



Zoning Ordinance

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Section 1.

LEGAL PROVISIONS

1.1 PURPOSE

In order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health, safety and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the efficient and adequate provisions of transportation, sewerage, schools, parks, and other public requirements; to conserve the value of buildings; to protect the public water supply, and encourage the most appropriate use of land throughout the planning and zoning limits (corporate area and extraterritorial jurisdiction) of the Town of Roseboro, there is hereby adopted and established an official Zoning Ordinance of the Town of Roseboro.

1.2 AUTHORITY

This Zoning Ordinance is adopted pursuant to the authority vested in the Town of Roseboro by the General Statutes of North Carolina, particularly Chapters 160A-381 to 160A-392.

1.3 JURISDICTION

The provisions of this Ordinance shall apply within the corporate limits and the extraterritorial jurisdiction of the Town of Roseboro, North Carolina, as shown on the Official Zoning Map on file in the Town Hall.

1.4 MINIMUM REGULATIONS

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

1.5 SEVARABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it has passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

1.6 VESTED RIGHTS

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

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

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

Section 1.

LEGAL PROVISIONS

1.7 EFFECTIVE DATE

This Ordinance and its provisions governing the use of land and buildings, the height of buildings, and other matters as hereinafter set forth are hereby established and declared to be in full force and effect with amendments incorporated from October 20, 2011.

Approved and adopted by the Board of Commissioners this 20th day of October, 2011.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORMED:

Town Attorney

Section 2.

OFFICIAL ZONING MAP AND ZONING DISTRICTS

2.1 ZONING MAP

For the purposes of this Ordinance, the Town of Roseboro is hereby divided into zoning districts whose locations and boundaries are shown on the Official Zoning Map for the Town of Roseboro which is hereby adopted by reference and declared to be a part of this Ordinance.

This Zoning Map and all the notations, references, and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested is on file in the Town Hall and is available for inspection by the public.

The Zoning Officer or his representative shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Town Board that a zoning change has been made, the Zoning Officer shall make the necessary changes on the Official Zoning Map within seven (7) calendar days of notification.

2.2 ZONING DISTRICTS

In order that the purpose of this Ordinance may be accomplished, the planning and zoning limits of the Town of Roseboro, as set forth on the accompanying zoning map, is hereby divided into NINE (9) districts as follows:

Residential:	R	Neighborhood Business:	NB
Residential Agricultural:	RA-20	Thoroughfare Business:	TB
Manufactured Home:	MH	Industrial:	I
Manufactured Housing Overlay:	MHO	Open Space:	OS
Central Business:	CB		

2.3 INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. Unless otherwise specifically indicated, where district boundaries are shown on the Zoning Map as approximately parallel or following the center lines of streets, highways, utility easements, or stream beds, or such lines extended, then such lines shall be construed to be such district boundaries.

Section 2.

OFFICIAL ZONING MAP AND ZONING DISTRICTS

B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

C. Where a district boundary line divides a lot in single ownership, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot which lies more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.

D. Where any public street is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.

E. The Board of Adjustment shall be empowered to interpret the intent of the Zoning Map as to the location of district boundaries in case any further uncertainty exists.

Section 3.

APPLICATION AND ENFORCEMENT

3.1 APPLICATION

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

3.2 ENFORCEMENT

A. ZONING OFFICER

The Town Board shall appoint a Zoning Officer to enforce the provisions of this Ordinance. The Zoning Officer will keep records of all variances and amendments to this ordinance. The assistance of such other persons may be provided as the Town Board may direct.

If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of such violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions.

B. CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMIT REQUIRED

No land shall be used or occupied and no building hereafter erected, structurally altered, or moved or its use changed until a Certificate of Zoning Compliance shall be issued by the Zoning Officer, except in conformity with the provisions of this Ordinance or except after written order from the Board of Adjustment.

A Building Permit cannot be issued by the Building Inspector unless zoning compliance is certified.

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

Section 3.

APPLICATION AND ENFORCEMENT

C. APPLICATION PROCEDURES

Each application for a Certificate of Zoning Compliance shall be accompanied by two (2) sets of plans drawn to an engineering scale, one (1) of which shall be returned to the applicant upon approval. The plan shall show the following:

- (1) The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- (2) The location of said lot with respect to adjacent *rights-of- way*;
- (3) The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
- (4) The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
- (5) The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space;
- (6) For building construction, other than single family residential, the percent of surface that will be built-upon;
- (7) Approximate location of Town water and sewer lines, if said lot is adjacent to them; and
- (8) Any other information which the Zoning Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

A fee, set by the Town Board, shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Town Clerk's Office.

D. PUBLIC WATER & SEWER SERVICE REQUIRED WITHIN THE MUNICIPAL LIMITS

Any lot within the municipal limits not connected to the Town water and sewer service shall be required to connect the principal structure of said lot to the Town water and sewer system before a certificate of zoning compliance will be issued, unless the applicant has applied for such services in writing, and the Town has, within 30 days of the receipt of such written request for services, not given a written commitment to the applicant to have such services to the lot within 180 days of the original application.

A fee, set by the Town Board, shall be charged to the applicant for connecting to the Town system. The adopted connection fee schedule shall be posted in the Town Clerk's Office.

Section 3.

APPLICATION AND ENFORCEMENT

E. TEMPORARY CERTIFICATE

The Zoning Officer may issue a temporary Certificate of Zoning Compliance for rallies, carnivals, religious revivals, and similar temporary uses. Such certificates shall be issued for a fixed period of time, but not to exceed fifteen (15) days, shall be subject to such limitations as the Zoning Officer may impose to protect the character of the district affected, and may be considered for reapplication. A fee set by the Town Board shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Town Clerk's Office.

F. RIGHT OF APPEAL

If the Certificate of Zoning Compliance is denied, the applicant may appeal the action of the Zoning Officer to the Board of Adjustment; and that from the decision of the Board of Adjustment, recourse shall be had to courts as provided by law. It is further the intention of this 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 conditional use, amendment, or repeal of the Ordinance as provided by law.

G. PENALTY

The Zoning Officer will notify any person, firm, or corporation of a suspected violation of this ordinance in person or in writing. Any person, firm, or corporation who violates the provisions of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not exceeding five hundred (\$500) dollars and/or imprisoned not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.

H. REMEDIES

In any case where a building is created, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation of this Ordinance, the Zoning Officer, or any other appropriate Town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation.

I. COMPLAINTS REGARDING VIOLATIONS

When a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Officer. He shall record properly such complaint, investigate within ten (10) days, and take action as provided in these regulations.

J. CANCELLATION OF PERMITS

A building or occupancy permit shall be canceled by the Zoning Officer through the Sampson County Inspections department when the method of construction or use violates any provisions contained in these regulations.

Section 4.

NONCONFORMING USES

After the effective date of this Ordinance, pre-existing lots or structures, or uses of lots or structures which are prohibited under the regulations for the district in which located, shall be considered as nonconforming. Nonconforming lots, structures or uses may be continued, provided they conform to the provisions of Section 4.

4.1 CONTINUANCE OF NONCONFORMING BUILDINGS

The lawful use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, and such use may be extended throughout the building provided no structural alterations except those required by law, ordinance or ordered by the zoning officer to secure the safety of the building are made therein, but no such use shall be extended to occupy land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of more than one hundred and eighty (180) days, every future use of such premises shall be in conformity with the provisions of this Ordinance.

4.2 CONTINUANCE OF NONCONFORMING USE OF LAND

The lawful use of "land" existing at the time of the passage of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance provided, however, that no such nonconforming use shall be extended to occupy a greater area of land than occupied by such use at the time of the passage of this Ordinance. If such nonconforming use is discontinued for a continuous period of more than one hundred and eighty (180) days, every future use of said land shall be in conformity with the provision of this Ordinance.

4.3 CHANGE OF USE

A nonconforming use shall not be changed to any but a use listed as permitted for the district in which such a nonconforming use is located. Uses not designated as permitted or conditional shall be prohibited by this Ordinance in the areas delineated by the Official Zoning Map of the Town.

4.4 RECONSTRUCTION OF NONCONFORMING BUILDINGS

Nothing in this Ordinance shall be construed to prevent the restoration of a building destroyed to the extent of not more than sixty (60) percent of its assessed value at the time of destruction by fire, explosion, or other casualty, if such construction is begun within one hundred and eighty (180) days of the date of such damage. Owner occupied residences which are nonconforming uses may be rebuilt regardless of the extent of the destruction. Properties which are reconstructed are hereby exempt from landscaping requirements that were not adopted on or before the date of initial construction.

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

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

Section 5.

GENERAL PROVISIONS

5.1 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

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

5.2 RELATIONSHIP OF BUILDING TO LOTS

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

5.3 STREET ACCESS

No building shall be erected on a lot which does not abut a public street for a distance of at least sixty (60) feet provided, that in a designed shopping center in a commercial district, a building may be erected adjoining a parking area or other dedicated open space, used in common with other lots.

5.4 REDUCTION OF LOT AND YARD AREAS PROHIBITED

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

5.5 IRREGULAR LOT SETBACKS

The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Zoning Officer. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

5.6 ADDITIONAL ENVIRONMENTAL PROVISIONS

In addition to the requirements of this Ordinance, all effluents and emissions into the air or surface or groundwater from new development permitted by this Ordinance must be in conformity with all applicable Federal, State, and County Health and Environmental Quality regulations. It shall be the responsibility of the applicant to comply with all applicable regulations, which also include flood plain, and water shed regulations.

Section 5.

GENERAL PROVISIONS

5.7 NEWLY INCORPORATED AREAS

All territory which may hereafter be included within the zoning jurisdiction of the Town of Roseboro shall be zoned by the Town Board at the time of such incorporation.

5.8 SUBSTANDARD LOT OF RECORD

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 in the district in which it is located; provided, that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this Ordinance. In any case where the lot area and lot width are more than twenty (20) percent below the minimum specified in this Ordinance or other dimensional requirements cannot be met, the Board of Adjustment may approve, as a special exception, such dimensions as shall conform as closely as possible to the required dimensions.

5.9 ADJOINING AND VACANT LOTS OF RECORD

If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less frontage or area than the minimum requirements of the district in which such a single lot or several lots are located, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

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

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

5.11 HEIGHT LIMIT EXCEPTIONS

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

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5.12 ACCESSORY BUILDINGS

No accessory building shall be located in any required front or side yard or within fifteen (15) feet of any street right of way or within five (5) feet of any lot line or within five (5) feet of any building or other accessory building. In no case, however, shall an accessory building be placed closer to a street right of way than the minimum setback requirements for a principal structure, or closer than the principal structure or structures on the adjoining lot. (Amended 2009)

5.13 MANUFACTURED HOMES AS TEMPORARY USES

Manufactured homes may be allowed as temporary quarters in any district at the discretion of the Zoning Officer. Examples of permitted temporary quarters are construction offices and temporary disaster relief quarters for any type of use. Permits for 60-day periods of use must be obtained from the Zoning officer, who can renew the permits for additional 60-day periods at his discretion. Appeal of the Zoning officer's decisions are to the Board of Adjustment.

5.14 OUTDOOR STORAGE

Outdoor storage of goods, equipment and material shall be prohibited in the R, RA-20, MH, MHO and OS zoning districts. Outdoor storage may only occur within the CB, NB, TB and (I) Industrial zoning districts as a conditional use as provided within Section 6. District Regulations.

All non-conforming outdoor storage existing on the effective date of this Ordinance which does not conform to the requirements of this article, shall be removed and/or brought into compliance within thirty-six (36) months from the effective date of this Ordinance.

After the effective date of this ordinance, any new outdoor storage that has not been approved as a conditional use shall be considered in violation of the provisions of this section and shall be removed within thirty days at the Owner's expense. Failure to comply shall result in a penalty in accordance with section 3.2 F. Penalty.

5.15 FENCES (AMENDED/ADDED 12/02)

A permit is required for all fencing in residential areas. The fence may be located on the property line if adjacent property owners provide a written agreement which includes maintenance, if no agreement is obtained, then the fence shall be offset (2') from the property line with the finished side facing the adjoining property; in no case shall it be located within a road right of way area or obstruct the view of sight distance triangles at or near intersections.

The fencing shall be constructed of materials commonly used for fencing such as wood, ornamental iron, brick, stone, vinyl or chain link and shall be constructed uniformly with the same materials for any yard, be it front or rear. Fences that are electrically charged and/or constructed of barbed/razor wire shall be prohibited, except to enclose livestock on a bona fide farm and those serving a public/quasi public institution for public safety and or security. Fence material shall not consist of chicken wire, fabric, tires,

Section 5.

GENERAL PROVISIONS

5.15 FENCES

plywood pieces, metal stakes or the like. A height restriction of four (4') feet for all front yards and six (6') feet for all side and rear yards, unless otherwise required. The front yard fence shall be an open style such as picket or split rail of at least thirty (30) percent. All structures shall be maintained in a safe and secure condition. Appropriate access is required to enable utility and/or emergency personnel entry.

5.16 RIPARIAN BUFFERS

The purpose of a riparian buffer is to protect and enhance water quality by preserving the natural landscape which border water bodies, thus preventing erosion and serving as a natural filter of pollutants and reducing the effects of potential of flooding. Properties that adjoin surface waters as depicted on United States Geological Survey USGS maps (1:24000) shall be prohibited from any land development and/or land clearing activity for a width of at least fifty (50) feet on any shoreline excepting wetland restoration activities and recreational activity; roadway, driveway and utility crossings shall be constructed with the least possible disturbance.

5.17 STORMWATER MANAGEMENT

All new commercial developments shall be constructed and maintained to minimize the effects of stormwater runoff through DWQ/DENR approved best management practices (BMP's). BMP's are divided into two categories. (1) Nonstructural include, but not limited to: vegetative controls, landscaped buffers, reduced impervious surfaces and preserved open spaces. (2) Structural facilities such as porous material for use in parking, driveways and sidewalks, bioretention areas, sand filters, wet detention ponds, infiltration devices and stormwater wetlands.

Commercial development less than five (5) acres shall incorporate non-structural BMP's.

Commercial development greater than 5 acres shall be required to have structural BMP's (porous materials for use in parking, driveways and sidewalks, bioretention areas, sand filters, wet detention ponds, infiltration devices, and stormwater wetlands) and/or a combination of structural or a combination of both BMP's to address the anticipated stormwater runoff.

All developments shall be constructed or maintained so that such development does not unreasonably impede the natural flow of water causing substantial damage to any adjacent property.

Section 6.

DISTRICT REGULATIONS

6.1.1 RESIDENTIAL DISTRICT (R)

The residential district is established to accommodate single-family, two-family, multi-family, and planned residential developments at higher densities in areas where urban services are available, to stabilize existing residential areas by limiting conflicting uses from occurring in such residential areas, to prevent unduly dense development in areas not receiving urban services; and to enhance the prospects for future residential development in an orderly manner.

6.1.2 USES PERMITTED BY RIGHT

Accessory uses and buildings (see Section 13. Definitions)

Home Occupations

Family Care Homes as defined in NCGS 168.21 (1) & (2) and regulated by NCGS 168.20 – 168.22 and, when not located closer than one-half (0.5) mile to another such defined and regulated “family care home.” (*Added in 2003*).

Farming, nursery, greenhouse, etc., but not including raising poultry, pets, or livestock for commercial purposes on a scale that would be objectionable to surrounding permitted uses because of noise, odor, or traffic volume created.

Modular Home

Public Parks and Recreation facilities

Religious uses: church or place of worship and parish houses

Single-family dwelling

Two-family dwelling

6.1.3 CONDITIONAL USES

Bed & Breakfast

Cemetery

Civic facility, including meeting hall, lodge, social and athletic facility

Cottage

Family Child Care Home (as defined by NC Dept of Health & Human Services/Div of Child Development) when not located closer than a quarter (0.25) mile to another such defined and regulated facility within the residential(R) district. (*Added in 2008*)

Golf courses

Hospital, nursing home, medical clinic, or dental clinic

Mortuary or funeral home

Multi-family dwellings served by public sewer and water (**See Section 6.10**)

Schools, colleges, libraries, and other public institutions

Tourist Home

Private nonprofit outdoor recreation facilities

Public utilities

Section 6.

DISTRICT REGULATIONS

6.1.4 LOT PROVISIONS: Residential

Residential-R	w/out public sewer & water	w/ public sewer or water	w/ public sewer & water	Building Height	Lot Coverage	Setbacks*		
						Front	Rear	Side
Single Family Dwellings				40' max	N/A	10'	25'	15'
Minimum Lot Area	20,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.					
Minimum Lot Width	100' min.	80' min.	60' min.					
Two Family Dwellings				40' max	N/A	10'	25'	15'
Minimum Lot Area	30,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.					
Minimum Lot Width	150' min	120' min.	90' min.					
Multi-family Dwellings (Conditional Use ; see section 10)				40' max	40% max of lot area	10'	30'	15'
Minimum Lot Area	N/A	N/A	5,000 sq. ft./unit					
Minimum Lot Width	N/A	N/A	100' min.					
Other permitted uses				40' max	50% max of lot area	10'	30'	15'
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.					
Minimum Lot Width	150' min	150' min	150' min					

* (See Section 13. Definitions: Setback Line to determine setback lines).

6.1.5 PARKING

All parking shall be provided according to the provisions set forth in Section 7 of this ordinance.

6.1.6 REQUIRED SCREENING

After the effective date of this ordinance, where a use other than residential is adjacent to a lot in a residential district or land occupied by a residential district use permitted by this Ordinance, there shall be provided and maintained along said property line (within setback) a contiguous visual screen. The purpose of the screening is to protect the character of the residence from the possible negative effects of other permitted uses. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening which reach the height of at least eight (8) feet within four years, or shall be a combined fence and shrubbery screen, with the shrubbery facing the residential use. It shall be maintained at a minimum of eight (8) feet in height thereafter.

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DISTRICT REGULATIONS

6.2.1 RESIDENTIAL AGRICULTURE DISTRICT (RA-20)

This district is composed of quiet, low density residential development and of open areas which are used as farm land and woodland. The regulations of this district are intended (1) to insure that residential development not having access to public water supplies and dependent upon septic tanks and outdoor privies for sewage disposal will occur at sufficiently low densities to insure a healthful environment and (2) to protect agricultural and residential areas from an influx of incompatible uses which would render such areas undesirable for farms and future development.

6.2.2 USES PERMITTED BY RIGHT

Accessory uses and buildings (see Section 13. Definitions)

Agriculture (including orchards, pasturage, field crops, nurseries, greenhouses, etc., but not including commercial production of swine, poultry, or poultry products).

Class "A" manufactured homes

Family Care Homes as defined in NCGS 168.21 (1) & (2) and regulated by NCGS 168.20 – 168.22 and, when not located closer than one-half (0.5) mile to another such defined and regulated "family care home." (*Added in 2003*).

Home Occupations

Modular Home

Public Parks and Recreation facilities

Religious uses: church or place of worship and parish houses

Single-family dwelling

Two-family dwelling

6.2.3 CONDITIONAL USES

Cemetery

Civic facility, including meeting hall, lodge, social and athletic facility

Class "B" manufactured homes

Day care facility and nurseries

Golf courses

Hospital, nursing home, medical clinic, or dental clinic

Mortuary or funeral home

Multi-family dwellings served by public sewer and water (**See Section 6.10**)

Renewable Energy Facility

Schools, colleges, libraries, and other public institutions

Private nonprofit outdoor recreation facilities

Public utilities

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DISTRICT REGULATIONS

6.2.4 LOT PROVISIONS: Residential Agricultural

<i>Residential Agriculture RA-20</i>	w/out public sewer and water	w/ public sewer or water	w/ public sewer and water	Building Height	Lot Coverage	setbacks*		
						Front	Rear	Side
Single Family Dwellings				40' max	N/A	15'	25'	15'
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.					
Minimum Lot Width	100' min.	80' min.	80' min.					
Two Family Dwellings				40' max	N/A	15'	25'	15'
Minimum Lot Area	30,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.					
Minimum Lot Width	150' min	120' min.	90' min.					
Multi-family Dwellings				40' max	40% max of lot area	20'	30'	20'
Minimum Lot Area	N/A	N/A	5,000 sq. ft.					
Minimum Lot Width	N/A	N/A	100' min.					
Other permitted uses				40' max	50% max of lot area	20'	30'	20'
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.					
Minimum Lot Width	150' min	150' min	150' min					

* (See Section 13. Definitions: Setback Line to determine setback lines).

6.2.5 PARKING

All parking shall be provided according to the provisions set forth in Section 7 of this ordinance.

6.2.6 REQUIRED SCREENING

After the effective date of this ordinance, where a use other than residential is adjacent to a lot in a residential district or land occupied by a residential district use permitted by this Ordinance, there shall be provided and maintained along said property line (within setback) a contiguous visual screen. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening which reach the height of at least eight (8) feet within four years, or shall be a combined fence and shrubbery screen, with the shrubbery facing the residential use. It shall be maintained at a minimum of eight (8) feet in height thereafter.

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DISTRICT REGULATIONS

6.3.1 MANUFACTURED HOME DISTRICT (MH)

The manufactured home district is intended to make provisions for manufactured homes on individual lots in an appropriate, safe, sanitary, and attractive environment.

6.3.2 USES PERMITTED BY RIGHT

Accessory uses and buildings (see Section 13. Definitions)

Home Occupations

Barber and Beauty Salon (*Added in 2000*)

Family Care Homes as defined in NCGS 168.21 (1) & (2) and regulated by NCGS 168.20 – 168.22 and, when not located closer than one-half (0.5) mile to another such defined and regulated “family care home.” (*Added in 2003*).

Farming, nursery, greenhouse, etc., but not including raising poultry, pets, or livestock for commercial purposes on a scale that would be objectionable to surrounding permitted uses because of noise, odor, or traffic volume created.

Manufactured Homes

Modular home

Public Parks and Recreation facilities

Religious uses: church or place of worship and parish houses

Single-family dwelling

Two-family dwelling

6.3.3 CONDITIONAL USES

Cemetery

Civic facility, including meeting hall, lodge, social and athletic facility

Day care facility and nurseries

Golf courses

Hospital, nursing home, medical clinic, or dental clinic

Manufactured homes in parks (see Section 8)

Schools, colleges, libraries, and other public institutions

Private nonprofit outdoor recreation facilities

Public utilities

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DISTRICT REGULATIONS

6.3.4 LOT PROVISIONS: Manufactured Home

Manufactured Homes - MH	w/out public sewer & water	w/ public sewer or water	w/ public sewer & water	Building Height	Lot Coverage	eetbacks*		
						Front	Rear	Side
Manufactured Homes				35' max	N/A	15'	25'	15'
Minimum Lot Area	20,000 sq. ft.	15,000 sq. ft.	8,000 sq. ft.					
Minimum Lot Width	100' min.	80' min.	60' min.					
Single Family Dwellings				40' max	N/A	15'	25'	15'
Minimum Lot Area	20,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.					
Minimum Lot Width	100' min.	80' min.	60' min.					
Two Family Dwellings				40' max	N/A	15'	25'	15'
Minimum Lot Area	30,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.					
Minimum Lot Width	150' min	120' min.	90' min.					
Other permitted uses				35' max	50% max of lot area	20'	25'	15'
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.					
Minimum Lot Width	150' min	150' min	150' min					

* (See Section 13. Definitions: Setback Line to determine setback lines).

6.3.5 PARKING

All parking shall be provided according to the provisions set forth in Section 7 of this ordinance.

6.4 MANUFACTURED HOUSING OVERLAY DISTRICT (MHO)

The MHO, Manufactured Housing Overlay District is established to allow the placement of Class “A” manufactured homes in residential districts, provided that the homes meet appearance and dimensional criteria which will protect the character and property values of those single-family residential areas in which the Overlay District is established.

The lot provisions of the underlying residential zoning district shall apply to the MHO, Class “A” Manufactured Home.

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DISTRICT REGULATIONS

6.5.1 CENTRAL BUSINESS DISTRICT (CB)

The principal use of land within this district shall be for concentrated business development. Regulations are intended to encourage the construction of and the continued use of the land for downtown commercial and service areas; and to prohibit heavier commercial and industrial uses which would substantially interfere with the orderly growth of the district to meet the needs of increased populations in the market area.

6.5.2 USES PERMITTED BY RIGHT

Accessory uses and buildings (see Section 13. Definitions)

Automobile Detail (Cleaning) and Washing – when conducted inside a building (*Added in 1999*)

Automobile oriented business, including: part sales, sales lots, services and washing. (*Added in 2003*)

Bed & Breakfast establishment

Business offices, including: insurance offices, real-estate offices, telephone offices, general offices and similar uses.

Childcare/Nursery Care (*Added 2011*)

Dairy bars/ice cream shops

Educational (*Added 2011*)

Florist shops

General and specialty food and beverage stores

Gift shops

Governmental offices, including: municipal buildings, police & fire stations, post offices, offices for governmental agencies, libraries and similar uses

Grocery stores (convenience type)

Hotels, Motels

Public Parks and Recreation facilities

Public utilities

Repair shops, including: electrical appliance repair, shoe repair, radio and television repair and similar uses

Residence: dwelling units are allowable in commercial buildings with the following regulations: (1) street frontage allowable, however no personal effects shall be visible from street view which may distract from the business atmosphere. (2) located above first floor (unless structure is one story) of any structure and shall have at least 400 square feet of floor space and meets all other applicable building and fire codes.

Retail establishments primarily engaged in selling one or more of the following: appliances, beverages, building supplies, clothing, cosmetics, drugs, fabrics, foods, furniture, hardware, jewelry, notions, office supplies, paint, sporting goods, shoes, toys, stationery or books, magazines, newspapers, and similar uses, not including adult entertainment establishments (see Section 13. Definitions).

Trades and repair shops such as carpentry, electrical, plumbing, heating, ventilating, upholstery, decorating, paint, and sign shops

6.5.3 CONDITIONAL USES

Automotive oriented business, including paint and body work (*Added 2010*)

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DISTRICT REGULATIONS

CENTRAL BUSINESS DISTRICT (CB)

6.5.3 CONDITIONAL USES

Civic facility, including meeting hall, lodge, social and athletic facility (Added 2007)

Manufacturing industries providing that their operation does not produce a nuisance by reason of odor, noise, dust, smoke, or vibration, and whose operation is conducted entirely within an enclosed building.

Religious uses: church or place of worship and parish houses (Added 2007)

Storage, provided it is within a building and the use is not visible from the outside of the building.

Outdoor storage, provided the outdoor storage areas are encompassed by a solid fence or wall, at least six (6) feet high.

Tattoo Shop

6.5.4 LOT PROVISIONS: Central Business

<i>Central (CB) Business</i>	w/out public sewer & water	w/ public sewer or water	w/ public sewer & water	Building Height	Lot Coverage	etbacks*		
						Front	Rear	Side
All uses				40' max	N/A	0'	10'	*0'
Minimum Lot Area	N/A	N/A	N/A					
Minimum Lot Width	N/A	N/A	N/A					

* Twenty (20) foot side yards are required where the CB district is adjacent to residentially zoned lots. See Section 13. Definitions: Setback Line to determine setback lines.

6.5.5 PARKING

All parking shall be provided according to the provisions set forth in Section 7 of this ordinance.

6.5.6 SIGNS

All signs shall conform to the provisions set forth in Section 9 of this ordinance.

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DISTRICT REGULATIONS

6.6.1 NEIGHBORHOOD BUSINESS DISTRICT (NB)

The Neighborhood Business District is established to provide goods and services for the frequent needs of neighborhood residents and to assure that operation of neighborhood business is not detrimental to adjacent residential uses.

6.6.2 USES PERMITTED BY RIGHT

Accessory uses and buildings (see Section 13. Definitions)

Banks and other related financial institutions

Barber and Beauty shops

Business offices, including: insurance offices, real-estate offices, telephone offices, general offices and similar uses.

Day care facilities and nurseries

Florist shops

General and specialty food and beverage stores

Gift shops

Public Parks and Recreation facilities

Religious uses: church or place of worship and parish houses

6.6.3 CONDITIONAL USES

Civic facility, including meeting hall, lodge, social and athletic facility

Automobile service station dedicated to the rendering of services such as the sale of gasoline, oil, lubricants, and accessories and the motor repair of automobiles such as tune-ups, brake adjustments, and tire changes excluding body work, overhauling, and painting.

Mortuary or funeral home

Outdoor storage, provided the outdoor storage areas are encompassed by a solid fence or wall, at least six (6) feet high.

Public Utilities

6.6.4 REQUIRED SCREENING

After the effective date of this ordinance, where this district is adjacent to a lot in a residential district or land occupied by a residential district use permitted by this Ordinance, there shall be provided and maintained along said property line on the property within the NB District a contiguous visual screen. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening which shall reach the height of at least eight (8) feet within four years, or shall be a combined fence and shrubbery screen, with the shrubbery facing the residential use. It shall be maintained at a minimum of eight (8) feet in height thereafter.

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6.6.5 LOT PROVISIONS

Neighborhood Business - NB

Neighborhood Business (NB)	w/out public sewer & water	w/ public sewer or water	w/ public sewer & water	Building Height	Lot Coverage	Setbacks*		
						Front	Rear	Side
All uses				35' max	N/A	10'	25'	15'
Minimum Lot Area	20,000 sq. ft	20,000 sq. ft	20,000 sq. ft					
Minimum Lot Width	100' min.	100' min.	100' min.					

* (See Section 13. Definitions: Setback Line to determine setback lines).

6.6.6 PARKING

All parking shall be provided according to the provisions set forth in Section 7 of this ordinance.

6.6.7 SIGNS

All signs shall conform to the provisions set forth in Section 9 of this ordinance.

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DISTRICT REGULATIONS

6.7.1 THOROUGHFARE BUSINESS DISTRICT (TB)

The principal use of land in this district shall be for the wholesaling and retailing of durable goods and services and for planned shopping areas located adjacent to major thoroughfares leading into and around the developed areas of the Town. This district is also designed to encourage the provision of services to travelers.

6.7.2 USES PERMITTED BY RIGHT

Accessory uses and buildings (see Section 13. Definitions)

Automobile oriented business, including; parts sales, sales lots, services, and washing

Business offices, including: insurance offices, real-estate offices, telephone offices, general offices and similar uses

Civic facility, including meeting hall, lodge, and athletic facility

Farm Implement and Machinery sales and service (*Added to list in 1999*)

Florist shops

Gift shops

Governmental offices, including: municipal buildings, police & fire stations, post offices, offices for governmental agencies, libraries and similar uses

Hotels, Motels

Laundering (including self service), dry cleaning, and dyeing services

Public Parks and Recreation facilities

Public utilities

Shopping centers

Religious uses: church or place of worship and parish houses

Recreational uses such as bowling alleys, miniature golf courses, driving range and similar recreation **except Pool halls and video game establishments (see Section 6.8.3) (*Amended in 2004*)**

Retail establishments primarily engaged in selling one or more of the following: appliances, beverages, building supplies, clothing, cosmetics, drugs, fabrics, foods, furniture, hardware, jewelry, notions, office supplies, paint, sporting goods, shoes, toys, stationery or books, magazines, newspapers, and similar uses, not including adult entertainment establishments (see Section 13. Definitions).

Trades and repair shops such as carpentry, electrical, plumbing, heating, ventilating, upholstery, decorating, paint, and sign shops

Wholesale establishments, not including salvage and used parts sales or salvage yards

6.7.3 CONDITIONAL USES

Animal hospitals and kennels

Day care facilities and nurseries. (*Added in 2004*)

Hospital, nursing home, medical clinic, or dental clinic

Manufactured housing sales, new and used

Multi-family dwellings served by public sewer and water (**See Section 6.10**) *Added 2016*

Outdoor storage, provided the outdoor storage areas are encompassed by a solid fence or wall, at least six feet

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DISTRICT REGULATIONS

6.7.3 CONDITIONAL USES

Retailing and wholesale establishments engaged in selling oil and petroleum products
Schools, colleges, libraries, and other public institutions
Theater

6.7.4 LOT PROVISIONS: Thoroughfare Business

<i>Thoroughfare Business (TB)</i>	w/out public sewer & water	w/ public sewer or water	w/ public sewer & water	Building Height	Lot Coverage	Setbacks*		
						Front	Rear	Side
All uses				35' max	50% max of lot area	15'	25'	15'
Minimum Lot Area	30,000 sq. ft	20,000 sq. ft	20,000 sq. ft					
Minimum Lot Width	100' min.	100' min.	100' min.					

* A strip at least 15' wide adjacent to the street shall be reserved for landscaping and sidewalks.
See Section 13. Definitions: Setback Line to determine setback lines.

6.7.5 REQUIRED SCREENING

After the effective date of this ordinance, where this district is adjacent to a lot in a residential district or land occupied by a residential district use permitted by this Ordinance, there shall be provided and maintained along said property line on the property within the TB District a contiguous visual screen. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening which shall reach the height of at least eight (8) feet within four years, or shall be a combined fence and shrubbery screen, with the shrubbery facing the residential use. It shall be maintained at a minimum of eight (8) feet in height thereafter.

6.7.6 PARKING

All parking shall be provided according to the provisions set forth in Section 7 of this ordinance.

6.7.7 SIGNS

All signs shall conform to the provisions set forth in Section 9 of this ordinance.

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DISTRICT REGULATIONS

6.8.1 INDUSTRIAL DISTRICT (I)

This district includes warehousing, mixed industrial, industrial and heavy commercial uses. The purpose is to promote and protect both existing industrial activities and potential sites where urban services are available and which are considered suitable for continued or future industrial uses; to prohibit uses of land which would substantially interfere with the continuation of uses permitted in the district; and to promote the operation of industrial facilities in a relatively clean and quiet manner.

6.8.2 USES PERMITTED BY RIGHT

Accessory uses and buildings (see Section 13. Definitions)

Agriculture (including orchards, pasturage, field crops, nurseries, greenhouse, etc., but not including commercial production of swine, poultry or poultry products)

Automobile oriented business, including; parts sales, sales lots, services, and washing

Manufacturing, assembling and processing industries provided that their operation does not produce a nuisance by reason of odor, noise, dust, smoke, or vibration.

Public Parks and Recreation facilities

Public utilities

Wholesale, warehousing, and transfer activities

6.8.3 CONDITIONAL USES

Automobile wrecking yards and similar types of used material industries when conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height, provided that the Town Board finds that such a wrecking yard will not have an injurious effect on the public interest or welfare

Adult entertainment establishments including bingo, clubs and eating and drinking establishments with nude or seminude entertainment or dancing; physical culture establishments, such as but not limited to, masseurs, massage parlors, etc.; and establishments that include adult bookstores, adult motion picture theaters, adult motels and hotels, and other similar establishments which depict or emphasize sexual activities and/or nudity. Pool halls and video gaming rooms shall be considered 'Adult entertainment establishments' for the purposes of this paragraph. No adult entertainment establishments may be located within one-thousand (1,000) feet of another adult entertainment establishment. No adult entertainment establishment may be located within one-thousand (1,000) feet of any area zoned for residential use or an existing church or school. All measurements will be measured from the property lines of the lots of said uses as shown on the Sampson County Official Tax Maps.(*Amended in 2004/2010*)

Circuses, carnivals, and fairs

Fertilizer manufacturing and sales

Industrial uses may be permitted if they conform to the following: 1) No unusual fire, explosion, or safety hazards; 2) No emission of fly ash, dust, fumes, vapors, mist, or gases in such quantities as to cause soiling or danger to the health of person, animals, vegetation, or other forms of property; 3) No production of heat or glare perceptible from any lot line of the

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premises on which the use is located; and 4) No emission of any odorous matter such or quantity as to be offensive, obnoxious, or unhealthy outside the premises.

Manufacturing industries

Outdoor advertising signs

Outdoor storage, provided the outdoor storage areas are encompassed by a solid fence or wall, at least six (6) feet high.

Renewable Energy Facility

Tower (see Section 13. Definitions)

Wholesale storage of gasoline or bulk terminal plants provided no above-ground storage tank shall be closer than fifty (50) feet to any property lines or road right-of-ways, and that the uses are in conformity with the state and local regulations governing such storage of combustible fuels.

6.8.4 LOT PROVISIONS: Industrial

<i>Industrial-I</i>	w/out public sewer & water	w/ public sewer or water	w/ public sewer & water	Building** Height	Lot Coverage	Setbacks*		
						Front	Rear	Side
All uses				40' max	50% max of lot area	25'	25'	20'
Minimum Lot Area	1 acre	1 acre	1 acre					
Minimum Lot Width	100'	100'	100'					

* A strip at least 15' wide adjacent to the street shall be reserved for landscaping and sidewalks. See Section 13. Definitions: Setback Line to determine setback lines.

**Maximum building height , 40 feet, unless the depth of yard and total width of side yards required be increased 5 feet for each 10 feet or fraction thereof of building height in excess of 40 feet.

6.8.5 PARKING

All parking shall be provided according to the provisions set forth in Section 7 of this ordinance.

6.8.6 SIGNS

All signs shall conform to the provisions set forth in Section 9 of this ordinance.

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DISTRICT REGULATIONS

6.9.1 OPEN SPACE DISTRICT (OS)

The open space district is established as a district in which the primary use of the land is predominantly reserved for flood control, public recreation, community facility sites, natural or man-made bodies of water, forests, and other similar open space uses. In promoting the general purposes of this Ordinance, the specific intent of this subsection is:

- 1) To encourage the preservation of, and continued use of, the land for conservation purposes.
- 2) To prohibit residential, commercial and industrial use of the land, and to prohibit any other use which would substantially interfere with the preservation of this district.
- 3) To encourage the discontinuance of uses that would not be permitted as uses in the district.
- 4) To encourage the use of pervious materials for vehicular roadways and/or parking.

6.9.2 USES PERMITTED BY RIGHT

Agriculture (including orchards, pasturage and field crops, but not including commercial production of swine, poultry or poultry products)

Cemeteries

Golf courses

Nature preserves

Open space land

Public Parks and Recreation facilities

Water sheds

6.9.3 LOT PROVISIONS

There shall be no minimum lot areas, widths, or yards required due to the exceptional physical characteristics of this zoned district.

6.10 DEVELOPMENT STANDARDS**6.10.1 MULTI-FAMILY DWELLING**

- 1) development review/verification from public works personnel to ensure availability and adequacy of water and sewage infrastructure.
- 2) development review from Fire Chief to ensure structure is designed or equipped to provide adequate protection against the dangers of fire.
- 3) landscaped buffer/fencing and lighting requirement shall be determined upon review of site plan.
- 4) garbage dumpsters/receptacle shall be required where there is four or more dwelling units located on a single lot and shall be screened with a vegetative buffer.
- 5) Automobile parking space and drives shall not be located closer than twenty (20) feet to the front or twenty (20) feet to the rear of any dwelling
- 6) No building with multi-family dwelling units shall exceed a length of 150 feet.
- 7) A distance of at least 50 feet shall be maintained between all buildings within a multi-family development.

Section 7.

OFF-STREET PARKING AND LOADING

7.1 PARKING

Off-Street automobile parking or storage space shall be provided on the same lot as the principal use except in the Central Business District and as provided in Section 7.1 C below at the time or 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, in the amount specified by this section. Such parking space may be provided in a covered parking structure or properly graded open space.

7.1 GENERAL GUIDELINES

- A. Each application for a zoning certificate submitted to the zoning administrator as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of exit and entrance to such space. This information shall be in sufficient detail to enable the zoning administrator to determine whether or not the requirements of this section are being met.
- B. Unless no other practicable alternative is available, any off-street parking area shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street.
- C. Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- D. Every off-street parking area shall be designed so that vehicles cannot extend onto public *rights-of-way*, sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction
- E. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
- F. No off-street parking area shall be located over an active or auxiliary septic tank field.
- G. **Remote Parking Space**
If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space shall be provided on any lot a substantial portion of which is within five hundred (500) feet of the main entrance of such principal use, provided such land is in the same ownership as the principal use or leased on a long-term basis for the specific purpose to serve as parking space for the aforesaid principal use.

***Section 7.* OFF-STREET PARKING AND LOADING**

7.1.2 SPECIFIC IMPROVEMENT AND LOCATION STANDARDS

1. All off-street parking, including entrance, exits, and maneuvering and parking areas shall:
 - (a) Driveways/access drives connecting to state roads shall meet the requirements of the DOT
 - (b) Have the access drive(s) paved from the existing street paving to a point at least fifteen (15) feet beyond the public right-of-way, except that residential uses requiring less than five spaces shall be exempt from this paving requirement.
 - (c) Be permanently maintained by the owners.
 - (d) To the extent practical, adjoining parking lots serving non-residential buildings shall be interconnected.
2. In addition all parking lots that are used regularly at least five days per week, except as provided below, shall be paved up to the required paved driveway. This paving requirement shall not apply to:
 - (a) Parking lots used only by churches, private clubs, or similar organizations on an irregular schedule, and
 - (b) Parking lots for residential uses where less than five spaces are required.
3. A strip of land fifteen (15) feet wide adjoining any street line or any zoned for residential uses shall be reserved as open space, guarded with wheel bumpers, dense vegetation, ~~and~~ planted in shrubbery, and/or trees. The space shall be designed and maintained as to provide infiltration of stormwater runoff such as filter strips, grass swales and or bioretention basins.

Permeable construction material is preferred over traditional non- porous concrete or asphalt, particularly in residential uses. ADA compliant permeable pavement is required when used in a non-residential development.

7.1.3 PARKING SPACE DIMENSIONS

- A. Each parking space, (other than those designed for the disabled) shall contain a rectangular area at least twenty (20) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.
- B. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty three (23) feet by nine (9) feet.

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OFF-STREET PARKING AND LOADING

7.1.4 AISLE AND DRIVEWAY WIDTHS

A. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

<u>Aisle Width</u>	<u>Angle of Parking</u>				
	0	30	45	60	90
One Way Traffic	13	13	13	18	20
Two Way Traffic	20	20	22	24	24

B. Driveways shall be not less than fifteen (15) feet in width for one way traffic and twenty-four (24) feet in width for two way traffic, except that fifteen (15) feet wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty (50) feet, (ii) it provides access to not more than six (6) spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street. In no case shall a driveway width exceed thirty (30) feet, except as required by NCDOT.

7.1.5 DISABLED PARKING

A. Except for a lot containing a single-family or duplex dwelling, all uses shall be required to provide the following number of spaces designed for disabled persons.

Minimum Number of Accessible Parking Spaces
ADA Standards for Accessible Design 4.1.2(5)

Total number of Parking Spaces provided (per lot)	Total Minimum Number of Accessible parking Spaces (60" & 96" aisles) Column A	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7

*Refer to ADA Standards for Accessible Design 4.1.2(5) for parking greater than 400 spaces.

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OFF-STREET PARKING AND LOADING

B. *Off-street* parking spaces for the disabled shall be designed as follows:

1. All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
2. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
3. Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space
4. The size of the parking space shall be per building code specifications

7.1.6 COOPERATIVE PARKING

A. To the extent practical adjoining developments should consider joint use of the same parking spaces, those which may operate at different times or whose peak hours of attendance will differ.

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OFF-STREET PARKING AND LOADING

7.1.7. MAXIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; and shall not exceed the total number set as described below unless the applicant provides adequate stormwater control measures (DWQ approved BMP's) and the total number of parking lots do not exceed (25) twenty five percent above of the total number set herein for each specific use.

USE CLASSIFICATION	PARKING SPACE REQUIREMENT
Auditorium or Theater	One (1) space for each four (4) seats in the largest assembly area.
Banks	One (1) parking space for each two hundred square feet of gross floor space plus one (1) space for each two (2) employees.
Bowling Alley	Three (3) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
Church	One (1) space for each four (4) seats in the main chapel.
Civic facility or Lodge	One (1) space for each two hundred (200) square feet of gross floor space.
Electronic Gaming Operations	One space per every two (2) terminals or one (1) space per every one hundred (100) square feet of total floor area, whichever is greater; One (1) handicapped space per every twenty five (25) or fewer spaces.
Golf Courses	Four (4) spaces for each hole plus requirements for any other use associated with the golf course (restaurant, etc.).
Home Occupation	In addition to residence requirements one (1) parking space per five hundred (500) square feet of floor space devoted to the home occupation use.
Hospital or Nursing Home	One (1) parking space for each two (2) beds plus one (1) space for each employee on shift of-greatest employment (nurses, attendants, etc.) plus one (1) space for each staff or visiting doctor.
Hotel	One (1) space for each room to be rented plus one additional space for each employee.
Industrial or Manufacturing Establishment or Warehouse	One(1) space for each 1,000 SF GFA

Section 7.	OFF-STREET PARKING AND LOADING
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USE CLASSIFICATION	PARKING SPACE REQUIREMENT
Kindergarten or nursery	One (1) space for each employee and four (4) spaces for off-street drop-off and pick-up.
Library	One (1) space for each three (3) seats provided for patron use.
Medical and dental offices	Four (4) spaces for each physician or dentist practicing at the clinic, plus one (1) for each employee
Mortuary or Funeral Home	One (1) space for each four (4) seats in the assembly room or chapel.
Motel, Motor Court or Tourist Home	One (1) space for each unit plus one (1) space for each two (2) employees plus requirements for any other use associated with the establishment.
Offices, Business and Public	One (1) space for each two hundred (200) square feet of floor area.
Offices, Professional	One (1) parking space for each employee plus three (3) spaces for each professional member of the staff.
Restaurant, Face, Tavern or Other Place Serving Food and Drink	One (1) space for each three (3) seats plus one (1) space for each employee on shift of greatest employment .
Restaurant, drive-in	One (1) space for each three (3) seats plus a minimum of fifteen (15) spaces for drive-in service plus one (1) space for each two (2) employees.
Rooming an Boarding Houses	One (1) space for each two (2) guest rooms, plus one (1) additional space for the owners.
Retail Uses Not Otherwise Listed	One (1) parking space for each one hundred (100) square feet of gross floor area.
School, Elementary and Junior High	Two (2) spaces for each classroom and administrative office plus adequate facilities for school bus parking and convenient loading and unloading of students.
Service Station	Five (5) spaces for each lubrication rack and one (1) space for each employee.
Shopping center	One (1) parking space for every 1000 SF GFA.
Multi Family Residence	One and one-half (1 1/2) spaces for each dwelling unit.
Single Family Residence and Duplex	Two (2) spaces for each dwelling unit.
Stadium	One (1) space for each eight (8) seats.

Section 7.

OFF STREET-PARKING & LOADING

7.2 OFF-STREET LOADING

A. Off-Street Loading and Unloading Space Requirements

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. Such space shall have adequate access to an alley or in the absence of an alley, a public street. For the purposes of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by fifty (50) feet exclusive of adequate access drives and maneuvering space, and overhead clearance of fifteen (15) 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, auditorium, theater, assembly hall, or other building of similar limited space requirement.

B. Number of Required Off-Street Loading Spaces

SQUARE FEET OF GROSS FLOOR AREA

REQUIRED NUMBER OF SPACES

0-25,000	1
25,000-40,000	2
40,000-100,000	3
100,000-160,000	4
160,000-240,000	5
240,000-320,000	6
320,000-400,000	7
Each 90,000 and above 400,000	1

Manufactured home parks are permitted as a conditional use only and may be developed following approval of an application for a conditional use permit.

8.1 APPLICATION PROCEDURE FOR A CONDITIONAL USE PERMIT FOR A MANUFACTURED HOME PARK

A. Preliminary Plan: A preliminary plan drawn to an engineering scale should be submitted to the Town Board prior to application for a permit. The sketch plan should include the following :

- (a) location of drives and parking areas;
- (b) location of manufactured home spaces;
- (c) location and sizes of service buildings and other service areas;
- (d) topography and contours in areas where major grading will occur; and
- (e) location, type and size of water supply and sewage systems.

The owner and developer are encouraged to discuss the proposed manufactured home park plan with the Zoning Officer, members of the Planning Board, and members of the Town Board to determine if the proposal meets the requirements and intent of this Ordinance.

B. Final Plan: Applications to the Town Board for a conditional use permit to construct alter or enlarge a mobile home park shall be accompanied by a plan for the park, prepared by a registered engineer or architect, drawn to an engineering scale. Three copies shall be submitted. The final plan shall include the following:

- (a) location of drives, parking areas, walks, and public street access;
- (b) location of manufactured home spaces;
- (c) location and sizes of any proposed buildings and building lines;
- (d) topography and contours in areas where major grading will occur;
- (e) location, type and size of water supply and sewage systems;
- (f) proposed storm drainage plan for the entire manufactured home park;
- (g) location and dimensions of all recreation areas, open spaces and parks;
- (g) name of the manufactured home park, name(s) and address(s) of the owner(s), the developer if applicable and the designer of the park;
- (h) date, scale and approximate North arrow;
- (i) when public sewer or public water is not available, a written statement from the County Health Department shall be submitted with manufactured home park plan indicating that the manufactured home park has adequate land area and suitable topography and soils to accommodate the proposed methods of sewage disposal and water supply.
- (j) Where a manufactured home park is to be developed in sections, the plan shall show the section that will be developed initially. No permit shall be issued for the initial establishment of any section of a manufactured home park with less than 2 spaces

8.2 ANNUAL INSPECTIONS OF MANUFACTURED HOME PARKS

The Sampson County Health Department and Roseboro Zoning Officer may conduct as many inspections of mobile home parks as deemed necessary to insure the maintenance of applicable standards. The operators of mobile home parks in Roseboro shall once a year pay an annual inspection fee as posted in the Town Clerk's Office and the Certificate of Occupancy may be revoked if the fee is not paid.

8.3 MANUFACTURED HOME PARK REQUIREMENTS

- A. Area. The area of the manufactured home park shall be a minimum of two (2) acres and the park shall have a minimum of two manufactured home spaces available at first occupancy.
- B. Density. A manufactured home space shall consist of a minimum of seventy-five hundred (7,500) square feet and shall have a width of at least forty-five (45) feet at the location of the manufactured home site/stand.
- C. Utilities. The manufactured home park and all occupied units located in it must be connected to the municipal water and sewerage systems or other systems approved by the Sampson County Health Department or the North Carolina Division of Health Services and the North Carolina Division of Environmental Management.
- D. Yards and Setbacks. All manufactured units and permanent structures must meet yard and setback requirements for principal structures in the district.
- E. Other Permitted Uses. Service buildings, recreation buildings, and other areas or structures providing laundry, sanitation and managerial facilities are permitted and shall serve only the park in which they are located. No such facility shall have direct access to a public street but shall be served by the privately maintained roadway.
- F. Access and Parking. Paved, privately maintained, roadways must be provided for access to individual units and other facilities located within the park. No manufactured home shall have direct access to a public street.
- G. Screening and Landscaping. The manufactured home park shall have a screening strip of plant material five (5) feet wide minimum adjacent to and within the park boundary extending along the entire perimeter of the park. This requirement may be waived by the Board of Adjustment upon the recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography. Screening strips shall not be a portion of any manufactured home space, street, or private drive. Evergreen shrubs shall be four (4) feet or more in height at time of planting. The park shall be completely screened at a height of four (4) to six (6) feet from the view of adjacent properties. Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.
- H. One Manufactured Home Per Space. No more than one (1) manufactured home may be parked on any manufactured home space.

8.4 MANUFACTURED HOME SPACE REQUIREMENTS

- A. Access. Each space shall have access to an interior roadway with a paved width of at least 18 feet. No space shall have direct access to a public street.
- B. Clearance. Each space shall be designed so that at least 30 feet clearance will be maintained between units and other structures within the park.
- C. Setbacks. Manufactured home units shall be located so that a 25 foot setback is maintained from the centerline of the private interior roadway.
- D. Minimum Size. A manufactured home space shall consist of a minimum of seventy-five hundred (7,500) square feet and shall have a width of at least forty-five (45) feet at the location of the manufactured home site/stand.
- E. Patio. Each manufactured home space shall contain a patio of at least two hundred forty (240) square feet and have a minimum width of seven (7) feet. It must be constructed of concrete, brick, flagstone or other such hard surface material. A hard surface walkway, two (2) feet wide minimum, leading from the road or off-street parking space to the patio shall be provided.
- F. Parking. Parking spaces sufficient to accommodate at least two (2) automobiles shall be constructed within each manufactured home space and they shall be paved and/or covered with four (4) inches of crushed stone.
- G. Grading. Each manufactured home space shall be graded and graded areas grassed to prevent erosion and provide adequate storm drainage away from the manufactured home.
- H. Utilities. Each space shall have a hook-up facilities for water, sewer, electricity, and telephone services. All occupied manufactured home units shall have and use sanitary facilities within the manufactured home unit.

9.1 GENERAL PROVISIONS

It is the purpose of this section to permit signs of a commercial, industrial, and residential nature and to regulate the size and placement of signs which are visible from any public way. These regulations shall apply to all districts. No exterior sign may be erected, painted, repainted, posted, placed, replaced or hung in any district, except in compliance with these regulations.

- A. Permit Required. With the exception of those signs specifically authorized in 9.2 below, no sign may be erected without a permit from the Administrative Officer.
- B. Permit Application. Application for permits shall be submitted on forms obtainable at the Office of the Zoning Officer. Each application shall be accompanied by plan which shall:

1. Indicate the proposed site by identifying the property by ownership, location and use;
2. Show the location of the sign on the lot in relation to property lines and building, zoning district boundaries, right-of-way lines, and existing signs; and
3. Show size, character, complete structural specifications and methods of anchoring and support.

If conditions warrant, the Zoning Officer may require such additional information as will enable him to determine if such sign is to be erected in conformance with this Ordinance.

- C. Structural Requirements. Structural Requirements for signs shall be those requirements found in the North Carolina State Building Code.
- D. Sign Area Computation. Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign, including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one (1) side of a double face sign structure shall be considered.
- E. Fees.
1. No permit shall be issued until the exact dimensions and area of the sign have been filed with the Zoning Officer and the fees posted in the Town Clerk's office paid accordingly.
 2. Exempt from this fee requirement shall be those signs specified in 9.2 below.

- F. Maintenance. All signs, together with all their supports and braces, shall be kept in a state of good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Zoning Officer, structurally unsafe and endangers the safety of the public or property. The Zoning Officer may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within ten days after written notification thereof by the Zoning Officer. If such order is not complied with in thirty (30) days the Zoning Officer shall remove such at the expense of the owner or lessee thereof.
- G. Location Restrictions.
1. No sign shall be permitted on any public right-to-way except as specifically authorized herein.
 2. No sign shall be attached to or painted on any telephone pole, telegraph pole, power pole, or other man-made object not intended to support a sign, nor on any tree, rock or other natural object except as specifically authorized herein.
 3. Sign shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, structure, or lot.
- H. Setback and Height Requirements.
1. Except as otherwise provided herein, signs are required to observe the same yard setback and height regulations as the principal structures or buildings.
 2. If the lot on which a ground sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned for residential use, then a distance of at least fifty (50) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential district. Provided further, that all out-door advertising signs shall conform to Section 9.5.
- I. Non-Conforming Signs. No non-conforming sign erected before the adoption of this Ordinance shall be moved or replaced, without complying with the provisions of this Ordinance. All signs existing on the effective date of this article which do not conform to the requirements set forth herein shall be removed or brought into compliance within thirty-six months (36) from the effective date of this Ordinance. However, an existing non-conforming business or industry shall, after the three year period, be allowed one sign not exceeding 12 square feet on a side or a total of twenty square feet, which sign shall be affixed to the building and have only non-flashing illumination.

9.2 SIGNS NOT REQUIRING A PERMIT FROM THE ZONING OFFICER

The signs listed below shall not require a permit from the Zoning Officer. However, all signs using electrical wiring and connection shall have an electrical permit.

- A. Directional and information signs, erected and maintained by public agencies and governmental bodies.
- B. Quasi-public signs, not to exceed four (4) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:
 - 1. The name of location of the city, hospital, community center, public or private school, church, synagogue, or other place of worship;
 - 2. The name of a place of meeting or an official or civic body such as the Chamber of Commerce, service club, or fraternal organization.
 - 3. An event of public interest such as public hearing, rezoning, announcement, general election, church or public meeting; local or county fair; and other similar community activities and campaigns;
 - 4. Soil conservation, 4-H and similar projects; and zoning and subdivision jurisdiction boundaries.
- C. Professional and Home Occupations Signs:
 - 1. One sign per lot not to exceed two (2) square feet attached to the principal structure.
 - 2. One sign per lot not to exceed two (2) square feet located at least ten (10) feet from the street line and side property lines. Where side yards are required, no such sign shall be permitted in the required side yards.
 - 3. *No such signs shall be illuminated in the residential district.*
- D. Temporary Subdivision Sign. Subdivision development signs, not over sixty-four (64) square feet in area which direct attention to the opening of a new subdivision may be erected on the site of such new subdivision. Only indirect illumination with white light will be permitted, such sign shall be removed when seventy-five (75) percent of the Subdivision is sold.
- E. Bulletin Board. One bulletin board for each school or other public building and for each church, synagogue or place of worship, provided that it be located on the same premises and shall not exceed fifty (50) square feet, such bulletin board may be free standing or attached. In residential districts, illumination of bulletin boards shall be white, non-flashing lights.

Section 9.

SIGNS

F. Temporary Signs.

1. Real Estate

One (1) temporary real estate sign not exceeding four (4) square feet in area may be placed on a property that is for sale, lease, rent, or barter; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. **Such signs shall not be illuminated.**

2. Other Temporary Advertising Signs

Temporary advertising signs shall be permitted providing that such signs shall not exceed six (6) square feet in area in residential districts and shall be spaced no closer than 100 feet apart.

3. One (1) temporary construction sign may be erected on the site during the period of construction or reconstruction to announce the name of the owner and /or developer, the name of the structure and its use or occupants to be, contractor, subcontractor, architect, and engineer; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. Such signs shall be removed when the building has been approved for occupancy by the Zoning Officer. Maximum size of construction signs in the residential zone shall be twenty-four (24) square feet; in all other zones, seventy-two (72) square feet.

4. All temporary signs must be removed within thirty (30) days.

Setback Requirements for signs Not Requiring a Building Permit

Signs which do not require a permit from the Zoning Officer shall be set back at least ten (10) feet any public right-of-way line or property line and shall be setback at least twenty-five (25) feet from any road intersection. **(No illumination!!!!)**

9.3 PERMANENT SIGNS FOR SUBDIVISION

One permanent subdivision sign per major entrance is permitted. Exception: if a subdivision name sign is incorporated into gateposts, brick walls, or similar structures making the entrance, the name may appear on both sides of the entrance as a substitute for other subdivision identification signs.

- A. Total area per entrance is sixty-four (64) square feet.
- B. Signs shall be placed on private property no closer than ten (10) feet to any property line.
- C. Illumination is restricted to white indirect lighting.
- D. Content of sign is limited to the name of the subdivision.

9.4 BUSINESS AND INDUSTRIAL SIGNS

Business and industrial signs shall be permitted on the premises in districts in which the principal use is permitted subject to the following limitations:

General Provisions

- A. They shall not project more than 1 foot from any building wall or canopy.
- B. If suspended from a canopy, the sign must be at least eight (8) feet above the sidewalk level.
- C. Display lighting when permitted shall be shielded so as to prevent a direct view of the light source from a residence in a residential district
- D. Electronic Message Center or Electronic Changeable Facing Signs shall be permitted under the following conditions:
 - (1) In Thoroughfare Business & Industrial Zones, all display features and functions are permitted, with the exception of (a) flashing, which is prohibited, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the sign.
 - (2) The changeable facing remains in a fixed position for at least five (5) seconds;
 - (3) Only one (1) automatic changeable facing sign is permitted per parcel.
 - (4) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
 - (5) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings that adjust light emission level to ambient light conditions so as not cause glare or excessive brightness. In no case shall the light level of any such sign exceed 750 nits (candelas per square meter) between the time of sunset and sunrise, nor 5,000 nits at other times
 - (6) Internal illumination shall not be at an intensity that is distracting to vehicular traffic; and subsequent to installation, the Town of Roseboro shall have the ongoing discretion to require that brightness, frequency, colors or other qualities be adjusted in order to address safety concerns.
 - (7) The sign application meets all other permitting requirements.
- E. Freestanding signs, whether illuminated or not, shall be located not less than 12 feet from the street lot line or behind the setback line, whichever is greater. No freestanding sign shall be located in a required side yard or within 10 feet of the side property line.
- F. Notwithstanding Section 9.1, D., sign area for cutout-letter signs to be placed on a building may be measured by totaling the square footage of each letter when such measurement is performed and certified by an structural engineer. (Cutout-letter signs are signs with individual letters to be separately mounted on the surface of a building and do include business logos.)

Section 9.

SIGNS

Signs in Central Business District

- A. Non-illuminated signs shall have a total surface area in square feet per establishment no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for all signs be greater than 100 square feet.
- B. Illuminated signs shall have a total sign surface area in square feet per establishment, no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for signs be greater than 50 square feet.
- C. No freestanding signs are permitted.

Signs in TB, NB, & I Districts and NOT in Shopping Centers

- A. Non-illuminated signs: Any one non-illuminated sign may not exceed 100 square feet. There may be up to 2 non-illuminated signs at each business. For businesses on lots with 75 feet or less at the street property line, such signs may not exceed a total of 100 square feet for both. For businesses on lots greater than 75 feet in width at the street property line, such signs may not exceed a total of 200 square feet as long as one such sign is attached to the building.
- B. Illuminated signs: Any one illuminated sign may not exceed 100 square feet. There may be up to 2 illuminated signs at each business. For businesses on lots with 75 feet or less at the street property line, such signs may not exceed a total of 100 square feet for both. For businesses on lots greater than 75 feet in width at the street property line, such signs may not exceed a total of 200 square feet as long as one such sign is attached to the building.

Shopping Center Signs

- A. One freestanding, illuminated or non-illuminated, shopping center identification sign is permitted per shopping center. The maximum area per sign is 200 square feet for centers having up to 15 businesses and 300 square feet for centers having more than 15 businesses.
- B. Each business in a shopping center may have an attached building sign, illuminated or non-illuminated, not to exceed 100 square feet for building frontage up to and including 75 feet, and not to exceed 200 square feet for businesses with more than 75 feet building frontage.

Mobile Home Park Entrance Sign

- A. One manufactured home park sign is permitted per major entrance to a manufactured home park. Area of each sign shall not be more than one-half square foot per manufactured home space, but not to exceed fifty (50) square feet. Setback shall be at least 10 feet from the front property line; illumination is restricted to indirect white lighting.

9.5 OUTDOOR ADVERTISING SIGNS

- A. They meet all requirements of the industrial district applying to the principal structures with regard to yards, setbacks, and height requirements.
- B. Such signs shall not be located within 100 feet of any residential district.
- C. No two outdoor advertising signs shall be spaced less than 300 feet apart.
- D. Maximum area of any outdoor advertising sign is six hundred seventy-two (672) square feet.

Section 10.

CONDITIONAL USES

10.1 PURPOSE

The development and execution of this ordinance is based on the division of the Town of Roseboro into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses which are basically in keeping with the intent and purposes of the district where conditional, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a Conditional Use Permit preceded by a Public Hearing.

10.2 APPLICATION FOR CONDITIONAL USE

Applications for Conditional Use Permits, signed by the applicant, shall be addressed to the Planning Board. A fee as posted in the Town Clerk's office shall be paid to the Town of Roseboro for each application to cover the costs of advertising and administrative costs. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.

The applicant shall provide to the Zoning Officer a list of names and addresses of all adjacent property owners, at least eight (8) days prior to the public hearing. The Zoning Officer shall then mail a copy of the legal notice to each adjacent property owner.

10.3 ACTION BY THE PLANNING BOARD

The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each application for a conditional use permit. The Planning Board shall follow the guidelines of this section in making their recommendation.

A. When making recommendations on conditional use permits, the planning board shall follow quasi-judicial procedures. No vote greater than a majority vote shall be required for the planning board to make a positive or negative recommendation related to such permits. For the purposes of this section, vacant positions on the board and members who are disqualified from voting shall not be considered "members of the board" for calculation of the requisite majority.

B. Members of the planning board shall not vote on recommendations where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 10.

CONDITIONAL USES

10.4 CONDITIONS AND GUARANTEES

Prior to the granting of any conditional use, the Planning Board may recommend, and the Town Board may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as it deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- A. Such conditions may include a time limitation;
- B. Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, “that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated
- C. Conditions of a continuing nature may be imposed. For example, “Exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.

10.5 TOWN BOARD OF COMMISSIONERS PUBLIC HEARING

The Town Board of Commissioners, through the Zoning Officer, shall schedule a public hearing on the application for a Conditional Use Permit to be held within 50 days after the application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the town at least once each week for two successive weeks prior to the public hearing. the notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing. The Zoning Officer shall also post notice on the property involved for a period of one week prior to the hearing.

10.6 ACTION BY THE TOWN BOARD OF COMMISSIONERS

The Town Board of Commissioners shall approve, modify or deny the application for Conditional Use Permit following the public hearing. A member of the board shall not participate in or vote on any matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

Section 10.

CONDITIONAL USES

In granting a Conditional Use Permit the Town Board of Commissioners shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Town Board of Commissioners shall also make written findings that the following provisions are fulfilled:

- A. The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district.
- B. The requested use is essential or desirable to the public convenience or welfare;
- C. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
- D. The requested use will be in conformity with the Land Development Plan;
- E. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
- G. That the conditional use shall, in all other respects, conforms to the applicable regulations of the district in which it is located.

10.7 GENERAL PROVISIONS IN GRANTING CONDITIONAL USE PERMITS

A. Compliance With Other Codes

Granting of a Conditional Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

B. Revocation

In any case where the conditions of a Conditional Use Permit have not been or are not being complied with, the Zoning Officer shall give the permit holder notice of intention to revoke such permit at least ten (10) days prior to a Town Board review thereof. After conclusion of the review, the Town Board of Commissioners may revoke such permit.

Section 10.

CONDITIONAL USES

C. Expiration

In any case where a Conditional Use Permit has not been exercised within the time set by the Town Board, or within one (1) year if no specific time limit has been set, then without further notice, the permit shall be null and void. “Exercised” as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in 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 and in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, “exercised” shall mean that the use is in operation in compliance with the condition set forth in the permit.

D. Duration of Conditional Use

Any conditions imposed in a conditional use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Conditional Use Permit or subsequently changed or amended by the Planning Board after a public hearing.

11.1 CREATING THE BOARD OF ADJUSTMENT

- A. The Town of Roseboro Zoning Board of Adjustment is hereby established. The word "Board" when used in this Section shall be construed to mean the Zoning Board of Adjustment. Said Board shall consist of five (5) members, appointed by the Board of Commissioners, each to be appointed for a term of three (3) years. The original appointment shall be made in this manner: One member shall be appointed for a term of one (1) year; two members shall be appointed for a term of two (2) years; and two members shall be appointed for a term of three (3) years. At the expiration of the terms of all members first appointed, all new or reappointments shall be made for a term of three (3) years. All appointments to fill vacancies shall be for the unexpired term. The Board shall elect a Chairman from its membership and such other officers as the Board deems best. The members of the Board shall receive no compensation for their services.
- B. All meetings of the Board shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution indicating the reasons of the Board therefore, all of which shall be a public record. No final action shall be taken on any matter unless a quorum be present. No final action shall be taken on any matter of appeal, variances or decisions pertaining to a particular case without the concurring vote of four-fifths (4/5's) of the members of the board. For the purposes of this section, vacant positions on the board and members who are disqualified from voting due to a conflict of interest shall not be considered "members of the board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. A member of the board shall not participate in or vote on any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation, and that member does not recuse himself/herself, the remaining members shall by majority vote rule on the objection.
- C. An appeal from the decision of the Zoning Officer may be taken to the Board of Adjustment by any person aggrieved or any officer, department, board or bureau of the town affected by such decision. Such appeal shall be taken within thirty (30) days as provided by the rule of the Board by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The office to whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal shall have been filed with him by reasons of fact stated in the certificate, a stay would in his opinion cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this Ordinance. In such case proceedings shall not be stayed except by a restraining order, which may be granted by the Board or by a court of record on application of notice to the Zoning Officer and on due cause shown.

11.2 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

A. Administrative Review

To reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the Board shall have all the powers of the Zoning Officer from whom the appeal is taken.

B. Variance

To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of the Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in either districts shall not constitute a reason for the requested variances. Such variances may be granted in such individual case of unnecessary hardship only upon findings by the Board of Adjustment after a public hearing that the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
3. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
5. The special circumstances are not the result of the actions of the applicant.
6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

11.3 APPEAL PROCESS

Appeals from the enforcement and interpretation of this Ordinance and requests for variances, shall be filed with the Zoning Officer specifying the grounds thereof. The Zoning Officer shall transmit to the Board of Adjustment all applications and records pertaining to such appeals and variances.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time.

The concurring vote of four-fifths of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer or to decide in favor of the applicant any matter upon which it is required to pass under any Ordinance, or to grant a variance from the provisions of this Zoning Ordinance.

Every decision of the Board shall be subject to review by the Sampson County Superior Court by proceedings in the nature of certiorari. Any appeal to the Superior Court shall be taken within thirty (30) days after the decision of the Board is filed in the office of the Zoning Officer, or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

11.4 ADMINISTRATION OF OATHS

The Chairman or any member temporarily acting as chairman is authorized to administer oaths to witnesses in any matter coming before the Board. All testimony before the Board must be under oath and recorded in the minutes.

11.5 FEES FOR VARIANCE OR APPEALS

The Board of Commissioners shall set a fee, payable to the Town of Roseboro, North Carolina, to cover the necessary administrative costs and advertising of each application for a variance or appeal. The set fee shall be posted in the Town Clerk's office.

The Town Board may amend, supplement, or change the text regulations and zoning district lines according to the following procedures:

12.1 ACTION BY THE APPLICANT

The following actions shall be taken by the applicant:

A. Initiation of Amendments:

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by the owner(s), or their agent, of property within the area proposed to be changed.

B. Application:

Application for any change or amendment shall be filed with the Zoning Officer at least fifty (50) days prior to the Board of Commissioner's meeting in which advertisement of a hearing for the proposed amendment will be considered. The application shall contain a description of the proposed amendment and the names and addresses of property owners directly affected by the proposed change. The Planning Board shall review each proposed amendment after which it shall make recommendation to the Board of Commissioners. Any application submitted in accordance with the provisions of this section for the purpose of amending the regulations or district boundaries established by this chapter may be withdrawn at any time, but fees are nonrefundable.

C. Fee

The Board of Commissioners shall set a fee payable to the Town of Roseboro, North Carolina, to cover the necessary administrative costs and advertising of each application for a change or amendment. The set fee shall be posted in the Town Clerk's Office.

D. Notice of Public Hearing Letters

When a change in the zoning classification of a piece of property is requested, the applicant shall provide to the Zoning Officer a list of names and addresses, as obtained from the county tax listings and tax abstracts of all adjacent property owners, and all owners of property within the area under consideration for rezoning along with one set of business (No. 10) envelopes stamped with a first-class stamp and addressed to each person on the list. These addressed envelopes and the list shall be submitted at least eight (8) working days prior to the public hearing. The first class mail notice required by this section shall not be required if the rezoning 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 a newspaper of general circulation within the area where the rezoning is proposed. Refer to Section 12.3 (A) Notice of Public Hearing.

Section 12.

CHANGES AND AMENDMENTS

The Zoning Officer shall verify the accuracy of the list of names and addresses. Once the accuracy is determined, the Zoning Officer shall mail notices of the public hearing to each person and shall certify that fact to the Town Board. Such certification shall be deemed conclusive in the absence of fraud.

12.2 ACTION BY THE PLANNING BOARD

The Planning Board shall consider and provide written recommendations to the Board of Commissioners concerning each proposed zoning amendment. The Planning Board shall address consistency of any officially adopted applicable plan, if in existence. However a comment by the planning board that a proposed amendment is inconsistent with any applicable plan shall not preclude consideration or approval of the proposed amendment by the governing board. The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

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

A planning board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

12.3 ACTION BY THE BOARD OF COMMISSIONERS**A. Notice of Public Hearing**

No amendment shall be adopted by the Board of Commissioners until after public notice and hearing. Notice of a public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Roseboro, said notice to be published the first time not less than ten (10) nor more than twenty-five (25) days prior to the date fixed for said hearing. The first class mail notice required by this section shall not be required if the rezoning 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 a newspaper of general circulation within the area where the rezoning is proposed. The expanded published notice shall consist of an advertisement of the public hearing that is no less than one-half (1/2) of the newspaper page in size. In computing this period, the date of publication shall not be counted, but the date of the hearing shall be. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mailed notice. The Town of Roseboro shall post notice of the public hearing on the property being rezoned by the proposed amendment or on an adjacent public street or highway right-of-way. When multiple parcels are involved, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons. The zoning administrator may elect to take any other action deemed to be useful or appropriate to give notice of the public hearing on any proposed amendment. The notice(s) shall be posted no less than ten (10) days prior to date of the public hearing. Refer to Section 12.1 D Notice of Public Hearing Letters.

B. Board of Commissioners Action

Before taking such lawful action as it may deem advisable, the Town Board shall consider the Planning Board's recommendation on each proposed zoning amendment. If no recommendation is received from the Planning Board within thirty (30) days after public hearing by the Town Board, the proposed amendment shall be deemed to have been approved by the Planning Board. A board of commissioners member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 12.

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C. Protests

To qualify as a protest under this section, the petition must be signed by the owners of either:

- (1) twenty percent (20%) or more of the area included in the proposed change; or
- (2) five percent (5%) of a one hundred (100) foot wide buffer extending along the entire boundary of each

discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the one hundred (100) foot buffer area as long as the street right-of-way is one hundred (100) feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the one hundred (100) foot buffer shall be measured from the property line of the parcel. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine “owners” of potentially qualifying areas.

Such amendment shall not become effective except by favorable vote of three-fourths of all members of the Town Board. For the purpose of this section, vacant positions on the board of commissioners and members who are excused from voting shall not be considered “members of the board” for calculation of the requisite supermajority. Qualified protests shall not be applicable to any amendment that initially zones property added to the territorial coverage of this ordinance as a result of annexation or otherwise, or to an amendment to an adopted special use district, conditional use district, or conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening as approved for the special use district, conditional use district, or conditional district. A person who has signed a protest petition may withdraw his/her name from the petition at any time prior to the vote on the proposed zoning map amendment.

No protest petition shall be valid unless it is:

- (A) Written;
- (B) Bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment; and
- (C) Is received by the Town Clerk in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

D. Reconsideration; One-Year Limitation

Whenever an application requesting an amendment has been acted on and denied by the Town Board, such application, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

E. Moratorium

Any proposed moratorium adopted that affects any development allowed under the provisions of this ordinance shall follow regulations as set out in GS 160A-381E.

Section 13.

DEFINITIONS

Except where specifically defined herein all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future tense; the singular number includes the plural; the word "building" includes the word "structure"; the word "lot" includes the word "plot" or "parcel"; the term "shall" is always mandatory; the words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

Accessory building or use. A building (structure) or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure or use (No accessory building shall be rented or occupied for gain, and no accessory structure shall be constructed upon a lot until the construction of the main building has commenced. There shall be no more than three (3) accessory buildings per residential lot with the exception that the total square footage not exceed ten percent (10%) of the total gross lot area. (Amended 2009)

Adult entertainment establishments. Includes clubs and eating and drinking establishments with nude or seminude entertainment or dancing; physical culture establishments, such as but not limited to, masseurs, massage parlors, etc.; and establishments that include adult bookstores, adult motion picture theaters, adult motels and hotels, and other similar establishments which depict or emphasize sexual activities and/or nudity. No adult entertainment establishments may be located within one-thousand (1,000) feet of another adult entertainment establishment. No adult entertainment establishment may be located within one-thousand (1,000) feet of any area zoned for residential use or an existing church or school. All measurements will be measured from the property lines of the lots of said uses as shown on the Sampson County Official Tax Maps.

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

Apartment. See Dwelling, Multi-Family.

Bed & Breakfast. A use that takes place within a building that, prior to such an establishment was a single family residence, that consist of renting from one to eight dwelling rooms on a daily basis to tourist, vacationers and business travelers, where meals are provided only to guests. The homeowner shall reside on site and employment shall not exceed 2 full time employees in addition to the owner(s).

Billboard. See Sign, Outdoor Advertising.

Bioretention is the process in which contaminants and sedimentation are removed from stormwater runoff. Stormwater is collected into the treatment area which consists of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants. Runoff passes first over or through a sand bed, which slows the runoff's velocity, distributes it evenly along the length of the ponding area, which consists of a surface organic layer and/or groundcover and the underlying planting soil. The ponding area is graded, its center depressed. Water is ponded and gradually infiltrates the bioretention area or is evapotranspired. Stored water in the bioretention area planting soil exfiltrates over a period of days into the underlying soils.

Boarding House, or lodging House. A building or part thereof where meals or lodging or both are provided for compensation for four (4) or more but not more than ten (10) individuals.

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Building. Any structure enclosed and isolated by exterior walls constructed of or used for residence, business, industry or other public or private purposes or accessory thereto, and including tents, lunch wagons, dining cars, trailers, free-standing outdoor advertising signs and similar structures whether stationary or movable.

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

Building Height. The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roofline of a flat roof, the eaves of a pitched roof, or the deck line of a mansard roof. Spires, steeples, and enclosed rooftop mechanical equipment are not counted in height measurements.

Building Line. See setback line.

Building Permit. A permit obtained from the Sampson County Building Inspections Department which sets the inspection schedule and construction techniques for a project.

Church, Civic facility, or Lodge, Private. An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated on a nonprofit basis for the benefit of its member.

Development Plan, Phased. A plan which has been submitted to the Zoning Officer by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Zoning Officer to be a site specific development plan.

Development Plan, Site Specific. A plan which has been submitted to the Zoning Officer by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Dwelling. A building or portion thereof providing complete living facilities for one family. the term “dwelling” shall not be deemed to include a motel, hotel, tourist home, or other structures designed for transient resident.

Dwelling, Single Family. A detached residence designed for or occupied by one family only.

Dwelling, Two Family (Duplex). A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

Dwelling, Multi-Family. A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities in each.

Electronic Message Center or Electronic Changeable Facing Sign. A sign, display or device which changes the message or copy on the sign facing electronically programmed by a computer from a remote location or rotation of panels or slats. The following terms are principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel.

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Extraterritorial Jurisdiction (ETJ). An area outside and surrounding the Town of Roseboro, extending up to one mile from the municipal boundary, where the Town exercises (or may exercise at a future date) planning, zoning, and subdivision regulations.

Family. One or more persons related by blood, marriage, or adoption occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging, or hotel.

Flood Plain, Flood Hazard Area. Any area defined by the Federal Emergency Management Agency and shown on their maps to be located within an area subject to flooding.

Frontage. The distance between the two side lot lines as measured along the front street line.

Home Occupations. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposed and does not change the character thereof, and in connection with which there is no display and no person not a resident on the premises is employed specifically with the home occupation, except that no more than one (1) assistant may be employed by the following home occupations: attorney, dentist, physician, chiropractor, and osteopath. Provided further, that no mechanical equipment is installed or used except such that is used for domestic or professional purposes, and that not over 25 percent of the total floor space of any structure is used for home occupations.

Hotel, Motel. Building(s) containing sleeping accommodations for ten (10) or more persons, primarily the temporary abode of persons who have their residences elsewhere.

Junk Yard or Salvage Yard. Use of property for indoor and/or outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking, and structural steel, materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicle or machinery or parts thereof.

Lot. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot coverage. Total ground area covered by the principal building and all accessory buildings measured in percentage.

Lot, Corner. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lots, Irregularly Shaped. Lots located at corners or intersections, which create shapes with three sides or with more than four sides and contain corner angles greater or less than 90 degrees. The front yard of such lots shall be determined with respect to adjacent homes, and the maintenance of street vistas.

Lot, substandard. A parcel of land held in separate ownership, occupied or intended to be occupied by a principal building or structure together with accessory buildings, and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

Lot, depth. The mean horizontal distance between front and rear lot lines.

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

Lot, width. The distance between side lot lines measured at the building line.

Manufactured Home, Class A. (Commonly referred to as a double or multi-section manufactured home.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following size and appearance standards:

- a. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- b. The manufactured home has a minimum of 1,200 square feet of enclosed and heated living area;
- c. The pitch of the roof of the manufactured home has minimum vertical rise of three and two tenths feet for each twelve feet of horizontal run (3.2 feet and 12 feet) and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;
- d. The roof eaves and gable overhangs shall be 6-inch minimum (rain gutters may not be included in the minimum dimensions);
- e. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- f. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- g. The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code; and
- h. The moving hitch, wheels, and axles, and transporting lights have been removed.

It is the intent of these criteria to insure that a Class "A" manufactured home, when installed, shall have substantially the appearance of an on-site conventionally built, detached single family home, to include landscaping in harmony with surrounding homes.

Manufactured Home, Class B. (Commonly referred to a single section manufactured home.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the Us Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- a. The manufactured home has a minimum length of fifty-two (52) feet measured along the longest axis and a minimum width of fourteen (14) feet measured at the narrowest part of the other axis;
- b. The manufactured home has a minimum of seven hundred and twenty-eight (728) square feet of enclosed living area;
- c. The pitch of the roof of the manufactured home has a minimum vertical rise of three feet for each twelve feet of horizontal run;
- d. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- e. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and rests upon a continuous uniform foundation enclosure, unpierced except for required ventilation and access. The foundation skirting shall be of a non-combustible material or material that will not support combustion. Any wood framing for foundation skirting shall be constructed with treated lumber;
- f. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina State Building Code; and
- g. The moving hitch, wheels and axles, and transporting lights have been removed;

Manufactured Home, Class C. (Commonly referred to as a house trailer or a mobile home.) Any manufactured home that does not meet the criteria of a Class A or a Class B manufactured home.

Manufactured Home Park. Any plot of ground, two (2) acres or more, upon which two (2) or more manufactured homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

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

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Multi Family Housing. Three or more attached single family dwelling units located on a single lot of record.

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

Off Street Parking. Parking which occurs on a lot and not on a street or other public right of way.

Open Space. Any area which does not consist of buildings, streets, right of ways, parking, or easements, and serves as a passive or active recreational area, or as pervious cover for watershed requirements.

Outdoor Storage. The placement or storage of goods, equipment, or material outside of an enclosed building for a period of more than forty-eight (48) consecutive hours shall be considered outdoor storage. Outdoor storage does not refer to operable vehicles in use by the person occupying the property, or other minor and incidental storage, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

Overlay District. A set of regulations which add an additional layer of design provisions to an underlying regulating district.

Public Street. Any publicly maintained right-of-way set aside for public travel which has been accepted for maintenance as a street by the Town or North Carolina Department of Transportation.

Public Utilities. Any public utility including municipal transformer station, pumping station, water and sewer treatment plant, etc. All structures except fences shall be set back from all property lines by at least one foot for every foot of structure height. All such structures shall be architecturally in keeping with surrounding development to the maximum extent possible.

Renewable Energy Facility. A facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either: generates electric power by the use of a renewable energy resource./ generates useful, measurable combined heat and power derived from a renewable energy resource or is a solar thermal energy facility.

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

Front yard setback - shall be measured from the roadway right-of-way as shown on tax maps.

Side and Rear yard setbacks - shall be measured from the property lines as shown on tax maps.

Corner lot setbacks - shall be measured from the roadway right-of-ways it is adjacent to as shown on tax maps.

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

Section 13.

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Sign. Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, flashing lights, design, trade names or trade marks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, a product, which are visible from any public way and used to attract attention.

Sign, business. Any sign which advertises an establishment, a service, commodity, or activity conducted upon the premises where such sign is located.

Sign, outdoor advertising (Billboard). Any sign which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which the sign is located.

Sign, temporary advertising. Any sign, banner, pennant, valance or advertising display constructed of wood, metal, cloth, canvas, cardboard, wall-board or other light material with or without frames, whether either by reason of construction or purpose are intended to be displayed for short period of time only.

Sign, freestanding. A sign erected on a freestanding frame, mast or pole, and not attached to any building, and which is permanently affixed to the property.

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

Structure. Anything constructed or erected, the use of which requires permanent or semi-permanent location on the ground, or attachment to something having permanent location on the ground, including advertising signs.

Tattoo Shop An establishment where the art or practice of marking the skin with indelible patterns, pictures, legends, etc. by making punctures in it and inserting pigments and is conducted by a person licensed by the County Health Department.

Temporary Structures. Buildings placed on a lot for a specific purpose which are to be removed within a specified time period. Examples of temporary structures include monitoring stations, mobile classrooms or office space, construction trailers and guard houses, manufactured housing placed on a lot for temporary housing while principle home renovations are being done, and produce stands. The duration permitted for a temporary structure is established by this Ordinance.

Tower. Telecommunication towers, including but not limited to, relay stations for commercial operations, such as cable television, radio/cellular telephones, radio, television stations, and the operation of such uses. "Tower" shall not include structures that support antennae or similar devices that support or facilitate HAM radio or Citizen Band communication.

Section 13.

DEFINITIONS

Tourist Home. A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Travel Trailer. A structure that is (i) intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (ii) is designed for temporary use as a sleeping quarters, but that does not satisfy one or more of the definition criteria of a manufactured home.

Variance. The relaxation of the strict terms of a specific provision of this Ordinance by the Board of Adjustment, in accordance with Section 11.

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

Yards. A required open space on the same lot as the principal building, unoccupied and unobstructed (other than for vegetation) from the ground upward except as otherwise provided herein.

Yard, front. A yard extending across the front of a lot measured from side lot line to side lot line and lying between the adjacent street right-of-way and the front building setback line.

Yard, rear. A yard extending across the rear of the lot measured from side lot line to side lot line and lying between the rear property line and the rear building setback line.

Yard, side. A yard extending along either side of a lot measured from front yard line to rear line and lying between the side lot line and the side setback line.

Zoning Officer. The person or official or his authorized representative, whom the Town Board has designated as its agent for the administration of this Ordinance.

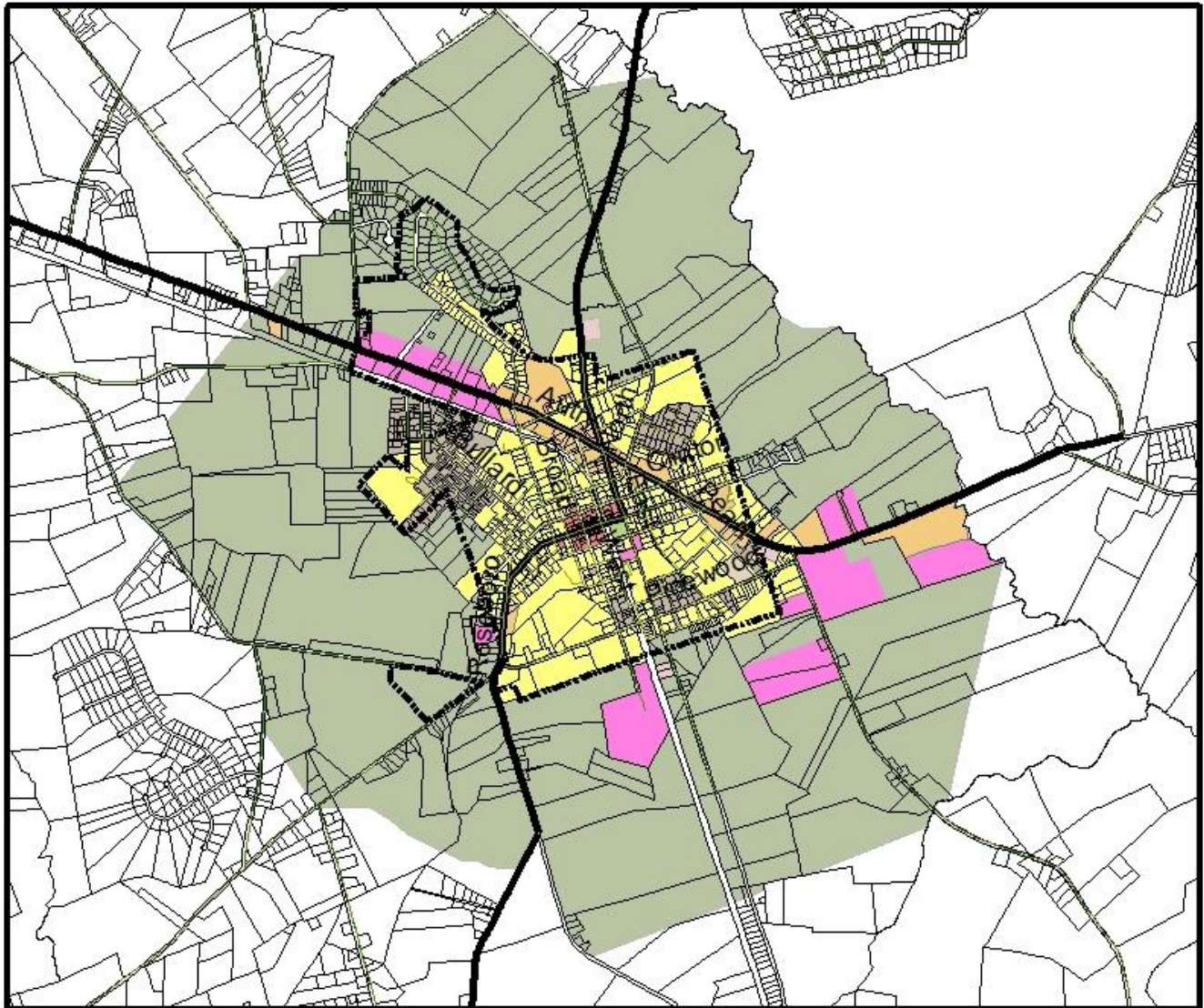
Zoning Permit. Written permission, issued by the Zoning Officer, for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.

Zoning Text Amendments: Adopted

Petition #	Section#	Purpose	Date
99 01	7	off street parking & loading	Mar 1999
00 01	6.5.2	barber & beauty to CB	Feb 2000
02 01	6.5.2	automotive srvc to CB	Jun 2002
03 01	6.1.2/6.2.2/6.3.2	family care hmes to R	Jul 2003
04 01	6.7.3	day care CU in TB	May 2004
04 02	6.7.2/6.8.3	Adult Entertainment	Nov 2004
06 01	multiple	State Mandated changes	Sept 2006
07 01	6.5.2	Religious Uses CU in CB	May 2007
08 01	6.13	family child care R proximity	Feb 2008
08 02	6.5.2	residential w/CBD	Nov 2008
09 01	5.12	accessory bldg specs	Jul 2009
10 01	6.8.3/13/7	electronic gaming w/Industrial	Apr 2010
10 02	6.5.3	automotive paint & body w/CBD	Dec 2010
11 01	6.7.2 & 3/6.8.3	pool halls & video gaming	Jun 2011
11 02	6.5.3	child care w/CBD	Oct 2011
11 03	5.15	fencing location specs General Prov.	Feb 2012
11 04	6.1.5/13	tourist home w/Residential	Nov 2011
13 01	6.2.3	add Class B MH as a conditional use RA	Feb 2013
13 02	multiple	watershed	Mar 2013
14 01	6.5.3	add tattoo shop as conditional use CB	Jan 2014
14 02	9	Sign Regulations	Jan 2015
15 01	6.8.3/13	remove electronic gaming op	Mar 2015
15 02	6.5.2	amended residential in C B	June 2015
16 01	6.7.3,6.10	added multifamily in TB and established development standards	
“			Apr 2016

Town of Roseboro Zoning Map

FOR REFERENCE ONLY



LEGEND: ZONING DISTRICTS

I - Industrial	NB - Neighborhood Business	MH - Manufactured Home
CB - Central Business	R - Residential	RA-20 Residential Agricultural
TB - Thoroughfare Business	MHO - Manufactured Home Overlay	OS - Open Space