

Town of Walnut Cove Zoning Ordinance

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CHAPTER 1. GENERAL PROVISIONS

- A. Authority: The provisions of this ordinance are adopted under the authority granted by Chapter 160D of the General Statutes of North Carolina.
- B. Purpose: The regulations and provisions set forth in this ordinance have been made in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks, and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the planning area. The regulations contained herein have been made with reasonable consideration, among other things, as to the character of the various districts and their suitability for particular uses, and with a view to conserving the value of structures and encouraging the most appropriate uses of the land within the Town of Walnut Cove.
- C. Jurisdiction: The regulations and provisions found in the Zoning Ordinance shall apply to all the properties within the corporate limits of the Town of Walnut Cove and within the territory beyond such corporate limits as now or hereafter fixed, for a distance of approximately one mile in all directions, as established by an ordinance and map adopted on July 15, 1986 by the Walnut Cove Board of Commissioners.
- D. Incorporation of the Zoning Map: The zoning map referred to in this ordinance is officially titled the "Zoning Map of the Town of Walnut Cove." It is GIS generated and may be referred to as the "official Zoning Map."

The Zoning map and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this Ordinance. A copy of the zoning map is to be posted in the Town Hall and shall be available for inspection by the public. Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the clerk in accordance with NCGS 160A-79, shall be admissible into evidence and shall have the same force and effect as would the original map pursuant to NCGS 160D-10.

- E. Conflict with Other Laws. Wherever the regulations made under authority of this ordinance require a greater width or size of yards or courts or require a greater percentage of lot to be left unoccupied or impose other higher standards than that required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yard or courts or require a lower height of building or fewer number of stories or require a greater percentage of lots to be left unoccupied or impose other standards than are required by the regulations made under authority of this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

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- F. Severability. If any section or specific provision or standard of these regulations or any zoning district boundary that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provisions in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

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SECTION 1. Interpretations of Commonly Used Terms and Words

1. Words used in the present tense include the future tense.
Words used in the singular include the plural, and words used in the plural include the singular.
2. The word "Town" shall mean the Town of Walnut Cove, North Carolina.
3. The words "Board of Commissioners" shall mean the Board of Commissioners of the Town of Walnut Cove, North Carolina.
4. The words "Planning Board" shall mean the Planning Board of the Town of Walnut Cove, North Carolina.
5. The words "Board of Adjustment" or "Board" shall mean the Zoning Board of Adjustment of the Town of Walnut Cove, North Carolina.
6. The word "may" is permissive.
7. The word "shall" is mandatory.
8. The word "lot" includes the words "plot" or "parcel."
9. The word "structure" includes the word "building."
10. The words "used" or "occupied" as applied to any land or building shall be construed to include the meaning "intended, arranged or designed to be used or occupied."
11. The words "person" or "applicant" include a firm, association, organization, partnership, corporation, company, trust, individual, or government unit.
12. The word "street" includes the words "road" or "highway."
13. The words "ordinance" or "Zoning Ordinance" shall mean the Zoning Ordinance of the Town of Walnut Cove, North Carolina.
14. The words "Zoning Map" shall mean "The Official Zoning Map of the Town of Walnut Cove, North Carolina."

SECTION 2. Definitions of Specific Terms and Words

Accessory Use or Structure: A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

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Alley: A public way which affords only a secondary means of access to abutting property, and which is not intended for general traffic circulation.

Alteration: The word “alteration” shall include the following:

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

Apartment: A part of a building consisting of a room or rooms intended, designed or used as a residence by an individual or single family.

Apartment, Garage: A part of a garage consisting of a room or rooms intended, designed or used as a residence by an individual or single family.

Appraised Value: The market value, which has been last determined by the county in which the property is for ad valorem tax purposes.

Assisted Living Home: a community-based long-term living arrangement designed for senior adults who need some help with the activities of daily living (ADLs). These facilities also provide supervision and/or assistance for people with disabilities.

Automobile Detailing: cleaning, restoration, and finishing of a motor vehicle. Detailing can be performed on a vehicle's exterior and/or interior by an attendant. Automatic and/or self-service facilities are not included.

Bed and Breakfast: A dwelling unit or part thereof where the owner or operator shares a common facility, for profit, with individuals, on a temporary basis. Unlike a boarding house, individuals stay for a night or two rather than for weeks or months. This is a dwelling unit, not a commercial establishment such as a motel or hotel.

Board of Adjustment: The Board of Adjustment of the Town of Walnut Cove authorized to exercise the quasi-judicial functions provided by G.S. 160D-406. In Walnut Cove the Planning Board serves as the Board of Adjustment as authorized by G.S. 160D-301.

Buffer Strip: A planting strip at least ten (10) feet in width, composed of evergreen trees or shrubs which at maturity shall be not less than twelve (12) feet in height. The buffer strip shall be planted and maintained in a healthy growing condition by the property owner who, under the terms of this ordinance, is required to provide the buffer strip. A fence with a minimum height of six (6) feet, designed to obstruct the view, may be required in some

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instances. No building or part of a building, no driveway or parking area, shall occupy any part of the buffer strip.

Buildable Area: The portion of a lot remaining after required yards have been provided.

Building: Any structure having a roof supported by columns or walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such structure, with or without a roof, shall not be deemed to make them one building.

Building Frontage: Building frontage shall be the total length in linear feet of an establishment's portion of a building that fronts directly on a street, regardless of whether such portion of the building is functionally the front, rear, end or side of the building. Buildings with no street frontage shall use the linear frontage of the building's principal entrance. It is possible that in certain situations a lot may have more than one side with road frontage.

Building, (Customary) Accessory: A building located on the same lot with a principal building, subordinate to the principal building on the lot, and used for purposes clearly incidental to those of the principal building on the lot.

Building Height: The distance from the highest ground level at the foundation of the building to the highest point of the roof.

Building Line: A line fixed parallel to a lot line beyond which a building cannot extend under the terms of this ordinance. Included are front, side and rear building lines.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures and the center line of any street when measured perpendicularly thereto.

Cabinetmaker: A maker of cabinets and other furniture or a skilled woodworker who makes fine furniture. (Added September 6, 2005)

Canopy: A structure either detached from or attached to and extending from the enclosed portion of a building and used principally to provide shelter in connection

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with activities conducted in the principal building. This definition includes but is not limited to fuel station, bank and pharmacy canopies.

Certificate of Zoning Compliance: A statement, signed by the Ordinance Administrator, stating that the plans for a building, structure or use of land complies with the Zoning Ordinance of Walnut Cove, the Stokes County Environmental Health Department, and the North Carolina Department of Human Resources, Division of Health Services.

Conditional Zoning: A legislative decision to rezone property based on a submitted site-specific development plan. The use(s) for which the property is conditionally rezoned and attached conditions run with the land and determine how it is developed.

Condominium: A dwelling unit owned as a single-family home within a multiple-unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units, and elevators.

Contractor Service Facility: General Service contractor facility has the capacity to fulfill one or more tasks associated with one or more of the following duties: architecture, engineering, inspection, management, procurement, waste disposal, etc... That are associated with a contract.

Day Nurseries and Kindergartens: A use of land and buildings to provide group care for children.

Development agreement: A development agreement is an agreement between the Town and a developer pursuant to Chapter X of G.S.160D to provide for a multi-phase development over a period of years, following the procedures established in this ordinance. Development agreements require approval of the governing board following a legislative hearing.

Development approval: – As provided in G.S. 160D-102, a development approval is an administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required before commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued. As provided in G.S. 160D-104, development approvals run with the land.

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

District: Any section of the Town of Walnut Cove and its zoning jurisdiction within which regulations are uniform.

Dwelling: Any building or portion thereof which is designed for living and/or sleeping purposes, excluding motels, hotels, rooming or boarding houses, tourist homes, or other structures designed for transient residence. The minimum square footage for a dwelling shall be eight hundred and forty (840) square feet of living space (heated space). (Amended July 5, 2005)

Dwelling, Multi-Family: A building arranged or designed to be occupied by three (3) or more families living independently of each other. The minimum square footage for each dwelling unit shall be eight hundred and forty (840) square feet of living space (heated space). (Amended July 5, 2005)

Dwelling, Single-Family: A building arranged or designed to be occupied by one (1) family. The minimum square footage for a dwelling shall be eight hundred and forty (840) square feet of living space (heated space). (Amended July 5, 2005)

Dwelling, Two-Family: A building arranged or designed to be occupied by two (2) families living independently of each other. The minimum square footage per dwelling unit shall be eight hundred and forty (840) square feet of living space (heated space). (Amended July 5, 2005)

Dwelling Unit: A building or portion thereof providing complete and permanent living facilities for one (1) family. The minimum square footage per dwelling unit shall be eight hundred and forty (840) square feet of living space (heated space). (Amended July 5, 2005)

Easement: A grant by a property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Family: An individual or two (2) or more persons related by blood, adoption, marriage, or common law living together as a single housekeeping unit in a single dwelling unit.

Flood: A temporary rise in water levels or an accumulation of water runoff resulting in inundation of areas not ordinarily covered by water.

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Floodplain: Any land susceptible to inundation by water from any source including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Floodway: The channel of the stream and those portions of the adjoining floodplain, which carry and discharge waters of a particular flood event.

Flood Fringe: The area of a floodplain, which is outside of the floodway.

Florist: A retail establishment selling prepackaged and custom flower and plant arrangements along with ancillary goods including vases, decorative pottery, and similar goods.

Frontage: The distance between the two (2) side lot lines as measured along the front setback line.

Gross Residential Density: The number of dwelling units to be built divided by the area of the tract being developed.

Group Care Facility: An establishment qualified for a license by the State of North Carolina to provide resident services to individuals of whom one or more are unrelated. Such individuals are handicapped, aged, and/or disabled; are undergoing rehabilitation or extended care; and are provided services to meet their needs by the group care facility. Group care facilities include group homes for all ages, halfway houses, and foster and boarding homes.

Group Development: A group of two (2) or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses or other enterprises. Examples would be: cluster-type subdivisions, row houses, apartment courts, housing projects, school and hospital campuses, shopping centers and industrial parks.

Home Occupation, Customary Incidental: An occupation conducted entirely within a dwelling and carried on by the occupants thereof provided that:

- (a) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes, and such occupation shall be carried on solely within the main dwelling and shall not occupy more than twenty-five percent (25%) of the total floor space of the dwelling;
- (b) There shall be no display, no outside storage, no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than the signs permitted in each district;

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- (c) No more than two (2) persons not in residence on the premises shall be employed in connection with the home occupation;
- (d) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- (e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
- (f) In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

Inert Debris: Solid Waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

Junkyard: The use of six hundred (600) or more square feet of any lot or tract for the outdoor storage and/or sale of wastepaper, rags, scrap, metal or other such materials, including storage or dismantling of motor vehicles or machinery.
major

Land Clearing Debris: Solid waste that is generated solely from land-clearing activities

Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot, Corner: A lot, which occupies the interior angle at the intersection of two (2) street lines. The street line forming the east frontage shall be deemed the front of the lot except where the two (2) street lines front equally, in which case the owner shall be required to specify the front of the lot when requesting a zoning compliance permit.

Lot, Depth Of: The average distance between front and rear lot lines.

Lot Line: A line dividing one parcel of property from another parcel of property or from a street right-of-way.

Lot Line, Front: The street right-of-way boundary at the front of the lot, that is, the line, which separates the lot from the street at the front of the lot.

Lot Line, Rear: That line of a lot, which is opposite and farthest from the front lot line.

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Where a lot abuts a street along the rear of the lot, the rear lot line shall be deemed to coincide with the street right-of-way boundary.

Lot Line, Side: Any lot line, which meets an end of a front lot line. Where a lot abuts a street along the side of the lot, the side lot line shall be deemed to coincide with the street right-of-way boundary.

Lot of Record: Any lot for which a plat has been recorded in the Register of Deeds of Stokes County, or a lot described by metes and bounds, the description of which has been so recorded.

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

Lot, Width Of: The distance between side lot lines measured at the front building line.

Manufactured Building: A building mass-produced in a factory either independently or as a module for combination with other elements to form a building on site, and designed and constructed for transportation to a site for installation and use when connected to required facilities.

Manufactured Home (mobile home) - A dwelling that 1) is composed of one (1) 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; 2) exceeds forty (40) feet in length and eight (8) feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings.

Manufactured Home Class AA: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies the following additional criteria:

1. Is occupied only as a single-family dwelling.
2. Has a minimum width of sixteen (16) feet.
3. Has a length not exceeding four (4) times its width, with length measured along the longest axis, and width measured perpendicular to the longest axis at the narrowest part;
4. Has a minimum of seven hundred (700) square feet of enclosed and heated living area;
5. Has the towing apparatus, wheels, axles, and transporting lights removed, and not included in length and width measurements.

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6. Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a quasi-judicial hearing.
7. Is set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter.
8. Has exterior siding, comparable in composition, appearance durability to the exterior siding commonly used in standard residential construction, consisting of one (1) or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint) 2) cedar or other wood siding 3) wood grain, weather resistant press board siding 4) stucco siding or 5) brick or stone siding.
9. Has a roof pitch minimum vertical rise of three and one-half (3 1/2) feet for each twelve (12) feet of horizontal run.
10. Has a roof finished with a Class C or better roofing material that is commonly used in standard residential construction.
11. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
12. Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet. The use of wood stairs only is prohibited at any entrance.

Manufactured Home Class A: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that meet or exceed criteria (1), (3), (4), (5), (7), (8), (9), (11), and (12) for Class AA manufactured dwellings above.

Manufactured Home Class B: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (5), (7) and (8) for Class AA manufactured dwellings above.

Manufactured Home Class C: Any mobile home that does not meet the above definition and criteria of a Class AA, Class A or Class B manufactured dwelling. Class C Manufactured Dwellings, except those used as housing for migrant labor as part of a bona fide farm operation and are certified for migrant labor in accordance with Department of Labor regulations, are not allowed to be located or placed in any zoning district as it does not meet

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the construction standards of the N.C. Building Code nor those promulgated by the U.S. Department of Housing and Urban Development.

Manufactured Home Park (Mobile Home Park): A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.

Metal Fabrication Plant: A large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of metal and similar materials. (Added September 6, 2005)

Metal Fabrication Shop: A small-scale (1,000 to 3,000 square feet) facility, which is engaged in the shaping of metal and similar materials. (Added September 6, 2005)

Mobile Building: A manufactured building constructed on a chassis and used for non-residential purposes. A mobile building shall be construed to remain a mobile building subject to all regulations applying thereto, whether or not wheels, axles, hitches or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided.

Mobile Home Site: A plot of ground within a mobile home park designated for the accommodation and use of one (1) trailer or manufactured home and containing all improvements and utility connections required under this ordinance as well as all other applicable regulations.

Modification, Major: A modification to a development plan that would change the use, intensity, or design of any land development activity, and where the modification would not necessarily be consistent with the purpose of a land development activity. Major modifications cannot adversely affect the public health, safety, or general welfare. Major modifications involve the mutual consent of all parties involved.

Modification, Minor: A modification to a development plan that would not change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare. Minor modifications involve mutual consent of all parties involved.

Modular Home: A dwelling unit constructed in accordance with the standards of North Carolina Uniform Residential Building Code for One- and Two- Family Dwellings and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly and placement on a permanent foundation. Without limiting the generality of the foregoing, a modular home may consist of two or more sections transported to the site on its own chassis or steel frame, or a series of panels or room sections transported to the site on a truck and erected, assembled, or joined there. The

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dimensions of the modular home when assembled for use shall be not less than eight hundred forty (840) square feet of living (heated) space. (Amended July 5, 2005)

Nonconformity or Nonconforming Use: Any parcel of land, use of land, building or structure, existing at the time of adoption or amendment of this ordinance, that does not conform to the requirements use or dimensional of the district in which it is located.

Obstruction: Any structure, fence, shrub, bush, tree, flower, plant, motor vehicle or any other object that obscures, impairs, or prevents view or sight through, over or across the horizontal or vertical distance area as herein defined.

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

Open Storage: An unroofed area for the storage of non-bulk materials with approved fencing or other requirements as deemed appropriate by the Board but not including seasonal items or materials openly displayed for the purpose of retail sale and/or rental. (Added September 6, 2005)

Operating Permit: A permit issued by the Zoning Administrator of mobile home park owner or operator upon the completion of a mobile home park which conforms to the requirements of this ordinance.

Outdoor Storage Area: Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations but excluding temporary construction and related activities and closed bay docks with approved fencing or other requirements as deemed appropriate by the Board. (Added September 6, 2005)

Parking Space: An area of not less than two hundred (200) square feet exclusive of necessary access and maneuvering space. Parking space(s) shall be provided with vehicular access to a street or alley, shall not be provided in a required front yard area, and shall always be located outside the dedicated street right-of-way.

Parks: The term “park” shall include those areas developed for both passive and active recreational activities. The development shall include, but shall not be limited to, walkways, benches, open fields, multi-use courts, swimming and wading pools, amphitheaters, etc. The term “park” shall also include those areas associated with history, tradition, or cultural heritage of national, state, or local interest. The term “park” shall not include zoos, travel-trailer parks, amusement parks, and so on.

Planning Board: The board appointed by the Town Board of Commissioners to exercise the duties of G.S.160D-301 relative to preparation, review, and updating a zoning ordinance and

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map, a comprehensive plan, and such other plans as deemed appropriate for the future of the Town.

Physical Fitness Center - A health, recreational, and social facility geared towards exercise, sports, and other physical activities. May also accommodate outdoor activities with features such as a running track, swimming pool and sport playing fields.

Public Water Supply: Any water supply furnishing potable water to ten (10) or more residences or businesses or combination of businesses or residences. Approved by the Division of Health Services, Department of Human Resources is required.

Public Sewage Disposal System: A system serving two (2) or more dwelling units and approved by the Stokes County Division of the District Health Department of the North Carolina Department of Water and Air Resources.

Raceway: A raceway (sometimes referred to as a raceway system) is an enclosed conduit that forms a physical pathway for electrical wiring. Raceways protect wires and cables from heat, humidity, corrosion, water intrusion and general physical threats.

Retail Business: An establishment selling commodities and/or providing services directly to the consumer.

Roofline: The highest point of the main roof structure, which shall not include cupolas, pylons, projections or minor raised portions of the roof.

Service Station: Any building or land used for the dispensing, sale, or offering for sale for any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and tire repair may be performed only incidentally to the conduct of the facility.

Setback: The required distance between any structure and the applicable lot line(s) (front, side or rear) of the lot on which the structure is located.

Shopping Center: Two (2) or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size and type of shops to the trade area with the unit serves.

Sight Easement Triangles: Also, sight easement triangles. An area of private property abutting or adjacent to the intersection of two or more streets/roads/driveways (whether such street/road/driveway is public or private) and consist of an area ten feet. Said area is ten (10) feet perpendicular to the accessing street right-of-way and tapers to seventy (70) feet along the street right- of-way. The intent of this easement area is to not allow any structures or signs in these areas to block the view of any motorists entering or exiting the property.

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Sign: Any form of publicity which is visible from a public way, directing attention to an individual, business, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, objects, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. Notwithstanding the above, the following are considered signs: Beacons, spotlights, searchlights, and reflectors.

Sign Area: The area of a sign face. (Amended August 7, 2007)

Sign, Advertising: Any sign, including a standard poster panel, either freestanding or attached to a structure which directs attention to a business commodity, service, entertainment or other activity conducted, sold, or offered at another place other than on the property on which the sign is located.

Sign, Animated: Any sign which flashes, revolves, rotates, or swings by mechanical means or which uses a change of lighting to depict action or to create a special effect or scene.

Sign, Awning (On Premises): On-premises attached sign displayed, attached to or incorporated into the surface of an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of non-rigid materials, and/or fabric on a supporting framework that may be either permanent or retractable

Sign, Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations. (Added August 7, 2007)

Sign, Beacon: Any sign with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source; also, any light with one or more beams that rotate or move. (Added August 7, 2007)

Sign, Billboard: A type of off-premises sign, generally, but not always, consisting of a rigidly assembled sign, display, or device, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. (Added August 7, 2007)

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Sign, Business Identification: A sign, which directs attention to a business commodity, service, entertainment, or other activity conducted, sold or offered on the premises upon which the sign is located.

Sign, Campaign or Election: A sign that advertises a candidate or issue to be voted upon on a definite election day. (Added August 7, 2007)

Sign, Canopy (Awning): Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding a marquee (see Sign, Marquee). (Added August 7, 2007)

Sign, Changeable Copy: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the remaining face or the surface of the sign. (Added August 7, 2007)

Sign, Construction & Development: A temporary sign allowed for a limited period of time that identifies a development under construction as well as design, construction and marketing information for a development.

Sign, Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face. (Added August 7, 2007)

Sign, Directional or Instructional: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One- Way”, “Warning”, “No Trespassing”, or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is direction may also be included on the sign. (Added August 7, 2007)

Sign, Directory: A sign other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings that is centrally located and intended to provide direction. (Added August 7, 2007)

Sign, Election: Any sign that advertises a candidate or an issue to be voted on in a local, state, or federal election process. (Added August 7, 2007)

Sign, Emergency, Safety, Warning, or Traffic:

Any emergency, safety, warning, or traffic sign installed by or at the direction of a governmental authority or with its approval.

Sign, Externally Luminated:

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A sign that features artificial illumination from a light source which provides light directly onto the sign face, or portions of the sign face, or its background, which light is then reflected back to the viewer.

Sign, Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity. (Added August 7, 2007)

Sign, Flashing: A sign that uses an intermittent or flashing light source to attract attention. (Added August 7, 2007)

Sign, Freestanding: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. (Amended August 7, 2007)

Sign, Government: Any temporary or permanent sign erected and maintained for any governmental purposes. (Added August 7, 2007)

Sign, Ground Mounted: A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground. (Added August 7, 2007)

Sign, Height: The distance from the base of the sign at normal grade to the top of the highest attached component of the sign, as detailed in section (D)(7). (Added August 7, 2007)

Sign, Incidental: A temporary or permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public and whose purpose is secondary to the use of the lot on which it is located. Such signs include but are not limited to entrance and exit signs, building numbers, addresses, private parking signs, telephone, no trespassing signs or dangerous animal signs. Incidental signs are not intended to provide identification or advertising from any public way.

Sign, Information, Direction & Identification: A sign containing information relating to direction and/or identification of a use that is installed by or at the direction of a governmental authority or with its approval. An Information, Direction, and Identification sign shall not contain any commercial content other than a symbol, name or logo of the establishment it serves.

Sign, Internally Luminated: A sign that features artificial illumination from a light source located behind the sign face and which transmits light through the sign face or portions of the sign face to the viewer. Also known as backlit illumination.

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Exposed neon tubing and similar lighting shall not be considered an internally illuminated sign.

Sign, Historic: A sign or reproduction of a sign, which was originally installed at least twenty five (25) years ago.

Sign, Identification: A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises. (Added August 7, 2007)

Sign, Incidental: A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is to be located, such as “no parking”, “entrance”, “loading only”, “telephone” and other similar directives which are free of any commercial, advertising, or similarly related message. (Added August 7, 2007)

Sign, Lead-in (Directional): An off-premises sign that solely provides directional information regarding the sale or lease of residential property.

Sign, Marquee: Any sign attached to, in any manner, a marquee. For the purposes of this definition, a marquee is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. (Added August 7, 2007)

Sign, Memorial or Plaque: A sign designating the name of a building and/or date or erection and other items such as architect, contractor, or others involved in the building’s creation, cut into or attached to a building’s surface. (Added August 7, 2007)

Sign, Menu Board: A sign displaying the bill of fare of a drive-in or drive-through restaurant

Sign, Monument: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than twelve inches above the adjacent grade. (Added August 7, 2007)

Sign, Neon: An illuminated sign containing a glass tube filled with neon or phosphors which is bent to form letters, symbols or other shapes.

Sign, Off-Premises: A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than on the premises on which the sign is erected. (Added August 7, 2007)

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Sign, On-Premises: A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected. (Added August 7, 2007)

Sign, Off-Site: One advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located; sometimes called a billboard.

Sign, On-Site: Signs relating in subject matter to the premises on which they are located, or to products, accommodations, services, or activities on the premises.

Sign, Panel Change Out: Removing and/or replacing the advertising or copy area panel(s) of a sign without replacing or modifying the sign structure.

Sign, Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. (Added August 7, 2007)

Sign, Permanent: Signs erected, located, or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.

Sign, Permanent Banner: Any banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame, excluding flags. (Added August 7, 2007)

Sign, Planned Development: A sign that directs attention to businesses, commodities, or services on a tract of land developed under single ownership or unified control, which includes one or more principal buildings or uses. (Added August 7, 2007)

Sign, Political: A temporary sign used in connection with a local, state, or national election or referendum.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. (Added August 7, 2007)

Sign, Projecting: Any wall sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall. (Amended August 7, 2007)

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Sign, Real Estate: A sign that is affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall. (Added August 7, 2007)

Sign, Residential: Any sign located in a district zoned for residential uses. (Added August 7, 2007)

Sign, Roof: Any sign erected and constructed wholly or partially on or over the roof or parapet of a building. (Added August 7, 2007)

Sign, Sandwich Board: A single or double-faced moveable sign that is intended to be used on a sidewalk or pedestrian way in front of the business for which the commercial message is intended.

Sign, Structure: The frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign, and poles or supports used to elevate or support the frame. (Added August 7, 2007)

Sign, Suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. (Added August 7, 2007)

Sign, Temporary: A sign not permanently installed in the ground, nor permanently affixed to any structure or building. (Added August 7, 2007)

Sign, Wall: Any sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, and which is supported by such wall. (Amended August 7, 2007)

Sign, Window: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window. (Added August 7, 2007)

Solar Farm: a series of three or more solar collectors (panels) placed on a parcel of land for the purpose of generating photovoltaic power with a generation capacity of at least 15 kilowatts (kW) direct current (DC) or more when operating at maximum efficiency.

Stable, Private: A stable with a capacity of not more than one (1) horse for each three thousand five hundred (3,500) square feet of lot area whereon such stable is located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire or sale.

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Special Use Permit: A permit issued to authorize a land use in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. Land uses requiring a special use permit shall be identified with applicable standards in the “Special Uses” section of this ordinance and shown as such on the Table of Permitted Uses. The term includes permits previously referred to as conditional use permits or special exceptions.

Storage and Salvage Yard: The use of land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, and similar items, motor vehicle dismantling operations or junkyards with approved fencing or other requirements as deemed appropriate by the board. This definition does not include automobile dealerships, used car lots and motor vehicle storage yards. (Added September 6, 2005)

Storage Container: Any standardized, reusable vessel, fully assembled, designed without an axle or wheel, which is:

- a. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or,
- b. Designed for or capable of being mounted or moved on a rail car, and/or, (c) Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship,
- c. With dimensions not to exceed a height of 8’-6”, a width of 8’, and a length of 40’. (Amended September 4, 2007)

Street: A public thoroughfare or right-of-way for vehicular traffic, which affords a principal means of access to abutting properties.

Street Line: The street right-of-way boundary, that is, the line, which separates the street from the lot.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. The term “structure” includes, but is not limited to, buildings, fences, signs, sheds and towers.

Temporary Use Structure: A non-residential structure with development standards intended for temporary offices, (developed for a directly related permanent use. A temporary use structure shall require a temporary certificate of zoning compliance from the Zoning Administrator, which shall extend for a maximum period of one year, with renewal extensions of six (6) months.

Temporary Storage Trailer: A use with Development Standards involving a storage trailer for storage of merchandise for retail resale. It would be allowed only in the Downtown

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Business District (B-1), Neighborhood Business District (NB-2) and Light Industrial District (I-1). No more than four (4) units would be permitted per parcel. The units shall be allowed for a twelve (12) month timeframe. Refrigerated units are specifically not allowed for storage in any district. This use is specifically prohibited for wholesale storage. (Added January 3, 2006)

Townhouse. A single-family attached unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more fire resistant walls. The owner of a townhouse owns the property under the structure.

Trailer. As defined in G.S. 20-4.01:

House Trailer - Any trailer or semitrailer designed and equipped to provide living or sleeping facilities and drawn by a motor vehicle. This term shall not include a manufactured home as defined herein.

Recreational Vehicle/RV/Travel Trailer – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

Travel Trailer Park: A parcel of land designed and equipped to accommodate travel trailers and to serve as a campground.

Upholstery Shop: To upholster or to stuff and cover furniture, crafts, etc. (Added September 6, 2005)

Use: The purpose or activity for which a piece of land or its structures is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Principal: The main use of land or structures on a lot, as distinguished from an accessory use.

Variance: A relaxation of the terms of the Zoning Ordinance which 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 an unnecessary and undue hardship. A variance may be granted only by the Board of Adjustment.

Woodworking: The act, process, or occupation of working wood into a useful or desired form. (Added September 6, 2005)

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Workshop, Backyard: A business maintained in a separate building in the rear yard, provided that:

- a. the work shall be done entirely within the structured building;
- b. the square footage of the structure shall not exceed one thousand (1000) square feet;
- c. nighttime operations that would normally fall under the auspices of the Town's noise control ordinance shall cease operations at 10:00 p.m. and not resume until 8:00 a.m. the next morning (except on Sundays when they may resume at 1:00 p.m.); quieter operations are not bound by these time constraints; and;
- d. there shall be no display, no outside storage, no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such backyard workshop other than the signs permitted in each district.

Yard: A space on the same lot with a principal building which is open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, Front: A yard extending the full width of the lot on which a principal building is located and situated between the front lot line and a line parallel thereto passing through the nearest point of the building.

Yard, Rear: A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line and a line parallel thereto passing through the nearest point of the building.

Yard, Side: A yard on the same lot as a principal building situated between the side lot line and a line parallel thereto passing through the nearest point of the building and extending from the front yard to the rear yard.

Zoning Administrator: An official or person designated by the Town Board of Commissioners of the Town of Walnut Cove who is charged with enforcing and administering the Zoning Ordinance.

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Section 1. Zoning Districts Boundaries and Map

A. Use Districts

In order to regulate and limit the height and size of building; to regulate and limit the intensity of the use of lot areas; to regulate and determine the areas of open spaces surrounding buildings; and to control the location of buildings designed for specified industrial, business, residential, and other uses, the Town of Walnut Cove and its extraterritorial area are hereby divided into the following use zones:

RA	Residential Agricultural District
R-20	Residential District (Low Density)
R-8	Residential District (Medium Density)
R-7 MHE	Residential District (Mobile Home Residential District-Extraterritorial)
R-6	Residential District (High Density)
R-6 MH	Mobile Home Residential District (High Density)
NB – 1	Neighborhood Business District, Mixed Use
NB – 2	Neighborhood Business District
B – 1	Downtown Business District
I- 1	Light Industrial District
R-8(O)	Residential District (Medium Density Overlay)

B. Interpretation of Boundaries

Where uncertainty exists with respect to the boundaries or districts as shown on the official Zoning Map, district boundary lines shall be interpreted as intended to be along or parallel to property lines, lot lines, the centerline of streets, alleys, railroad, easements, other rights-of-way, and creeks, streams, or other water channels.

C. Rules of Construction

1. Intent of Zoning Districts. Each district is hereby established as an exclusive zoning district and only those uses listed as permitted or special uses are allowed. [G.S. 160D – 703]. If a particular use of the land is not listed in a certain district, that use shall be prohibited for that district, unless added by amendment.
2. Open Space Requirements. No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building or structure.

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3. Reduction of Lot and Yard Areas Prohibited. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
4. Only One Principal Building Permitted on One Lot. No lot shall be occupied by more than one principal building or use and its customary accessory buildings or uses, except in the case of group developments, centers or planned developments.
5. Future Construction. Except as herein provided, no building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all the zone regulations established by this ordinance for the zone in which the building or land is located.
6. Street Access. Every lot to be built upon shall abut a public street or other public way. Every lot, upon which a mobile home is located, except when within a mobile home park, shall abut a public street or other public way.
7. Obstruction. It shall be unlawful for any person, firm, or corporation to allow an obstruction in the horizontal or vertical sight distance area. The owner or tenant of any land on which an obstruction exists in violation of this ordinance shall remove it within thirty (30) days after notification by the Zoning Administrator. This provision shall apply in all residential corner lots located in any zone at which the traffic is not controlled by a traffic control light.

SECTION 2. Description and Purpose of Districts

A. Residential-Agricultural District (R-A)

The Residential-Agricultural District is established as a district in which the principal use of the land is for low-density residential and agricultural purposes. These districts are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment.

B. Low Density Residential District (R-20)

The Low Density Residential District is established as a district in which the principal use of land is for low density residential development. The regulations of this district are

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intended to discourage any use, which because of its character, would be a nuisance to the neighboring residences and to ensure that residential developments will occur at sufficiently low densities to assure a healthful environment. The regulations are further intended to discourage any use, which because of its character would substantially interfere with the development of residences in the district, which would be detrimental to the quiet residential nature of the areas included within this district.

C. Medium Density Residential District (R-8)

The Medium Density Residential District is created to provide for a variety of residential living styles including single-family, two family, and multi-family dwellings.

D. Mobile Home Residential District – Extraterritorial (R-7 MHE)

The Mobile Home Residential District – Extraterritorial is created to offer mobile home dwellers the opportunity to live in harmony with the surrounding land uses.

E. High Density Residential District (R-6)

The High Density Residential District is created to provide for a variety in residential living styles including single family, two family, and multi- family dwellings.

F. Mobile Home Residential District (R-6MH)

The Mobile Home Residential District is created to offer mobile home dwellers the opportunity to live in harmony with the surrounding land uses.

G. Neighborhood Business District (NB-1)

The Neighborhood Business District is established as a mixed-use district in which the principal use of land is a combination of commercial, office, and residential uses which are properly located in vicinity of a primary thoroughfare which cater to the everyday needs of the immediate surrounding residential neighborhood(s) (Amended August 7, 2007).

H. Neighborhood Business District (NB-2)

The Neighborhood Business District is generally located on the major thoroughfare in town and provides space for offices, services and retail goods.

I. Downtown Business District (B-1)

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The regulations for this district are designed to permit a concentrated development of permitted facilities within the central portion of Walnut Cove.

J. Light Industrial District (I-1)

The Light Industrial District is created to accommodate industrial activity that is operated in a relatively clean, quiet, and unobnoxious manner.

K. Medium Density Residential District (Overlay) R-8 (O)

The Medium Density Residential District (Overlay) is an overlay district created to provide for a variety of residential living styles including single family, two family, and multi-family dwellings.

Section 3 Conditional Districts

A. Purpose and Establishment

1. *Promotes compatibility* - A Conditional District is established by rezoning a parcel to a conditional district in which only the approved use with site-specific conditions is permitted. When rezoned, the use of the property is subject to the standards and conditions imposed as part of a legislative decision that creates the Conditional Zoning District and applies it to a particular property. Only a use already permitted in a given district can be the subject of conditional zoning. A property cannot be conditionally rezoned to permit a use that is not allowed in the underlying district.
2. *Parallel Conditional Districts Established for Each Zoning District* - A Conditional District, bearing the designation CD (e.g. NB-1CD), is hereby established as a parallel district for every district established in the list of districts, Section 2 "Description and Purpose," above.
3. *Owner must request rezoning* – In all cases, the property owner must request rezoning to a Conditional District. This may be done under any circumstances when the owner believes a site specific development plan will increase the potential compatibility of the proposed use. I
4. *Designated on Table of Permitted Uses or Requested by Owner* – Certain uses are designated in the Table of Permitted Uses with a "CD" in some zones. This means the Town requires conditional district zoning for that use in that district. However, an owner may submit a site specific development plan and request conditional zoning for any use that is permitted in a given district in order to provide detailed information in the interest of making the use more compatible with the surrounding area.

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B. Submissions

1. *Submissions:* The property owner(s) must request the conditional zoning and shall submit a master site plan that includes:
 - (a) A boundary survey, with metes and distances showing the property's gross acreage, current zoning classification(s), the location of adjacent public streets, railroad right-of-way, bodies of water (ponds, lakes, streams, rivers, creeks), date of submittal, north arrow, and vicinity map;
 - (b) All existing and proposed easements, reservations and rights-of-way with street section and widths;
 - (c) Footprint of existing and proposed structures;
 - (d) Proposed use of all land and structures, including the number and type (single-family detached, multifamily, town homes, apartments) of residential units and/or the total square footage of any nonresidential development;
 - (e) All setbacks, buffers, screening, and landscaping required by town regulations and/or conditions proposed by the petitioner;
 - (f) Building materials, façade, signage, design features that evidence compatibility with the surrounding area.
 - (g) All existing and proposed access points to public streets and traffic control devices;
 - (h) Generalized drainage plan of existing and proposed drainage patterns, buffers, delineation of regulatory floodplains, delineated wetlands, riparian buffers and open space;
 - (i) Proposed phasing, if any;
 - (j) General location and number of parking spaces and circulation plan;
 - (k) A statement in each petition analyzing the reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to, the following: (a) the conditional zoning's compatibility with the adopted Plan of the Town; (b) the benefits and detriments of the conditional zoning for the subject property, neighboring properties and the surrounding community; and (c) the conditional zoning's compatibility with the existing land uses on adjacent and neighboring tracts.
 - (l) Reference to provisions, in any Town or County comprehensive plan or other applicable plans that refer to or anticipate impacts reasonably expected to be generated by the development or use of the site.
2. The Zoning Administrator or other designated staff member may waive an application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.
3. In the course of evaluating a petition for conditional zoning for a proposed use or development, the Town may request additional information from the petitioner related to:

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number and location of all structures, exterior features, building materials, architectural style, signage and any additional information needed to demonstrate that conditional zoning will minimize particular impacts and protect both the immediate area and the community as a whole.

C. Community Meeting

The Town shall sponsor an information meeting involving the developer, Planning Board, and adjacent property owners. The purpose of the informal meeting is to provide a time for adjoining property owners to meet with the developer and the Town staff to review preliminary proposals before they are presented at the legislative public hearing conducted by the Board of Commissioners. Notices of this Information Meeting shall be sent by First Class mail at a minimum to all adjoining property owners.

D. Review and Approval

1. *Follow zoning map amendment process, Chapter 15* - Notice, review and approval of a petition for a conditional zoning district shall follow the same process as for general use rezoning: (a) notice as provided in Chapter 16 Section E, (b) recommendation with consistency statement by the Planning Board and (c) legislative hearing, and (d) decision including consistency and reasonableness statement by the Board of Commissioners, with the following additions:
 - a. Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, small area plans, corridor plans, and other land development policy documents.
2. *Conditions to Approval* - Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually approved by the Town and by the petitioner may be incorporated into the zoning regulations or permit requirements.
 - a. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to town ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.
 - b. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Town Council may find appropriate, or the

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petitioner may propose. Such conditions to approval of the petition may include dedication to the town or state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

- c. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions before final action by the Town Commission. Evidence of the petitioner's approval shall be documented by the petitioner's signature on the conditions or in the minutes of the meeting in which the conditional zoning is acted upon.
 - d. If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the Town to rezone the property to its previous zoning classification or to another zoning district.
3. *Effect of Approval:* If the conditional rezoning is approved, the use of the property shall be governed by zoning requirements for the underlying district, the approved site plan for the Conditional Zoning District and any other approved conditions. These conditions shall be binding on the property as an amendment to the zoning map. The subject property shall be identified on the official Zoning map with the underlying general district followed by the letters "CD" (example "NB-1 CD").
4. *Alterations to Approval:* Except as provided in subsection 1(b), below, substantial changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures in this Ordinance.
1. The Town Manager shall have the delegated authority to administratively approve an amendment to an approved site plan that is not substantial.
 - a. A substantial change that may not be approved administratively is one that:
 - decreases use of compatible design features, including building styles and materials, signage and lighting, and site layout, both internal to the development and as it impacts external development;
 - decreases pedestrian features such as sidewalks, crosswalks, and external pedestrian connections; or
 - changes the use(s) approved for the property.
 - b. A change may be approved administratively and is not substantial if it reduces impacts on surrounding properties in one or more of the following ways:
 - it decreases intensity of land uses proposed on the site (.e. number of housing units or gross floor area) by more than 10%;

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- it increases proposed setbacks by more than 10% by locating buildings closer to internal property lines without increasing the setbacks of proposed buildings from public streets;
- a significant increase in the visually obscuring buffers along the perimeter of the site that includes preserved vegetation, added landscaping, walls and fences, or the use of topography;
- a decrease in the traffic impact due to a significant decrease or shift in the number, location or configuration of access points to or additional road improvements for the development; or
- a greater than 10% increase in the amount of usable or passive open space, tree preservation, greenways, or trails provided on the site.

Any decision by the Manager must be in writing stating why the requested change is not substantial and why it is approved. The Manager shall also advise the Board in writing of approval of the minor modification.

2. Any request for an administrative amendment shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Administrator or the Administrator's designee working directly with the developer. Upon an approval of an administrative amendment, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Manager or Manager's designee.
3. If the Manager finds that the requested changes are substantial, as described above, the applicant may file a rezoning petition for a public hearing and Town Commission decision.

E. Progress Following Approval of a Conditional Zoning District

A conditional rezoning decision is based on firm plans to develop the property. Therefore, no sooner than two (2) years after the approved rezoning, the Planning Board may examine the progress made toward developing the property in accordance with the approved rezoning and associated conditions. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Board of Commissioners a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

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Section 4. Special Uses

A. Objectives and Purposes.

1. Permitting special uses adds flexibility to this ordinance . Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize negative effects they might have on surrounding properties.
2. The uses for which special use permits are required are listed in Subsection D Standards for Specific Special Uses and shown on the Permitted Uses Table. These uses shall be permitted only upon the issuance of a special use permit.

B. Special Use Permits Granted by Board of Adjustment.

1. Special use permits may be granted by the Board of Adjustment for the uses enumerated in Subsection D.
2. As required by G.S. 160D – 406, the Board of Adjustment shall conduct a quasi-judicial hearing to grant or deny the special use permit. The Board of Adjustment shall determine the facts based on competent, material and substantial evidence in the record (NCGS 160D-406(j)). A concurring vote by a majority of the members shall be required to grant a special use permit (GS 160D-406(i)).

C. Findings

If the Board of Adjustment grants a special use permit, such action shall include approval of required plans and the following findings:

- (a) The use complies with the permitted uses and standards of the district where located.
 - (b) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - (c) The use meets all required conditions and specifications of the permit;
 - (d) The use will not substantially injure the value of adjoining or abutting property; or the use is a public necessity; and
 - (e) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the town and its environs.
- D.** The Board of Adjustment may make additional conditions, in addition to the findings as will, in its opinion, ensure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the special use

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permit is granted, on the special use permit certificate itself, on the approved plans submitted therewith, and shall have the applicant's written consent. All specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors and assigns.

- E. In addition to the conditions specifically imposed in this chapter and such further conditions as the Board of Adjustment may deem reasonable and appropriate, special uses shall comply with the height, area and parking regulations for the zoning district in which they are located.
- F. The decision shall be in writing, signed by the chair or other duly authorized member of the Board and shall be filed with the town clerk and agreed to in writing by the applicant.
- G. Appeal. The decision of the Board of Adjustment, as with any quasi-judicial decision, shall be subject to review by the superior court of Stokes County by proceedings in the nature of certiorari pursuant to NCGS 160D-406(h). A petition for review shall be filed with the clerk of superior court within 30 days after the applicant has received written notice of the decision.
- H. For failure to comply with the plans approved by the Board of Adjustment or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect.
- C. **Submission requirements for special uses shown in the Table of Permitted Uses, unless such use is listed separately herein:**

A development plan shall be prepared. Plans shall be sealed by an Architect, Engineer, or Surveyor licensed in the State of North Carolina containing the following information

1. The location, floor plans and general exterior dimensions of main and accessory buildings.
2. Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
3. Architectural plans for all proposed buildings
4. Location, design and dimensions of vehicular entrances, exits, and drives.
5. Ground cover, streams topography, slopes, banks, and ditches.
6. The location, dimensions, and arrangements of areas to be devoted to plantings, lawns, trees, and other plants.
7. Location and materials of walls and fences.
8. Specific drainage systems, as it relates to the site and adjoining properties.
9. Location, arrangements and dimensions of automobile parking spaces, width of aisles, width of bays, angled parking and sidewalk layouts.
10. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines and electrical service.
11. Plans for refuse disposal equipment and method of refuse disposal such as

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compactors or dumpsters. An opaque or decorative fence of a least six (6) feet in height shall enclose all dumpsters.

12. Preliminary sediment control plan. Developer must submit a copy of the approved sediment control plan prior to development or construction.
13. Delineation of areas to be constructed in phases and sequential order.
14. An analysis of anticipated traffic volume.
15. The plans for proposed utility layouts, including sanitary sewer, storm sewers, water distribution lines, natural or propane gas lines, telephone and electrical service (all utilities shall be constructed to local government body standards, if applicable).
16. Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer will coordinate for the development with this agency.
17. Or any other information that the Board deems necessary.

D. Submission requirements for individually listed Special Uses

1. Public works and public utility facilities such as transformer stations (utility towers), pumping stations, water towers (storage tanks), and telephone exchanges –

Special use in RA provided:

- i. such facilities are essential to the service of the community and no vehicles or materials shall be stored on the premises;
- ii. all buildings and apparatus shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way to blend in with the surrounding area

Special use in R-20 and R-8 provided:

That the use is set back a minimum of twenty-five (25) feet from any exterior property line and provided that natural evergreen screening is used.

2. Pumping stations, public utility substation, utility towers, storage tanks

Special Use in RA provided:

- i. such facilities are essential to the service of the community and no vehicles or materials shall be stored on the premises.
- ii. all buildings and apparatus shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way to blend in with the surrounding area).

Special use in R-20, R-8, R-6, R-6MH, NB-2, B-1, I-1, R-8(O) provided that the use is set back a minimum of twenty-five (25) feet from any exterior

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property line and provided that natural evergreen screening is used.

3. Land Clearing / Inert Debris Landfill Major (Off-site) For Profit

Special Use District – I-1

- a. Any landfill shall obtain all applicable permits and comply with the standards of the Stokes County Environmental Health Department and the State of North Carolina. All approved permits shall be submitted in the site plan to the Planning Department prior to issuance of the special use permit.
- b. Driveway access to the facility shall be paved and must directly connect to a road that is maintained the by NC DOT. Residential and gravel roads shall not be allowed for access.
- c. All driveways which serve the site shall be wide enough to accommodate two way traffic at all times and an area on the site shall be provided accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
- d. No portion of any such landfill shall be located within 100 feet of any exterior property line. This includes structures, equipment storage, and parking areas. Access drives may cross this area but not be placed laterally through this area.
- e. The fill area shall be located at least 300 feet from any residential district and any existing drinking water well at the time of approval.
- f. A fifteen (15) foot evergreen tree buffer of at least 6 ft. in height shall be retained around the exterior property line.
- g. Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours of non-operation.
- h. Time of use shall be between 7:00am and 5:00pm, Monday through Saturday.
- i. The fill area of the site shall be limited to a maximum of 10 acres.
- j. No filling of any kind is allowed within 100 feet of the regulatory flood plain or floodway fringe or within any drainage ways.
- k. The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials that fall from vehicles entering or leaving the landfill from all adjoining streets. Failure to comply shall constitute a violation of this ordinance and shall constitute grounds for revocation of the operating permit.

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- l. A surety bond or irrevocable letter of credit in an amount to be determined by the County Manager and with consultation with a consulting engineer shall be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.
- m. A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the landfill. Upon closure, a minimum of one (1) foot of clean soil, graded to maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.
- n. The following are acceptable materials to be discarded at such a site: Untreated Wood, Brick, Concrete, Concrete Block, Asphalt, Uncontaminated Soil, Rock, Gravel, Stumps, Brush, and Limbs.
- o. Unacceptable materials to be discarded at such a site include but are not limited to: Treated or Painted Wood, Press-Board, Sheetrock, Insulation, Shingles, Asbestos Products, Plastic or Plastic Buckets, Metal, Tires, Liquids, Cardboard, Paper Products, Garbage, Hazardous Waste, Furniture, and Appliances.

4. Land Clearing / Inert Debris Landfill Minor (Off-site) For Profit

Special Use District – I-1

- a. Any landfill shall obtain all applicable permits and comply with the standards of the Stokes County Environmental Health Department and the State of North Carolina. All approved permits shall be submitted in the site plan to the Planning Department prior to issuance of the special use permit.
- b. Driveway access to the facility shall be paved and must directly connect to a road that is maintained by NC DOT. Residential and gravel roads shall not be allowed for access.
- c. All driveways which serve the site shall be wide enough to accommodate two way traffic at all times and an area on the site shall be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
- d. The maximum area of the site shall be limited to two (2) acres.
- e. A minor landfill shall be limited to a maximum period of operation of three (3) years from the date of issuance of the special use permit.

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- f. No portion of any such landfill shall be located within 100 feet of any exterior property line. This includes structures, equipment storage, parking areas, and fill areas. Access drives may cross this area but not be placed laterally through this area.
- g. The fill area shall be located at least 100 feet from any existing drinking water well at the time of approval.
- h. A fifteen (15) foot evergreen tree buffer of at least 6 ft. in height shall be retained around the exterior property line.
- i. Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours of non-operation.
- j. Operation of use shall be between the times of 7:00am and 5:00pm, Monday through Saturday.
- k. No filling of any kind is allowed within 100 feet of the regulatory flood plain or floodway fringe or within any drainage ways.
- l. The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials that fall from vehicles entering or leaving the landfill from all adjoining streets. Failure to comply shall constitute a violation of this ordinance and shall constitute grounds for revocation of the operating permit.
- m. A surety bond or irrevocable letter of credit in an amount to be determined by the Town Manager and with consultation with a consulting engineer shall be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.
- n. A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the landfill. Upon closure, a minimum of one (1) foot of clean soil, graded to maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.
- o. The following are acceptable materials to be discarded at such a site:
Untreated Wood, Brick, Concrete, Concrete Block, Asphalt, Uncontaminated Soil, Rock, Gravel, Stumps, Brush, and Limbs.

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- p. The following are included but not limited to materials unacceptable materials to be discarded at such a site: Treated or Painted Wood, Press-Board, Sheetrock, Insulation, Shingles, Asbestos Products, Plastic or Plastic Buckets, Metal, Tires, Liquids, Cardboard, Paper Products, Garbage, Hazardous Waste, Furniture, and Appliances.

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Section 5 – Table of Permitted Uses

P = Permitted use

P^x = Permitted use with Development Standard; superscript refers to Development Standard number (See Section 7 following)

S = Use requiring a Special Use Permit in the designated district

CD = Use requiring conditional district zoning. (Owner/applicant may request CD zoning for uses not designated as CD in this Table)

Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
ABC Store									P			
Agriculture	P											
Accessory Uses and Structures	P	P	P		P	P			P		P	See Note 1
Apartments (multi-level buildings with multiple dwelling units per building)							P	P	P			
Assisted Living Homes							P					
Automobile Dealership and Associated Business							S	P	S			
Automobile Detailing (Amended August 13, 2019)							P		P			See Note 2
Automobile Parts Sale (Amended August 13, 2019)							P	P				See Note 3 for NB-1
Automobile Sales, Service and Garage and Body Repair Garage								P	P			See Note 4 for B-1
Automobile Washing Establishments								P				
Banks and Other Lending Institutes							P	P	P			
Barber Shops							P	P	P	P		

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Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
Beauty Shops							P	P	P	P		
Billiard Parlors									P			
Boarding House					P	P						
Body Shop		S										
Boy Scout Huts					P	P						
Bulk trash containers	P	P	P	P	P	P	P	P	P	P	P	See Note 5
Bus Stations and Associated Operations									P			
Cemeteries		S	S		S	S					S	
Churches and customary related uses	P	P	P		P	P					P	See Note 6
Clothing Manufacture										P		
Clubs and Lodges	P	S	S		P	P					P	
Conservation subdivision (rural cluster development)	CD	CD	CD									See Chapt. 11
Contractor Facilities										P		
Convalescent Homes	P ⁶				P	P						

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Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
Customary/Incidental Home Occupation	P		P	P	P	P					P	
Cooking and Baking	P											
Clubs and Lodges	P	S	S		P	P					P	
Community Center	P	S	S		P	P					P	
Dressmaking	P											
Dairy bar, related food stands							S	P				
Day care Facilities	P	S	S		S	S		P	S		S	See Note 7
Drive-thru restaurants								P	P			See Note 8
Drug Stores								P	P			
Duplex dwellings	P	P			P	P	P					See Note 9
Education Facilities	P		P		P							
Electrical Contractor								S				
Electronic Gaming/Skills Games												
Family Campgrounds	P											
Feed mill Operations									P			

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Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
Fire Station	P								P			See Note 10
Fishing Lakes	P	S	S		P	P					P	
Florist (<i>Amended 7-13, 2019</i>)							P	P	P			
Funeral Home								S	P			
Furniture and Appliance Store								P				
Golf Course	P	S	S		P	P					P	
Grocery Store							S	P				
Guest House					P	P						
Hairdressing	P											
Hardware Store									P			
Homes for Aging					P	P						
Horse Stable			S								S	
Horticulture	P											
Hosiery operations									P			
Insurance and Accounting	P											

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Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
Kindergarten	P	S	S			S					S	See Note 7
Knitting operations									P			
Land Clearing, Inert Debris Landfill (Major)										S		
Land Clearing, Inert Debris Landfill (Minor)										S		
Laundry Mat and Drop off/Pick up cleaning services								S	P			
Library									P			
Lumber mills and yards										P		
Manufactured homes, Class A Manufactured Homes	P			P		S					P	See Note 11
Manufactured homes, Class B	P			P		P						See Note 11
Manufactured home, temporary use		P	P	P	P	P					P	See Note 12
Martial Arts School/Gym							S	S	S			
Meat Processing plant										P		
Metal Fabrication Plant (Small and Large)										S		

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Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
Mini Storage		S						S		P		
Mobile Home Parks				P		P						See Chapter 12
Mobile Home Sales								S				
Movie Theater, Indoor									P			
Multifamily Dwellings	CD	CD	CD		CD	CD	CD				CD	See Chapter 10
Music Instruction	P											
Noncommercial Truck Farm		P	P			P	P				P	
Nurseries (Agriculture)							S					
Nursing Homes	P		S		P	P	P		P		S	See Note 15 for RA
Office, Professional & Business			S				P	P	P			
Office Street Parking Facilities										P		
Parking Lots (Public)									P			
Parking Lots (Private)									P			
Physical Fitness Center Verify district with Cory)								P	P	P		
Pinball Machine Recreational								P				

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Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
Outlet (game room/arcade)												
Playground	P	S	S		P	P					P	
Police Station	P											See Note 10
Private Garages	P	P			P	P					P	
Private parks	P	S	S		P	P					P	
Private Swimming Pool	P	P	P		P	P					P	
Produce processing and retailing										S		
Public parks	P	S	S		P	P					P	
Public safety facilities	P											See Note 10
Public Works Facilities	S	S	S									
Pumping stations	S	S	S		S	S		S	S	S	S	
Recreational vehicle, mobile home and marine sales							S					
Rear yard parking and storage		P	P	P	P						P	See Note 14
Rental of not more than one room	P											

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CD = Use requiring conditional district zoning. (Owner/applicant may request CD zoning for uses not designated as CD in this Table)

Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
Repair shops: jewelry, shoes and household appliances									P			
Rescue Squad Headquarters	P											See Note 10
Restaurants								P	P			See Note 8 for B-1
Retail establishments							S		P			
Retail trade, mobile home supplies			S								S	
Retirement Homes							P					
Salvage yards, garages, and body shops										P		
Sawmills (temporary and Permanent)	S											
Schools, academic	CD	CD	CD	CD	CD	CD	CD	CD			CD	See Note 16
Service station							S	P				
Shopping Center								S	P			
Single Family Dwelling	P	P	P		P	P	S	P			P	
Solar Energy Facility (Solar Farm)	S											
Storage containers	P	P	P	P	P	P	P	P	P	P	P	See Note 13

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Section 5 – Table of Permitted Uses

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Use	Zone											
	R-A	R-20	R-8	R-7MHE	R-6	R-6MH	NB- 1	NB-2	B-1	I-1	R-8(O)	Development Standards
Swimming pools	P	S	S		P	P					P	
Tanning Booths			S							P	S	
Taxidermy	S						S	S	S	S		
Telephone Exchange	P ⁵											
Temporary storage trailer (for storage of merchandise for retail sale)								P	P	P		See Note 17
Temporary Use Structure (used as temporary office)							P	P	P	P		See Note 18
Tennis Court		P	P		P	P					P	
Transformer Stations (utility towers)	S	S	S		S	S		S	S	S	S	
Variety Stores							S	P				
Winery	S											
Water Tower (storage tank)	S	S	S		S	S		S	S	S	S	
Wholesale fuel distributor								S	P	P		
Workshop, back yard	P						S	S				See Note 19

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Section 6. Notes - Uses Permitted with Development Standards

These Development Standards provide regulations and conditions that must be verified by the Zoning Administrator in order for a zoning permit to be issued. The purpose of these conditions is to assure that certain uses meet the specified restrictions in order to minimize impacts and promote compatibility with the surrounding area. Each use with required development standards shall comply with the regulations of the district in which it is located and with the requirements specified in these Notes. The Zoning Administrator shall issue a zoning permit when he/she assures the conditions have been met and shall make a written record of compliance

1. Accessory uses and structures —

In R-A accessory uses and structures including private garages, swimming pools and other accessory structures are permitted in the rear yard where they shall not cover more than thirty (30) percent of said rear yard.

In R-20, R-8, R-6, R-6MH and R-8(O) accessory uses and buildings customarily or necessarily incident to any of the above specified uses, including private swimming pools, tennis courts, and noncommercial truck farms. An accessory use shall be situated on the same lot or contiguous premises as the primary use to which it is accessory.

In B-1 uses customarily accessory to permitted uses, but not to include open-air storage.

Additional standards for accessory uses (May 6, 2008 Amendment) - Minor uses of structures which are necessary to the operation or the enjoyment of permitted principal uses, and are appropriate, incidental and subordinate to any uses, and located on the same lot as the principal use, shall be permitted in districts defined under the general ordinance with certain exceptions herein as an accessory use, subject to the following:

- a. In no event shall “accessory uses” or “accessory structures” be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
- b. The following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set within this ordinance:
 - 1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.

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- 2) Hobbies or recreational activities of a non-commercial nature.
 - 3) Yard sales or garage sales, so long as such sales follow the guideline defined in the yard sale ordinance.
 - 4) Without limiting the generality of the foregoing, the sale of agricultural products (either in a “road side stand” or on a “pick your own” basis) from property where such products were grown or from land that is all part of the same farm or farming operation as the land where such products were grown shall be regarded as accessory to an agricultural operation.
- c. Petroleum storage, accessory to a permitted principal use or building is permitted.
 - d. A swimming pool shall be considered an accessory use. A swimming pool shall only be located in the rear yard of residential properties.
 - e. On any lot containing a principal residential use, no accessory use or structure shall be permitted that involves or requires any construction features which are not primarily residential in nature or character.

Location of accessory uses (May 6, 2008 amendment continued)

- a. No accessory structure shall be located within any required front or side yard; or within five (5) feet of any abutting lot lines nor within seven (7) feet of the principal building and shall meet the dimensional requirements and parking requirements for the district in which located.
- b. Accessory structures not connected or attached to principal structures shall be located at least seven (7) feet from the principal structure. Roofed accessory structures physically attached or connected to the principal building shall be considered a part of the principal building and shall be subject to the dimensional requirements for the principal building.
- c. On corner lots where applicable, accessory uses shall be set back at least thirty (30) feet from any side street right-of- way line.
- d. No accessory structure or building except utility substations shall be erected in any easements.

Size of accessory uses (May 6, 2008n amendment continued)

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- a. Accessory structures shall not cover more than 30 percent of any required rear yard, nor exceed sixty (60) percent of the gross floor area of the principal building.
- b. Accessory uses with gross floor area (GFA) less than six hundred (600) square feet shall not be located within five (5) feet of any property line. Accessory structures with a GFA of more than six hundred (600) square feet, must meet the principal building(s) dimensional requirements.
- c. Accessory structures shall not exceed the height of the principal building.
- d. Accessory buildings smaller than 12x12 do not require a building permit. Accessory buildings 12x12 and larger do require a building permit.

Fences

- a. Permitted fences and walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in permitted yards, at least five (5) feet from the property line, so long as the sight triangle on corner lots is protected.
- b. Permitted fences and walls, located in the front yard shall be a minimum of a one (1) foot in height and a maximum of six (6) feet in height. Decorative caps or spires which extend above the highest horizontal member of the fence shall not be included in the measurement of the height. Chain link or similar fencing material, if used, shall be placed on the interior side of a masonry wall or solid wood fence and shall be planted with a semi-opaque vegetative screen between wall or fence and the public street.
- c. Permitted fences and walls, located in the rear or side yard which abuts a street or alley may not exceed eight (8) feet in height unless placed fifteen (15) feet or more inside the property boundary. Within such a distance the maximum height of the fence shall be ten (10) feet. If located within a residential district, within the first fifteen (15) feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than six (6) feet on center, minimum height two and one half (2.5) feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level.
- d. Permitted fences and walls in an established rear or side yard which does not abut a street or alley may not exceed eight (8) feet in height in

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residential districts unless approved by the Zoning Administrator.

See Chapter 4 Dimensional Requirements for setbacks and dimensional requirements and setbacks applicable to Accessory Uses.

2. **Automobile Detailing** - Wastewater must be disposed of via an appropriate drainage structure. No detailing activities or queuing shall take place in the front or side setback of the principal structure. *(Amended August 13, 2019)*
3. **Automobile Parts Sales** – In NB-1 Dark-sky lighting shall be used throughout. Pedestrian-level signage shall be used along public ROW. Signage on building façade shall be recessed. When adjacent to a residential property, hidden fencing with vegetative buffering shall be used. A 3-5 foot high berm of 15-20 foot depth shall be used where practical. Pedestrian access, such as sidewalk or multi-use paths shall be provided along the public ROW if practical. *(Amended August 13, 2019)*
4. **Automobile sales, service and body repair garages** —In B-1 permitted, however, a used car or used truck lot shall not be a permitted use except in conjunction with and as a part of a franchised new car or truck dealership.
5. **Bulk trash containers** – Permitted under the following conditions:
 - a. Within a Residential district and when located on private property, twenty-four (24) hours operation are permitted.
 - b. Outside of Residential districts, and when located on private property, hours of operation shall conform to the respective businesses' hours;
 - c. Outside of Residential districts, and when located on public property, hours of operation shall conform to daylight hours;
 - d. Outside of Residential districts, and whether located on public or private property, the container(s) shall be adequately screened and provided with adequate means to ensure compliance with hours of operation; and
6. **Churches and their customary related uses including cemeteries** - Permitted in R-A, R-20, R-8, R-6, R-6MH and R-8(O) provided that all buildings and graves shall be set back at least twenty (20) feet from any property line. In the R-20, R-8, R-6, R-6MH, and R-8(O) districts, church bulletin boards, lighted or unlighted, shall not exceed fifty (50) square feet.
7. **Day care facilities and kindergartens** - Permitted in R-A provided they comply with the applicable state regulations, provided that not less than one hundred (100) square feet of play area is provided for each child; and provided further said aggregate play space is surrounded by a sturdy fence at least four (4) feet in height.
8. **Drive-thru restaurants and restaurants** – Permitted in B-1 and NB-2 zone provided

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drive-thru restaurants and restaurants are fenced on all sides which abut residential zones to a height of at least six (6) feet.

9. Duplex dwellings_– Permitted subject to the dimensional requirements in Chapter 4.

10. **Fire stations, police stations, public safety facilities** - In R-A public safety facilities such as fire and police stations and rescue squad headquarters, provided that all vehicles and equipment shall be stored indoors; provided further, that all buildings shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surround area.

11. **Manufactured homes, Class A and B** – In R-A, provided they meet the same lot and yard requirements as site built homes.

12. **Manufactured home/mobile home, temporary use.** Manufactured homes shall be permitted as a temporary use in any zone in which they are not normally permitted for a period not exceeding six months. Such temporary use of mobile homes shall be for the purpose of providing a residence for the owner of the lot upon which the mobile home is located while either constructing a new house on the same lot or repairing a house damaged by fire or an act of God. The permit may be renewed by the Zoning Administrator, upon a finding of fact that additional time is needed by the owner for completion of the project.

13. Storage Containers

Definition. See Chapter 2.

a. Long Term Uses (longer than one year): The long term uses of storage container(s) may be permitted in all zoning districts **EXCEPT**: R-6, R-8, R-7, R-7MHE, R-6MH, R-8-O where the maximum size of storage container(s) located in these zones is: a height of 8'-6", a width of 8', and a length of 21'; with an approved zoning permit, if it meets the following conditions:

1. A site plan of the proposed location of the storage container(s), has been submitted and approved by the Zoning Administrator and Building Inspector.
2. The site plan shall include existing adjacent properties, proposed location and dimensions of storage container(s), current zoning, proposed buffering/screening as recommended by Zoning Administrator, existing right-of- ways, required set back distances, foundation footprints to be approved by the Building Inspector and/or Zoning Administrator, and elevation details of the proposed site.
3. If the intended use of the storage container(s) includes occupation and the inclusion of electrical, plumbing, heating or air conditioning systems, it shall fall under the same standards as a Manufactured Home (see applicable definition in Chapter 2 Definitions) in the underlying zone for which it is located.

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4. Storage container(s) shall be setback a minimum 5' from any property line, minimum 10' from any other structure, and located in either the side or rear yard of the property.
 5. Only one storage container is allowed per lot unless otherwise approved by the Zoning Administrator.
 6. Each storage container(s) shall be one solid color and shall not contain any names, logos, or other markings painted on, or otherwise attached to, the exterior of the container(s).
 7. Storage container(s) located in commercial, industrial and residential zones not specified in subsection 2. shall be screened away from the general public in manner which maintains harmony with the surrounding structures. Storage container(s) located in zones specified in subsection 2. (R-6, R-8, R-7, R-7MHE, R-6MH, R-8-O), shall be screened from view of adjacent streets and from other residentially zoned land, by a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six (6) feet in height within two (2) years of installation.
- b. Town-Owned Property and Town Uses: Storage container(s) that are owned and used by the Town (regardless of the underlying zoning district), are permitted with the approval of the Town Manager. The number of storage container(s) allowed and the time period for which a container(s) may be used under this subsection shall be established by the Town Manager.
- c. Short Term Uses (14 to 90 days): The short term use of storage container(s) is permitted in all zoning districts and requires a temporary storage permit that shall not exceed 90 days. Temporary storage permits may be granted a maximum of two times per year per property.
1. General site plans are required to be submitted for temporary storage permits. A temporary storage permit will be granted with the approval of the Zoning Administrator.
 - i. General site plans for short term uses of storage container(s) shall include existing adjacent properties, proposed location and dimensions of storage container(s), and current zoning.
 2. Maximum size of storage container(s) located in zones R-6, R-8, R-7, R-7MHE, R-6MH, R-8-O; is height of 8'-6", a width of 8', and a length of 21'.
- d. Accessory to Building Permit: Temporary storage permits are not required for storage container(s) which are accessories to building construction as long as a valid building permit is present on site. At the expiration of the building permit, all storage container(s) must be removed from the property. Storage container(s) used on an active building site do not require foundations.
- e. Prohibited Uses: The following uses are prohibited for storage container(s):
1. Storage container(s) used primarily for storage shall not be used for human habitation.

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2. Storage container(s) used for the primary intent of storage shall not have any factory-built or field applied electrical, plumbing, heating, or air conditioning systems. Furthermore, the storage container(s) shall not be connected to a power system.
 3. Storage container(s) that are used otherwise with the intent of conducting regular business will be treated as manufactured homes and must meet the same standards as required by building code with the approval of the Building Inspector and issuance of a conditional use permit by the Zoning Administrator.
 4. Storage container(s) shall not be stacked on top of each other or on top of any other structure.
 5. Storage container(s) shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.
 6. Refuse and/or debris or any material that is required to be placarded according to the U.S. Department of Transportation (DOT) Emergency Response Guidebook (ERG), shall not be stored in, against, on, or under the cargo container(s).
 7. The keeping of animals in storage container(s) is not permitted
 8. The location of a storage container(s) within a structure is prohibited unless it is approved by the Fire Department and Building Inspector.
- f. Existing and Nonconforming Structures: Storage container(s) that are already present prior to the adoption of this ordinance are considered to be grandfathered/ nonconforming uses. Any storage container(s) defined as such will be treated as defined in *Article III Section 5: Nonconforming Uses of the Town of Walnut Cove's Ordinance*.
14. **Rear Yard Parking or Storage** – Permitted in R-20, R-8, R-7 MHE, R-6 and R-8(O) not more than one (1) unoccupied travel trailer, camping trailer, motorized home, pickup coach, self-contained travel trailer, and/or boat.
15. **Nursing Homes** – Permitted in RA when not used primarily in the treatment of contagious diseases, substance abuse, mental and emotional illness.
16. **Schools, Academic** – Permitted with conditional zoning in R-A, R-20, R-8, R-7MHE, R-6, R-6MH, NB-1, NB-2, and R-8(O) .
- Requirements:
- a. Parking and loading must comply with Chapter 8 academic school parking requirements
 - b. A site-specific development plan must be submitted showing:
 - 1) Structures. Location and approximate size of all existing and proposed buildings and structure within the site and on the lots adjacent thereto.

WALNUT COVE ZONING ORDINANCE

CHAPTER 3 DISTRICT REGULATIONS

- 2) Circulation. Proposed points of access and egress and pattern of internal circulation,
- 3) Parking and loading. Layout of parking spaces.
- 4) Other details.
 - a) Location and extent of open recreation or training area.
 - b) Estimated number of students.
 - c) Subjects to be taught outside of regular classroom facilities (for example, in laboratories, gyms, etc.)

17. Temporary Storage Trailer—Permitted in Downtown Business District (B-1), Neighborhood Business District (NB-2) and Light Industrial District (I-1). A storage trailer for storage of merchandise for retail resale. No more than four (4) units permitted per parcel. The units shall be allowed for a twelve (12) month timeframe. Refrigerated units are specifically not allowed for storage in any district. This use is specifically prohibited for wholesale storage. (Added January 3, 2006)

18. Temporary Use Structure – Permitted in NB-1, NB-2, B-1, and I-1 a non-residential structure intended for temporary offices, (developed for a directly related permanent use. A temporary use structure shall require a temporary certificate of zoning compliance from the Zoning Administrator, which shall extend for a maximum period of one year, with renewal extensions of six (6) months.

19. Workshop, Backyard: Permitted in R-A as a business maintained in a separate building in the rear yard, provided that:

- a. the work shall be done entirely within the structured building;
- b. the square footage of the structure shall not exceed one thousand (1000) square feet;
- c. nighttime operations that would normally fall under the auspices of the Town's noise control ordinance shall cease operations at 10:00 p.m. and not resume until 8:00 a.m. the next morning (except on Sundays when they may resume at 1:00 p.m.); quieter operations are not bound by these time constraints; and;
- d. there shall be no display, no outside storage, no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such backyard workshop other than the signs permitted in each district.

Section 7. Interpretation of District Regulations: Unlisted and Similar Uses

The procedure provided for below shall be used to determine if an unlisted use shall be permitted within the Town's Zoning jurisdiction by means of an administrative decision. Additional uses in character with a district may be added to this Ordinance by amendment. (Amended August 13, 2019)

WALNUT COVE ZONING ORDINANCE

CHAPTER 3 DISTRICT REGULATIONS

a. Procedure for Approving Unlisted Uses - Where a particular use category or use type is not specifically allowed in this Ordinance and is also not prohibited or restricted by this Ordinance, the Zoning Administrator may permit the use category or type if the criteria of subsection b. below are met. The Zoning Administrator shall give due consideration to the intent of the Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use in question.

b. Criteria for Approving Unlisted Uses

In order to determine that the proposed use(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Zoning Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- 1) the volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
- 2) any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
- 3) the nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and
- 4) the type, size and nature of buildings and structures; and
- 5) the number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
- 6) transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
- 7) parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and
- 8) the amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and
- 9) any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- 10) the impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

WALNUT COVE ZONING ORDINANCE
CHAPTER 3 DISTRICT REGULATIONS

c. Determination by the Zoning Administrator; Effects

All determinations by the Zoning Administrator made pursuant to subsection (1) above shall be in writing. In making the determination described in subsection (1) above, the Zoning Administrator shall initiate an amendment to this Ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or that omission of specific inclusion and reference to this Ordinance is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the Zoning Administrator shall be binding on all officers and departments of the Town. If no amendment is initiated, the Zoning Administrator's determination shall thereafter be binding on all officers and departments of the Town, without further action or amendment of this Ordinance.

d. Appeal of Determination of the Administrator

The determination of the Zoning Administrator may be appealed to the Board of Adjustment.

WALNUT COVE ZONING ORDINANCE
CHAPTER 4. Dimensional Requirements

Section 1. Dimensional Requirements

District	Min. Lot Area (ft ²) ¹	Max. Number of Dwelling Units per acre for Two-family and Multi-family Developments ¹	Min. Lot Width at Building Line (ft)	Min. Yard Front (ft) ¹³	Min. Yard Side (ft) ⁵	Min. Yard Rear (ft) ⁴	Max Height (ft) ⁶
R-A ¹²	30,000	4	150 ¹¹	50	15	20% of mean lot depth, not to	35
R-20 ⁹	20,000 (30,000) ¹⁰	4	100	45	15	20% of mean lot depth, not to	35
R-8 R-8(O) ^{2,9}	8,000 (15,000) ¹⁰	8	85	45	12	20% of mean lot depth, not to	35
R-7 MHE	7,000	N/A	N/A	N/A	N/A	N/A	N/A
R-6 ⁹	6,000 ¹⁶	9	75	30	12	20% of mean lot depth, not to exceed 30	35
R-6 MH ⁹	6,000	9	75	30	12	20% of mean lot depth, not to exceed 30	35
NB-1	None	N/A	N/A	N/A	N/A	N/A	N/A
NB-2	None	N/A	N/A	45	12 ⁷	N/A	N/A
B-1	None	N/A	N/A	None	0 ⁸	None	35
I-1 ¹⁴	1 acre	N/A	200	50	15	20	None

WALNUT COVE ZONING ORDINANCE

CHAPTER 4. Dimensional Requirements

Notes to Dimensional Requirements Table:

1. The Stokes County Environmental Health Department may require a larger lot because of soil conditions.
2. Class A manufactured homes on individual lots permitted.
3. Computations begin anew for each building.
4. Accessory building may be located in rear yard only.
5. On corner lots, the side yard adjacent to the street shall have not less than fifty percent (50%) on the front yard required the lot in rear of such corner lot.
6. Except in R-A no structure shall exceed thirty-five (35) feet in height unless the depth in front and total width of side yards required herein shall be increased by five (5) feet for each ten (10) feet or fraction thereof, of building height in excess of 35 feet.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, television towers, masts, aerials and similar structures.

7. Not applicable within a planned unit development.
8. When a business abuts a residential district, the structure shall be a minimum of ten (10) feet from all exterior property lines abutting the residential district.
9. When a lot or parcel of land has an area of less than the above required minimum and was of record at the time of passage of this ordinance, said lot may be occupied by one family, provided, however, that the minimum side and front yard requirements for the underlying zone are met.
10. Minimum required for area for each use (with either a septic tank or well)
 11. For all uses other than two-family and multifamily developments one hundred (100) feet minimum mean lot width required.
12. Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed twenty percent (20) of the total lot area.
13. Front yard requirements for through lots shall be required on both streets.

Front yard requirements for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case the front yard on such lots may be less than the required front yard but not less than the average of the existing front yard on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way, whichever is greater.

WALNUT COVE ZONING ORDINANCE

CHAPTER 4. Dimensional Requirements

14. In the event that an Industrial District abuts a Residential District, all uses within the former shall be set back at least six (6) feet from the boundary of the latter (so as to form a buffer strip). Dimensional requirements shall be measured using the innermost boundary of the buffer strip as the reference line. (Revised to fit definition section November 13, 2001).

A – Zone R-A Notes

1. Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. An accessory building or use may be located not less than 10 feet from any property line.
2. Height of building shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet or fraction thereof building height in excess of thirty five (35) feet.

B – Corner Visibility

On a corner lot within the triangular area formed by the center line of the intersecting streets and a direct line joining points of such center lines at a distance of eighty (80) feet from the main intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grades of such streets, such grades being measured along the above cited eighty (80) foot street portions.

C – Off-Street Parking

Off street parking shall be provided as required by Chapter IV, Section 2 of this ordinance in zones: R-A, R-20, R-8, R-6, R-6MH, B-1, R-8(O).

D – Zone B-1 Notes

A fence with a minimum height of eight (8) feet shall be required where commercial property abuts residential property. The fence shall start a maximum distance of one (1) inch above the ground and shall be of such material so as to present a visual barrier between the different property uses; the fencing must be approved by the building inspector.

WALNUT COVE ZONING ORDINANCE
CHAPTER 4. Dimensional Requirements

Section 2. Accessory Use Setback Table

Zone	Permitted	Front	Side	Rear	Principal Structure
R-A	P	10	-	5	7
R-20	P	10	-	5	7
R-8	P	10	-	5	7
R-7 MHE	P	10	-	5	7
R-6	P	10	-	5	7
R-6 MH	P	10	-	5	7
NB-1	P	10	-	5	7
NB-2	P	10	-	5	7
B-1	P	10	-	5	7
I-1	P	10	-	5	7
R-8O	P	10	-	5	7

- ☐ Chart does not include required setbacks for accessory dwellings, public works substations or utility stations, fences or storage container.
- ☐ Front yard setbacks only apply in areas where permitted.

Notes to Accessory Use Setback Table

1. Location

- a. No accessory structure shall be located within any required front or side yard; or within five (5) feet of any abutting lot lines nor within seven (7) feet of the principal building and shall meet the dimensional requirements and parking requirements for the district in which located.
- b. Accessory structures not connected or attached to principal structures shall be located at least seven (7) feet from the principal structure. Roofed accessory structures physically attached or connected to the principal building shall be considered a part of the principal building and shall be subject to the dimensional requirements for the principal building.
- c. On corner lots where applicable, accessory uses shall be set back at least thirty (30) feet from any side street right-of- way line.
- d. No accessory structure or building except utility substations shall be erected in any easements.

2. Size

- a. Accessory structures shall not cover more than 30 percent of any required rear yard, nor exceed sixty (60) percent of the gross floor area of the principal building.
- b. Accessory uses with gross floor area (GFA) less than six hundred (600) square feet shall not be located within five (5) feet of any property line. Accessory structures with a GFA of more than six hundred (600) square feet, must meet the principal

WALNUT COVE ZONING ORDINANCE
CHAPTER 4. Dimensional Requirements

building(s) dimensional requirements.

- c. Accessory structures shall not exceed the height of the principal building.
- d. Accessory structures smaller than 12x12 do not require a building permit. Accessory use structures 12x12 and larger do require a building permit.

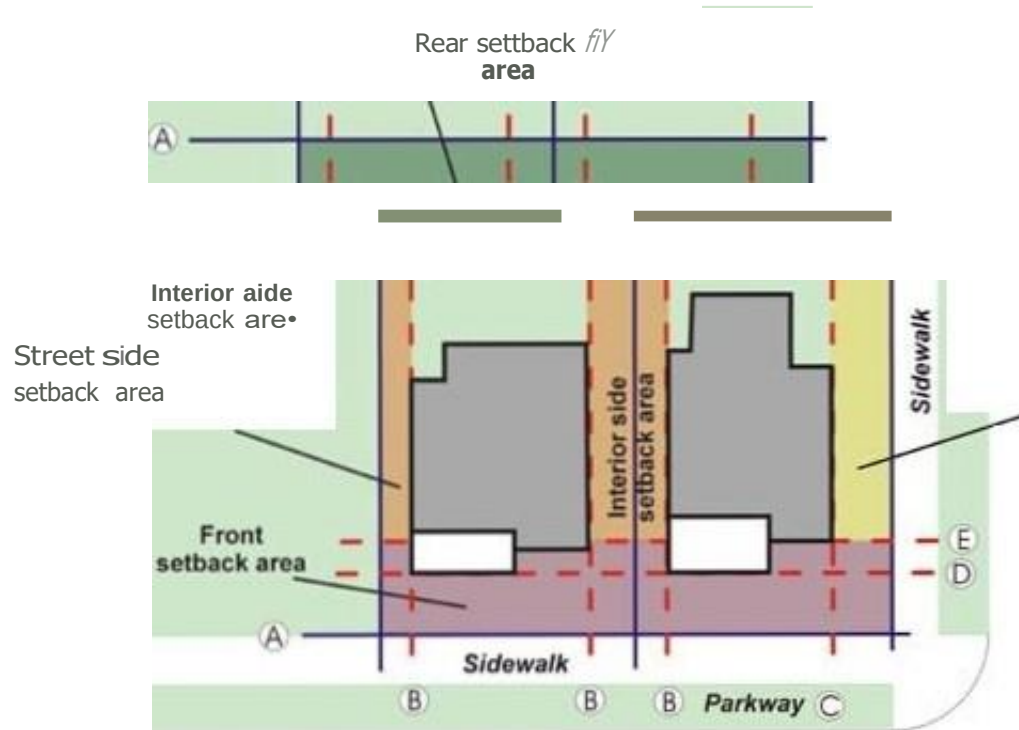
3. Fences

- (a) Permitted fences and walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in permitted yards, at least five (5) feet from the property line, so long as the sight triangle on corner lots is protected.
- (b) Permitted fences and walls, located in the front yard shall be a minimum of a one (1) foot in height and a maximum of six (6) feet in height. Decorative caps or spires which extend above the highest horizontal member of the fence shall not be included in the measurement of the height. Chain link or similar fencing material, if used, shall be placed on the interior side of a masonry wall or solid wood fence and shall be planted with a semi-opaque vegetative screen between wall or fence and the public street.
- (c) Permitted fences and walls, located in the rear or side yard which abuts a street or alley may not exceed eight (8) feet in height unless placed fifteen (15) feet or more inside the property boundary. Within such a distance the maximum height of the fence shall be ten (10) feet. If located within a residential district, within the first fifteen (15) feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than six (6) feet on center, minimum height two and one half (2.5) feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level.
- (d) Permitted fences and walls in an established rear or side yard which does not abut a street or alley may not exceed eight (8) feet in height in residential districts unless approved by the Zoning Administrator.

WALNUT COVE ZONING ORDINANCE

CHAPTER 4. Dimensional Requirements

For the purposes of this ordinance the yard locations shall be indicated as illustrated below:



WALNUT COVE ZONING ORDINANCE
CHAPTER 5. Non-Conforming Situations

- A. **New Uses or Construction** - After the effective date of this ordinance, all new construction shall conform to the use, area and bulk regulations for the district in which it is to be located.
- B. **Conforming Uses** - After the effective date of this ordinance, land or structures, or the uses of land or structures which conform to the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which it is located.
- C. **Continuation of Nonconforming Uses** - After the effective date of this ordinance, land, lots or structures, or the uses of land, lots or structures which would be prohibited under the regulations for the district in which it is located shall be considered as nonconforming. Such nonconformities may continue if uninterrupted. Provided, however, that if a nonconforming use or building is abandoned, vacated or otherwise discontinued for a period of more than 180 days, any future use or development of the land or building shall be in conformity with all provisions of this ordinance.

1. **Nonconforming Lots**

- a. **Minimum Single Lot Requirements.** Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single family residence with related accessory buildings in a district in which residences are permitted. There shall be no alteration of the minimum yard requirements on such lot except where the Walnut Cove Board of Adjustment finds, after a public hearing, that the values of the neighboring properties would not be unduly depreciated, nor would the public safety or welfare be impaired by such action.
- b. **Minimum Multi-Lot Requirements.** If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located. No portion of said parcel shall be used or sold which does not meet the area and width requirements established by this ordinance nor shall any division of the parcel be made which leaves any lot remaining with width or area below the requirements of this ordinance.

2. **Nonconforming Uses of Land and/or Buildings**

- a. Nonconforming use of land or structure shall not hereafter be enlarged or extended in any way.

WALNUT COVE ZONING ORDINANCE
CHAPTER 5. Non-Conforming Situations

- b. Any nonconforming uses of land or structure may be changed to any conforming use or with the approval of the Board of Adjustment, to any use or structure more in character with the uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.
 - c. Should any nonconforming structure or use of land be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is relocated.
 - d. Normal maintenance, repair, and incidental alteration in a building occupied by a nonconforming use are permitted provided it does not extend the nonconforming use.
 - e. If a building occupied by a nonconforming use or nonconforming building is destroyed by any means to an extent of more than eighty (80) percent of its appraised value for tax purposes at the time of destruction, such building may not be restored for any nonconforming use.
 - f. Class C Manufactured Homes (pre-July 1, 1976) located on individual lots in the R6MH and RA Districts may continue as nonconforming uses. Replacement of such shall be either Class A or Class B Manufactured Homes (July 1, 1976 or newer singlewides, doublewides or triplewides).
- D. **Effect Upon Former Conditional Uses** - Those uses which existed prior to the 2021 readoption date of this ordinance and were permitted only as conditional uses in the district in which they are located shall be considered to be legally established special uses after the amendment date of this ordinance. Any expansion, addition, or other change for which a zoning certificate is required, shall be heard, considered, and approved or disapproved by the Board of Adjustment in the same manner as an original application for a special use permit.

WALNUT COVE ZONING ORDINANCE

CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

Section 1. Vested Rights

A. Process to Claim Vested Right

A landowner claiming a statutory or common law vested right may submit information to substantiate that claim of a vested right pursuant to North Carolina General Statute 160D-108 on a form to be provided by the Town at the same time as application is made for a zoning map amendment, subdivision plan approval, a conditional zoning, a special use permit, a site plan approval or a planned unit development approval. The Zoning Administrator shall make an initial determination as to the existence of the vested right. The decision of the zoning officer may be appealed under NCGS 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by NCGS 160D-405(c).

B. Types and Duration of Statutory Vested Rights

Amendments to Walnut Cove development regulations shall not be applicable or enforceable with regard to development that has been permitted or approved pursuant to NCGS 160D-108 as long as one of the types of approvals listed in this subsection remains valid and unexpired. Each type of vested right listed in this subsection is defined by and is subject to the limitations provided in this section. Vested rights established under this section are not mutually exclusive. The establishment of a vested right under this section does not preclude the establishment of one or more other vested rights or vesting by common law principles. Vested rights established by Walnut Cove approvals are as follows:

1. Six months - Building permits. - Pursuant to NCGS 160D-1109, a building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.
2. One year - Other local development approvals. - Pursuant to NCGS 160D-403(c), unless otherwise specified by statute or local ordinance, all other local development approvals expire one year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.
3. Two years - Site-specific vesting plans - A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by Walnut Cove ordinance. See Section B below for Requirements for Site Specific Development Plans.

WALNUT COVE ZONING ORDINANCE

CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

4. Seven years - Multiphase developments. - A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.
5. Indefinite - Development agreements. - A vested right of reasonable duration may be specified in a development agreement approved under NCGS 160D-1001.

B. Requirements for Site-Specific Vesting Plans

1. For the purposes of this section, a "site-specific vesting plan" means a plan submitted to the Town of Walnut Cove describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as guided by Town of Walnut Cove zoning ordinance.
2. What constitutes a site-specific vesting plan shall be defined by the relevant development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.
3. Relation to building permits. - A right vested as provided in this section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of NCGS 160D-1109 and NCGS 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this section exists.

C. Process for Approval and Amendment of Site-Specific Vesting Plans

WALNUT COVE ZONING ORDINANCE

CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

1. Notice and hearing - If a site-specific vesting plan is based on an approval required by the Town of Walnut Cove development regulations, a notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this subdivision.
2. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by NCGS 160D-602 shall be held. The Town of Walnut Cove may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. The Town of Walnut Cove shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval.
3. Substantial modification of plan and conditions - An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the Town . A substantial modification must be reviewed and approved in the same manner as the original approval.

D. Minor modifications

1. Minor modifications may be approved by the Zoning Administrator upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the plan, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.
2. Minor modifications shall not include:
 - a substantial change in the boundaries of the development;
 - a substantial change in floor area or number of parking spaces;
 - substantial changes to pedestrian, bicycle or vehicular access or circulation beyond the boundaries of the plan; or
 - substantial changes in the amount or location of open space within the boundaries of the plan;
3. When the Administrator grants a minor modification, the Administrator will issue a Development Agreement Minor Modification Letter to the developer/applicant. The

WALNUT COVE ZONING ORDINANCE

CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

Administrator shall also advise the Council in writing of the nature of the modification and decision.

E. Continuing Review

Following approval or conditional approval of a statutory vested right, the Town may make subsequent reviews and require subsequent approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval. The Town may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable development regulations.

F. Exceptions

The provisions of this section are subject to the following:

1. A vested right, once established precludes any zoning action that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except when any of the following conditions are present:
 - a. The written consent of the affected landowner.
 - b. Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.
 - c. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in NCGS 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.
 - d. Findings made, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.
 - e. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved site-specific vesting plan or phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

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2. The establishment of a vested right shall not preclude the application of overlay zoning or other development regulation that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new regulations shall become effective with respect to property that is subject to a vested right established under this section upon the expiration or termination of the vested rights period provided for in this section.
3. Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change, or impair the authority of a local government to adopt and enforce development regulation provisions governing nonconforming situations or uses.

G. Miscellaneous Provisions

A vested right obtained under this section is not a personal right but shall attach to and run with the applicable property. After approval of a vested right, all successors to the original landowner shall be entitled to exercise such rights. Nothing in this section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter existing common law.

H. Termination of a Vested Right

A zoning right that has been vested as provided in this Chapter shall terminate with:

1. The written consent of the affected landowner.
2. Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.
3. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in NCGS 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.
4. Findings made, after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.

WALNUT COVE ZONING ORDINANCE

CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

5. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

Section B. DEVELOPMENT AGREEMENTS

- A. *Purpose* - The purpose of this Section is to establish standards and procedures for the Town to enter into Development Agreements for long-term, large-scale developments, in recognition of the following findings and statements of intent:
 1. *Large-Scale Development Projects and Long-Term Commitment of Resources*
Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.
 2. *Potential Community Impacts*
Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.
 3. *Careful Integration between Public Capital Facilities Planning, Financing, Schedules*
Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing and construction schedules and the phasing of the private development.
 4. *Stable Development Standards*
Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
 5. *Nontraditional Development Types*
Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.
 6. *Negotiating Flexibility*
To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.
 7. *Plan Consistency*
In negotiating for such developments, it is the intent of the Town to remain consistent with the adopted plans, policies, and goals of the Town as they relate to land use and capital improvements.

WALNUT COVE ZONING ORDINANCE

CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

- B. *Authority* - The Town may enter into a Development Agreement with a developer, subject to the procedures and standards of this Chapter. In entering into such a Development Agreement, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the Development Agreement.
- C. *Relationship to Prior Development Approvals* - Although an application for a Development Agreement generally is submitted and reviewed before, or in conjunction with, the first development approval required for the proposed development (e.g., a Mixed Use Development), such an application may be submitted and decided at any stage of the development. If the application is submitted after development approvals have been granted, either the Development Agreement should incorporate the terms and conditions of those prior approvals or any approval of the Development Agreement shall be contingent upon any amendments to those prior approvals necessary to ensure conformance between the Development Agreement and applicable development approvals.
- D. *Initiation* - An application for a Development Agreement may be initiated by any person who may submit applications in accordance with the provisions of this Chapter.
- E. *Procedures*
 - 1. Application Contents - An application for a Development Agreement shall include a proposed Development Agreement that shall, at a minimum, include all of the following:
 - a. A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
 - b. The duration of the agreement.
 - c. A development schedule, including commencement dates and interim completion dates at no greater than five-year intervals.
 - d. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
 - e. A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
 - f. If the Development Agreement provides that the Town shall provide certain public facilities, the Development Agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).

WALNUT COVE ZONING ORDINANCE

CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

- g. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.
- h. A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
- i. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its citizens.
- j. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- k. An indemnification and "hold harmless" clause whereby the developer/property owner holds the Town and its agents harmless from liability for damages, injury, or death that may arise from the direct or indirect operations of the owner, developers, contractors, and subcontractors that relate to the project.

The proposed Development Agreement may include the following:

- a. A provision that the entire development or any phase of it be commenced or completed within a specified period of time.
- b. Other defined performance standards to be met by the developer.
- c. Other matters not inconsistent with law.

The application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development, including major uses, general building types, pedestrian and vehicular circulation, open space, public facilities, and phasing.

2. *Review and Report by Manager or Administrator*

As part of the staff review of the application, the Manager/Administrator or the designee may negotiate revisions to the proposed Development Agreement consistent with the provisions of Subsection G Development Agreement Standards.

3. *Review and Recommendation by Planning Board*

Following review, the Planning Board shall recommend in accordance with Subsection G. Development Agreement Standards (below) that:

- the Town enter into the Development Agreement as submitted;
- the Town enter into the Development Agreement application subject to modifications agreed to by the applicant, in writing; or
- the Town not enter into the Development Agreement.

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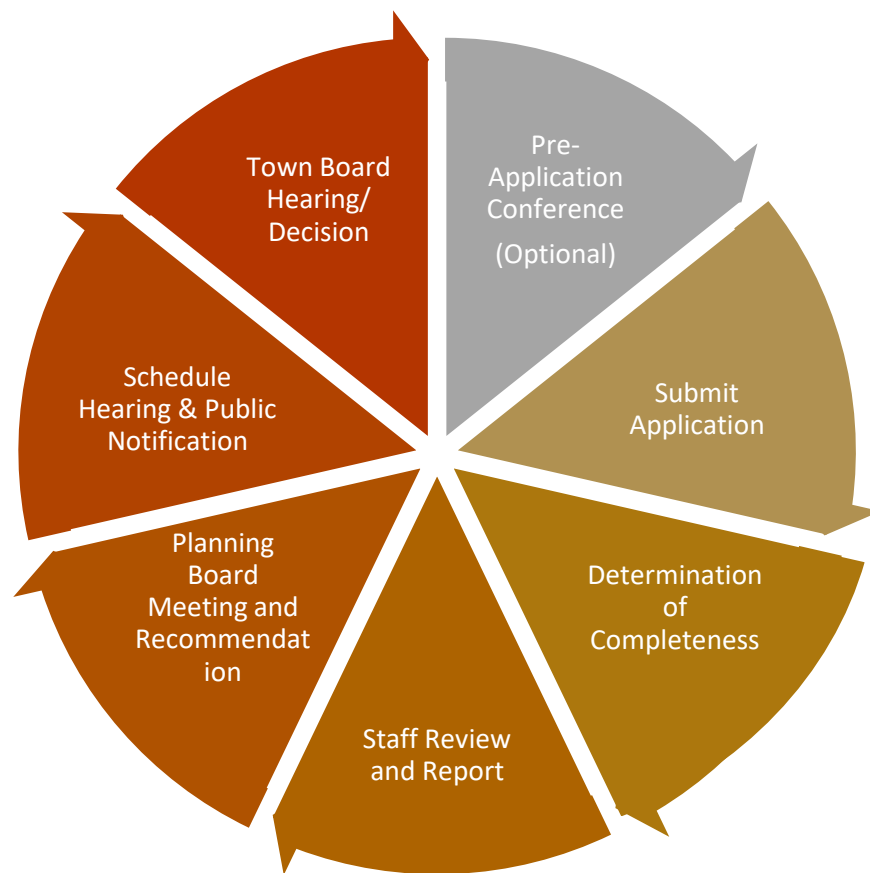
CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

4. *Review and Action by Governing Board*

Following Planning Board review, the governing body shall conduct a legislative public hearing on the application in accordance with public hearing guidance. Thereafter the Board may vote:

- To enter into the Development Agreement as submitted;
- To enter into the Development Agreement, subject to modifications agreed to by the applicant, in writing;
- Not to enter into the Development Agreement; or
- Remand the application to the Planning Board for further consideration.

DEVELOPMENT AGREEMENT PROCEDURES DIAGRAM



F. Recording the Agreement

Within 14 days after entering into a Development Agreement, the Town shall record the agreement with the Stokes County Register of Deeds.

WALNUT COVE ZONING ORDINANCE

CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

G. Development Agreement Standards

In consideration of the Town's participation in a Development Agreement, a development subject to the agreement must meet the following criteria:

1. *Planned Development*

The information regarding the property subject to the Development Agreement shall contain details of the property and the planned development in accordance with NCGS 160D Article 10 Development Agreements.

2. *Phasing and Duration of Development*

The development shall demonstrate phasing and participation in the proposed agreement shall be of reasonable terms that shall be specified in the agreement.

3. *Impact on Capital Improvements*

The development shall demonstrate the impact on existing and future provisions of capital improvements by the Town including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

H. Effect of Development Agreement

1. *Burdens and Benefits*

The burdens of the Development Agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

2. *Rights and Obligations*

Rights and obligations established by a Development Agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans or other provisions of law.

3. *Building Code*

A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code.

4. *Subsequently Enacted Laws*

Unless the Development Agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a Development Agreement are those in force at the time of execution of the agreement.

5. *Application of Subsequently Adopted Laws*

Except for grounds specified in Section 160D-1-(e) of the North Carolina General Statutes, the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a Development Agreement.

6. *Change in State or Federal Law*

If State or Federal law is changed after a Development Agreement has been entered into and the change prevents or precludes compliance with one or more

WALNUT COVE ZONING ORDINANCE

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provisions of the Development Agreement, the Town, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the Development Agreement.

7. *Vested Rights*

This Ordinance does not abrogate any rights preserved by NCGS 160D-1-8, or that may vest pursuant to common law or otherwise in the absence of a Development Agreement.

I. Approval of Debt

If any of the obligations of the Town in the Development Agreement constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the Town Attorney, Finance Director, and Town Manager

J. Periodic Review and Breach of Agreement

1. *Annual Review*

During any period of time in which a development permit is active, the Town shall review the development at least once every 12 months for compliance with the agreement. The developer shall be required to demonstrate good faith compliance with the terms of the Development Agreement. The failure to meet a commencement or completion date specified in the Development Agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.

2. *Material Breach*

If the Town finds and determines that the developer has committed a material breach of the terms or conditions of the Development Agreement, the Town shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and shall provide the developer a reasonable time in which to cure the material breach.

3. *Failure to Cure Material Breach*

If the developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the Development Agreement.

4. *Appeal*

The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with Chapter 14, Section F. Appeals.

K. Amendments to Development Agreement

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CHAPTER 6. VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

1. *Mutual Consent*

A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

2. *Major Modification*

Consideration of a proposed major modification of a Development Agreement shall follow the same procedures as required for initial approval of the agreement.

3. *Minor Modification*

The Zoning Administrator may approve minor modifications of the Development Agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

L. Assumption of Jurisdiction Over Development Agreements

1. *Town Assumes Planning Jurisdiction*

If the Town assumes planning jurisdiction over property subject to a Development Agreement established by another jurisdiction, such development agreement shall be valid for the duration of the agreement, or eight years from the effective date of the Town's assumption of planning jurisdiction over the subject property, whichever is earlier.

2. *Rights and Obligations*

The parties to the development agreement and the Town shall have the same rights and obligations with respect to each other regarding matters addressed in the Development Agreement as if the property had remained in the previous jurisdiction.

3. *Modification or Suspension*

The Town may modify or suspend the provisions of the Development Agreement if the Town determines that the failure to do so would place the residents of the area subject to the Development Agreement, or the residents of the Town's planning jurisdiction, or both, in a condition dangerous to their health or safety, or both.

WALNUT COVE ZONING ORDINANCE

CHAPTER 7 SIGNS

- A. **Purpose and scope** - This Chapter is intended to regulate and control signs and their placement throughout the Town of Walnut Cove and its extraterritorial area for the following purposes:
1. To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the continued economic attractiveness of the Town;
 2. To create a more productive, enterprising, professional business atmosphere;
 3. To allow signs appropriate to the planned character and development of each zoning district;
 4. To ensure that permitted signs do not become a hazard or nuisance;
 5. To promote traffic safety;
 6. To prevent business and advertising signs from conflicting with public safety signs; and
 7. To protect and enhance the value of properties.
- B. **Applicability**
1. It shall be unlawful to construct, enlarge, modify, move or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the town.
 2. Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance.
- C. **General Provisions**
- The following regulations shall apply to all signs.
1. **Construction Standards**
 - (a) All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
 - (b) All temporary signs shall be constructed of materials and printed with inks capable of withstanding normal weather conditions.
 - (c) All signs, except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this chapter shall be constructed of permanent materials permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
 2. **Electrical Standards** - All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.

WALNUT COVE ZONING ORDINANCE

CHAPTER 7 SIGNS

Underground Electrical Cable is required to be weather sealed and meet national electrical standards for burial depth

3. Maintenance of Signs - All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance
4. Obstructions Prohibited - No sign shall be placed so as to obstruct the clear sight triangle at a street intersection, nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.
5. Relation to Other Building Elements
 - (a) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.
 - (b) Sign material, style and color shall complement the building façade in terms of design, scale, color, and materials.
 - (c) Individual shop signs in a single storefront shall relate to each other in terms of design, size, color, placement on the building, and lettering style.
 - (d) Signs placed on the inside of the window areas shall conceal no more than twenty-five percent of the area of the window on which the signs are located.
6. Sign Lighting
 - (a) Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs if non-flashing and non-moving may be mounted on the inside of store windows.
 - (b) Signs shall only be lighted with indirect light sources (e.g. backlighting); knockout signs are encouraged. Ground mounted floodlights may also be used if the light is directed only on the sign and not onto adjacent properties or roadways and the light fixtures are fully shielded from view through the use of landscaping.
 - (c) If Channel Letter Signs are being used, they are required to be mounted on a raceway and the electrical connection from the raceway to the

WALNUT COVE ZONING ORDINANCE

CHAPTER 7 SIGNS

junction box on the inside of the wall be in a ridged conduit. The power supply for channel letters should be run directly from the power supply to the sign as a dedicated circuit.

7. Sign Height Computation - Sign height shall be computed as the lower of: 1) existing grade prior to construction, or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. The calculation of the height of any sign placed upon a berm or mound shall include the height of the berm or mound.
8. Sign Area Computation - The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. Stenciled window signs with lettering only and transparent background may be measured as the total area of the smallest rectangle(s) to encompass each word.
9. Sign Area Computation for Multi-faced Signs - The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one point. When a sign is composed of two or more sign faces, only one of which can be viewed from any one point, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one of the faces.
10. Forfeiture of Illegal Signs Placed On or Over Public Property - Any sign installed or placed on or over public property, except in conformance with the requirements of this section, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this section and the Town Code of Ordinances, the town shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of such sign.
11. Relocation of Signs - Signs for which a sign permit has been issued may be relocated on the same property in conformance with the regulations of this Chapter upon notification to the Zoning Officer. Signs that are non-conforming may not be relocated except upon removal of all non-conforming features of the sign.

WALNUT COVE ZONING ORDINANCE

CHAPTER 7 SIGNS

12. Obsolete or Abandoned Signs

- (a) A sign or part of a sign advertising or pertaining to a business, product, service, commodity, event, activity, or purpose which no longer exists or that has not been in use for ninety (90) days or more shall be deemed to be an abandoned sign.
- (b) Obsolete or abandoned signs are prohibited and shall be removed by the agent within thirty (30) days of termination of the business, activity, event, etc., with the exception of political signs, which shall be removed within seven (7) days after elections.
- (c) Failure to remove such signs or parts of signs shall result in written notice from the Zoning Officer. Failure to comply with these terms shall result in the sign being removed at the owner's expense. Costs of removal or repair, court costs and attorney fees incurred by the Town shall be assessed against the owner(s), to be collected by the Town in an action on the nature of the debt.

D. Sign Placement

The following provisions shall apply to the placement of all signs in all districts.

1. In General

- (a) Signs must be located entirely on private property, unless otherwise permitted by this section.
- (b) No sign may be located so that it blocks the sight triangle at any driveway or public street intersection.

2. Awning, Canopy, and Permanent Window Signs

- (a) Only one Canopy, Awning or permanent window sign is permitted of the awning, canopy, or windowpane section, door, or grouping of such
- (b). Area. The Copy area of an awning, canopy, and or Permanent Window Sign shall not exceed thirty (30) percent of the awning; canopy, or windowpane, section, door or grouping of such.
- (c) Illumination. No internal illumination of an awning sign shall be permitted.

3. Wall Signs

- (a) Wall mounted signs shall not extend above the eave or parapet of any building.

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4. Projecting Sign

(a) Only one projection sign shall be permitted per building frontage.

(b) A projection sign shall not extend horizontally more than three (3) feet beyond the surface to which the sign is attached and no more than one and a half (1.5) feet into a public right of way.

(c.) A building shall not be permitted to have the top of a projecting sign located higher than the second story or twenty (28) feet.

5. Suspended Sign

(a). Only one suspended sign shall be permitted per primary public entrance

6. Wall Signs

(a). A wall sign shall be attached to a rigid backing of no less than one- quarter (1/4) inch in thickness. The sign shall be permanently attached to a solid surface such as a building wall.

(b). A wall sign shall not extend horizontally more than fifteen (15) inches beyond the surface to which it is attached.

(c). Wall mounted signs shall not extend above the top of the front of the building

7. Freestanding Signs

(a) All parts of freestanding signs must be set back a minimum of five feet from the property line.

(b) No freestanding sign shall be located closer than fifteen feet from another structure on the same zoning lot.

(c) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this Chapter.

8. Temporary Signs

(a) Temporary signs shall be located on private property unless expressly permitted by this section to be posted on public property.

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- (b) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

E. Permanent Signs By Zoning District

Signs shall be permitted and prohibited within certain zoning districts as follows:

Permanent Signs by Sign Type and Zoning District

SIGN TYPE	RA	R-20	R-8; R-8(O)	R-7 MHE	R-6	R-6 MH	NB-1	NB-2	B-1	I-1
Canopy/Awning	-	-	-	-	-	-	Z	Z	Z	Z
Directory	-	-	-	-	-	-	Z	Z	Z	Z
Flag	P	P	P	P	P	P	P	P	P	P
Freestanding	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Incidental/Directional	P	P	P	P	P	P	P	P	P	P
Marquee	-	-	-	-	-	-	Z	Z	Z	Z
Monument	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Outdoor Advertising	-	-	-	-	-	-	-	-	-	-
Planned Development	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Projecting	-	-	-	-	-	-	-	Z	Z	-
Suspended	-	-	-	-	-	-	Z	Z	-	-
Wall	-	-	-	-	-	-	Z	Z	Z	Z
Window	P	P	P	P	P	P	P	P	P	P

Some signs listed on this table may be permitted without a permit. See subsection I –

Permanent Signs Limited

P = permitted without a permit

Z = permitted only upon issuance of a valid zoning permit

“-” = not permitted

Sign types not specifically listed in this table are not permitted

F. Sign Height

The following provisions shall apply to the height of all signs.

- (1) Supporting elements of freestanding signs shall not extend above the sign face and shall be included in the measurement of sign height.

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- (2) Maximum sign height shall be limited by the type of sign and the zoning district in which it is located, as follows:

Maximum Sign Height by Sign Type (in feet)

SIGN TYPE	RA	R-20	R-8; R-8(O)	R-7 MHE	R-6	R-6 MH	NB-1	NB-2	B-1	I-1
Canopy/Awning	-	-	-	-	-	-	N/A	N/A	N/A	N/A
Directory	-	-	-	-	-	-	4	6	6	6
Flag	1	1	1	1	1	1	1	1	1	1
Freestanding	6	6	6	6	6	6	10	10	10	10
Incidental/Directional	4	4	4	4	4	4	4	4	4	4
Marquee	-	-	-	-	-	-	N/A	N/A	N/A	N/A
Monument	5	5	5	5	5	5	5	8	5	5
Outdoor Advertising	-	-	-	-	-	-	-	-	-	-
Planned Development	5	5	5	5	5	5	5	8	8	10

¹Shall not exceed twice the maximum building height permitted or 40 feet, whichever is less.

G. Number of Signs Permitted

The number of signs by sign type permitted in each district on an individual zoning lot shall be as follows:

Maximum Number of Signs Per Sign Type Per Zoning Lot

SIGN TYPE	RA	R-20	R-8; R-8(O)	R-7 MHE	R-6	R-6 MH	NB-1	NB-2	B-1	I-1
Directory	-	-	-	-	-	-	1	1 ³	1 ³	1 ³
Flag	4	4	4	4	4	4	4	4	4	4
Freestanding	2	2	2	2	2	2	2	2	2	2
Incidental/Directional	N/A	N/A	N/A	N/A	N/A	N/A	2 ³	2 ³	2 ³	2 ³
Marquee	-	-	-	-	-	-	1	1	1	1
Monument	1	1	1	1	1	1	1	1	1	1
Outdoor Advertising	-	-	-	-	-	-	-	-	-	-
Planned Development	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³
Total Signs per Lot	1*	1*	1*	1*	1*	1*	6	6	6	6

¹ Per awning; except that large canopies may have 1 sign per 75 square feet of canopy coverage area.

² Per storefront.

³ Per street front or development entrance, whichever is less.

* Per street front.

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H. Sign Area By Zoning District

The amount of sign area permitted for each sign on a zoning lot shall be as follows:

Maximum Sign Area Per Sign Per Zoning Lot (in square feet)

SIGN TYPE	RA	R-20	R-8; R-8(O)	R-7 MHE	R-6	R-6 MH	NB-1	NB-2	B-1	I-1
Directory	-	-	-	-	-	-	12	12	12	12
Flag	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Freestanding	4	4	4	4	4	4	36	36	36	36
Incidental/Directional	2	2	2	2	2	2	2	2	2	2
Marquee	-	-	-	-	-	-	1	1	1	1
Monument	48	36	36	24	24	24	36	48	48	48
Outdoor Advertising	-	-	-	-	-	-	-	-	-	-
Planned Development	48	36	36	36	36	36	36	48	36	48
Portable	-	-	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	-	-	-	4	4	-
Suspended	-	-	-	-	-	-	5	5	-	-
Wall	-	-	-	-	-	-	2	2	2	2
Window	N/A	N/A	N/A	N/A	N/A	N/A	3	3	3	3

- ¹ Shall not exceed 75% of the size of the marquee.
- ² Shall not exceed 25% of the wall area of the façade on which it is located.
- ³ Shall not exceed 25% of the window area. Window signs with lettering only and transparent background may be measured as the total area of the smallest rectangle(s) to encompass each word.
- * Shall not exceed 10% of the canopy or awning.
- # Shall not exceed ½ the size of the nearest window or door on the same building or façade.

I. Permanent Signs Limited

1. Notwithstanding subsection (E) and in addition thereto, the following permanent signs shall be permitted without a zoning permit.
 - (a) Historical markers, regulatory signs, public interest signs, and warning signs erected and maintained by the town or state or an agent of such.
 - (b) On-premises directional signs not exceeding four feet in height nor two square feet in area.
 - (c) Identification signs not exceeding two feet in height nor two square feet in area.

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- (d) Incidental signs.
 - (e) Flags on permanent poles.
 - (f) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
 - (g) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
 - (h) Traffic control signs on private property, the face of which meets Department of Transportation standards and which contain no commercial message of any kind.
2. Notwithstanding subsection (E) and in addition thereto, the following permanent signs shall be permitted upon the issuance of a valid zoning permit.
- (a) Any sign not expressly listed as permitted without a permit shall require the issuance of a valid zoning permit prior to installation.
 - (b) Off-premises privately owned and maintained directory signs that provide a directory to businesses, uses, or attractions not on the immediate property but at nearby development sites may be placed on private property provided that:
 - (i) The directory sign shall serve to direct the public to a single development site or contiguous development sites; and
 - (ii) The property on which the directory sign is located is immediately adjacent to the businesses, uses, or attractions advertised; and
 - (iii) The directory sign does not exceed five feet in height nor twenty-four square feet in sign area; and
 - (iv) The property on which the directory sign is located does not contain another directory sign; and
 - (v) The directory sign is not located within fifty feet of another permanent, privately owned freestanding sign; and
 - (vi) No more than one such directory sign is erected to direct the public to the development site(s); and
 - (vii) The directory sign does not obstruct the clear sight triangle or in any other way interfere with the safe passage of vehicles, pedestrians, and bicyclists on, off of, or along public streets, sidewalks, or bike paths; and
 - (viii) If the directory sign is lighted, it shall be designed as a knockout backlit sign; and

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J. Temporary Signs Limited

1. Temporary signs permitted without a permit. The following temporary signs are permitted without a zoning permit in all zoning districts but shall be in conformance with all other requirements of this ordinance.
 - (a) Campaign or election signs shall be permitted provided that:
 - (i) Individual signs shall not exceed twenty (20) square feet in area nor four feet in height.
 - (ii) All signs shall be removed within fourteen (14) days after the election for which they were made. They may be erected no sooner than ninety (90) prior to an election
 - (iii) No signs shall be permitted in the public right-of-way.
 - (b) Real estate signs are permitted provided that:
 - (i) There shall be one sign per premise. If property fronts two roads two signs will be allowed.
 - (ii) Signs shall be non-illuminated.
 - (iii) Signs shall not exceed a total of six square feet in area or a maximum height of six feet.
 - (iv) Real estate signs shall be removed by the realtor within seven days of the closing of the transaction.
 - (v) No off-premise real estate signs are allowed. Location of real estate signs are to be limited to the property which is for sale.
 - (vi) Lead-in signs which are no larger than four square feet in area shall be allowed. Text shall be limited to an arrow and firm name or logo. Permission to locate the lead in sign shall be secured from the property owner. Signs shall be removed on the day of closing.
 - (vii) New subdivision signs located on the property shall not exceed 24 square feet in area and may remain until 75% of the lots are sold.
 - (c) Construction signs are permitted provided that:
 - (i) Signs located on residential lots, excluding multi-family sites, shall not exceed six square feet in area. The maximum height of such signs shall be six feet.
 - (ii) Signs for all multi-family development sites and nonresidential uses shall not exceed one square foot for every five linear feet of frontage of property under construction, up to a maximum sign face area of thirty-two square feet. Such signs shall not exceed a maximum height of six feet.
 - (iii) Signs are confined to the site of construction.

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- (iv) Only one sign per street front of the property under construction shall be erected.
 - (v) Signs shall not be illuminated.
 - (vi) Signs shall be removed within seven days after the completion of the project.
 - (d) Temporary farm products signs are permitted provided that:
 - (i) Signs are located on the premises where the products are sold.
 - (ii) Signs advertise products produced on-site only.
 - (iii) Signs shall not exceed twenty-four square feet in area nor five feet in height.
 - (iv) Only one sign shall be erected.
 - (v) Signs shall be removed within seven days of the termination of sale activities.
 - (e) Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, are permitted provided that:
 - (i) Signs shall not exceed thirty-two square feet in area nor five feet in height.
 - (ii) Signs shall be erected no sooner than fourteen days before and removed seven days after the event.
 - (f) Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development, shall be permitted so long as such signs do not exceed twelve square feet in sign area, six feet in height, and are removed upon completion of the portion of the project to which the signs are giving direction.
 - (g) Holiday lights and decorations.
 - (h) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
 - (i) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
2. Temporary signs requiring a permit. Temporary signs permitted upon issuance of a valid zoning permit shall be limited as follows:
- a. Temporary banners in commercial districts, provided that:
 - i. Only one banner per establishment shall be allowed at a time.

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- ii. All banners shall be attached in total to a building wall or permanent canopy extending from a building.
- iii. No paper banners shall be allowed.
- iv. Banners shall be erected for a period not to exceed two weeks.
- v. No more than four such signs per establishment shall be erected within a calendar year.
- vi. No banner shall extend above the second occupiable floor level of a building.
- b. Temporary Advertising Flag in commercial districts provided that:
 - i. Only four advertising flags per establishment shall be allowed at a time.
 - 1. All advertising flags shall be set in the ground
 - 2. No paper advertising flags allowed
 - 3. No advertising flags shall be erected for a period not longer than two months
 - 4. No advertising flags shall extend above ten feet in height
 - 5. All advertising flags shall be set five feet apart and offset two feet
- c. Temporary off-premises signs or banners for special community events, open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations, provided that:
 - i. Temporary signs shall be located outside of the public right-of-way or at least eleven feet from the edge of any public street if the right-of-way cannot be determined.
 - ii. Every temporary off-premise sign or banner shall be separated by a distance of four hundred feet from any other such temporary off- premise sign on the same side of a street, and by a distance of two hundred feet from any other sign on the opposite side of a street.
 - iii. Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.
- d. Any temporary sign not expressly permitted without a permit in subsection J.(1) above, but not expressly prohibited in subsection K. below.

K. Prohibited Signs

Notwithstanding subsection E and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

- 1. Signs extending into the public right-of-way other than those expressly permitted by this Chapter or otherwise approved by the Board of Commissioners, if placed along public streets.
- 2. Roof signs.
- 3. Portable signs.

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4. Flashing, fluttering, swinging, wind activated, rotating, animated signs including flashing time and/or temperature signs, and other digital or electronic message boards .
5. Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.
6. Illuminated or highly reflective signs which hamper the vision of motorists or cyclists.
7. Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs.
8. Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs.
9. Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs.
10. Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public street right-of- way or property unless expressly authorized by this Chapter or the Board of Commissioners.
11. Off-premises signs advertising adult establishments.
12. Off-premises signs on parcels of land which are zoned residential, used primarily for residential purposes, or which do not include an active permitted use as established by this Chapter.
13. Inflatable devices or balloons.
14. High intensity searchlights.
15. Any object displayed in a manner which is intended to attract attention to a site, product, or event.
16. Any sign listed as not permitted in subsection E.
17. Any sign not expressly permitted by this Chapter.

L. Enforcement of Regulations

1. Any sign, structure or other form of advertising defined as a sign herein that is erected or placed anywhere in the town limits or in the extended planning jurisdiction of the town after adoption of this subchapter that is not in compliance with the provisions of this chapter shall be a zoning violation subject to the enforcement provisions outlined in this chapter.
2. The town may take possession, remove and dispose of any temporary sign not expressly permitted in this subchapter that is found within a public right-of-way, or

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within 11 feet of the edge of a public street if the right-of-way cannot be readily determined

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CHAPTER 8. PARKING AND LOADING

A. Off-Street Parking and Storage

There shall be provided at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified in this section — provided such building is not in the Highway Commercial District. Such parking space may be provided in a parking garage or properly graded open space and shall be included in all site plans submitted to the Planning Board. No public street right-of-way shall be used in determining or providing required off-street parking.

1. Certificate of Minimum Parking Requirements. Each application for a zoning permit or certificate of occupancy submitted to the Zoning Administrator shall include information as to the location and dimensions of off-street parking and loading spaces, and means of ingress and egress to such space. This information shall be of sufficient detail to enable the Zoning Administrator to determine whether the requirements of this section are met.
2. Combination of Required Parking Space. The required parking spaces for any number of spaces may be combined in one (1) lot off premise, but the required parking space for any other use shall not be used or counted as the required space for any other use except that one-half (1/2) of the parking space required for churches, theatres, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
3. Remote Parking Space. If adequate parking facilities cannot be provided on the same lot where the principal use is located, it may be provided on another lot not more than five hundred (500) feet from the principal use, provided such space is rented and/or leased on a long term basis or is in the same ownership as the principal use.
4. Requirements for Parking Lots in Residential Districts. Where parking lots for more than five (5) automobiles are permitted or required in residential districts, the following stipulations shall be met:
 - a) The lot may be used only for parking in relation to the principal use of the lot and not for any type of loading, sales, repair work, dismantling or servicing.
 - b) All entrances, exits, barricades at sidewalks, and drainage works shall be approved by the Zoning Administrator prior to construction.

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- c) Only one (1) entrance and one (1) exit sign not exceeding four (4) square feet prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

5. Minimum Parking Requirements. The required number of off-street parking spaces specified below for each use shall be provided.

LAND USE	REQUIRED PARKING SPACE
Automobile Sales	One (1) space for each two (2) employees at maximum and Repair Garages employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space
Bowling Alleys	Two (2) spaces for each lane, plus one (1) additional space for each two (2) employees.
Churches and funeral homes	One (1) space for each four (4) seats in the main chapel.
Elementary and Junior High Schools, both public and private	One (1) space for each classroom and administrative office.
Hospitals	One (1) space for each four (4) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees.
Hotels	One (1) space for each two (2) rooms plus one (1) additional space for each five (5) employees.
Libraries	One (1) space for each four (4) seats provided for patron use.
Medical Offices	Four (4) spaces for each doctor practicing at the clinic and Clinics, plus one (1) space for each employee.
Child Care Facilities	Two (2) for each employee and one (1) for each 400 square feet of floor area.
Mobile Homes (Manufactured Homes)	Two (2) spaces for each mobile home.
Motels	One (1) space for each accommodation plus two additional spaces for employees.
Offices, Businesses, Professional, or public including banks	One (1) space for each 200 square feet of gross floor area.
Places of Public Assembly including Private Clubs and Lodges, Auditoriums, Dance Halls, Pool, Rooms, Theaters, Stadiums,	One (1) space for each four (4) fixed seats provided Assembly including for patron use, plus one (1) space for each 100

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Gymnasiums, Amusement Parks, Community Centers and all similar places of public assembly	square feet of floor or ground area used for amusement or assembly but not including fixed seats.
Rescue Squads and Armories	Parking space equivalent to three (3) times the gross floor space in the main building.
Residential Dwelling units, single -family and two(2) family	Two (2) spaces for each dwelling unit.
Restaurants, Drive-thru restaurants	Parking space equivalent to five (5) times the gross floor space in the main building.
Retail Business and Consumer Service Outlets	One (1) space for each 200 square feet of gross floor area
Rooming and Boarding Houses	One (1) space for each accommodation, plus one (1) additional space for the owners or managers.
Nursing Homes, Assisted Living Facilities	One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, and plus one (1) space for each four (4) employees.
Senior High Schools, colleges, both public and private	One (1) space for each ten (10) students for whom the school was designed, plus one (1) space for each classroom and administrative office
Service Stations	Two (2) spaces for each gas pump plus three (3) T spaces for each grease rack or similar facility.
Shopping Centers	One (1) parking space for each two hundred (200) square feet of gross floor area. (Amended July 5, 2005)
Wholesaling and Industrial Uses	One (1) space for each two (2) employees at maximum employment on a single shift

B. Off-Street Loading and Unloading Space

New businesses or services moving into existing vacant buildings within the B-1 District are exempt from these requirements; if moving into a new structure, however, these provisions do apply. The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his own needs to determine if they are greater than the following minimum. Every building or structure used for business, trade, or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Each space shall have access to an alley, or, if there is no alley, to a street. For the purpose of this section, an

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off-street loading space shall have a minimum dimension of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall, or other building of similar loading space requirements.

Square Feet of Gross Floor Area		Required Number of Berths
0	- 20,000	1
20,001	- 40,000	2
40,001	- 100,000	3
100,001	- 160,000	4
160,001	- 240,000	5
240,001	- 320,000	6
320,001	- 400,000	7
Each 90,000 above	400,000	1 additional

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CHAPTER 9 LANDSCAPING, BUFFERING AND SCREENING REQUIREMENTS

Purpose - The following requirements are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation and planting of vegetation, screening and landscaping materials.

1. Applicability. The provisions of this Chapter shall apply to all new development, *except that the provisions of Subsections (3) and (4) shall not apply to areas zoned B-1.*
2. General Provisions (Conditions of planting and screening; tree and shrub size requirements)
 - a. Landscaping, trees and plant material shall be planted in a growing condition according to accepted horticultural practices, and they shall be maintained in a healthy growing condition. The property owner shall replace during the next planting season any landscaping, trees and plant material found in a condition that does not fulfill the intent of these regulations.
 - b. If a screening fence or wall is substituted for a required buffer, such fence or wall shall be maintained by the property owner in good condition throughout the period of the use of the lot. To the extent possible, existing trees, vegetation and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.
 - c. Trees planted in required buffer areas, including evergreens, shall have the following minimum sizes at planting:

Canopy trees: 6 to 8 feet height, 1.75-inch trunk diameter;
Medium trees: 4 to 6 feet height, 1.25-inch trunk diameter;
Small trees: 3 to 5 feet in height, 0.5-inch trunk diameter.

Canopy trees shall reach a height of at least 35 feet. Medium trees shall reach an expected height of 25 to 35 feet at maturity. Small trees shall reach a height of 10 to 25 feet.
 - d. Shrubs and hedges shall be a minimum of 1 to 2 feet high immediately after planting.
 - e. Ground cover may include any plant material that reaches an average height of not more than 12 inches. Alternative materials may be used in lieu of grass provided they present a finished appearance and provide reasonably complete coverage at the time of planting.

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CHAPTER 9 LANDSCAPING, BUFFERING AND SCREENING REQUIREMENTS

- f. Plants that restrict sight visibility at intersections of streets or driveways, such as tall shrubs or low branching trees, shall be avoided.
 - g. Where lot size, shape, topography or existing structures or improvements render compliance unfeasible, the Zoning Administrator may modify these requirements provided the alternate proposal will afford a degree of landscaping, screening and buffering equal to or exceeding these requirements.
- 3. Front Landscaped Area. A front landscaped area shall be required for all two-family, multi-family, and non-residential uses. The required landscaped area shall be contiguous to the front lot line of the property and have an average width of at least 10 feet. The area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, 1 canopy tree and two medium trees and 10 shrubs shall be planted within the front landscaped area for each 100 feet or remaining fraction thereof of lot frontage. The intent of this provision is to enhance appearance but avoid negation of access or screening the use from view.
- 4. Buffer Area. A buffer area shall be required to separate and screen incompatible land uses from each other. Buffers shall be required along all boundaries of two-family, multi-family and non-residential uses that abut less intensive uses. Such buffers shall comply with the following minimum standards:
 - a. A buffer area shall be located within the boundaries of the subject property, unless the owners of all abutting properties agree in writing to allow the buffer to encroach upon their land. Said agreement shall be recorded, as a deed attachment or separate instrument, to run with the land, and shall provide stipulations for maintenance and upkeep as deemed necessary.
 - b. For lots larger than three-fourths (75%) of one acre in area, the minimum width, in feet, of the required buffer shall vary with the proposed use of the subject and adjacent properties, as provided below [(-) = no buffer required]. If the adjacent property is vacant, the zoning classification shall determine the presumed adjacent use:

(See chart next page)

WALNUT COVE ZONING ORDINANCE
CHAPTER 9 LANDSCAPING, BUFFERING AND SCREENING REQUIREMENTS

(Proposed Use)	(Adjacent Use)					
	Single-family	Two-family	Office	Commercial	Multi-family	Industrial
Single-family	-	-	-	-	-	-
Two-family	10	-	-	-	-	-
Office	10	10	5	5	10	5
Commercial	20	15	5	5	15	5
Multi-family	15	10	10	10	5	25
Industrial	25	25	15	10	25	5

- c. **(Exception made for buffer width on small lots)** If a subject (50) feet or less, any required buffer shall be at least five (5) feet in width. All required buffers regardless of lot size shall maintain the minimum density requirements of (d) below.
- d. The buffer area shall consist of trees and shrubs of such a type, height, spacing and arrangement as to buffer the activity on the lot effectively from the neighboring area. Required density of the plantings shall vary with the width of the buffer; narrow buffer strips require greater density than wider buffer areas. At a minimum the planting shall be configured as follows:

Buffer Width	Minimum Planting Density, per 100 Linear Feet
25 feet or greater	3 Medium Trees, 6 Small Trees, 12 Screening Plants, 10 Shrubs
15 to 25 feet	3 Medium Trees, 6 Small Trees, 10 Screening Plants, 7 Shrubs
5 to 15 feet	3 Medium Trees, 6 Small Trees, 8 Screening Plants, 3 Shrubs

- e. A wall, fence or earthen berm of a location, height, design and material approved by the Zoning Administrator may be substituted for all or any portion of a required planting and/or buffer area. Fences and walls, if substituted, shall be constructed of materials congruous or compatible in design and appearance with the materials of the principal building. Finished siding on any such fence shall face the adjoining property. Where fences or walls are employed as substitutes for required buffers, they shall be maintained permanently in sturdy condition and attractive appearance in the estimation of the Zoning Administrator, or be subject to enforcement and

WALNUT COVE ZONING ORDINANCE
CHAPTER 9 LANDSCAPING, BUFFERING AND SCREENING REQUIREMENTS

abatement as a public nuisance under Town code.

5. Landscaped Parking Areas. Parking areas shall comply with the following minimum standards:
 - a. All uses required to have 20 or more off-street parking spaces shall have at least 10 square feet of interior landscaping within
 1. the paved portion of the parking area for each parking space, and at least one tree for every 10 parking spaces or remaining fraction thereof.
 - b. Each interior landscaped area shall contain a minimum of 200 square feet and shall be planted with shrubs and trees.
 - c. A landscaped area shall be provided along the perimeter of any parking area. The required landscaped area shall have a minimum width of 5 feet and shall be planted with 2 canopy trees and 10 shrubs per 100 linear feet of perimeter area. Two medium or small trees may substitute for each required canopy tree in areas near overhead power lines and existing buildings.
 - d. Interior landscaped areas shall be spaced throughout the lot to reduce the visual impact of long rows of parked cars. At a minimum, landscaped areas shall be distributed approximately once every 10 spaces for residential and once every 15 spaces for other types of development.
 - e. Landscaped areas shall be provided at the ends of parking aisles and shall be planted with shrubs and/or trees.
 - f. The required number of parking spaces may be reduced by one parking space for each 150 square feet of interior planting area, not exceeding 10 % of the entire parking area.
6. Screening of Outdoor Storage Areas. Outdoor storage areas shall be screened from view of adjacent streets and from all residentially zoned land, by a double row of evergreen shrubs or trees planted to form a continuous hedge of at least 6 feet in height within 2 years of installation.
7. Screening of Mechanical Equipment. All non-residential uses shall screen from view from public places and neighboring properties all mechanical equipment, including but not limited to ground or roof mounted air conditioning, air conditioners or pumps, through use of features such as berms, fences, false facades or dense landscaping compatible with the site.

WALNUT COVE ZONING ORDINANCE
CHAPTER 9 LANDSCAPING, BUFFERING AND SCREENING REQUIREMENTS

8. Central Solid Waste Storage Area. All new buildings and uses, except for single-family and two-family dwellings, shall provide facilities for the central storage of solid waste within the lot. Where such facilities are provided outside of a building they shall be screened from adjacent property by an enclosure constructed of materials congruous with the materials on the exterior walls of the main building(s).
9. Unoccupied Lot Areas. All areas of a developed lot not occupied by buildings, structures, improvements, pedestrian and vehicular circulation ways, off-street parking and outside storage shall be appropriately improved with ground cover, trees, shrubbery or mulch.

WALNUT COVE ZONING ORDINANCE

CHAPTER 10 MULTI-FAMILY DWELLINGS

- A. **Intent.** It is the intent of the Town of Walnut Cove to allow a diverse mix of housing opportunities for its citizens while protecting the health, safety, and welfare of its citizens and the property values of existing residential areas. No multi-family structure shall be constructed nor shall the exterior of any such structure be substantially modified from and after the effective date of this chapter except that said modification be in conformance with the provisions stated herein. For the purposes of this chapter, substantial modification shall be defined as any work which involves the alteration of the building's footprint or construction of additional stories.
- B. **Conditional Zoning.** Multifamily developments shall be permitted in the following conditional districts: RA-CD, R-20CD, R-6CD, R6-MHCD, NB-1CD, and R-8(O)CD. (See Table of Permitted Uses.)

As provided in Chapter 3, Section 3, "CD" refers to "conditional district." Location and development of multifamily projects requires that the Board of Commissioners rezone the proposed site to one of the above designated conditional districts based on approval of a site-specific development plan. The process for conditional district rezoning and incorporation of additional agreed-upon conditions is set forth in Chapter 3, Section 3.

C. Submission requirements:

1. A boundary survey showing the total acreage, present zoning classification(s), date and north arrow.
2. The owner's name, address, and the tax parcel numbers of all adjoining properties.
3. All existing easements, rights-of-way and all yard requirements for the zoning district.
4. Proposed layout of the site and all structures. This shall include the number of units, number of stories of each building, and location of all doorways. Trash collection facilities as well as any common areas and recreation areas shall also be shown.
5. Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.
6. Proposed screening and buffers, including walls, fences, or planted areas as well as any natural features to be retained on the site.
7. Delineation of areas within a designated flood hazard area.
8. Proposed number and location of signs.
9. Proposed phasing, if any, and approximate completion time of the project.
10. Approved driveway permit from the NC Department of Transportation for developments that access state maintained roads and highways.
11. Certifications that an approved water and sewer system can be provided to service the project.

WALNUT COVE ZONING ORDINANCE

CHAPTER 10 MULTI-FAMILY DWELLINGS

D. Development Requirements.

1. Density. See Dimensional Requirements Table in Chapter 4, Section 1 for maximum density permitted in zoning district.
2. Lot Width. The minimum lot width for all two-family and multi-family developments shall be one hundred (100) feet.
3. Building Setback Lines. All principal buildings excluding two-family dwellings on their own lot and not developed with other two-family dwellings shall be located at least fifty (50) feet from any property lines. Two-family dwellings located on their own lot and not developed with other two-family dwellings shall have the same minimum front and rear setbacks as single-family dwellings located in the same district and minimum side setbacks that are one and one-half times the minimum side setback of single-family dwellings located in the same district.
4. Building Location. Buildings containing dwellings shall be set back a minimum of fifteen (15) feet from internal driveways and parking areas.
5. Building Separation. A separation of at least twenty (20) feet shall be provided between all buildings on the same site.
6. Building Height. The maximum height for all structures in a two-family or multi-family development shall be thirty-five (35) feet.
7. Screening and Buffers. A visual screen and/or vegetative buffer shall be provided in accordance with the requirements listed in Chapter III, Section 3.
8. Control of Potential Nuisance Uses. Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas and sporting facilities shall not be placed within fifty (50) feet of adjacent land used or anticipated to be used for single-family residential.
9. Internal Relationships. All structures, uses, and facilities shall be grouped in a safe, efficient, convenient and harmonious relationship in order to preserve desirable natural features and minimize disturbances to the natural topography of the site.
10. Interior Circulation System. Streets, drives, parking areas shall provide safe and convenient access to dwelling units. Specifically, streets and driveways shall be laid out to not encourage outside traffic to traverse the development on minor streets and streets should not create unnecessary fragmentation of the development into small blocks.
11. Vehicular Access to Public Roads. When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located, designed and controlled as to channel traffic to and from such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.
12. Signs. Signage shall be permitted in accordance with the sign regulations listed in Chapter III, Section 1 of this ordinance
13. Off-Street Parking. Off-street parking shall be provided in accordance with the parking requirements listed in Chapter 8, Section A5. of this ordinance.

WALNUT COVE ZONING ORDINANCE
CHAPTER 11. CONSERVATION SUBDIVISIONS
(Rural Cluster Subdivisions)

Section 1. Characteristics; Conditional Zoning Required

An owner of real property totaling 20 or more contiguous acres in area having existing direct access to public water and sewerage, may apply to have suitable property rezoned to one of three conditional districts, R-A CD, R-20 CD, or R-8 CD for a conservation subdivision. Conservation subdivisions are characterized by dedicated common open space and clustered compact lots. The purpose of a conservation subdivision is to protect farmland, open space and/or natural resources and features, and to provide for a viable and attractive alternative housing environment with the same maximum number of residences, consolidated infrastructure and reduced development costs.



The conservation subdivision (also known as rural cluster development) option provides property owners a way to subdivide their land while substantially retaining its rural character and scenic beauty and preserving open space and environmentally significant areas. This option permits clustered residential lots in exchange for the preservation of significant open space features. For example, a conventional development might subdivide a ten-acre tract into 10 one-acre lots. Using the conservation subdivision option, those same ten homes

(Continued on next page)

WALNUT COVE ZONING ORDINANCE

CHAPTER 11. CONSERVATION SUBDIVISIONS

(Rural Cluster Subdivisions)

might be placed on half-acre lots, with the remaining 5 acres being permanently preserved as open space. Development costs for roads and other amenities are decreased, while new residents and the community benefit from the preservation of open space in environmentally sensitive areas. The illustrations below provide a comparison between conventional large-lot subdivisions, and the conservation subdivision option.



A Conventional Large-Lot Subdivision

A Conservation Subdivision

Plans and pictures courtesy of BLUPRINTS – Penn State University. Both development options contain the same number of housing units but have very different visual and environmental effects on the surrounding landscape.

Section 2. Procedures for Review and Approval.

- A. The conditional zoning process requires that the Board of Commissioners rezone the proposed site to one of the above designated conditional districts based on approval of a site-specific development plan. The process for conditional district rezoning and

WALNUT COVE ZONING ORDINANCE
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incorporation of additional agreed-upon conditions is set forth in Chapter 3, Section 3.

- B. The property owner shall submit a site-specific development plan to the Zoning Administrator for a proposed conservation subdivision, accompanied by a preliminary plat of the property as required by the Walnut Cove Subdivision Ordinance. The Zoning Administrator shall determine that all required materials have been submitted. Thereafter, the conditional rezoning process including notice, a community meeting, a recommendation and consistency statement by the Planning Board, a legislative hearing and action by the Board of Commissioners as described in Chapter 3, Section 3, shall be carried out.

Section 3. Development Requirements

- A. Lot size and yard requirements may be reduced by no more than one-half (1/2), and maximum lot coverage may be increased by no more than twice (2X) the requirements of Chapter 4, Section 1. In no case shall overall housing density in the development exceed the normal density requirements of the district; nor shall any use be permitted in such a development that is not otherwise permitted in the district.
- B. Additional infrastructural requirements:
 - 1. Public water and sewer connections shall be planned, platted and made available to each building lot.
 - 2. Each building lot shall adjoin an internal street or existing public roadway on at least one side. Street frontage shall total at least 20% of the perimeter of the lot.
 - 3. Sidewalks shall be installed along the entire length of internal streets on any side where building lots face the street.
- C. Dedicated open space shall be contiguous or divided into no more than two (2) sections, and shall include at least 30% of the total area of the land. The requirement of this section for open space is in addition to any provision in the subdivision regulations of the Town for land set aside for recreation, open space, or for land considered unsuitable for platting.
- D. Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board upon recommendation of the Town Attorney and duly recorded in the office of the County Register of Deeds.
- E. A plan and narrative for the use, maintenance, and insurance of the open space and all common facilities, including provisions for funding, shall be included with the site-specific development plan and application for rezoning. The Town may identify

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CHAPTER 11. CONSERVATION SUBDIVISIONS
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circumstances based upon which it requires an escrow of sufficient funds for the maintenance and operation costs of common facilities for up to one year.

- F. Such plan shall:
1. Define ownership, as one of the following:
 - a. The original owner may retain ownership of the open space and common facilities and dedicate a conservation easement to a land trust or other public entity. The owner may use the land for farming, excluding livestock feeding or grazing, or for recreational purposes that do not disturb the natural setting.
 - b. The open space and common facilities may be deeded to a homeowners' association, which may manage the common uses, recreational or otherwise, and preservation of the space.
 - c. The open space and common facilities may be held as common property, and a partial interest deeded with each of the building lots.
 2. Establish appropriate regular and periodic operation and maintenance responsibilities.
 3. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- G. If allowed by the topography and shape of the land, each proposed building lot in the subdivision shall have at least 25% of its boundary either adjacent to the required open space, or directly facing the open space across an internal street in the subdivision. After receiving evidence the Board of Commissioners shall determine on a case-by-case basis which lots, if any, may be excused from this requirement. Preservation of valuable natural or historic features present on the property may also be grounds for exception.
- H. As provided in Chapter 3, Section 3, the Board of Commissioners and applicant may agree to additional conditions, including, but not limited to: provisions for additional utilities, drainage, other physical improvements, landscaping, lighting, streets and access ways, safety, and compatibility of appearance and design.

Section 4. Action following rezoning

- A. When the Town Board of Commissioners grants a conditional district rezoning, the subdivision review and approval process may continue as provided in the Subdivision Ordinance, with approval of the preliminary plat and permission for the owner to begin site improvements.
- B. In the event the party responsible for maintenance of the open space fails to maintain all

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CHAPTER 11. CONSERVATION SUBDIVISIONS
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or any portion in reasonable order and condition, the Town may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner(s), homeowner's association, or to the individual property owners that make up the homeowner's association and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

WALNUT COVE ZONING ORDINANCE

CHAPTER 12. REGULATIONS GOVERNING MOBILE HOME PARKS

The purpose of these mobile home park regulations is to provide an acceptable environment by means of conditional zoning for what are in fact small communities of mobile homes.

A. **Definitions.** For the purpose of interpreting this chapter, certain words or terms are herein defined:

1. **Mobile Home** (Manufactured Home): - A dwelling that 1) is composed of one (1) 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; 2) exceeds forty (40) feet in length and eight (8) feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings.

2. **Mobile Home Park** (Manufactured Home Park): A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.

3. **Mobile Home Space.** A plot of land within a mobile home park designed for the accommodation of one mobile home in accordance with the requirements set forth in this ordinance.

4. **Trailer.** As defined in G.S. 20-4.01:

House Trailer - Any trailer or semitrailer designed and equipped to provide living or sleeping facilities and drawn by a motor vehicle. This term shall not include a manufactured home as defined herein.

Recreational Vehicle/RV/Travel Trailer - A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

B. **Compliance with Regulations.** All mobile home parks existing at the time of adoption of this ordinance are not required to comply with these regulations. However, before any existing park can add additional mobile home sites, or a new park constructed, all requirements of this ordinance must be met.

C. **Conditional Zoning** - Conditional zoning requires that the Board of Commissioners rezone the proposed site of the mobile home park to R-7 MHE-CD based on approval of a site-specific development plan. The process for conditional district rezoning and incorporation of additional agreed-upon conditions is set forth in Chapter 3, Section 3.

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D. **Site-Specific Development Plan.** A site-specific development plan shall be presented to the Zoning Administrator or his/her designated representative. The development plan shall comply with the specifications listed. All applicable fees shall be paid to the Town for each proposal to cover the cost of advertising and administrative costs. Copies of the development plan shall be forwarded to the Walnut Cove Planning Board for review and a recommendation; then to the Town Board of Commissioners for action.

1. Development Plan. A plan clearly indicating the developer's intention to comply with the provisions of this ordinance shall be submitted for approval. Such plans shall be drawn at a scale of not less than one hundred (100) feet to the inch and shall show the following on one or more sheets that are either 15 X 18 inches or 20 X 24 inches in size.
2. A site plan of the proposed mobile home park.
3. The name of the mobile home park, the names and addresses of the owner(s) and the designer of the park;
4. Date, approximate north arrow, and scale;
5. The boundary line of the tract with accurate linear and angular dimensions drawn to scale;
6. The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drain pipes and any utility easements, both on the land to be developed into a mobile home park and on land immediately adjoining. The names of adjoining subdivisions or the names of record or owners of adjoining parcels of unsubdivided land.
7. The names proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks, and other spaces, reservations, mobile home spaces, and building lines within the park. This information should be graphically shown only. It is not required to prepare detailed computations or field work above that required to obtain the above information.
8. Plans of proposed utility layouts (sewer lines, septic tank drain fields, and water and storm drainage) showing feasible connections to existing and proposed utility systems.
9. Where public water and public sewer is not available, a written statement from the Stokes County Environmental Health Department shall be submitted with the mobile home park plans that indicate that the park has adequate land area

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and suitable topography to accommodate the proposed methods of water supply and sewage disposal.

10. Location and number of garbage receptacles.

11. Plans for electric lighting.

E. Review and Action on Conditional Zoning Request

Procedure - The Zoning Administrator shall determine that all materials listed in Paragraph D. have been submitted. Thereafter, the conditional rezoning process as set forth in Chapter 3, Section 3 shall be followed, including notice as for a zoning map amendment (Chapter 16), a community meeting, a recommendation and consistency statement by the Planning Board, and a legislative hearing and action by the Board of Commissioners.

F. Specifications for Mobile Home Parks

1. Mobile Home Space. Each mobile home in a mobile home park shall occupy a designated space having at least seven thousand (7,000) square feet, and an average width of at least sixty (60) feet, exclusive of common driveways.
2. Access Drives. Each mobile home space shall abut a drive within the park. Said drive shall be paved, to a width of twenty (20) feet, in accordance with the construction requirements of Section E (Pavement Designs) of NC DOT publication Subdivisions Roads – Minimum Construction Standards.
3. Parking Spaces. Two (2) off-street driveway parking spaces (paved) on a well compacted sub-base shall be provided for each mobile home space. Required parking spaces shall be included within the seven thousand (7,000) square feet required for each mobile home space.
4. Recreation Area. At least four hundred (400) square feet of recreational space shall be provided for each mobile home.
5. Spacing. No mobile home or other structures within a mobile home park shall be closer to each other than thirty-five (35) feet, except that storage or other auxiliary structures for the exclusive use of the mobile home may be closer to that mobile home than thirty-five (35) feet.
6. Spacing from Exterior Boundary. No mobile home shall be located closer than thirty (30) feet to the exterior boundary of the park or a bounding street or highway right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than forty (40) feet to the exterior boundary of the park or the

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right-of-way of a boundary street or highway.

7. Flood Prevention. Mobile home parks shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
8. Lighting. All mobile home parks shall be adequately lighted. Tiedowns. All mobile homes shall have tiedowns, which comply with North Carolina Regulations for Mobile Homes.
9. Underpinning. All units shall be underpinned (skirted) by a solid, non-flammable material.

G. Utilities Required

1. Water. An adequate and safe supply of water shall be readily available at each mobile home park space. Each mobile home park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Stokes County Environmental Health Department. The supply shall be adequate for the park requirements. The drinking, cooking, laundry, and general bathroom water supply for each individual mobile home shall be obtained from faucets or other plumbing connections located within each mobile home.
2. Sanitary Sewer. Each mobile home park shall be provided with an adequate sewage disposal system, either by connecting to a public sewage system or septic tank system approved by the Stokes County Environmental Health Department and/or North Carolina Department of Natural Resources and Community Development, Division of Environmental Management.

All sewage waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water using appliances not herein mentioned, shall be piped into the mobile home park sewage disposal system.

3. Electricity. Each mobile home located in a mobile home park shall be provided with electricity sufficient enough to safely meet the maximum anticipated requirements of a mobile home. All wiring connections from the meter to mobile home must comply with the National Electrical Codes.

H. Facilities Required

1. Garbage and Trash Containers. One (1) covered garbage and trash container twenty-four (24) gallon maximum capacity shall be provided for each mobile home; containers shall be placed on racks which are approved by the Stokes County

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Environmental Health Department; and such racks shall be located within the mobile home park at a point which is readily accessible for collection. In lieu of requiring individual garbage and trash container for each mobile home, other approved garbage and trash disposal facilities may be provided with the approval of the Town Manager.

2. Concrete Pads. Each mobile home must be provided with a minimum ten (10) feet by ten (10) feet concrete pad at the front entrance.

I. Limitations

1. Noncompliance - In any case where the requirements of this chapter are not being met, the Zoning Administrator shall issue to the owner an Initial Notice of Violation. Issuance of the Notice and the opportunity for appeal shall be as provided in Chapter 14, Section F.
2. Expiration. In the case where no substantial progress has been made on development of the mobile home park after one year from the date of zoning to a conditional district, the Town may initiate a rezoning of the property from R-7 MHE CD to its previous or another classification.

“No substantial progress” as set forth in this section shall mean that the binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for or completed (sewage, drainage, etc.). When construction is not a part of the use, “substantial progress” shall mean that the use is in operation in compliance with the requirements set forth in this ordinance.

WALNUT COVE ZONING ORDINANCE

CHAPTER 13 PLANNING BOARD

A. Creation.

There shall be and is hereby created a Walnut Cove Planning Board. " As authorized by G.S. 160D-301, the Walnut Cove Board of Adjustment is hereby designated to perform the duties of a planning board.

B. Procedures and Conflict of Interest

1. Procedures and Records - The Board shall adopt such procedural rules and regulations as it deems necessary. All Planning Board meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his/her absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.
2. Conflict of Interest – As provided in 160D-109(b), members shall not vote on any decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed 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 relation. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild, the step, half and in-law relationships.(G.S. 160D-109(f))

C. Duties

As provided in 160D-301(b), the Planning Board's duties shall include:

1. Initiate plans for the orderly development of the town and extraterritorial zoning jurisdiction area for recommendation to the Town Board of Commissioners.
2. Initiate studies of the population, economy, land use, traffic and other factors impacting the resources, needs and public welfare of the present and future town.
3. Regulation of the subdivision and platting of land within the town and outside as authorized by law.
4. Make recommendations to the Town Board of Commissioners on zoning regulations and zoning map boundaries which, from time to time, may need to be amended, supplemented, changed, modified or repealed within the town jurisdiction or outside as authorized by law.
5. Advise the Board of Commissioners on all matters related to the development of the town, particularly with respect to conditions which negatively impact the public welfare and to perform such other duties as may be assigned from time to time by the Town Council.
6. Make recommendations to the Board of Commissioners, as provided in Chapter 16 regarding amendments to the text of this Zoning Ordinance and/or the zoning map of the Town.

WALNUT COVE ZONING ORDINANCE CHAPTER 14 BOARD OF ADJUSTMENT

A. **Creation.**

There shall be and is hereby created a Walnut Cove Board of Adjustment.

B. **Powers**

The Board of Adjustment shall have the following powers:

1. Appeals of administrative decisions. The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning Administrator, building inspector or town official so empowered and in the enforcement of this chapter. (Statutory reference NCGS 160D-405.)
2. Special uses. The board shall grant special use permits as provided for in Chapter 3, Section 5 and G.S. 160D-406.
- ~~3.~~ Variances. The board shall authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship

C. **Membership, Terms, Voting Rights**

1. **Membership** - The Board shall be composed of five (5) members. Three (3) of the members shall be citizens and residents of the Town of Walnut Cove and shall be appointed by the Walnut Cove Board of Commissioners; two (2) of the members shall be citizens and residents of the Town of Walnut Cove extraterritorial area and shall be appointed by the Stokes County Board of Commissioners.
2. **Terms; synonymous with Planning Board** - The members of the Board will serve staggered terms of three (3) years each with the exception of the initial appointment. The members shall receive compensation for their service at a rate determined by the Town Board of Commissioners. Two (2) alternate members from the Town and one (1) alternate member from the extraterritorial area may also be appointed. Since the Walnut Cove Planning Board has been designated to also function as the Walnut Cove Board of Adjustment, newly appointed Planning Board members automatically become members of the Board of Adjustment. Terms of office of new Board of Adjustment members are coterminous with their terms as Planning Board members.
3. **Equal voting rights** - Extraterritorial and Town members have equal voting rights on any and all issues. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meetings of the Board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a

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regular member. (G.S. 160D-302(a))

D. Operating Procedures

1. Officers and meetings -The Board shall have a chair and vice chair elected by its membership and shall have a secretary to keep appropriate records of the Board's proceedings . The chair or in the absence of the chair the vice-chair may administer oaths and compel the attendance of witnesses by subpoena The Board shall adopt such procedural rules and regulations as it deems necessary. All Board meetings shall be open to the public.
2. Voting – The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his/her absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action. Unless it is stated that a conflict of interest exists, the abstaining from voting by a present member shall be considered as a “yes” vote, upholding the decision of the Ordinance Administrator.

The concurring majority vote of the membership of the Board of Adjustment shall be required to overrule any decision of the zoning Administrator, building inspector or other town official empowered under this ordinance , to decide in favor of the applicant on any matter upon which it is required to pass under this chapter. A variance requires a four-fifths vote.

3. Quasi-judicial process - The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals, granting special use permits and acting on requests for variances pursuant to NCGS 160D-406.
4. Rulings during the hearing - During the hearing, objections regarding jurisdiction or other evidentiary facts must be ruled on by the chair as to whether to include or not include as evidence, giving deference to anyone who may bring competent, material and substantial evidence to the hearing that is not repetitive pursuant to NCGS 160D-406(d). The full board may be appealed to to allow or disallow the evidence as material.
5. Decisions in writing - On all appeals, applications and other matters brought before the Board of Adjustment, the board shall inform in writing all the parties involved of its decisions and the reasons, therefore.

E. Conflict of Interest

1. A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not

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susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild, the step, half, and in-law relationships. (G.S. 160D-109(f))

2. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (G.S. 160D-109(d)(e))
3. Town members of the Board may be removed by action of the Walnut Cove Board of Commissioners, extraterritorial members by action of the Stokes County Board of Commissioners. Removal may only be for cause such as but not limited to violation of the Board's own rules or repeated failure to attend meetings, without a granted excuse. Before such action is taken, any member is entitled to notice and an opportunity to be heard.

F. Appeals from Administrative Decisions; Procedure; Evidentiary Hearing

1. The Board of Adjustment shall conduct an evidentiary hearing to hear an appeal by any person aggrieved or affected by any decision of the Zoning Administrator, building inspector, or other town official based on this ordinance. Such appeal shall be taken within 30 days of the filing of the decision being appealed or the delivery of any required written notice of the decision, whichever is later, by filing with the town clerk and with the board of adjustment a written notice of appeal specifying the grounds thereof. The Zoning Administrator shall be the official recipient of all appeals and shall transmit said appeals to the secretary of the Board of Adjustment within five (5) days after receipt of said appeals.
2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property or because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance, in which case proceedings shall not be stayed otherwise than by a restraining order, issued by the Board of Adjustment, or by a court of record.
3. Notice of Hearing.
 - a. Pursuant to G.S. 160D-406, notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of

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all parcels of land abutting the parcel of land including parcels even if separated by a street, railroad, or other transportation corridor that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.

- b. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
4. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.
5. The Board shall vote as provided in Section D.2. above when deciding action to overrule the decisions of the Administrator or other town officer.
6. Any appeals from a decision of the Board of Adjustment shall be taken to Stokes County Superior Court within thirty (30) days, after the decision of the Board is filed in the Town Office or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.
7. All applicable fees payable to the Town of Walnut Cove to cover the costs of administration and evidentiary public hearing advertising for each, which the Board hears. The fee will be payable when the appeal is instigated.

G. Variances

1. When practical difficulties or unnecessary hardship would result from carrying out the strict letter of a Zoning Ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
2. The property owner or owner's agent must submit an application for a variance that provides detailed information, written and with supporting drawings, if applicable, sufficient to allow the Board of Adjustment to make the findings in Paragraph G. 4 below.
3. Notice of the evidentiary hearing shall be provided as set forth in Paragraph F.3 above.
4. Required Findings

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- a. A variance application shall be approved provided on a finding the applicant demonstrates all of the following:
 - i. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - ii. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - iii. The hardship did not result from actions taken by the applicant or the landowner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
 - iv. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.
 - v. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
 - vi. Granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district
 - b. Not Available for Use as a Basis - None of the following may be used as the basis for approving a variance:
 - i. Hardships resulting from factors other than application of the relevant standards of this Ordinance;
 - ii. Personal circumstances;
 - iii. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
 - iv. Hardships resulting from factors other than application of the relevant standards of this Ordinance;
 - v. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts;
 - vi. The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or
 - vii. Financial hardship.
5. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.
6. 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

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use expressly or by implication prohibited by the terms of this ordinance in the district involved.

7. As provided in Paragraph D.2 a four-fifths (4/5) vote shall be required to grant a variance.
8. Construction or operation shall be commenced within twelve (12) months of the date of issuance of a variance, or it shall become void.

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E. Duties of the Zoning Administrator, Board of Adjustment, and Town Board as to Ordinance Enforcement and Matters of Appeal

It is the intention of this chapter that all questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the zoning administrator, and that from the decision of the Board of Adjustment recourse shall be had to courts as provided by law. (See Chapter 14 Board of Adjustment, Section F. Appeals).

It is further the intention of this ordinance that the duties of the Town Board in connection with the ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in the ordinance, and that the duties of the Town Board in connection with this ordinance, shall be only the duty of considering and passing upon any proposed amendment or repeal of the ordinance as provided by law.

F. Ordinance Administrator:

The position of Zoning Administrator is hereby created for the purpose of enforcement of this Zoning Ordinance.

G. Development Approvals

G.S. 160D-102(13) defines development approvals as an administrative or quasi-judicial approval made pursuant to G.S.160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, **zoning permits, site plan approvals, special use permits, and variances**. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including **plat approvals, permits issued, development agreements** entered into, and **building permits** issued.

D. Zoning Permit

1. Required - It shall be unlawful for any person to erect, move, or alter any structures, or to begin, extend, move or enlarge any use of the land, in the zoning jurisdiction of the Town of Walnut Cove unless that person has been issued a zoning permit for the specific purpose found in this ordinance. Such permit shall be made on a cardboard substance 12" x 12" in size and shall be displayed in a conspicuous place on the particular parcel of land which is being affected by the permit. A written record of the issuance of such a permit shall be kept on file in the office of the Zoning Administrator; the permit shall contain the following information:

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- a. The name and address of the person who has applied for the permit.
- b. The street address of the property affected by the permit.
- c. The proposed action to be taken by the applicant for the permit.
- d. The date, seal and signature of the Zoning Administrator.

No zoning permit shall be issued unless the provisions of this ordinance have been adhered to, or unless the Board of Adjustment rules otherwise in writing.

2. Zoning Permit Application Procedure

- a. Application for a zoning permit shall be made to the Zoning Administrator.
- b. The application shall consist of the submission of the plan of the site in duplicate showing the following information.
 - i. The actual shape and dimensions of the lot or parcel which is to be developed.
 - ii. The exact sizes of all proposed and existing buildings within the site and surrounding it for fifty (50) feet on all sides drawn to scale.
 - iii. The location of the parcel with reference to existing and proposed rights-of-way.
 - iv. The areas that are set aside for off-street parking and off-street loading as such facilities are required by this ordinance.
 - v. Any other information which the Zoning Administrator may deem necessary for his consideration in enforcing this ordinance.
 - vi. The nature of the proposed use of the building or land, including the extent and location of the use on said lot.
- c. After the Zoning Administrator has checked the application against the provisions of this ordinance and found said application to be in conformity, he/she shall issue a zoning permit to the applicant.
- d. Upon issuance of the zoning permit the applicant will receive one (1) copy of Upon the site plan, the other being retained by the Zoning Administrator.
- e. At this time the applicant will pay all applicable fees to cover administrative costs.
- f. If the application for a zoning permit is denied by the Zoning Administrator, the applicant may appeal the action to the Walnut Cove Board of Adjustment in writing within thirty (30) days of the Zoning Administrator's decision.

E. Certificate of Compliance

Upon the completion of a structure for which a zoning permit has been issued, the Zoning Administrator shall go into the field and check to see that the provisions of this ordinance have been met.

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The certificate of compliance shall indicate that the developer has complied with the provisions of this ordinance in reference to the property and action described on the zoning permit.

F. Building Permit

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the building inspector. No building permit shall be issued without a zoning permit signed by the Zoning Administrator.

G. Certificate of Occupancy Required

A certificate of occupancy issued by the Zoning Administrator is required in advance of the occupancy or use of a building hereafter erected, altered, or moved; or a change of use of any building or land.

A certificate of occupancy, either for the whole or part of a building, shall be applied for concurrently with the application for a zoning permit and shall be issued within ten (10) days after the erection or structural alteration of the building or part shall have been completed in conformity with the provisions of this Ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. If the certificate of occupancy is denied, the issuing official shall state in writing the reasons for refusal, and the applicant shall be notified of the refusal.

H. Applicability

Development approvals run with the land, any revocation of development approvals or permits must follow the same process for approval pursuant to NCGS 160D-403.

I Permit Choice

An applicant who has secured a development approval or approval prior to changes to this ordinance, may choose to apply either the old or new ordinance pursuant to 160D-108(b). See also Chapter 6 Vested Rights and Development Agreements for further guidance.

J. Administrative Conflicts of Interest

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member 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 a staff member has a conflict of interest under this section, the decision

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shall be assigned to the supervisor of the staff person, or such other staff person as may be designated by the Town Administrator.

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CHAPTER 16. AMENDMENTS

Purpose - This ordinance, including the Zoning Map, may be amended, supplemented, or changed from time to time according to the following procedure:

- A. **Motion to Amend.** The Walnut Cove Board of Commissioners may, from time to time, amend, supplement, change, modify, or repeal the boundaries or regulations herein, or subsequently amended. Proposed changes or amendments may be initiated by the Town Board, Planning Board, Board of Adjustment, or by one or more owners, optionees, or lessees of property within the area proposed to be changed or affected.
- B. **Petition for Amendment.** Written petitions from the public at large to amend this ordinance shall be directed to the Zoning Administrator. who shall forward the petition to the Planning Board at least twenty (20) days prior to the next regularly scheduled meeting of the Planning Board. The petition shall state the nature of the proposed amendment, and, if applicable, a description of the property involved, names and addresses of the owner(s) of the property, and a statement why the proposed amendment is necessary to promote the public health, safety, and general welfare. Each petition for amendment submitted by one or more owners, optionees, or lessees of property within the Town shall be accompanied by all applicable fees to defray the cost of advertising and other administrative costs involved. The fee will be returned should the Town Board decide not to consider the petition. The petition for amendment shall be accompanied by a written statement as to why the proposed amendment promotes the public health, safety and general welfare.
- C. **Down-zoning prohibition.** Third party down zonings or a rezoning that reduces allowable uses to a property are prohibited. The Town of Walnut Cove or the landowner may initiate a down-zoning.
- D. **Planning Board Review and Finding.** The Planning Board shall advise and comment on whether the proposed amendment is consistent with the intent of this ordinance, with the Land Use Plan and with 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 by the Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. [G.S. 160D -604(d)] If no written report is received from the Planning Board within thirty (30) days of referral of the amendment to that Board, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board report.
- E. **Notice of Legislative Public Hearing by Board of Commissioners**
 - 1. *Media Notice:* A notice of a legislative public hearing for a text amendment or a zoning map amendment shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Stokes County. Such notice shall be published

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the first time not less than ten days nor more than twenty-five (25) before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

2. *Mailed Notice:* Whenever there is a Zoning Map amendment, the owner of that parcel of land and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing and across any transportation corridors, shall be mailed a notice of the public hearing on the proposed amendment by first class mail. The notice shall be deposited in the mail at least ten (10) but not more than twenty-five (25) days before the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.
3. *Posted Notice:* Whenever there is a Zoning Map amendment. The Town of Walnut Cove shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. If multiple parcels are being rezoning, not every parcel must be posted, but information posted should show the scale of the rezoning request with a map or multiple rezoning notices. The duration of the posted notice shall at a minimum run 25 days prior to the hearing until 10 days prior to the hearing.
4. *Expanded Notice:* The above first class mail notice shall not be required if the Zoning Map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners and the Town elects to use the expanded published notice. In this instance, the Town may elect to either make the mailed notice provided for above or may as an alternative, elect to publish once a week for four (4) successive calendar weeks in a newspaper having general circulation in the area, an advertisement of the public hearing that shows the boundaries of the area affected by the proposed Zoning Map amendment and explains the nature of the proposed change. The final two (2) advertisements shall comply with and be deemed to satisfy the provisions of NCGS 160D-601.

The advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. The staff member mailing the notice shall certify such to the Town Council. In addition to published notice, the Town shall post one (1) or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

F. Action by the Board of Commissioners.

1. *General Use Rezoning:* During and following the public hearing, when considering a petition for rezoning to a general zoning classification, the Town Council will not

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evaluate a petition based on any specific proposal for the use or development of the property. The petitioner will refrain from using any graphic materials or descriptions of the proposed development except for those which would apply to any use permitted by the requested classification

2. *Conditional Rezoning:* A petition for rezoning to a conditional district shall be considered as provided in Chapter 3 Section 3. Any conditions related to the conditional zoning decided at the public hearing, shall be agreed to by the applicant or landowner in writing or written consent to ensure enforceability pursuant to NCGS 160D-703(b).

3. *Statement of Consistency and Reasonableness*

- a. Consistency statement; text or map amendment - As provided in G.S. 160D-605(a), when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan and any other relevant plans

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.

- b. Reasonableness statement; rezoning, map amendment - As provided in G.S. 160D-605(b), when adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Town Council. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. . If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

- c. Single statement - The plan consistency statement required by this section and the statement of reasonableness and may be approved as a single statement.

- G. **Denial of Petition.** When a petition for amendment is denied by the Town Board, a period of twelve (12) months must elapse before another petition for the same changes can be submitted unless substantial amendments that would have affected the petition have been adopted by the Town Board.

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CHAPTER 17. LEGALITY AND PENALTIES

A. Purpose and Intent

This chapter provides for the methods of notification and penalties involved in enforcement of this Ordinance. Whenever possible, it is desirable to gain voluntary compliance with the provisions of this Ordinance without the necessity of pursuing formal enforcement measures.

B. Violations

It is unlawful and a violation of this ordinance to establish, create, expand, occupy, or maintain any use, land development activity, or structure, including, but not limited to, signs and buildings, that violate or are inconsistent with any provision of this Ordinance. Approvals and authorizations include, but are not limited to Special use Permits, Sign Permits, Building Permits, Certificates of Zoning Compliance, Certificates of Occupancy, Variances, development plans, site plans, landscaping plans, and conditions of such permits, and plans. It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance.

C. Violators

Violators include but are not limited to, any person (s) who owns, leases, occupies, manages, or builds any structure or land development activity in violation of this Ordinance, and any person (s) who owns, leases, or occupies a use in violation of this Ordinance. A violation may be charged against more than one violator. The term “person” is defined to include but not be limited to any individual, group of individuals, or any corporation, partnership, association, company, or business, trust, joint venture, or other legal entity.

In addition, one or more of the following persons may be held responsible for a violation of this Ordinance, and be subject to the remedies and penalties provided in this Section:

- a. An owner of the property on which the violation of this Ordinance occurs, any tenant or occupant of that property who has control over, or responsibility for, its use or development, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance.

D. Responsibility

The Zoning Administrator shall enforce this Ordinance and the remedies authorized under this Section. The Zoning Administrator shall have the authority to settle any violations that involve the payment of money to the Town.

E. Enforcement Procedures

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1. Inspections and Investigations - A program of inspections and investigations to determine compliance with the Zoning Ordinance and orders, plans, permits, certificates, and authorizations issued under the Zoning Ordinance, is hereby authorized. This program shall be conducted under the general authority of the Zoning Administrator.

On receiving complaints or other information suggesting a violation of this Ordinance, the Zoning Administrator shall investigate the situation and determine whether a violation exists.

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2. Initial Notice of Violation -In determining that a violation exists, the Zoning Administrator shall, whenever possible, make contact with the violator either in person or via telephone to discuss the violation. The Zoning Administrator shall then give the responsible person(s) written notice of the violation, either in person, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten (10) days after mailing, provided that a notice of violation is posted in a conspicuous place on the premises affected.

The notice shall describe the nature of the violation and its location, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Zoning Administrator to discuss the violation and how it may be corrected. The Zoning Administrator may provide the alleged violator additional notices of violation.

This notice is an administrative determination subject to appeal as provided in Chapter 14, Section F.

3. Final Notice of Violation; Correction Order -The Zoning Administrator's final written notice of violation (which may be the initial notice) shall also order correction of the violation, specify a reasonable time period in which the violation must be corrected, state the remedies and penalties authorized in Chapter IX, Section 5.C, the Zoning Officer may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Board of Adjustment if the correction order is the initial notice. The final written notice of violation shall be served upon the responsible person(s), either in person, posting the notice at the property in violation, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten (10) days after mailing, provided that a final notice of violation is posted in a conspicuous place on the premises affected.

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A notice of a new violation is not required where a notice of a violation of the same kind has been issued to the same violator at the same property within the previous two (2) years. In such cases, the violator may be charged with a continuing violation without further notice, as provided in this Chapter, Section G 5. below. A notice is also not required where action is taken under this Chapter, Section F (1.a), (1.b), or (1.f.)

4. Appeal to the Board of Adjustment - Any person aggrieved by the Zoning Administrator's determination of a violation or a correction order may appeal that determination or order to the Board of Adjustment in accord with the provisions of Chapter 14, Section F of this Ordinance, including payment of the appropriate fee. Except as provided in Chapter 14, Section F 2., an appeal generally stays all further actions to enforce a notice of violation, correction order, or Stop Work Order, until the Board of Adjustment has made a decision concerning the appeal. Civil Penalty Citations that follow the initial notice of violation may not be appealed to the Board of Adjustment. The Board shall hear the appeal and may affirm, modify, or revoke the Zoning Administrator's determination of a violation. If there is no appeal, the Zoning Administrator's determination of the nature and degree of the violation are final.
5. Failure to Comply with Notice or Board of Adjustment Decision - the violator does not comply with a notice of violation, correction order, Stop Work Order, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to enforcement action as prescribed by State law or by this Ordinance.
6. Extension of Time Limit to Correct Violation - The recipient of an initial notice of violation, correction order, or Stop Work Order, or the owner of the property on which the violation occurs, may, within thirty (30) days of the receipt or posting of the initial notice of violation or correction order, whichever is earlier, submit to the Board of Commissioners, a written request, to be filed with the Zoning Administrator, for extension of the specified time limit for correction of the violation. In cases where an appeal of the notice of violation has been properly file with the Board of Adjustment, the thirty (30) day period shall commence upon receipt of the notice of the Board of Adjustment decision concerning the violation or correction order. The Zoning Administrator shall assist individuals in the preparation of said statement in cases where an individual(s) is/are unable to prepare a written statement. The Zoning Administrator will recommend whether the time limit should be extended. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit, for reasons beyond the control of the person requesting the extension, the Board of Commissioners may extend the time limit as reasonably necessary to allow timely correction of the violation.
7. Enforcement Action After Time Limit to Correct Violation - Following the time limit for

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CHAPTER 17. LEGALITY AND PENALTIES

correction of the violation, including any stay or extension thereof, the Zoning Administrator shall determine whether the violation has been corrected. If the violation has been corrected, the Zoning Administrator shall take no further action against the alleged violator. If the violation has not been corrected, the Zoning Administrator may act to impose one or more of the remedies and penalties specified in the notice of violation, correction order, or Stop Work Order.

8. Emergency Enforcement Without Notice - If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in Chapter IX, Section 5.C.

F. Remedies; Penalties; Enforcement Action

1. General - The Zoning Administrator may pursue one (1) or more of the following remedies and penalties described below or in Chapter IX, Section 5.D, or otherwise authorized by common law or statute, to prevent, correct, or abate a violation of this Ordinance. Use of one (1) of the authorized remedies and penalties does not preclude the Zoning Administrator from using any other authorized remedies or penalties, nor does it relieve any party to the imposition of one (1) remedy or penalty from imposition of any other authorized remedies or penalties.
 - a. *Permit Revocation* - In accord with the provisions of this Ordinance, the Zoning Administrator, upon a written determination by the Zoning Administrator, may revoke any permit, certificate, or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance. Any permit, certificate, or authorization mistakenly issued in violation of State law or local ordinance or issued on the basis of misrepresentations by the applicant, owner, or owner's agent may be revoked without such written determination.
 - b. *Permit Denial or Conditioning* - As long as a violation of this Ordinance remains uncorrected, the Zoning Administrator may deny or withhold approval of any permit, certificate, or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs. The Zoning Administrator may also condition a permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.
 - c. *Injunctive and Abatement Relief in Superior Court* - A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NC General Statute

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160A-175. The Zoning Administrator shall have the authority to execute an order of abatement if the violator does not comply with such order, and the costs of the execution shall be a lien on the property in the nature of a mechanic's or material man's lien.

- d. **Criminal Penalties** - Any person, firm or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be guilty of a class 3 misdemeanor and shall be fined not more than a maximum of two hundred and fifty dollars (\$250.00) and imprisonment of up to thirty (30) days, or both, for each violation, as provided in North Carolina General Statute Section 14-4. The Zoning Administrator may refer a violation to the District Attorney for institution of criminal prosecution of the alleged violator.
- e. *Judicial Action to Collect Civil Penalty* - A civil action in the nature of a debt may be filed in any court of competent jurisdiction to collect an unpaid civil penalty imposed by this Ordinance.
- f. *Stop Work Order* - If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of a Stop Work Order, the Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or lands, or to prevent any illegal act, conduct, business or use in or about the premises.

Notice of a Stop Work Order shall be in writing, directed to the person(s) conducting the violating activity and/or the property owner, and shall state the reasons for the issuance of the Order, and the conditions under which activity may be resumed. Notice shall be given by registered or certified mail. Upon issuance of such Order and posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with this Ordinance.

The person(s) conducting the violating activity and/or the property owner may appeal the Stop Work Order to the Board of Adjustment pursuant to Chapter 14, Section F of this Ordinance.

G. Civil Penalty

1. General - The Zoning Administrator may impose one or more civil penalties and issue one or more Civil Penalty citations for a violation as provided below. If the violator

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does not pay the penalty, the Zoning Administrator may collect it in a court through a civil action in the nature of a debt.

2. Notice - The Zoning Administrator shall give the responsible person(s) written notice of the civil penalty citation, either in person, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten (10) days after mailing, provided that a notice of Civil Penalty citation is posted in a conspicuous place on the premises affected. The notice shall include a copy of the notice of violation, the amount of the penalty, information about where to pay the penalty, the deadline for payment, which shall be ten (10) days from the date of the notice, and the possibility of civil and/or criminal enforcement.
3. Amount - The following Civil Penalty amounts are hereby established:

Notice of Violation	Correct Violation within 10 to 30 Days (Typical timeframe)
First Civil Penalty citation	\$50.00
Second Civil Penalty citation for same offense	\$100.00
Third Civil Penalty citation for same offense	\$150.00
Fourth & Sequential Civil Penalty citation for same offense	\$250.00

If the action is taken to court, the person, firm, or corporation must also pay for the attorney fees.

4. Settlement of Claims - The Zoning Administrator is authorized to determine the amount of payment that will be accepted in full and final settlement of some or all of the claims the governing body may have in connection with the violation. The Zoning Administrator shall indicate in writing the claims from which the violator is released. If the violation has not been remedied, payment shall not release a violator from potential criminal prosecution or a claim for injunctive relief and/or an order of abatement.
5. Continuing Violations - The Zoning Administrator may issue a Civil Penalty citation for a violation that continues without being corrected. The violator in such cases may be assessed a penalty for each citation as provided in Section G 3. above-Separate notices must be provided for the first or second violations.

The Town may, in its discretion, treat the first notice for a violation as the final notice for chronic violators. Such notice of a Civil Penalty citation for a continuing violation

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must contain a copy of the notice of violation and must state that the violation is continuing, that a daily penalty of a specified amount is being imposed, and that the penalty is cumulative. (Adopted August 7, 2007)