary services shall be provided.
8. All manufactured home parks shall have one (1) or more recreation area with a minimum size of twenty-five hundred (2,500) square feet which shall be easily accessible to all park residents. Additional recreation space shall be based upon a minimum of two hundred (200) square feet for each manufactured home lot within the

park. Recreational area shall be located to be free of traffic hazards and should, where topography permits, be centrally located.

9. Parking space sufficient to accommodate at least two (2) automobiles shall be located on each manufactured home space.
10. No manufactured home park shall be located on ground that is subject to flooding. The park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded to prevent erosion. (Flood Hazard designation/flood plan information is to be submitted as well.)
11. The manufactured home park shall have a visual buffer such as shrubbery or fencing not less than six (6) feet in height between the park and any adjacent residential uses other than manufactured homes.
12. The area of the manufactured home lot shall be improved to provide an adequate brick/masonry foundation for the placement of the manufactured home as required by the North Carolina Building Code.
13. Each manufactured home shall be securely anchored in accordance with the North Carolina Building Code Standards for hurricane areas.
14. Each manufactured home lot shall be equipped with legally approved and permitted plumbing and electrical connections and shall be provided with electrical current in sufficient amount to safely meet the maximum anticipated requirements of a manufactured home.
15. Management - In each manufactured home park, the permittee or duly authorized attendant, or caretaker shall be in charge at all times to keep the manufactured home park, its facilities, and equipment in a clean, orderly, safe and in a sanitary condition. The current name, address, and telephone number of this individual is to be provided to the Town Clerk, Maintenance Superintendent, Police Chief, and Fire Chief.
16. Non-Conforming Manufactured Home Parks - Existing manufactured home parks which provide individual manufactured home lots having a width or area less than that herein described may continue to operate with spaces of existing width or area provided they meet all the standards of the County Health Department, this Ordinance and other applicable municipal ordinances. In no event shall any non-conforming park be allowed to expand unless the entire park is improved to meet the requirements of this ordinance and other current Town Ordinances, County Regulations, and State Statutes. If a manufactured home park, existing before the adoption date of this Ordinance, should lose its operating permit, then it shall be subject to the regulations and requirements of this Ordinance in the reapplication for an operating permit.
17. Removed (December 12, 2019)
18. Each manufactured home lot shall be numbered and clearly marked so as to be clearly visible for emergency response vehicles.

C. Prohibited Uses and Structures

1. The transfer of a manufactured home space of spaces either by sale or by any other means within a manufactured home park,
2. The storage of abandoned or junk vehicles,
3. The storage of uninhabitable manufactured homes,
4. Travel Trailer and/or Motor homes as a permanent residence,
5. Storage of possessions and equipment under the manufactured home; and

6. No part of the park shall be used for nonresidential purposes, excluding facilities related to the maintenance of the park and home occupations which have been granted a special use permit.

D. Permits for Manufactured Homes

1. Prior to the location, relocation, establishment or occupancy of any manufactured home, the manufactured home owner or authorized representative shall obtain a permit from the Zoning Administrator.
2. Each permit issued by the Zoning Administrator for a manufactured home shall be valid until the manufactured home is moved to another location, whether on the same or different property.
3. Any manufactured home that is to be altered (other than cosmetically), expanded, extended, converted, or structurally altered, said construction shall conform with the most current state of North Carolina Regulations for Manufactured Homes, and in conformity with the most current North Carolina State Building Code, as adopted by the Building Code Council and enforced by State and local code enforcement officials. Such alteration, expansion, extension, or conversions shall only occur with a permit obtained by the Zoning Administrator.

E. Revocation of Permits

1. The Zoning Administrator may withhold permits and may request the building inspector to revoke any and all building permits issued for a manufactured home park should the developer not comply with the manufactured home park standards set forth in this ordinance under an approved manufactured home park plan. Upon written request from the Zoning Administrator the Building Inspector, under authority given in NC General Statute 160D-1115, may revoke building permits in the manufactured home park until such time when the developer has brought the park into compliance with this ordinance.
2. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
3. Development approvals may be revoked by notifying the holder in writing stating the reason for the revocation. The revocation shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

SECTION 7.05. GROUP DEVELOPMENT PROJECTS (includes apartments, townhomes, and condominiums)

Group development projects which consist of two or more principal buildings devoted to a common or similar use and constructed on a single lot, may be permitted as special uses in specified districts established by this ordinance under the provisions of Section 8.05, provided a mandatory preapplication conference is held between the Planning Board and the developer prior to filling the required application for review and approval of the project by the Board of Commissioners. This review and approval shall be required for all group development projects. Site plans at a scale of not less than one (1) inch to one hundred (100) feet shall be submitted to show the size and location of all structures, streets, drives and parking spaces and their relationship to open spaces and adjacent

properties. Group development plans shall also include a computation schedule expressed in acres which indicates the area and percentages of the site devoted to:

1. Total Area
2. Parking and Roadway Area
3. Building Area
4. Open Space

A. Design Standards - General

1. Lot Size: No group development may be established on a lot which is less than 20,000 square feet in area.
2. Street Access: Any building established as part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to those vehicles by a paved driveway having a roadbed width of not less than twenty (20) feet, exclusive of parking spaces.
3. Off-Street Parking and Loading Facilities: Off-street parking and loading facilities established in connection with a group development project shall be designed, located, and arranged so they will not interfere with the efficient flow of traffic through the area and will not interfere with the access of emergency and service vehicles.
4. Separation of Buildings: All buildings established as a part of a group development project shall be separated by not less than twenty (20) feet.
5. Setback Requirements: Unless otherwise provided by this ordinance for a specific type of group development project buildings shall comply with the front yard, side and rear yard requirements established for the district in which located.
6. Uses Permitted: In no case shall a use be permitted as a part of a group development project that is prohibited by this ordinance in the district in which the project is to be located.

B. Design Standards - Group Housing Projects

In addition to the other standards set forth in this section, all group housing projects shall comply with the following additional requirements:

1. Setbacks: All buildings established as part of a group housing project shall be set back not less than twenty (20) feet from all side or rear property lines.
2. Location: No dwelling structure established as part of a housing project shall be located within twenty (20) feet of another dwelling structure within the development.
3. Open Space: Not less than twenty percent (20%) of the total area of a group housing project must be permanent open space which shall not include any area covered by buildings, parking areas or streets.

C. Areas, Facilities and Improvements for Common Use.

Any area, facility or improvement which will benefit or be used in common by residents or tenants of a group development must be indicated on the site plan and specifically approved as part of the plan review under the following conditions:

1. It shall be made available in its improved state as set forth on the site development plan in accordance with an approved time schedule.
2. It shall be maintained in accordance with an approved maintenance plan specifying what the maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance.
3. Provisions to ensure its continuing availability shall be included in the deed to each property to be served by that common area, facility, or improvement.

D. Additional Information

Additional information may be required by the Planning Board or the Commissioners to determine the impact of the proposed development on the Town.

E. Approval of Site Development Plans

No building permit shall be issued in a group development until the Planning Board and Board of Commissioners have approved site development plans and reports for the development as a whole or stages deemed satisfactory in relation to total development. No structure or use other than as indicted in approved site development plans and reports shall be permitted.

F. Modification of Approved Plans

After review by the Planning Board, the Board of Commissioners may permit changes in an approved site development plan, but only on a finding that such changes are in accordance with applicable current regulations.

SECTION 7.06. CONVERSION OF EXISTING STRUCTURES TO CONDOMINIUM OWNERSHIP

Existing structures not in condominium ownership under the Unit Ownership Act of the State of North Carolina may be converted to unit ownership provided the owner or developer shall comply with all provisions of this ordinance requiring a zoning compliance certificate/building permit and site plan approval, as applicable, as in new construction, and further that before the existing structure may be converted to unit ownership in accordance with the North Carolina Unit Ownership Act, the structure shall meet all the requirements and standards of the current building code in effect in the Town and other Town Ordinances, County Regulations, and State Statutes in effect at the time the conversion is requested.

SECTION 7.07. HOME OCCUPATIONS

Home occupations may be approved as special uses in residential district by the Board of Commissioners under the provisions of Section 8.05 provided the following conditions are met as well as any additional conditions and safeguards that may be required by the Commissioners as conditions of their approval.

1. Not more than thirty percent (30%) of the total floor area of the principal building may be used for a home occupation.
2. No electrical machinery may be used which has a rating of over two (2) horsepower.

3. There may be no more than two (2) persons employed other than the residents domiciled in the principal building.
4. In addition to the parking requirement for a residence, off-street parking shall be provided for each employee.
5. Only one sign not to exceed four (4) square feet may be erected. This sign may be indirectly lighted.
6. No activity or mechanical devices may be used which cause the residential character of the neighborhood to be impaired by the generation of sounds, light, or vibration.

SECTION 7.08. JUNKYARDS/SALVAGE YARDS

Junkyards or salvage yards, as defined in Section 3.02, may be allowed as special uses in certain districts as approved by the Board of Commissioners provided that the following conditions and any additional conditions and safeguards deemed appropriate by the Commissioners are met:

1. The minimum front, side and rear yards shall be fifty (50) feet.
2. The storage area shall be screened by a continuous visual buffer at least eight (8) feet in height.
3. Salvage auto parts shall not be allowed to collect water which provides breeding ground for mosquitoes and other insects or which harbors breeding grounds for rats and other rodents.
4. No storage yard shall be established within one mile (straight line distance) from another storage yard.
5. No junkyard or salvage yard may continue as a non-conforming use for more than one (1) year after the effective date of this ordinance, except that it may continue as a non-conforming use if within that period it is made to meet conditions 2 and 3 above.

    a. Non-conformity disallows expansion of such operation, including acquisition of additional materials which would cause the storage area to increase.

SECTION 7.09. USE OF MOBILE HOMES AS TEMPORARY OFFICE SPACES

Mobile homes may be permitted in certain districts as temporary office space for banks, real estate, construction, or other business-related activities on formal written approval by the Board of Commissioners. Permits for such temporary uses may be issued for a period up to one (1) year and may be renewable one time upon reapplication at the end of the current permit period.

Application for temporary office space permit shall be made in writing by application to the Zoning Administrator who shall forward the request to the Board of Commissioners for review and action. A fee shall be charged for processing the application based on a regularly adopted fee schedule.

SECTION 7.10. PERFORMANCE REQUIREMENTS

All development within all zoning districts shall conform to the most current legislation, standards, and regulations of the federal government, State of North Carolina, Beaufort County, and the Town of Chocowinity, including the standards and regulations of the U.S. Environmental

Protection Agency (EPA) and the U.S. Occupation, Safety and Health Administration (OSHA) regarding water and air quality, noise control, and life safety requirements.

SECTION 7.11. MANUFACTURED HOMES: GENERAL REQUIREMENTS

1. All manufactured homes placed within the Town of Chocowinity after the effective date of this ordinance shall have a permanent masonry (or other approved product) curtain wall or foundation, unpierced except for ventilation and access. There shall be no authorization for electrical hookup until this condition is met.
2. The owner of each manufactured home placed in the Town of Chocowinity is required to obtain all necessary inspection certificates and permits from the Town of Chocowinity and Beaufort County. Fees may be charged for this service. Appropriate information as to owner, location, lot size, road frontage, and other information may be required to process necessary permits.
3. All manufactured homes set up in the Town of Chocowinity shall meet all requirements of the Beaufort County Building Inspections Department. Electrical service shall not be authorized without proof that all such requirements have been met.

SECTION 7.12. CONTINUATION OF EXISTING MANUFACTURED HOME PARKS

1. Non-conforming manufactured home parks in existence and in compliance with all applicable local, state, and federal laws and regulations as of the date of adoption of this ordinance, shall be allowed to continue in operation as a non-conforming use in conformance with the provisions of Article V, Section 5.03 of this ordinance. Proof of compliance with applicable laws and regulations during the intervening period shall be the responsibility of the manufactured home park owner.
2. After the effective date of this ordinance, manufactured homes moved into manufactured home parks, or which replace any manufactured home which has become a non-conforming use, shall be Class A or Class B manufactured homes.

SECTION 7.13. COMMUNICATIONS TOWERS

Subject to all the related provisions of this Ordinance this use should comply with the following:
(Amended as of May 3, 2005)

a. Definition: A monopole, self-supporting lattice, or guyed structure whose primary design is to provide support and placement of wireless telecommunications antenna.

b. Application: Contents of the application shall be as follows:

1. Three copies of a site plan, prepared and sealed by a state registered land surveyor or an engineer, which shall contain the following:

a. North point, scale and date

b. Location, width, elevation and purpose of all easements and rights-of-ways within or adjacent to the site
c. Location and use of all existing and proposed structures on site
d. Existing and proposed topography at a contour interval of five-tenths foot based on mean sea level datum
e. Proposed fencing, screening, and gates, parking, service, and other areas
f. Survey distance from other communications tower

2. Description of processes to be employed and equipment to be used.
3. Names, addresses, and signatures of land owners and applicants.
4. A written legal description or survey of the property prepared and sealed by a state registered land surveyor or engineer.
5. A fee, as set by the Town Board of Commissioners

c. Standards for evaluation

1. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
2. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of the applicant.
3. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
4. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.
5. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
6. A communications tower must not be painted or illuminated unless otherwise required by state or federal regulations.
7. No communications tower can be located within (1) one mile (5,280 feet) of an existing communications tower.
8. Landscaping and fencing will be in accordance with the Town requirements.
9. Lighting requirements will be addressed in accordance with applicable (FAA) Federal Aviation Administration and/or (FCC) Federal Communications Commission requirements.
10. Equipment shall be reviewed annually by a licensed RF Engineer and report submitted to the Town of Chocowinity.

SECTION 7.14. SOLAR FARMS

(Amended as of August 5, 2014)

a. Definitions:

Solar Farm: a use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (kW) direct current (DC) or more when operating at maximum efficiency. Solar farm is also referred to as a solar power plant and solar photovoltaic farm.

Solar Collector: a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

However, notwithstanding anything to the contrary contained herein, the term "Solar Farm" shall not be construed to include, so as to prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a single residential or commercial use on a property.

Further, notwithstanding anything to the contrary contained herein, the term "Solar Farm" shall not be construed in such a way that would cause a person to be denied permission by Chocowinity to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property.

As used herein, "residential property" means property where the predominant use is for residential purposes.

Further, notwithstanding anything to the contrary contained herein, the term "Solar Farm" shall not be construed in such a way as to prohibit the installation or mounting of a series of one or more solar collectors upon the roof of a single residential and/or commercial structure regardless of whether the said series of one or more solar collectors collectively has a total nameplate generation of at least 15 kilowatts (kW) direct current (DC) or more when operating at maximum efficiency.

b. Regulations Applicable to Solar Farms

No parcel or parcels of land may be used as a Solar Farm and no Solar Farm shall be permitted, constructed, operated, or maintained except in accordance with the following standards:

1. Set backs

Solar collectors and electrical appurtenances shall be setback at least fifty (50) feet from all property lines

Solar collectors and electrical appurtenances shall be setback at least fifty (50) feet from the right-of-way of any public or private dedicated subdivision road.

Solar collectors and electrical appurtenances shall be setback at least one hundred (100) feet from any business or residential structure.

2. Evergreen Vegetative Buffer

An evergreen vegetative buffer shall be required adjacent to all residential and commercial structures which are occupied or to be occupied at the time the solar farm is constructed that fall within one hundred (100) feet of the setback boundary. Vegetative buffer shall extend thirty-five (35) feet each direction from the center of said residential or commercial structure, thus screening the area a total of seventy (70) feet opposite the residential or commercial structure. Vegetative buffer shall be placed within fifty (50) feet outside fence for screening of solar farm. Evergreen buffer shall be maintained at all times. Nothing contained herein shall be construed so as to required such evergreen vegetative buffer to block reasonable access to a solar farm.

The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at planting shall be a minimum of four (4) feet in height and which shall be a minimum of six (6) feet in height five (5) years after planting. At maturity, each tree or shrub shall be maintained at a height of not less than six (6) feet. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart (from the base of tree or shrub to the base of tree or shrub).

The evergreen vegetative buffer shall be carefully planted and shall be maintained in good condition. Failure to maintain the evergreen vegetative buffer shall constitute a violation of this ordinance.

The evergreen vegetative buffer requirements specified hereunder shall continue notwithstanding the fact that a solar farm is no longer in operation and/or falls into disuses unless and until such solar farm is dismantled and removed from the parcel or parcels of land upon which it was constructed.

3. Abandonment

Any structure or associated equipment that is not operated for a continuous period of one hundred eighty (180) days is deemed abandoned and must be removed within ninety (90) days after written notice from the Town. If not so removed, the Town may remove it and recover its cost

from the operator/owner. If the operator/owner cannot be located or is no longer in business, these requirements shall be the responsibility of the landowner on whose property the equipment is located.

4. Size and Distance from Existing Solar Farms (Amended as of May 4, 2015)

   No solar farm shall be permitted on a parcel of land that is larger than twenty-five (25) acres.

   No solar farm shall be permitted within one (1) mile of any previously approved solar farm in the Town of Chocowinity.

c. Enforcement, Permitting and Inspection

1. The provisions of this section shall be administered and enforced by personnel of Chocowinity town staff or designee.

2. No solar farm subject to this section shall be erected, built or constructed without a development permit for the same having been issued by personnel of Chocowinity town staff or designee.

3. Applications for development permits shall be accompanied by plans for the solar farm in duplicate, drawn to scale, showing the actual dimensions and shape of the parcel or parcels of land which the solar farm is to be erected, built or constructed, the size of the locations of any roads, the location and dimensions of the proposed solar farm and the vegetative buffer required, and compliance with the standards established by this section.

4. Chocowinity town staff or designee shall maintain a record of all solar farm development permits and copies shall be furnished upon request to any interested parties.

5. Any order, requirement, decision or determination of personnel of Chocowinity town staff or designee adverse to the interest of an applicant for a solar farm development permit shall be provided to the applicant in writing by certified mail, return receipt requested.

6. The failure to obtain any required solar farm development permit shall be a violation of this section. Further, solar farm development permits shall issue on the basis of applications approved by personnel of Chocowinity town staff or designee and shall authorize only the use, arrangement, and construction applied for and approved. Any use, arrangement or construction not in compliance with that authorized shall be a violation of this ordinance.

7. There shall be a final inspection of solar farms by Chocowinity town staff of designee. All provisions of this section must be met and complied with

before final inspections of a solar farm by Chocowinity town staff or designee and before the solar farm is connected to power distribution system which operates outside the bounds of the parcel or parcel upon which the solar farm is connected.

d. Appeals and Penalties

1. Any order, requirement, decision or determination made by Chocowinity town staff or designee adverse to the interest of an applicant for a solar farm development permit may be appealed to and decided by the Town Board of Adjustment of the Town of Chocowinity, North Carolina.

2. Notice of appear to the Board of Adjustment of the Town of Chocowinity, North Carolina shall be in writing, shall state the grounds for the appeal with specificity, and shall be submitted to Chocowinity town staff or designee on behalf of the Board of Adjustment of the Town of Chocowinity within thirty (30) days of receipt of the written adverse decision by town staff or designee, as described in Section 10.05 of the Chocowinity Zoning Ordinance.

3. The Town Board of Adjustment of the Town of Chocowinity, North Carolina shall fix a reasonable time for hearing the appeal, give notice to the parties, and shall decide the matter within a reasonable time. At the hearing, any party may appear in person, by agent or attorney. For an appeal concerning an administrative decision, the official that made the decision or their successor if the official is no longer employed, will appear as a witness in the appeal. The Board of Adjustment of the Town of Chocowinity, North Carolina shall give written notice of its decision, stating the basis of its decision with specificity, to Chocowinity town staff or designee who made the order, requirement, decision or determination appealed, and to the applicant for a solar farm by certified mail, return receipt requested.

4. Any order, requirement, decision or determination made by the Town Board of Adjustment of the Town of Chocowinity , North Carolina may be appealed to the Superior Court of Beaufort County, North Carolina by proceedings in the nature of certiorari. The notice of appeal shall be in writing and shall be served upon the town staff of designee in the same manner as required by Rule 5 of the North Carolina Rules of Civil Procedure and it must be so served within thirty (30) days of the receipt of the written decision by the Board of Adjustment of the Town of Chocowinity, North Carolina in order to be timely.

5. A violation of any provisions of this section shall be a misdemeanor subject to penalties and enforcement provision of N.C. Ge. State 160A-175 as outlined in N.C. Gen. State 14-4.

6. Each day's continuing violation of any of the provisions of this section shall constitute a separate and distinct offense.

7. The provisions of this section may be enforced by any one or more of the remedies authorized by N.C. Gen. Stat. 160A-175.

8. All enforcement actions, including fines, shall be paused during the appeal process.

e. Miscellaneous Provisions

1. Notwithstanding anything to the contrary contained herein, this section shall not be construed to prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a single residential or commercial use on a property.

2. No person shall be denied permission by Chocowinity to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating or generating electricity for a single residential or commercial use on property.

3. As used herein, "residential property" means property where the predominant use is for residential purposes.

4. The owner of the solar farm equipment placed upon a parcel or parcel of land and the owner of the land upon which a solar farm is located or to be located are responsible for compliance with the terms of this section.

SECTION 7.15. SELF-SERVICE (MINI) STORAGE FACILITIES

Subject to all the related provisions of this Ordinance this use should comply with the following: (Amended as of May 3, 2005)

a. Minimum Lot Size: 15,000 square feet
b. Minimum Side Yard Setback Line: 10 feet
c. Minimum Total Side Yard Setback Line: 20 feet
d. Minimum Front Yard Setback Line: 50 feet
e. Minimum Building Height: N/A
f. Maximum Building Height: 35 feet
g. Maximum Lot Coverage: 50%
h. Visual Buffers will be required contiguous to residential zoning or uses, and/or neighborhood where more than 50% is residential use.
i. Uses for dead storage only.
j. Self-storage (mini) storage facilities prohibit the following:

1. Auctions (auctions other than those conducted by owner to enforce rent collection), commercial, wholesale, or retail sales, or miscellaneous or garage sales
2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment
3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment
4. The establishment of transfer and storage business
5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations
6. Flammable or hazardous chemicals and explosives.

SECTION 7.16. KENNELS/ANIMAL BOARDING

Kennels or Animal Boarding, as defined in Section 3.02, whether allowed as a permitted use, special use, or home occupation, must meet the following conditions and any additional conditions and safeguards deemed appropriate by the Commissioners: (Amended as of May 1, 2018)

a. Minimum lot size is 15,000 square feet.
b. Minimum lot width of one hundred (100) feet.
c. Minimum front yard, rear yard, and side yard setbacks of fifty (50) feet for boarding space provided outside the principal structure.
d. Maximum lot coverage 50%.
e. Visual buffers will be required when boarding space is provided outside the principal structure.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

SECTION 8.01. ZONING ADMINISTRATOR

The Zoning Administrator designated by the Board of Commissioners shall administer and enforce this ordinance. He may be provided with the assistance of any other persons which the Board may direct. The Zoning Administrator shall have all necessary authority to administer and enforce the zoning ordinance, including the power to order in writing the correction of any condition found in violation of the ordinance, and the power to bring legal action to ensure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceeding.

If inspecting a violation, the Zoning Administrator must enter the premises during reasonable hours and upon presenting credentials. The individual completing the inspection may enter the premises provided that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

SECTION 8.02. ZONING PERMIT REQUIRED

No building or other structure shall be erected, demolished, or moved, nor shall any existing building or structure be altered in any manner, unless a zoning permit has been approved by the Zoning Administrator. The Zoning Permit shall expire by limitation, three (3) months from date of issuance if work authorized by the Permit has not commenced. If after commencement the work is discontinued for a period of six (6) months, the permit for it shall immediately expire. No work authorized by any permit that has expired shall then be performed until a new permit has been secured. A fee for the permit application shall be paid to the Town according to a regularly adopted fee schedule. Site-specific vesting plans shall be vested for two (2) to five (5) years. Multi-phase developments which shall be defined as long-term projects of at least 25 acres shall be vested up to seven (7) years.

Development approvals must be provided in writing. Approvals provided in electronic form must be protected from further editing.

Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or authorized agent of the landowner. All development approvals shall attach to and run with the land as defined in G.S. 160D-104.

If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made, or if a development regulation is amended after the permit decision has been challenged and found to be wrongfully denied or illegal; G.S. 143-755 applies.

SECTION 8.03. WATER SUPPLY AND SEWAGE DISPOSAL REQUIREMENTS

The Zoning Administrator shall not issue a Zoning Permit for any use or structure requiring a water supply or sewage disposal or both unless the application is accompanied by approval in writing by the appropriate authority of the water supply and method of sewage disposal.

SECTION 8.04. APPLICATION FOR ZONING PERMIT FOR PERMITTED USE

All applications for zoning permits shall be accompanied by plan in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing with setbacks, if any; and the location and dimensions of the proposed building or alteration with setbacks. The application shall include any other information which may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; and the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and on nearly lots, elevations of finished floors; and any other matters which may be necessary to determine conformance with and provide for the enforcement of this ordinance. One copy of the plan shall be returned to the applicant by the. Zoning Administrator after he has marked the copy either as approved or disapproved and attest to that by his signature on the copy. The second copy of the plan, similarly marked, shall be retained by the Zoning Administrator and placed on file with the Town Clerk.

SECTION 8.05. APPLICATION FOR ZONING PERMIT FOR SPECIAL USES

The Board of Commissioners may approve permits for special uses in the zoning districts where special uses are specified by this ordinance. Applications for permits under Section 7.05, Group Development Projects and Section 7.06 Conversion of Existing Structures for Condominium Ownership shall also be processed under this section.

A. Written application for a special use permit along with a processing fee in accordance with a regularly adopted fee schedule of the Town shall be submitted to the Zoning Administrator within at least thirty (30) business days before the next regular monthly meeting of the Planning Board. The written application shall indicate the section of this ordinance under which a permit is being sought and shall contain the information required by the appropriate section and any other information which may be required to ensure compliance with this ordinance.

B. The Planning Board shall review the application for a special use permit and shall submit its recommendation as to approval or disapproval along with any additional conditions or safeguards it may consider necessary to the Board of Commissioners.

C. The Board of Commissioner shall hold an evidentiary hearing for any special use. The evidentiary hearing shall follow all quasi-judicial procedures specified in N.C.G.S. 160D-406. Notice by means of a placard posted on the property concerned shall be given at least fifteen (15) business days in advance of evidentiary hearing. The owner of the property for which the special use is sought, or his agent, shall be notified by certified and regular mail at least fifteen (15) business days prior to the public hearing. Any meeting packet distributed to board members shall also be distributed to the applicant and landowner at the same time.

D. Any party may appear in person or be represented by agent, who must be so authorized in writing, or attorney.

E. Before they may grant any special use permit, the Board of Commissioners shall make findings that: (1) the applicant has met the requirements of the ordinance; (2) granting the permit will be in general conformity with the Town's plan of development; (3) the proposed

use will be compatible with the area in which it is to be located if developed under the conditions specified in the ordinance and those additionally required by the Commissioners.

F. In granting any Special Use Permit, the Board of Commissioners may prescribe appropriate conditions and safeguards in conformity with this ordinance. Conditions may not be imposed where the local government does not have statutory authority. Written consent to conditions must be obtained by the applicant or landowner. Violation of those conditions and safeguards, when made a part of the terms under which the special use permit is granted, shall be considered a violation of this ordinance and punishable under Article IX of this ordinance. The Board of Commissioners shall prescribe a time limit within which the action for which the Special Use Permit is required shall be begun or completed, or both. Failure to comply within the time limit set shall void the Special Use Permit. If any of the conditions of approval or any part of them should be held invalid or void, the permit may be revoked. Revocation of a permit must follow the same process used for approval.

SECTION 8.06. ZONING COMPLIANCE CERTIFICATE REQUIRED

No land shall be used or occupied and no building hereafter structurally altered, erected, demolished, or moved shall be used or its use changed until a zoning compliance certificate/permit shall have been issued by the Zoning Administrator stating that the proposed use and any buildings comply with the provisions of this ordinance. A similar certificate shall be required for the purpose of renewing, changing, or extending a non-conforming use. A zoning compliance certificate, either for the whole or part of a building, shall be applied for coincident with the application for a building permit and may be issued within ten (10) business days after the work has been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file by the Zoning Administrator.

A temporary certificate of occupancy may be issued by the Beaufort County Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that the temporary certificate may require conditions and safeguards to protect the safety of the occupants and the public.

SECTION 8.07. VIOLATION

If the Zoning Administrator shall find that any of the provisions of this ordinance 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. Notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The Zoning Administrator providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. He shall order discontinuance of 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 ordinance to ensure compliance with or to prevent violations of its provisions.

SECTION 8.08. DETERMINATION

The Zoning Administrator shall provide written notice of a determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner.

ARTICLE IX. PENALTY

If any building or structure is erected, removed, demolished, constructed, reconstructed, altered, repaired, converted, or maintained, or any building structure or land us used in violation of this ordinance, the Zoning Administrator, or any appropriate authority in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct to abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct business or use in or about such premises.

Violations of the provisions of these regulations shall be a misdemeanor under the North Carolina General Statute 14-4 and each day's continuing violation shall be a separate offense. Notwithstanding the criminal penalties, the Zoning Administrator may institute a civil action against the offender seeking enforcement by appropriate equitable remedy, injunction, and order of abatement or by any remedy authorized by North Carolina General Statute 160A-175 and 160D-404, as amended.

Any person violating any provision of this ordinance shall, upon conviction, be punished for each offense by a fine not to exceed fifty ($50.00) a day or imprisonment not to exceed thirty (30) days. Each day that a violation continues shall be deemed a separate offense.

ARTICLE X. BOARD OF ADJUSTMENT

SECTION 10.01. BOARD OF ADJUSTMENT ESTABLISHED

A Board of Adjustment is hereby established. The word "Board" when used in this Article shall be construed to mean the Board of Adjustment. The Board shall have five (5) regular members and three (3) alternates. Four (4) regular members and two (2) alternates shall be citizens of the Town appointed by the Mayor and approved by the Board of Commissioners. One (1) regular member and one (1) alternate shall be residents of the extraterritorial area and shall be appointed by the County Commissioners in accordance with North Carolina General Statute 160D-307. One (1) of the initial members shall be appointed for a term of one (1) year; two (2) members for terms of two (2) years; and two (2) members and the three (3) alternates for terms of three years. Their successors shall be appointed for terms of three (3) years. Vacancies shall be filled for the unexpired term only. Members may be removed for cause by the Board of Commissioners upon written charges and after public hearing. The members of the Board may be compensated according to a schedule adopted by the Board of Commissioners from time to time.

Members of the Board of Adjustment shall take an oath of office before entering their duties.

SECTION 10.02. CHAIRMAN OF THE BOARD

The Mayor shall designate one (1) of the members as Chairman and another as Vice-Chairman who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this section.

SECTION 10.03. MEETINGS OF THE BOARD

All meetings of the Board shall be held at a regular place and shall be open to the public. A quorum of four (4) members shall be present at the designated meeting place before a vote is taken or final deposition of any appeal is made upon which the Board is required to pass. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, an indication of that fact. The final disposition of appeals shall be a recorded resolution indicating the reasons of the Board. All of the minutes, deliberations and records of the Board shall be a public record. In the event a regular member shall be absent, an alternate member shall be notified to serve in the- place of the regular member.

The Board of Adjustment will follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, and appeals of administrative determinations. For decisions requiring a quasi-judicial process all mandatory procedures outlined in G.S. 169D-406 will be followed.

Alternate members shall not otherwise participate in deliberation of the Board on any matter under the following sections.

SECTION 10.04. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance or to affect any variation of this ordinance.

A. Administrative Review and Interpretation

1. Administration Review

The Board of Adjustment may hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.

An appeal from the decision of the Zoning Administrator may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the Town affected by the decision. The appeal must be taken within thirty (30) days by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds for it. The Zoning Administrator shall promptly transmit to the Board all papers constituting the record upon which the action appealed from was taken.

Any appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal has been filed with him that: (1) by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property: or that, (2) because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by court of record on application, on notice to the Zoning Administrator and due cause shown.

In exercising the above-mentioned powers, the Board of Adjustment may, so long as the action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination that in its opinion ought to be made, and so shall have the powers of the Zoning Administrator.

The zoning administrator who made the decision in question must appear as a witness in the appeal.

Enforcement actions, including fines, must be paused during the appeals process.

If a notice of determination is sent by mail, it is presumed to have been received on the third business day after it is sent.

2. Interpretation

The Board of Adjustment shall interpret the Zoning Map and pass on questions of lot lines or district boundary lines and similar questions that may arise in the administration of the ordinance.

B. Variance: Conditions Governing Applications; Procedures; Fee

The Board of Adjustment may authorize upon appeal in specific cases a variance from the dimensional requirements of this ordinance, which will not be contrary to the public interest. Where, owing to special conditions, a lateral enforcement of the provisions of this ordinance would result in unnecessary hardship. A fee in accordance with a regularly adopted fee schedule of the Town shall be paid to the Town for each application for variance to cover the administrative expenses involved. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:

    a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings, in the same district.
    b. That literal interpretation of the provisions of this ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
    c. That the special conditions and circumstances do not result from the actions of the applicant;
    d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district;
    e. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

2. Notice shall be given at least fifteen (15) days in advance of public hearing.
3. The public hearing shall be held as advertised. Any party may appear in person or be represented by agent or by attorney.
4. The Board of Adjustment shall further make a finding that the requirements of Section 10.04(B)(1) have been met by the applicant for a variance.
5. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum.
6. The Board of Adjustment shall further make a finding that granting the variance will be in general conformity with the Town's plan of development and will not be injurious to the neighborhood, or otherwise detrimental to the public.
7. The Board of Adjustment shall follow quasi-judicial procedures specified in N.C.G.S. 160D-406.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. 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 ordinance and punishable under Article IX of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

SECTION 10.05. APPEALS FROM DECISION OF THE BOARD OF ADJUSTMENT

Any appeal from a decision of the Board of Adjustment to Superior Court shall be taken within thirty (30) days after the decision is filed in the Office of the Town Clerk of the Town of Chocowinity or after a copy of the decision is delivered by first-class mail to the appellant. It will be assumed that if the notice is sent by mail, it was received on the third business day after it was sent.

SECTION 10.06. DUTIES OF ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, COURTS AND BOARD OF COMMISSIONERS AS TO MATTERS OF APPEAL

It is the intention of this ordinance that all questions arising in connection with its enforcement shall be presented to the Zoning Administrator and that questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator. From the decision of the Board of Adjustment recourse shall be had to courts as provided by law. The duties of the Board of Commissioners in connection with the ordinance shall not include hearing and passing upon disputed questions that may arise in connection with the enforcement of it. The procedure for determining those questions shall be as set out in this ordinance, and the duties of the Board of Commissioners in connection with this ordinance shall be only the duty of considering and passing upon any proposed amendment or approving any special use permit as provided by this ordinance.

ARTICLE XI. CHANGES AND AMENDMENTS

SECTION 11.01. MOTION TO AMEND

The Board of Commissioners may, on its own motion or upon motion or upon petition by any person within the zoning jurisdiction of the Town, after public notice and hearing, amend, supplement, change, modify or repeal these regulations or the maps which are part of this ordinance, subject to the rules prescribed in this ordinance. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a legislative public hearing is held in relation to it, at which parties in interest and citizens shall have an opportunity to be heard. A notice of the hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the Town. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date affixed for the legislative public hearing.

Any amendment to the Official Zoning Map shall provide notice by first class mail to the owner listed on the county tax record of the parcel of land under consideration for change and to the owners listed on the county tax records of all parcels of land abutting that parcel of land by street, railroad, or other transportation corridor. A notice must be posted on site during the period running from twenty-five (25) days prior to the hearing until ten (10) days prior to the hearing.

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town of Chocowinity.

When adopting or rejecting any zoning text or map amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan or land use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Commissioners that at the time of action on the amendment the Board of Commissioners was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan or land use plan.

If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. If the future land use map is amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process.

A statement of reasonableness shall be provided by the Board of Commissioners for zoning map amendments. This statement may consider factors specified in N.C.G.S. 160D-605(b).

Amendments are to be adopted on first reading by simple majority.

SECTION 11.02. CITIZEN COMMENT

If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation (including a text or map amendment) ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the Town Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

SECTION 11.03. PLANNING BOARD ACTION

Every proposed amendment, supplement, change, modification or repeal shall be referred to the Planning Board for its recommendation and report. An application for an amendment shall contain a description/or statement of the present and proposed Zoning Regulation or District Boundary to be applied. Such application shall be filled with the Zoning Administrator or Town Clerk no later than ten (10) days prior to the Planning Board meeting at which time the application may be considered. The Planning Board has a maximum of forty-five (45) days to review each project.

When conducting a review of proposed zoning text or map amendments pursuant to this section, the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan or any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

SECTION 11.04. FEE

A fee according to a regularly adopted fee schedule of the Town shall be paid to the Town for each application for amendment to this ordinance or map to cover the costs of advertising and other administrative expenses involved.

ARTICLE XII. LEGAL STATUS PROVISIONS

SECTION 12.01. EFFECTS UPON OUTSTANDING BUILDING PERMITS

Nothing contained in this ordinance shall require any change in the plans, construction, size or designated use of any building, structure or part of one for which a building permit has been granted by the Zoning Administrator prior to the time of passage of this ordinance. However, where construction is not begun under any outstanding permit within a period of one hundred and eighty (180) days subsequent to passage of this ordinance, the permit shall expire and any further construction or use shall be in conformity with the provisions of this ordinance.

SECTION 12.02. INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of this ordinance, the provisions shall be held to be the minimum requirements for promotion of the public health, safety, and general welfare. Wherever the requirements of this ordinance are in conflict or at variance with other requirements of lawfully adopted rules, regulations, ordinances, dead restrictions, or covenants, the most restrictive or that imposing the highest standard shall govern.

SECTION 12.03. VALIDITY

Should any section or provision of this ordinance be declared invalid by the courts, such decision shall not affect the validity of the ordinance as whole or any part thereof, except the part so declared as invalid.

SECTION 12.04. EFFECTIVE DATE

This ordinance shall become effective from and after its passage by the Town Board of Commissioners of Chocowinity, North Carolina.

SECTION 12.05. PRIOR INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are to the extent of such inconsistency, hereby repealed.

ARTICLE XIII. CONFLICTS OF INTEREST

No member of the Board of Commissioners or any appointed board shall vote on any decision regarding a development regulation adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on that individual. A board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

No staff member shall make an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on that individual or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If the staff member has a conflict of interest under this section, the decision shall be assigned to their supervisor or such other staff member as may be designated.