

Town of Oakboro Zoning Ordinance

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¹ Editor's remark.

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July 10, 2006	Chap 34 Historic District
March 1, 2010	Revision of Zoning Ordinance
Oct. 3, 2011	Art III. Administration §3 Planning Board
July 15, 2013	Art. V. Manufacturing and Ind. District; Appendix I Table of Permitted Uses
June 16, 2014	Solar Overlay Ordinances
March 16, 2015	Art VIII and Art IV Section 403: Tattoos
March 16, 2015	Art III, Sec. 12 Code Enforcement
April 18, 2016	Art. VI, Section 18. Fences
Sept. 12, 2016	Art VIII. Sign Ordinance
Oct. 4, 2016	Appendix I Creates R9-M
Nov. 20, 2017	Art. VIII. Sign Ordinance, §14, Highway Business
March 19, 2018	Appendix A, Table Permitted Uses, Manufactured Home on Individual Lot
May 20, 2019	Code (NOT zoning ordinance) §10.99 General Penalty
June 17, 2019	Art III, §§ 4 Zoning Enforce. Off; 10 Legal Remedies; 14 Violations; Art. IV § 3 Definitions; Art VII § 4 Gen'l Dev. Standards; Art XI § 6. Citizen Comments; App I. Permitted Uses Table
July 15, 2019	ART III. Administration, Section 12 Each Day of Violation...

ARTICLE I

AUTHORITY AND JURISDICTION

SECTION 1. AUTHORITY AND ENACTMENT

In pursuance of authority granted by the General Assembly of North Carolina in the General Statutes, Specifically Chapter 160A, Article 19, the Town of Oakboro may enforce zoning regulations to promote the public health, safety, morals and general welfare; to promote the orderly development of the community; to lessen congestion on the roads and streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities all in accordance with a well considered comprehensive plan.

SECTION 2. SHORT TITLE

This Ordinance shall be know as The Zoning Ordinance of the Town of Oakboro, North Carolina, and may be referred to as the *Zoning Ordinance or this Ordinance*. The map which is identified by the title Official Zoning Map, Oakboro, North Carolina, shall be known as the *Zoning Map*.

SECTION 3. JURISDICTION

The provisions of this Ordinance shall apply within the corporate limits of the Town of Oakboro and within the territory beyond such corporate limits as shown on the *Zoning Map* and/or described in the extraterritorial zoning resolution. The extraterritorial boundary will follow physical features when possible, but at no point will the outside boundary extend more than one mile from the corporate limits in any direction.

SECTION 4. INCORPORATION OF THE ZONING MAP

The official zoning Map, Oakboro, North Carolina and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this Ordinance.

SECTION 5. EXCEPTIONS TO APPLICABILITY

These regulations shall not prevent the construction of any building or structure for which a building permit has been secured, prior to the effective date of this Ordinance so long as the permit has not been revoked (pursuant to N. C. General Statute 160A-422) or allowed to expire. However, once constructed, any structure so erected will be subject to any and all regulations set forth in this Ordinance.

ARTICLE II

LEGAL PROVISIONS

SECTION 1. RELATION TO OTHER ORDINANCES

It is not intended that these regulations shall in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except any ordinance which these regulations specifically replace. It is not intended that these regulations interfere with any easements, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restriction or higher standards for the use of a building or land, then the provisions of these regulations shall control.

SECTION 2. SEVERABILITY

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

SECTION 3. REPEAL OF EXISTING ZONING ORDINANCE

This Ordinance in part carries forward by re-enactment, some of the provisions of the Zoning Ordinance of the Town of Oakboro, North Carolina (adopted by the Board of Commissioners in 1976 as amended), and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of this Ordinance which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing zoning ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

SECTION 4. EFFECTIVE DATE

These regulations shall become effective on October 6, 1997.

ARTICLE III

ADMINISTRATION

SECTION 1. TOWN BOARD

The Town Board, as the governing body of the Town of Oakboro, acts in its legislative capacity when considering proposed amendments to the text of this Ordinance or to the zoning maps and shall observe the procedural requirements set forth in this Ordinance.

When considering amendments to this Ordinance or the *Zoning Map*, the Town Board shall follow the regular voting procedure and other requirements as set forth in other provisions of the Town Code, the Town Charter, or general law.

It is 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 of disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in this Ordinance. Furthermore, the duties of the Town Board in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment, special uses, or repeal of this Ordinance as provided by law.

SECTION 2. PLANNING BOARD

The Planning Board shall review and make recommendation to the Town Board on all matters relating to zoning within the corporate limits and zoning jurisdiction of Oakboro, North Carolina whenever such matters require the attention of the Town Board.

SECTION 3. BOARD OF ADJUSTMENT

(A) **Creation.** The Oakboro Planning Board is hereby designated to function as the Board of Adjustment. The Board shall consist of five (5) members and two (2) alternates. Four (4) members plus one (1) alternate shall be residents of the Town of Oakboro, and one (1) members plus one (1) alternate shall be appointed by the Stanly County Board of Commissioners as provided in N.C. General Statute 160A-362. The term of office of the members and alternates shall be for three (3) years, except the terms may be staggered so as to insure continuity of experience on the Board. All members shall have equal rights and privileges in all matters. Any alternate may be called to fill in for any member at any given meeting with all rights and privileges for that meeting only.

Vacancies shall be filled for the unexpired term only. Town members may be removed for cause by the Town Board and extraterritorial members may be removed for cause by the County Board of Commissioners, both upon written charges and after a

recommendation from the Planning Board.¹

(B) Powers and Duties of the Board of Adjustment. The board shall have the powers listed below:

- to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Enforcement Officer;
- to hear and decide applications for decisions on conditional and temporary use permits; and
- to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in undue hardship and so that the spirit of this Ordinance will be observed and substantial justice done.

The concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variance. *[Note: When the Town Board issues a Special Use Permit, only a majority vote is required to approve or disapprove.]*

The Board shall not grant a variance, issue a conditional use permit or a temporary use permit until a public hearing is held. Notice of such public hearing shall be posted on the property for which the petition is sought and in a local newspaper at least fifteen (15) days prior to the public hearing. This legal notice shall describe the request and appear at least once weekly for two (2) consecutive weeks.

(C) Consideration of Proposed Variance. In considering all proposed variances to this Ordinance, the Board shall, before making any finding in a specified case, first determine that the proposed variance will not constitute any change in the district boundaries shown on the *Zoning Map* and will not impair the adequate supply of light and air to adjacent property, substantially diminish or impair established property values within the surrounding areas, or in any other respect impair the public health, safety, morals and general welfare.

In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use as it deems advisable in furtherance of the purposes of this Ordinance.

The Board shall not grant a variance until a public hearing is held. Before a variance is granted, it shall be known that:

¹ Resolution adopted 10/3/2011

- 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;
- Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located;
- A literal interpretation of the provisions of this Ordinance would deprive that applicant of rights commonly enjoyed by other, residents of the district in which the property is located;
- 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;
- The special circumstances are not the result of the actions of the applicant;
- The variance requested is the minimum variance that will make possible the legal use of the land, building or structure; and
- The variance is not a request to permit a use of land, building or structure which is not permitted by right or by condition in the district involved.

(D) Conditions Governing Application of Conditional and Special Use Permits.

The Zoning Board of Adjustment has the power and duty to grant, in particular cases and subject to appropriate conditions and safeguards, permits for conditional and special uses as authorized by this Ordinance and set forth as conditional or special Uses under the various use districts. The Board shall not grant a conditional or special use permit until a public hearing is held. The Board shall not grant a conditional or special use permit unless and until:

- A written application for a conditional or special use permit is submitted;
- Notice of the public hearing is posted on the property for which the conditional or special use permit is sought and in a local newspaper at least fifteen (15) days prior to the public hearing, describing the request and appearing at least once weekly for two (2) consecutive weeks.

No conditional or special use permit shall be approved by the Board of Adjustment unless the following findings are made concerning the proposed conditional use:

- That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
- That the use meets all required conditions and specifications;
- That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- That the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Oakboro

and its environs.

The Board may also affix other reasonable and appropriate conditions when considering the permit.

- (E) **Temporary Use Permits.** A manufactured home may be permitted in residential districts in a rear yard as an accessory use on a temporary basis, following the Board of Adjustment's finding, after review and recommendation of the Planning Board that a personal hardship exists. Reasons justifying separate quarters shall include destruction or partial destruction of an existing structure, contagious disease, or other such personal hardships that require relief.

Temporary use permits, following a public hearing, may be issued by the Board of Adjustment in the aforementioned cases for no more than twelve (12) months, so as to expire in January of the following year. Said permits shall be renewed annually (for a fee to be established by the Town Board) upon presentation of hardship documentation to the Zoning Enforcement Officer anytime during the month of January.

All manufactured homes shall be connected to water and sewer systems approved by the Stanly County Health Department. Provisions of this section are intended to provide relief in cases of hardship on a short-term, temporary basis only. Manufactured home structures used as classrooms or temporary offices, which do not contain restrooms or sinks and are not used as housing are not required to have water and sewer.

Additionally, temporary use permits can be issued by the Board of Adjustment for manufactured homes in non-residential districts, excluding floodplain districts, where they will be used for temporary office purposes during the construction of any permanent building or for temporary classrooms for public schools.

Any manufactured home permitted as an accessory use on a temporary basis shall be removed by 12:00 a.m. on the day of the expiration of the temporary use permit.

- (F) **Appeals From and To The Board of Adjustment.** Any person aggrieved by any decision of the Board, any taxpayer or any officer, department, board or bureau of the Town may, within thirty (30) days after the filing of the decision of the Board, but not thereafter, present to a court of competent jurisdiction a petition for a writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Thereupon such decision of the Board shall be subject to review as provided by law.

An appeal from the decision of the Zoning Enforcement Officer may be taken to the Board of Adjustment by any person aggrieved or by any officer, department, board or commission of the Town affected by such decision. Such appeal shall be

made in writing to the Board and to the Zoning Enforcement Officer specifying the grounds therefore. The Zoning Enforcement Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from the appeal is taken and upon due cause shown. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

SECTION 4. ZONING ENFORCEMENT OFFICER

The Zoning Enforcement Officer is hereby authorized, and it shall be his duty to enforce and administer the provisions of this Ordinance (Cross reference Art. III, Section 14.)²

SECTION 5. BUILDING AND ZONING PERMIT REQUIRED

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer has issued a building and zoning permit for the work.

SECTION 6. APPLICATION FOR BUILDING AND ZONING PERMIT

Each application to the Zoning Enforcement Officer for a building and zoning permit shall be accompanied by plot plans in duplicate showing:

- the actual dimensions of the lot to be built upon;
- the size of the building to be erected;
- the location of the building on the lot;
- the location of existing structures on the lot, if any;
- the number of dwelling units the building is designed to accommodate;
- the approximate setback lines of buildings on adjoining lots;
- the intended use of the property; and
- such other information as may be essential for determining whether the provisions of this Ordinance are being observed.

Any building and zoning permit issued shall expire and be canceled unless the work authorized by it is begun within six (6) months of its date of issue, or if the work

² Resolution dated 6/17/2019

authorized by it is suspended or abandoned for a period of one (1) year. Written notice thereof shall be given to the persons affected, including notice that further work as described in the canceled permit shall not proceed unless and until another building and zoning permit has been obtained.

SECTION 7. CERTIFICATE OF OCCUPANCY REQUIRED

A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of:

- occupancy or use of a building hereafter erected, altered, or moved; or
- a change of use of any building or land.

In addition, a certificate of occupancy shall be required for each non-conforming use or structure created by the passage of and subsequent amendments to this Ordinance. The owner of such non-conforming use or structure shall obtain a certificate of occupancy within ninety (90) days of the date of said passage or amendments.

A certificate of occupancy, either for the whole or part of a building, shall be issued within ten (10) days after the erection or structural alteration of the building or part has been completed in conformity with the provisions of this Ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. If the certificate of occupancy is denied, the Zoning Enforcement Officer shall furnish copies on request to any person having a proprietary or tenancy interest in the building or land involved.

SECTION 8. FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters may be charged to applicants for zoning permits, special use permits, conditional use permits, zoning amendments, appeals, variances, and other administrative relief. The amount of such fees shall be fixed by the Town Board.

SECTION 9. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE³

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Project Review Committee or the Zoning Enforcement Officer authorize only the use, arrangement and construction set forth in such approved plans and applications, and not another use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

³ Editor's Note: The reference to Certificate of Zoning Compliance in this section should be to the Building and Zoning Permit.

SECTION 10. LEGAL REMEDIES

- (A) If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance, or any structure or land is used in violation of this Ordinance, the Ordinance may be enforced by any of the provisions enumerated in NC Gen. Stat. Sec. 160A-175, including levying criminal and/or civil fines and penalties, securing injunctions and abatement orders, and petitions for equitable relief. Civil fines may be recovered in an action for debt. This ordinance may be enforced by anyone, all or combination of the remedies authorized by N.C. Gen. Stat. Sec. 160A-175. Each day's continuing violation shall be a separate and distinct offence.
- (B) Civil citations against violators/violations of this ordinance may be issued by duly appointed and authorized zoning (or code) enforcement officers.
- (C) Criminal infractions and misdemeanors may be issued against violators of this ordinance by Town police officers.⁴

SECTION 11. LIABILITY

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

SECTION 12. EACH DAY OF VIOLATION A SEPARATE VIOLATION

Each day a section of this ordinance is violated shall be a separate and distinct offense, punishable as provided in Section 14 below.⁵

SECTION 13. PROJECT REVIEW COMMITTEE

All major development projects must be approved prior to the start of construction by the Project Review Committee. This committee shall consist of a Town Council member, a Planning Board member, Zoning Enforcement Officer, Town Maintenance Supervisor, Police Chief, local fireman, landscape review person and others as necessary to determine compliance with the Town of Oakboro ordinances and requirements.

- (A) **Powers and Duties of the Project Review Committee.** The Project Review Committee shall review all development applications for conditional use permits, zoning permits, special use permits, temporary use permits, and building permits with the exception of single-family residences on their own lot to determine

⁴ Ordinance adopted 6/17/2019

⁵ Adopted 7/15/2019

whether or not the proposed development meets the standards established in this Ordinance and all other applicable regulations within the Town of Oakboro.

- (B) Procedures of the Project Review Committee.** The owner or developer of the property designated in the application shall submit the application to the Zoning Enforcement Officer for project review. Such application shall include all data required by this Ordinance.

Three (3) copies of all required plans, drawings, and specifications shall be filed at the time of application. After review by the Project Review Committee, one (1) copy shall be attached to the building permit and kept on file in Town Hall, one (1) copy shall be returned to the developer for his records and one (1) copy shall be kept by the Zoning Enforcement Officer.

After receipt of the application by the Zoning Enforcement Officer, a meeting of the Project Review Committee shall be called by the Chairman to review the project within 30 working days. Meetings of the Committee shall be held at the call of the Chairman. The developer may request a preliminary staff review prior to formal review. The Zoning Enforcement Officer may conduct the staff review. All meetings of the Committee shall be open to the public. At the hearing, any party may appeal in person or by agent.

If the Project Review Committee shall find that a proposed project does not meet all of the standards of this Ordinance, a copy of the application, with deficiencies noted, shall be returned to the developer for modification and resubmission.

In the event of failure to comply with the plans approved by the Project Review Committee, any permit issued for that project shall immediately become void. No building permits for further construction or certificate of occupancy shall be issued, until such time as the owner or developer meets with the Project Review Committee and presents plans and specifications to correct project deficiencies.

An application fee to be determined by the Town Board shall be paid to the Town of Oakboro for each application to the Project Review Committee to help cover the necessary administrative costs.

SECTION 14. ZONING ORDINANCE VIOLATIONS: PROCEDURES AND PENALTIES

- (A) Periodic Reports to the Board of Commissioners.** The Zoning Enforcement Officer shall report on all violations reported or observed and all actions taken to enforce this ordinance at least monthly to the Board of Commissioners. May set priorities for enforcement, or direct that certain cases be pursued according to the procedures set by General Statute and this ordinance. In the case of emergencies, the Zoning Enforcement Officer may act after consultation with the Police Chief and Town Administrator before reporting to the Board.

- (B) **Appeals of Staff Decisions.** If a decision of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment following the procedures in Art. III, Section 3 (F) within thirty (30) days after the Zoning Enforcement Officer makes a final decision.
- (C) **Permits Issued in Error; Permits Based on Fraud or Misrepresentation.** The Zoning Enforcement Officer may revoke any permit issued after written notification to the permit holder when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application, permit or plan, or a permit has been mistakenly issued in violation of this ordinance.
- (D) **Enforcement Procedures.**
1. Whenever a building, structure, or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Zoning Enforcement Officer may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work. The stop work order shall also list how an appeal of the order to the Board of Adjustment may be made.
 2. Any person may file a complaint alleging a violation(s) of this ordinance. Written complaints are preferred. Complaints shall be made to the Zoning Enforcement Officer who shall record such complaint, promptly investigate and report to the Board of Commissioners as provided above.
 3. This ordinance may also be enforced by the issuance of civil penalties by the Zoning Enforcement Officer. Subsequent citations for the same violation may be issued by the Zoning Enforcement Officer if the offender does not pay the citation (except as otherwise provided in a warning situation) AND correct the issue that led to the citation after it has been issued, unless the offender has made an appeal to the Board of Adjustment. Once the ten (10) day warning period has expired, each day the violation continues shall subject the violator to additional citations to be issued by the Zoning Enforcement Officer.
The following penalties are hereby established:
 - a. Warning citation.....correct violation within 10 days
 - b. First citation.....\$50.00
 - c. Second citation\$100.00
 - d. Third and subsequent citations for same offense... \$500.00

4. All warning citations shall provide an opportunity for a public hearing to be held by the Zoning Officer in no more than 7 working days from the date of the warning citation at which time the property owner or other alleged violator may show cause as to why they are not in violation of this ordinance. After the hearing The Zoning Enforcement Officer shall issue written findings of fact and order. The order may be combined with the next citation.
5. If the offender fails to pay the civil penalties within three (3) days after having been cited, the Town may recover unpaid citations in a civil action in the nature of debt.
6. The Town may also seek to enforce this ordinance through legal actions brought before a court of competent jurisdiction for any remedy authorized by N.C. Gen. Stat. Sec. 160A-175, including applications for equitable relief, injunctions and orders of abatement.⁶

⁶ Resolution dated 6/17/2019

ARTICLE IV

DEFINITIONS

SECTION 1. GENERAL

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

SECTION 2. INTERPRETATION OF COMMONLY USED TERMS AND WORDS

- Words used in the present tense include the future tense.
- Words used in the singular number include the plural.
- Words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- Words used in the masculine include the feminine.
- The word, “person” includes a firm, association, corporation, trust, and company, as well as an individual.
- The words “used for” shall include the meaning “designed for.”
- The word “lot” shall include the words “plat,” “parcel” or “tract.”
- The word “shall” is always mandatory and not merely directory.
- The word “unit” may frequently be substituted for “manufactured home” so as to avoid repetition.
- The word “may” is permissive.
- The word “structure” shall include the word “building.”
- The word “Map,” or “Zoning Map,” or “Oakboro Zoning Map” shall mean the Official Zoning Map of the Town of Oakboro, North Carolina.

SECTION 3. DEFINITIONS OF SPECIFIC TERMS AND WORDS

The following is an alphabetical listing of words and terms used within this Ordinance:

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

ACTIVE SOLAR ENERGY GENERATION SYSTEM. A “Solar Energy Power Generation System”¹ (SEPGS) that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.²

ADULT DAY CARE CENTER. A day care facility in which day care is provided to seven (7) or more adolescents, or disabled, or older adults in a place other than their usual

¹ Editor’s note: the acronym SEPGS was written out for clarity by the editor.

² Resolution dated 6/6/2014

place of residence on less than a 24 hour basis.

ADULT DAY CARE HOME. A day care facility in which day care is provided for up to six (6) adolescents, or disabled, or older adults on less than a 24 hour basis.

ADULT ENTERTAINMENT. Adult bookstores, adult motion picture theaters, adult live entertainment businesses, or massage businesses defined by State Law.

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

ALTERATION. The word “alteration” shall include the following:

- any addition to the height or depth of a building or structure,
- any change in the location of any of the exterior walls of a building or structure, or
- any increase in the interior accommodations of a building or structure.

APARTMENT. A dwelling unit within an apartment building consisting of a room or rooms intended, designed, or used as a residence.

APARTMENT HOUSE. A building or portion thereof used or designed as a residence and consisting of three (3) or more dwelling units including apartment hotels, apartment houses, and group housing projects.

APPRAISED VALUE. An estimate or opinion of the value of real or personal property or an interest or estate in that property as determined by a qualified appraiser.

AUTOMOBILE GRAVEYARD is any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts; and any establishment or place of business upon which two or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.³

BASEMENT. That portion of any structure located partly or entirely below the average adjoining lot grade.

BED AND BREAKFAST. An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

BOARD OF ADJUSTMENT. The Zoning Board of Adjustment of the Town of Oakboro, North Carolina.

BUFFER. A horizontal distance from the property line which may only be occupied by screening, utilities, access ways and landscaping materials.

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials. This term does not apply to camping trailers, motorized homes, pickup campers, travel trailers, or self-contained travel trailers.

³ Resolution dated 6/17/2019

BUILDING, ACCESSORY. A structure customarily incidental and subordinate to the main or principal building and located on the same lot therewith.

BUILDING, PRINCIPAL. See “STRUCTURE, PRINCIPAL”.

BUILDING HEIGHT. The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, gambrel and pitch roofs.

BUILDING-INTEGRATED SOLAR SYSTEM. An active solar system that is an integral part of a principal or accessory building rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems including but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.⁴

BUILDING LINE. A line fixed parallel to a lot line beyond which a building cannot extend under the terms of this Ordinance. Included are front, side, and rear building lines.

CERTIFICATE OF ZONING COMPLIANCE. A statement, signed by the Zoning Enforcement Officer, stating that the plans for a building structure, or use of land complies with this Ordinance.

CHILD CARE CENTER. A day care facility in which day care is provided for 13 or more children when any child is preschool age or 16 or more children when all children are school age.

CHILD DAYCARE A. Any child care arrangement wherein five (5) or fewer children less than 13 years of age receive care away from their primary residence by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child’s primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four (4) hours per day.

CHILD DAY CARE B. Any child care arrangement wherein not less than six (6) nor more than 12 children less than 13 years of age receive care away from their primary residence by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child’s primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four (4) hours per day.

CLEAR VISION AREA. The triangular area formed by joining points, using straight lines, of the center lines of intersecting or intercepting streets 60 feet from their intersection/interception.

CLUB OR LODGE, PRIVATE. An incorporated or unincorporated association for

⁴ Resolution dated 6/6/2014

civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities operated on a non-profit basis for the benefit of its members.

COMMON OPEN SPACE. An area of land and/or water within a site designed and reserved for the use and enjoyment of the residents. This does not include streets or off-street parking areas. Common open space shall be substantially free of structures but may contain such improvements as are in the plan as finally approved and which are appropriate for the benefit of residents of the development.

CONDITIONAL USE PERMIT. A permit issued by the Board of Adjustment for a use or development that would not generally be appropriate within the zoning district without added restriction to safeguard the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood.

CONDOMINIUM. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium is considered multi-family.

CONGREGATE CARE FACILITY. A facility providing shelter and services for ambulatory individuals at least 55 years of age, who by reason of their age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable. The following are specific requirements for all congregate care facilities:

- The facility shall provide centrally located shared food preparation, service, and major dining areas;
- Common recreation, social, and service facilities shall be provided at a minimum rate of 30 square feet per dwelling unit or per rooming unit;
- All facilities shall solely be for the use of residents and their guests; and
- Facilities for administrative services and limited medical services for the exclusive use of the residents shall be located on the site.

CUSTOMARY HOME OCCUPATION. Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, nor commodity sold upon the premises except as may be produced by the occupants; provided, that not more than 25% of the total floor area of the dwelling, including basement, may be devoted to such occupation and that no person, other than a resident of the premises, shall be employed in connection with the home occupation.

DISTRICT. Any section of the Town of Oakboro and its zoning jurisdiction within which regulations are uniform.

DUPLEX. A building arranged or designed to contain two (2) dwelling units.

DWELLING, MULTI-FAMILY. A building or portion thereof, designed to contain three (3) or more dwelling units (see APARTMENT HOUSE and CONDOMINIUM).

DWELLING, SINGLE-FAMILY. A detached building designed to contain one (1)

dwelling unit.

DWELLING UNIT. A habitable house, apartment, manufactured home, group of rooms or a single room that is occupied as a separate living quarters and has direct access from outside the building or through a common hall.

EASEMENT. A grant by a property owner for a specified purpose and use by the public, a corporation, or individuals.

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

FAMILY. Any number of persons related by blood, adoption, or marriage, and living together in one (1) dwelling unit as a single housekeeping entity; the term includes domestic servants.

FAMILY CARE HOME. A home meeting the North Carolina Residential Building Code with Support and supervisory personnel that provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six (6) residents, including but not limited to: handicapped persons, older adults, foster children and abused individuals pursuant to NCGS 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in NCGS 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization. Family care homes shall not be located within a ½ mile radius from an existing family care home.

FENCE. An outdoor structure placed around a parcel of land and constructed of either masonry, metal or wood which provides either a physical barrier or visual screen between properties.

FLOOD, 100-YEAR. Determined from an analysis of floods which are generally representative of those known to have occurred on a particular stream and other streams in the same general region with an average recurrence interval of 100 years.

FLOODPLAIN. The relatively flat area or low land adjacent to the channel of a river, stream, watercourse, lake, or other body of standing water which has been or may be covered by flood water.

FLOODPLAIN OBSTRUCTION. Any dam, embankment, levee, dike, pile, abutment, spoil material, bridge, conduit, culvert, wire, fence refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulated flood hazard area which may, by itself or by catching or collecting debris carried by such water, impede,

retard, or change the direction of the flow of water. Obstructions may be artificial or naturally occurring.

FLOODPROOFING. A combination of structural provisions, changes, or adjustment to properties and/or structures subject to flooding, primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures, and contents of buildings.

FLOOD PROTECTION ELEVATION. The elevation to which structures and uses regulated by this Ordinance are required to be elevated or floodproofed

FLOODWAY. The channel of a stream and adjacent land which is required to carry and discharge the flood water and flows of any river or stream of a 100-year flood.

FRONTAGE. The distance between the two (2) side lot lines as measured along the front building line.

GAME ROOM. Any place of business that operates, four, (4) or more mechanical games or pay devices (excluding vending machines and photo laminating machines) for which charge is made, either directly or indirectly.

GROSS FLOOR AREA. The total floor area of a building including basements, mezzanines and upper floors, excluding separate service facilities outside the main building such as boiler rooms, and maintenance shops.

GROUP HOME. See “FAMILY CARE HOME”.

HOTEL (MOTEL). A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests and which may have dining facilities in the same building.

JUNK. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

JUNKYARD. Is an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials including but not limited to old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron steel, and other old scrap ferrous or nonferrous materials.⁵

LOADING AREA. A completely off-street space or berth on the same lot as a business or industry for the loading or unloading of freight carriers with ingress and egress to a public street.

LOT. A parcel of land occupied or intended for occupancy by a structure or group of

⁵ Resolution dated 6/17/2019

structures together with any accessory structures or uses including the open space required under this Ordinance.

LOT, CORNER. A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance permit.

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

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

LOT LINE. A line dividing one parcel of property from another parcel of property or from a street right-of-way.

LOT LINE, FRONT. The street right-of-way boundary at the front of the lot, that is, the line which separates the lot from the street right-of-way at the front of the lot.

LOT LINE, REAR. That line of a lot which is opposite and farthest, on average, from the front, lot line. Where a lot abuts a street along the rear of the lot, the rear lot line shall be deemed to coincide with the street right-of-way boundary.

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

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Stanly 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 front building line.

MANUFACTURED HOME. A dwelling unit that: 1) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two-family dwellings; 2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and 3) exceeds 40 feet in length and eight (8) feet in width.

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

- 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.
- The manufactured home has a minimum of 1,200 square feet of enclosed heated living area.
- The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2

feet for each 12 feet of horizontal run (2.2 in 12) and the roof is finished with a type of shingle that is commonly used in standard residential construction.

- All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- 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.
- 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.
- 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 Department of Insurance, and attached firmly to the primary structure and anchored securely to the ground.
- The moving hitch, wheels and axles, and transporting light have been removed. (**Note:** Within a park, one or more of these may remain intact.)
- A continuous, permanent masonry curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home. (**Note:** Within a park, a continuous, permanent masonry, vinyl, or metal curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home).

(It is the intent of these criteria to insure that a Class A manufactured home, when sited on an individual lot, shall substantially have the appearance of an on-site, conventionally built, single-family dwelling).

MANUFACTURED HOME, CLASS B. 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, but which does not meet the definition of a Class A manufactured home. The following criteria must also be satisfied:

- 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.
- Stairs, porches, entrance platforms, ramps and the 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 Department of Insurance, and attached firmly to the primary structure and anchored securely to the ground.
- The moving hitch, wheels and axles, and transporting light have been removed. (**Note:** Within a park, one or more of these may remain intact.)
- A continuous, permanent masonry curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home. (**Note:** Within a park, a continuous, permanent masonry, vinyl; or metal curtain wall or foundation,

unpierced except for ventilation and access, is installed under the manufactured home.)

(It is the intent of these criteria to insure that a Class B manufactured home, when sited on an individual lot, shall have substantially the appearance-of an on-site, conventionally built, single-family dwelling).

MANUFACTURED HOME, CLASS C. A manufactured home, constructed after July 1, 1976, that does not meet the definition of either a Class A or B manufactured home.

MANUFACTURED HOME, CLASS D. A manufactured home built prior to July 1, 1976.

MANUFACTURED HOME PARK. Land used or intended to be used for occupancy by manufactured homes used as living quarters designed and operated in accordance with the applicable provisions of this Ordinance. This definition shall not include manufactured homes sale lots on which unoccupied manufactured homes are parked for purpose of inspection and sale.

MANUFACTURED HOME SPACE. Any parcel or ground within a manufactured home park, designed for the exclusive use of one (1) manufactured home.

MINI-WAREHOUSE. A building or group of buildings that contain varying sizes of individual, compartmentalized and controlled access stalls and lockers for the dead storage of customer's goods or wares.

MODULAR HOME. A dwelling unit constructed in accordance with the construction standards of North Carolina Uniform Residential Building Code for one and two-family dwellings and composed of components substantially assembled in a manufactured plant and transported to the building site for final assembly and placement on a permanent foundation.

NONCONFORMANCE. Any use, structure, lot, or sign which does not conform to the regulations of this Ordinance either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

NON-CONFORMING LOT. A lot which does not conform to the dimensions required by this Ordinance.

NON-CONFORMING SIGN. A sign which does not conform to the provisions, of this Ordinance.

NON-CONFORMING STRUCTURE. A structure which does not conform to the height, bulk, or setback standards set forth in this Ordinance or which does not meet the requirements for the type of structure allowed.

NON-CONFORMING USE. Any use of building or land which does not conform to the use regulations of this Ordinance for the district in which it is located.

NURSING CARE INSTITUTION. A home for persons aged, ill, or handicapped in

which two (2) or more persons not of the immediate family of the owner or manager of said home are provided with food, shelter, and nursing care. The term nursing care institution includes convalescent home, home for the aging, sanitarium, home for the blind, rest home, or any similar establishment.

OBSTRUCTION. Any structure, fence, shrub, bush, tree, flower, plant, motor vehicle or any other object that obscures, impairs, or prevents view or sight through, over or across the clear vision area as herein defined.

OFF GRID SOLAR SYSTEM. A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.⁶

OPEN STORAGE. Any unrolled storage area, whether fenced or not.

PARKING SPACE. A space for the parking of a motor vehicle within a public or private parking area.

PATIO HOME. A single-family dwelling unit designed for greater than average density per acre, retaining privacy through the use of blank sidewalls.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.⁷

PLANNING BOARD. The Town of Oakboro Planning Board.

PRINCIPAL USE. The primary purpose or function that a lot serves or is intended to serve.

PUBLIC SERVICE CORPORATION. Any privately-owned entity which provides electricity, natural gas, telephone service, or cable TV to the general public.

PUBLIC SEWAGE DISPOSAL SYSTEM. A single system of sewage collection; treatment and disposal owned and operated by a sanitary district, metropolitan sewage district, water and sewer authority, county, municipality or a public assembly.

PUBLIC UTILITIES. Water and sewer production plants and distribution systems owned by a government agency.

PUBLIC WATER SUPPLY. Any water system so defined and regulated by N.C. General Statute 130-166.

RECYCLING CENTER is a facility where recyclable materials such as newspapers, magazines, books and other paper products, glass, metal cans and other products are recycled, reprocessed and treated (or where the materials are processed for recycling at another facility) in order to return such products to a condition where they may be

⁶ Resolution dated 6/6/2014

⁷ Resolution dated 6/6/2014

reused.⁸

RECYCLING COLLECTION CENTER is a building and/or site in which source separated recoverable materials such as paper, glass and metal cans are collected, stored temporarily, flattened, crushed or bundled prior to shipment to others who will use those materials to make new products. The materials are typically stored in on site bins or trailers for shipment to market.⁹

RESTAURANT. A commercial establishment where food is prepared and served for public consumption.

RETAIL BUSINESS. An establishment selling commodities to consumers.

RETAIL SERVICE. An establishment providing tangible services for immediate use to the consumer.

SALVAGE YARD is any lot or parcel; or part thereof, where wastes or used materials are brought, sold, stored, processed or handled. Materials include but are not limited to two or more inoperable, junk or salvage motor vehicles, or parts thereof, scrap ferrous metals, paper, rags, tires, bottles, discarded goods and machinery. This definition includes automobile graveyards and junkyards, but not recycling centers or recycling collection centers.¹⁰

SCREEN. A wall, a fence, or a planted strip composed of deciduous or evergreen trees, or a mixture of tree and dense shrubs.

SELF-CONTAINED TRAVEL TRAILER. A travel trailer which may operate independently of connections to electricity, water, and sewer for a limited period of time having its own battery or LP gas system or both to operate lights, refrigerator, stove and heater and having a water tank with a pressure system and a toilet with a holding tank.

SERVICE STATION. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding bodywork, overhauling, and painting.

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

SHOPPING CENTER. A group of commercial establishments which is planned and developed and owned or managed as a unit with off-street parking provided on the premises.

SIGN. Any form of publicity visible from any public street directing attention to an individual activity, business, service, commodity, or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks, or trade names or other pictorial matter designed to convey such information and displayed by

⁸ Resolution dated 6/17/2019

⁹ Resolution dated 6/17/2019

¹⁰ Resolution dated 6/17/2019

means of bills, panels, posters, paints, or other devices erected on open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings, or other structures or supports.

SIGN AREA. The area measured by the smallest square, rectangle, triangle-, circle or combination thereof which will encompass the entire advertising copy area, excluding architectural trim and structural members. In computing area, only one (1) side of a double faced sign shall be considered.

SIGN, ATTACHED. Any sign physically attached to the principal or accessory structure on a lot.

SIGN, BANNER. Any sign consisting of paper, plastic, fabric, or similar nonrigid material intended to be hung with or without frames. National flags or flags of political subdivisions shall not be considered banners for the purpose of this article.

SIGN, BENCH. A sign located on any part of the surface of a bench or seat.

SIGN, BILLBOARD. See “SIGN, OFF-PREMISES”.

SIGN, BUSINESS. See “SIGN, ON-PREMISES.”

SIGN, CANOPY. A sign suspended from or attached to the side front or underside of a canopy or awning.

SIGN, CONSTRUCTION. A sign on the lot of a building to be constructed or under construction, alteration, or repair, stating, but not limited to, the purpose for which the building is intended, the names of the architects, engineers, contractors, developers, financiers, or others involved, the square footage of the structure or other pertinent data.

SIGN, CHANGEABLE COPY. A sign designed so that characters, letters, or illustrations can be rearranged without altering the face, surface size, or shape of the sign.

SIGN, DIRECTORY. A sign on which the names and locations of occupants or the use of a building is given.

SIGN, EMERGENCY/ WARNING. A sign warning the public of a danger to public health and safety.

SIGN, FLAG. Usually a rectangular piece of fabric of distinctive design that is used as a symbol of a nation, political subdivision or private charitable, religious, or public organization.

SIGN, FLASHING. A sign which displays flashing, blinking; or intermittent light of changing intensity.

SIGN, FREESTANDING. A sign which is supported from the ground and which is wholly independent of any other structure for support.

SIGN, GASOLINE PUMP. A sign which is displayed on the pump or pump island and announces the brand, grade of motor fuel or kerosene or whether or not the pump or

island is self-service or full-service.

SIGN, GASOLINE PRICE. A sign which is displayed at a service station and announces the price of motor fuel or kerosene.

SIGN, HOLIDAY DECORATIONS. Decorations associated with holiday seasons.

SIGN, HOME OCCUPATION. A sign identifying a permitted home occupation conducted on the premises of the dwelling unit occupied by the operator of such home occupation.

SIGN, ILLUMINATED. A sign internally or externally illuminated in any manner by an artificial light source.

SIGN, INDUSTRIAL DIRECTION. A sign giving directions to an industrial or commercial site and which contains only an arrow and the name of the business or industry.

SIGN, INSTITUTIONAL. A sign denoting the name of and service provided by a public, religious, or charitable institution.

SIGN, INTEGRAL. A memorial sign or tablet indicating the name of a building and/or the date of erection and cut into masonry or constructed of bronze, brass, iron, or other incombustible materials and mounted on the face of a building.

SIGN, LOCAL INTEREST. A sign of a temporary nature used to advertise or announce a particular event of normally local concern.

SIGN, NO LOITERING/ NO TRESPASSING. A sign which is placed to inform the public of regulations relating to the specific property on which the sign is located.

SIGN, OCCUPANT/ STREET NUMBER. A sign bearing only the name of the principal occupant of a residence and / or the street number of a structure.

SIGN, OFF-PREMISES. A sign which advertises or publicizes a product, service, or event not available or not occurring on the premises or lot upon which the sign is located. For the purposes of this ordinance, off-premises signs do not include temporary signs and banners without commercial advertising displayed by religious, charitable, civic, fraternal, political and similar organizations or temporary signs and banners advertising special sales or events of commercial establishments that have been issued a temporary sign permit from the Town of Oakboro.

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

SIGN, PAINTED WALL. A sign painted directly on the wall of a structure.

SIGN, PERMANENT. A sign erected, located, or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.

SIGN, POLITICAL CAMPAIGN. A sign pertaining to a candidate for public office or

to a political party and/or its view and beliefs.

SIGN, PORTABLE. A sign mounted on wheels, trailer, truck bed, A-frame or any other device capable of being readily moved from one location to another.

SIGN, PROFESSIONAL NAME PLATE. A sign on a commercial or professional building or structure bearing only the name and/or its view and beliefs.

SIGN, PROJECTING. A sign attached perpendicular to a building wall.

SIGN, PUBLIC. A sign erected by a government agency.

SIGN, PUBLIC SERVICE. A sign directing the public to a public facility, such as a public telephone, restroom, hospital, school, historic, or scenic place.

SIGN, REAL ESTATE. A sign offering for sale, lease, or rent the property upon which the sign is located.

SIGN, ROOF. A sign erected, constructed or displayed in whole or in part upon or over the roof of a building.

SIGN, SPECIAL EVENT. A sign erected on the premises of an establishment having a grand opening or special event, including a yard sale.

SIGN, SUBDIVISION OR TRACT NAME. A sign located on a subdivision or tract and identifying the name of the subdivision or tract.

SIGN, TEMPORARY. A sign intended to be displayed for a short period of time.

SIGN, TEMPORARY OFF-PREMISES. Temporary signs and banners without commercial advertising displayed by religious, charitable, civic, fraternal, political and similar organizations or temporary signs and banners advertising special sales or events of commercial establishments that have been issued a temporary sign permit from the Town of Oakboro.

SIGN, TIME AND TEMPERATURE. An illuminated sign which displays time and/or temperature by means of a light display.

SIGN, TRAFFIC DIRECTIONAL. A sign directing vehicular traffic movement within the property on which the sign is located.

SIGN, WALL. A sign attached parallel to the face of a building wall and confined within the limits of such a wall.

SIGN, WIND ACTIVATED. A sign, balloon, streamer, pennant, placard, propeller or other device designed to attract attention to an activity through sign movement caused by wind.

SIGN, WINDOW. A sign mounted on or attached to a window and visible from a public street or right-of-way.

SIGNBOARD. A specific background upon which symbols are affixed or the smallest rectangle which would completely enclose all parts of the sign.

SOLAR COLLECTOR. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The device may be roof mounted or ground mounted as an accessory use.

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

SOLAR FARM. A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power from an area greater than the principal use on the site.

SOLAR MOUNTED DEVICES. Devices that allow the mounting of solar collector onto a roof surface or the ground. ¹¹

SPECIAL USE PERMIT. A permit issued by the Board of Commissioners for a use or development that would not be generally appropriate within the zoning district without added restriction to safeguard the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood. Special use permits may also be issued by the Zoning Board of Adjustment if the special use is listed in the Appendix Table of Permitted Uses.

STORY. That portion of a principal building included between the surface of any floor and the surface other than the next floor above or, if there is no floor above, the space between the floor and the ceiling next above. A basement is not counted as a story.

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

STREET, PRIVATE. A privately-owned and maintained street which provides the principal means of vehicular access to abutting properties.

STREET, RIGHT-OF-WAY LINE. The street right-of-way boundary, that is, the line which separates the street from the lot.

STRUCTURE. Any object constructed or erected for the use of which requires more or less permanent location on the ground or which is attached to an object having more or less permanent location on the ground.

STRUCTURE, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which said building is situated.

STRUCTURE, TEMPORARY. A structure intended for temporary offices, headquarters, residence, classrooms, etc., on the same lot or tract of land being used or

¹¹ Resolution dated 6/6/2014

developed for a directly related permanent use.

TATTOO AND BODY PIERCINGS. For the purpose of this Ordinance, the term “tattoo” and “body piercing” shall be the definitions, activities and laws described in North Carolina General Statutes § 130A-283 and § 14-400. Traditional Ear Piercing shall be excluded from this definition when it is an incidental use.¹²

TELECOMMUNICATION TOWER. A tower facility, including, but not limited to, radio and television transmission tower or similar utilities, microwave towers, and mobile telephone or radio towers. This term shall not include operators or two-way local radio facilities for business or governmental purposes that are under 100 feet in height and that, at a height of 50 feet above the base, have a maximum horizontal measurement of eighteen (18) inches, nor shall it include any tower erected by a public authority for public safety or emergency services communication purposes.

TOWN BOARD. The Board of Commissioners of the Town of Oakboro, North Carolina.

TOWNHOUSE. A single-family dwelling unit in a row of at least three (3) but no more than six (6) units to a building. Each unit shall have its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more fire resistant walls; each unit occupies one (1) zoning lot.

TRACT. An area, parcel, site, piece of land, or property which is the subject of a development application.

USE. The purpose or activity for which a piece of land or its structure(s) is designed, arranged or for which it is occupied or maintained.

USE, PRINCIPAL. The main use of land or structure(s) on a lot as distinguished from an accessory use.

TRAILER, CAMPER (RECREATIONAL VEHICLE). A vehicle with or without its own motor power, equipped or used for recreational purposes and mounted on wheels or designed to be so mounted and transported.

VARIANCE. A modification of the existing zoning ordinance which is not contrary to the public interest, where strict enforcement of this Ordinance would cause undue hardship to the applicant because of circumstances unique to the individual property (not caused by the owner or applicant) on which the variance is granted.

YARD. A space on the same lot with a principal building which is open, unoccupied, and unobstructed by structures from ground to sky except where encroachments and accessory structures are expressly permitted under this Ordinance.

YARD, FRONT. A yard extending the full width of the lot, situated between the front lot line and a line parallel thereto passing through the nearest point of the principal structure.

¹² Resolution dated 3/16/2015

YARD, REAR. A yard extending the full width of the lot, situated between the rear lot line and a line parallel thereto passing through the nearest point of the principal structure.

YARD, SIDE. A yard situated between the side lot line and a line parallel thereto passing through the nearest point to the principal structure and, extending from the front yard to the rear yard.

ZONING ENFORCEMENT OFFICER. An official of or person designated by the Town of Oakboro charged with enforcing the *Zoning Ordinance*.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

SECTION 1. USE DISTRICTS NAMED

The purpose of this Article is to list and describe the zoning districts herein adopted. A person seeking to rezone a tract of land shall petition for general use rezoning. General use rezoning allows the petitioner to pursue any of the listed permitted uses for that district. For a more detailed discussion, please refer to Article XI.

For the purposes of this Ordinance, the Town of Oakboro and its one mile extraterritorial jurisdiction are hereby divided into the following use districts:

RA	Residential Agriculture (low density)
R-20	Residential District (low density)
R-15	Residential district (low/medium density)
R-9	Residential District (medium/high density)
NB	Neighborhood Business District
CB	Central Business District
HB	Highway Business District
I	Manufacturing and Industrial District
SE(F)	Special Entertainment District (Floating)
SO	Solar Energy Power Generation Systems Overlay District (SEPGS) ¹
FP	Flood Plain District (See Addendum)

SECTION 2. USE DISTRICTS DESCRIBED

(A) Residential / Agriculture District - RA

The RA Residential/Agriculture District is established as a low density district in which the principal use of land is for single family residences and agriculture. Requirements in this district are designed to ensure that a rural character is maintained. Please refer to Appendix I for a list of permitted uses. Permitted structures include those which meet the dimensional restrictions listed in Article VI. Manufactured homes on individual lots and within manufactured home parks are permitted.

¹ Adopted by Resolution 6-16-2014. See page 18 of: 2020 3 13 ZO Amends.pdf

(B) Residential District, Low Density - R-20

This district is established as a low density district in which the principal use of land is for single-family residences. Please refer to Appendix I for a list of permitted uses. Permitted structures include those which meet the dimensional restrictions listed in Article VI. The regulations of this district are intended to ensure that residential development not having access to public water and/or sewer will occur at sufficiently low densities to provide a healthful environment.

(C) Residential District, Low to Medium Density - R-15

This district is established to provide for medium density neighborhoods consisting of single-family residences. Structures within this district are permitted where both public water and sewerage are available. Please refer to Appendix I for a list of permitted uses. Permitted structures include those which meet the dimensional restrictions listed in Article VI.

(D) Residential District, Medium to High Density - R-9

The R-9 Residential District is established as a medium to high density district in which the principal use of land is for single family, duplex, townhouses, and multi-family residences. Structures within this district shall have both public water and sewerage, where available. Please refer to Appendix I for a list of permitted uses. Permitted structures include those which meet the structural and dimensional restrictions listed in Article VI.

(E) Neighborhood Business District – NB

This district is established for those uses which normally require a location close to residential areas and which provide merchandise and services to meet the everyday needs of a limited residential area. Please refer to Appendix I for a list of permitted uses.

(F) Central Business District - CB

This district is the central shopping area of the town. It is established for those uses which normally require a central location and which provide merchandise and services to be used by the entire town and its environs. It is intended that this district shall develop and be maintained as a tightly-knit core of commercial, professional, and governmental activity. Please refer to Appendix I for a list of permitted uses.

(G) Highway Business - HB

The Highway Business district is established to provide areas within the community for businesses which normally require a significant flow of traffic. Such uses depend on exposure to large flows of traffic associated with major thoroughfares. It is intended that this district be developed with as little impact on surrounding land uses and the thoroughfares as possible. Please refer to Appendix I for a list of permitted uses.

(H) Manufacturing and Industrial District - I

The Industrial district is established for those areas of the community where the principal use of land is, or should be, industrial and warehousing. These uses, by their nature, may create some nuisance and are not compatible with residential, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties. It is not intended to permit in this district any use which is inherently obnoxious because of noise, odors, smoke, light, dust, or dangerous materials. Please refer to Appendix I for a list of permitted uses, **which allow Multi-Family in industrial with a Conditional Use Permit²**.

(I) Special Entertainment District - SE(F) (Floating)

This district is established to ensure that sexually oriented businesses will be appropriately located within the Town's jurisdiction to prevent unwanted and unacceptable adverse impacts upon surrounding properties. This new zoning designation shall only be applied to portions of the Industrial (I) District after obtaining a rezoning and the issuance of a Special Use Permit from the Board of Commissioners.

1. District Requirements.

- No special entertainment establishment shall be located within 1,000 feet of any other special entertainment establishment. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest point of the lot line or boundary of the closest similar establishment.
- No establishment shall be located within 1,000 feet of any portion of a residentially zoned lot. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest lot line or boundary of a residentially zoned lot.
- No establishment shall be located within 1,000 feet of any lot upon which a school, child day care center, park, or church is located. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest lot line or boundary of a lot upon which a school or church is located.

2. Exemptions for New or Existing Development.

- New or existing industrial development shall be exempt from the provisions of this Section.

(J) Solar Energy Power Generation System Overlay District – SO (Overlay)

² Resolution adopted 7-15-2013. See 2020 3 13 ZO Amends.pdf

In recognition of the increasing growth of the installation of solar energy power generation systems across the state it is the intent of the Town to allow solar providers to locate solar energy power generation systems and related facilities within the Town's jurisdiction in order to provide an adequate level of services to its customers while protecting the health, safety and welfare of the Citizens. Solar energy power generation systems may not be compatible with other types of uses; therefore, specific regulations are necessary to ensure that any adverse effects to existing and future developments are mitigated.

1. Overview.

Accordingly, the Town Council finds that regulations related to the installation of a solar energy power generation system, hereinafter referred to as SEPGS, are warranted and are necessary:

- A. To direct the location of a SEPGS within the town.
- B. To protect residential areas and land uses from potential adverse impacts of a SEPGS.
- C. To minimize adverse visual impacts of a SEPGS through careful design, placement, landscape screening, and minimizing reflectivity.
- D. To accommodate the growing need for a SEPGS to provide alternative sources of power in the town and surrounding ETJ.
- E. To promote economic development by placement of a SEPGS in locations not to impair conventional manufacturers and industries in locations where municipal type services are or planned to be served.

2. Location

A SEPGS and related facilities are allowed only in certain districts by right, or by a rezoning to the "SO" SEPGS Overlay District. A "SO" SEPGS Overlay District rezoning must be requested in an application by the property owner for any property with a current zoning designation containing the letters of R, B or I. Legislative approval of the rezoning by the Town Council is required before a zoning compliance can be issued for construction in the "SO" SEPGS Overlay District. In addition, all regulations of Section 618 shall be met before the SEPGS receives final approval.

- A. A minor SEPGS shall include any privately used solar system that generates up to two times the amount of power used on the same property over the course of one year, and is permitted by right in any listed zoning district in Article V. These shall include solar photovoltaic systems built and integrated into the primary structure or accessory to the structure. Those that are accessory to the structure shall be located in the side or rear yard for the primary use of the property.
- B. A major SEPGS shall be a SEPGS that does not meet the standards of a minor SEPGS.

3. Site standards

- A. Setbacks – A SEPGS shall meet the setbacks for the underlying zoning district. A SEPGS that is integrated into the primary structure shall meet the setbacks of the primary structure. A SEPGS that is accessory to the primary structure shall be located in the side or rear of the primary structure and no closer than fifty (50) feet to the front property line or right-of-way and fifteen (15) feet to the nearest side or rear property

line.

- B. Power Transmission Lines to any building, structure, or utility connection shall be, to the fullest extent possible, located underground. Existing above ground utility lines shall be allowed to remain in the current location.
- C. Height – A ground or pole mounted SEPGS shall not exceed twenty five (25) feet in height when oriented at maximum tilt.
- D. A six (6) foot high fence with barbed wire at the top shall be installed around the SEPGS for all major ground mounted systems to protect from damage.

4. Operation

- A. The property owner and SEPGS operator shall remain responsible for the operation of the facility. At any time power is not generated for One Hundred Eighty (180) days, the facility and all equipment shall be removed from the site within Ninety (90) days.
- B. The operator of a major SEPGS shall keep and maintain adequate liability insurance for the facility and supply proof of effective liability insurance to the zoning officer on an annual basis.
- C. Any deficiencies noted shall be corrected upon receipt of notice from the zoning officer, either following the annual inspection or when the deficiency becomes known to the zoning officer. Owner will have thirty (30) days to correct any deficiencies.

5. Approval

- A. Site Plans, drawn and stamped by a NC licensed Surveyor or Engineer, shall include the following:
 - a. A narrative describing the proposed SEPGS, including an overview of the project.
 - b. The proposed location and dimension of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, turnout locations, ancillary equipment, transmission lines, vegetation and the location of any residences within 100 feet of the perimeter of the facility.
 - c. Any preexisting structures on the same lot and principal structures on other properties that would affect the placement of solar panels.
 - d. Parking, fencing, and access areas.
 - e. Location of any proposed solar access easements.
 - f. Location where wiring is brought together for inter-connection to the systems components and/or the local utility power grid, and location of disconnect switch.
 - g. Standard drawings of the solar collection system components.
 - h. Security fencing, a minimum of six (6) feet in height with barbed wire at the top, shall be provided along the entire perimeter of the SEPGS facility.
 - i. The entire perimeter of the facility shall be screened from the adjoining properties by a ten (10) foot buffer yard.
 - The buffer yard shall consist of a row of deciduous trees and/or evergreen trees which are not less than eight (8) feet high at the time of planting and are spaced no more than thirty (30) feet apart;

- A row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form a continuous hedge at least six (6) feet in height within two (2) years of planting. The shrubs shall not be less than two (2) feet in height at the time of planting;
- Lawn grass, low-growing evergreen shrubs, evergreen ground cover, vegetable or rock mulch; or
- Solid decorative brick walls, wood fences, and shrubs.

Alternative methods of buffering and screening may be permitted if, upon submission of detailed plans to the Project Review Committee, the Committee finds that the alternative methods will afford a degree of buffering and screening equivalent to that provided by the above requirements.

The retention of existing vegetation shall be maximized to the extent practicable wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.

All landscaping and screening required by this section shall be maintained so as to continue its effectiveness.

- j. Copies of any lease agreement and solar access easements.
- k. Evidence that the electrical utility provider has been informed of the customers' intent to install an interconnected, customer-owned generator (off grid systems shall be exempt from this requirement).
- l. Decommissioning plans that describe the anticipated life of the facility, the estimated decommissioning cost in current dollar, and the anticipated manner in which the facility will be decommissioned and the site restored to its previous or another permitted use.
- m. Signature of the property owners, and the owners/operator of the facility, if different than the property owners.
- n. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Town to ensure compliance with this ordinance.
- o. Outside lighting shall be shielded to prevent glare to surrounding properties and to direct light onto the system's premises, and shall be of sufficient intensity to ensure security to the system's premises.
- p. In case of emergencies, a sign stating the system owners contact information including name, address and phone number shall be located at the entrance of the SEPGS. Typical warning signs at the entrance shall also be required. There are no size regulations for these required signs. One optional sign is allowed that is (16) square foot or less in size and not more than ten (10) foot in height, as permitted by the underlying zoning district in Article VIII section 14.
- q. Inverter noise shall not exceed 40dBA, measured at any property line. This shall be tested annually by a certified professional and his/her report of findings shall be signed, sealed, and submitted to the zoning officer.
- r. Annual inspection shall be performed by the zoning officer to insure compliance with the requirements of this ordinance and an inspection fee shall be charged to the owner/operator as set out in the official fee schedule approved

by the Town Council.³

SECTION 3. DISTRICT BOUNDARIES SHOWN ON THE ZONING MAP

The boundaries of the districts are shown on the *Zoning Map* accompanying this Ordinance. The *Zoning Map* and all the notations, references and 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* is posted at the Town Hall in Oakboro and is available for inspection by the public.

SECTION 4. DUE CONSIDERATION GIVEN TO DISTRICT BOUNDARIES

In the creation, by this Ordinance, of the respective districts, careful consideration is given to the peculiar suitability of each district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well considered comprehensive plan for the physical development of the community.

SECTION 5. RULES GOVERNING INTERPRETATION OF DISTRICT BOUNDARIES

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

- where such district boundaries are indicated as approximately following street, alley, or highway lines, such lines shall be construed to be such boundaries;
- where district boundaries are so indicated that they approximately follow lot lines, shall be construed to be said boundaries;
- where district boundaries are so indicated that they are approximately parallel to the center lines of streets, alleys, or highways, or the right-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the *Zoning Map*;
- where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center line, street lines or railroad right-of-way lines shall be construed to be such boundaries;
- where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole lot thereof, provided such extensions shall not include any part of a lot or tract more than fifty (50) feet beyond the district boundary line (the term “least restricted” shall refer to all zoning restrictions);
- in unsubdivided property, the location of zoning boundaries shall be determined by use of the scale appearing on the map;
- in subdivided property, the location of zoning boundaries shall be construed to be the nearest parallel lot line; however, if the zoning boundaries lie at a scaled distance greater than twenty-five (25) feet from any parallel or approximately parallel lot line, the boundary shall be determined by use of the scale; and

³ Resolution dated 6/6/2014

- in case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the *Zoning Map* as to the location of such boundaries.

ARTICLE VI

APPLICATION OF REGULATIONS

SECTION 1. ZONING AFFECTS EVERY BUILDING AND USE

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

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.

SECTION 2. REDUCTION OF LOT AND YARD AREAS PROHIBITED

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

SECTION 3. RELATIONSHIP OF BUILDING TO LOT

Every building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified and in no case shall there be more than one (1) principal building or structure and its customary accessory buildings or structures on any lot, except in the case of a planned unit development or a temporary, special or conditional use permit.

SECTION 4. STREET ACCESS

No building shall be erected on a lot which does not have access to a paved street whether public or privately maintained. All private streets shall be constructed and maintained in accordance with the specifications set forth by the North Carolina Department of Transportation's Minimum Construction Standards for Subdivision Roads, July 1, 1985.

SECTION 5. USES PROHIBITED

If a use or class of uses is not specifically indicated as being permitted in a district either as a right or as a conditional use, then such use or class of use is prohibited.

SECTION 6. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS

On a corner lot in residential and professional districts, there shall be no obstruction to the clear vision area by structures, grade or foliage other than power or utility poles.

SECTION 7. LOCATION OF ACCESSORY AND TEMPORARY BUILDINGS ON RESIDENTIAL LOTS

On any residential lot, accessory buildings shall not be located in any required front or side yard, shall not cover more than 30% percent of any required rear yard and shall be at least five (5) feet from any other building on the same lot and at least 20 feet from any buildings used for human habitation on adjoining lots. Any part of the building, including the footings and roof overhang, shall be a minimum of ten (10) feet from any lot line.

Accessory or temporary buildings or structures designed or used for human habitation as permitted by this Ordinance shall be located no closer to the principal building than 30 feet and shall meet the side yard requirements for the district in which located.

SECTION 8. LOT OF RECORD - DATE AND PERMITTED USE

In any district in which residences are permitted, where a lot has an area or width of less than the required area or width and was a lot of record on or before the effective date of this Ordinance, such lot may be occupied by a single-family dwelling; provided, that the minimum front, rear and side yard requirements for the district in which it is located are met. This provision shall not apply to any lot to which the provisions of Article VI, Section 9 apply.

In all other districts where a lot has an area or width of less than the required area or width and was a lot of record on or before the effective date of this Ordinance, such lots may be occupied by a permitted use; provided, that all other requirements of the district are met. This provision shall not apply to any lot to which the provisions of Article VI, Section 9 apply.

SECTION 9. ADJOINING AND VACANT LOTS

If two (2) or more adjoining and vacant lots of record are in single ownership at any time after the effective date of this Ordinance, and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot which meets the minimum requirements of this Ordinance for the district in which such lots are located.

SECTION 10. SIDE YARDS ON CORNER LOTS

In residential districts, the minimum width of the side yard along an intersection of streets shall be at least 20 feet. Accessory buildings in the rear yard shall also comply with the side yard requirement. The North Carolina Department of Transportation has sight distance laws that may supercede Oakboro's zoning setbacks for side and front yards on N.C. State highways and major streets.

SECTION 11. FRONT YARD SETBACKS

The front yard requirements of this Ordinance shall not apply to any lot where the front yard coverage on developed lots located wholly or in part within 100 feet to each side of such lot and located within the same block and zoning district and fronting on the same street as such lot is less than the minimum required front yard. In such cases, the front yard on such lot maybe less

than the required front yard but not less than the average of the existing front yards on the developed lots; provided, that the front yard on such lot shall not be less than one-half (1/2) of the required front yard.

All measurements for front yard setback shall be made from the pavement edge of the street or the right-of-way (See Article VI, Section 14).

SECTION 12. CONDITIONS FOR MODIFICATION OF REQUIRED YARDS

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

- Cornices, eaves, steps, gutters, bay windows less than ten (10) feet wide, fire escapes, fire balconies, fire towers and similar features may project not more than two and one-half (2 1/2) feet into any required yard.
- Necessary retaining walls and fences less than six (6) feet high, when located in the rear yard, shall be exempt from the yard requirements of this Ordinance; except that on a corner lot no fence more than three (3) feet in height shall be, located within any yard of building setback required along the side street line by any other provision of this Ordinance. The height of any fence located within a yard abutting on a street line shall be measured from the sidewalk; and if there is not a sidewalk, or curb, from the center line of the street. All other fence heights shall be measured from natural grade. Terraces, steps and uncovered, porches which are not in any part more than four (4) feet above the ground floor level and within two and one-half (2 1/2) feet of any lot line shall be exempt from the yard requirements of this Ordinance.

SECTION 13. EXCEPTIONS TO HEIGHT LIMITS

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, skylights, towers, steeples, flagpoles, chimneys, wireless masts, water tanks, silos or similar structures may be erected above the height limits herein specified if so approved by the Project Review Committee. The Project Review Committee shall not approve such structures if they determine that these structures may pose health, safety, or welfare risks to surrounding property. No penthouse or roof structures or any space above the height limit shall be allowed for floor space.

SECTION 14. DIMENSIONAL REQUIREMENTS

SETBACK REQUIREMENTS BY ZONING DISTRICT

Zoning District	Min. Lot Size (in square ft)	Min. Front Yard (in ft.)¹	Min. Side Yard (in ft.)⁵	Min. Rear Yard (in ft.)⁵	Min. Lot Width (in ft.)	Max. Building Height (in ft.)
RA	20,000	40	15 ²	30	100	35
R-20	20,000	40	15 ²	30	100	35
R-15³	15,000	40	15 ²	30	75	35
R-9³	9,000	40	10 ²	25	50	35
NB	N/A	20	10	20	N/A	35
CB	N/A	N/A ⁴	N/A	15	N/A	50
HB	N/A	30	10	20	N/A	50
I	N/A	50	15	20	N/A	50
SE (F)	Refer to Article V, Section 2 (I) for specific setback and location requirements.					
FP	Refer to the Town of Oakboro's Floodplain Ordinance for specific requirements.					
SO	Refer to Section V 2 (J) for specific setback, location and development regulations. ¹					

¹ Front yard setbacks shall be measured from the edge of the street right-of-way, or 15 feet greater if measured from the edge of pavement.

² In residential districts, the minimum width of the side yard located at the intersection of two or more streets shall be at least 20 feet. (See Article VI, Section 10 – Side Yards on Corner Lots)

³ New subdivisions located in zones R-9 and R-15 may alter their setbacks as follows:

R-15 Min. Front Yard – 25 ft. Min. Side Yard – 12 ft.
R-9 Min. Front Yard – 25 ft. Min. Side Yard – 10 ft.

Dwellings located within Oakboro town limits and in a residential area zoned R-9 and R-15 (Zoning Map dated March 2, 2001) excluding subdivisions, that do not meet current setbacks may contact the Zoning Officer for permission to repair or replace the dwelling. Dwellings on the street in that area will be used to determine the appropriate setbacks. The Zoning Officer will get approval for the Zoning Board to issue a letter of permission for a setback different from the current setbacks.

No permit will be issued for a front, side, or backyard setback that is less than the existing dwelling setback in the area unless they meet the current setbacks for the zoning area.

⁴ In the CB district there is no minimum front yard setback, but rather the fronts of all new buildings shall match the building fronts of adjoining buildings or abut existing public sidewalks, where provided, except for outdoor café-type uses when a low wall or fence is carried across the right-of-way to continue the visual continuity of building faces. In situations where there are no adjoining buildings and existing utility easements preclude the placement of the front building wall at the back of the sidewalk or street right-of-way, the front building wall shall be located no more than 18 feet from the back of the curb or edge of pavement. Under no circumstances shall a parking area be located between the street/sidewalk and the front building wall.

⁵ In residential districts, accessory buildings shall have the following setbacks:
Min. Side Yard – 10 ft.
Min Rear Yard – 10 ft.

¹ Resolution dated 6/6/2014

SECTION 15. NON-CONFORMANCES

Any parcel of land, use of land, building or structure existing at the time of the adoption of this Ordinance, or any amendment thereto, that does not conform to the requirements of the district in which it is located may be continued and maintained subject to the following provisions:

(A) Non-conforming Lots.

1. **Vacant lots.** This category of nonconformance consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Stanly County, which at the time of adoption of this Ordinance, fail to comply with the minimum area and/or width requirements of the districts in which they are located. Any such non-conforming lot may be used for any of the uses permitted in the district in which it is located provided that:
 - where the lot area is not more than 20% below the minimum specified in this Ordinance, and other dimensional requirements are otherwise complied with, the Zoning Enforcement Officer is authorized to issue a zoning compliance permit;
 - where the lot area is more than 20% below the minimum specified in this Ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions;
 - notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be combined to create a single lot or lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.
2. **Occupied Lots.** This category of nonconformance consists of lots, occupied by buildings or structures at the time of the adoption of this Ordinance that fail to comply with the minimum requirements for area, width, yard and setbacks for the district in which they are located. These lots may continue to be used.

(B) Non-conforming Uses.

1. **Uses of Land.** This category of nonconformance consists of lots used for storage yards, used car lots, auto wrecking, junkyards, and similar uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this Ordinance, in the district in which it is located. A legally established non-conforming open use of land may be continued except as follows:
 - when a non-conforming open use of land has been changed to a conforming use, it shall not thereafter revert to any non-conforming use;
 - a non-conforming open use of land shall be changed only to a conforming use;

- a non-conforming open use of land shall not be enlarged to cover more land
- than was occupied by that use when it became non-conforming; or
- when any non-conforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district in which the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

2. **Uses of Structures.** This category of non-conformance consists of buildings or structures used at the time of enactment of this Ordinance for purposes or uses not permitted in the district in which they are located. Such uses may be continued as follows:

- an existing non-conforming use of a structure may not be changed to another non-conforming use;
- when a non-conforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any non-conforming use;
- a non-conforming use of structure may not be extended or enlarged, nor shall a structure containing a non-conforming use be altered except as follows:
 - a. structural alterations as required by law or ordinance to secure the safety of the structure are permissible;
 - b. maintenance and repair necessary to keep a structure containing a non-conforming use in sound condition are permissible;
 - c. expansion of a non-conforming use of a building or structure into portions of the structure which, at the time the use became non-conforming, were already erected and arranged or designed for such non-conforming use is permissible.
- when any non-conforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(C) **Non-conforming Structures.** This category includes any structure not in conformance with the restrictions of this Ordinance after the effective date of adoption. Such non-conformances shall include, but not be limited to, height, bulk, and setback. Such non-conforming structures shall be allowed to remain with the following conditions:

- a non-conforming structure may not be enlarged or altered except where maintenance and repair are necessary to keep the structure in sound condition;
- when any non-conforming structure is removed, it may not be replaced with another non-conforming structure;
- when any non-conforming structure is damaged, repair must follow the guidelines listed in Article VI, Section (D); and

- structural alterations as required by law or ordinance to secure the safety of the structure are permissible.

(D) Reconstruction of Damaged Buildings or Structures. Any non-conforming structure or structure containing a non-conforming use which has been damaged by fire, wind, flood or other causes may be repaired and used as before provided:

- damage does not exceed 50% of the assessed value;
- repairs are initiated within 12 months and completed within two (2) years of such damage;
- the total amount of space devoted to a non-conforming use may not be increased;
- reconstructed non-conforming structures may not be made nor nonconforming by the repairs; and
- where possible, any non-conforming structure shall be repaired or reconstructed in such a manner so as to minimize or ameliorate the nonconformance(s).

(E) Continuation of Manufactured Home Parks. Manufactured home parks that become non-conforming uses shall be permitted to continue operation subject to the following stipulations:

- non-conforming home parks may not be expanded or increased in size nor shall any additional spaces be added to the sites;
- when a site as a non-conforming manufactured home park is vacated, another manufactured home may not be placed on that site;
- a non-conforming manufactured home park that is discontinued for 180 days shall not be re-established. Vacancy and/or non-use of the park, regardless of the intent of the owner, shall constitute discontinuance under this provision.

(F) Continuation of Manufactured Homes on Individual Lots. Class C or D manufactured homes located on individual lots which become non-conforming structures may be continued until such time as the home is replaced. The replacement unit may not be another non-conforming structure but must meet the Class A or B specifications. A Class B manufactured home may be replaced by a Class A unit. Manufactured homes on non-conforming lots may be continued.

If an existing Class A manufactured home on a conforming lot is removed, it shall only be replaced with a conforming structure or building.

If a manufactured home is abandoned for a period of more than 180 days, the rehabilitation of the manufactured home shall be prohibited. The date of abandonment shall be that date at which the abandonment of the manufactured home becomes evident.

SECTION 16. VESTED RIGHTS

In accordance with G.S. 160A-385.1 (f)(3), a land owner may establish a vested right with respect to property upon the approval of a Zoning Certificate or otherwise may seek appropriate

relief from the Superior Court Division of the General Court of Justice.

SECTION 17. REQUIRED OPEN SPACE NOT USED FOR ANOTHER BUILDING

No part of any yard, other open space, or off-street parking or loading space required for any building, structure, or other use shall be considered to be a part of a required yard, open space, off-street parking or loading space for any other buildings, structures or use except as provided in Article VII, Section 4(B)(d).

SECTION 18.

Residential zones: Fences shall not exceed 4 feet in height in the front yard. The “front yard” for this section shall be defined as the portion of the lot between the street right of way or easement extending back to the front yard setback as specified in the underlying zoning district. Fences and hedges shall not exceed six (6) feet in height from behind the “front yard” to the point perpendicular to the side lot line from the rear most part of the principal structure. Fences and hedges shall not exceed eight (8) feet in height to the rear of the principle structure. Where the lot is a corner lot on state maintained or publicly dedicated roads, the fence height shall be limited to four feet for the distance required in the underlying zone as measured from the street right of way.

Commercial zones: Fences shall not exceed four (4) feet in height in the front yard and eight (8) feet in all other areas. The “front yard” for this section shall be defined as the section of lot between the street right of way or easement extending back to the front yard setback as specified in the underlying zoning district.

Industrial zones: Fences shall not exceed eight (8) feet in height.

In no instance shall any fence impede, impair, or otherwise restrict the view of traveling public at any intersection or be allowed in any street right of way. Fence owner shall place fence where it can be maintained without imposing on other private properties.²

² Resolution dated 4/18/2016

ARTICLE VII

DEVELOPMENT REQUIREMENTS

SECTION 1. INTENT

It is the intent of this Article to provide general design standards for development in Oakboro and its zoning jurisdiction to ensure that such development will be arranged and constructed in a safe, orderly and visually harmonious manner and will reflect the basic character of the development site and its surroundings.

New construction projects in any zoning district requiring a building permit, except single-family residential construction or residential accessory construction, are required to meet certain development standards to ensure compatibility with surrounding land uses, provide for attractive and well planned projects, and promote the public health, safety, and welfare of the Town of Oakboro. All major construction projects must be approved, prior to the start of construction by a Project Review committee, as established by Article III.

If the Project Review Committee deems it impractical for a developer to comply with portions of this Article, the Project Review Committee shall have the authority to modify or elect not to apply portions of this Article so long as the modification or deletion, of a requirement does not constitute a variance.

A site plan, once approved, must be resubmitted if construction has not commenced within one (1) year of approval. Construction is deemed to have commenced if footers have been poured and approved.

SECTION 2. APPLICABILITY

Except as otherwise provided in this Ordinance, no land or structure shall be used or occupied and no excavation, removal of soil, clearing or placing of fill, shall take place on land contemplated for development and no structural alteration of a building shall be constructed except in compliance with Article III, Section 5 and the design standards contained within. Renovation or remodeling of a building, meeting or exceeding one-half (1/2) its current assessed value, not including land, shall comply with design standards outlined within this Ordinance.

SECTION 3. GENERAL SITE ARRANGEMENT

Structures shall be placed and arranged so as not to adversely affect adjacent property. Adverse effects shall include, but not be limited to the creation of hazards, nuisances, danger or inconvenience, the unreasonable loss of light and air or solar access, or unreasonable loss of privacy.

SECTION 4. GENERAL DEVELOPMENT STANDARDS

- (A) **Area, Yard, and Height Requirements.** The area, yard, and height requirements shall be the same as those established for each zoning district in Article V.
- (B) **Plans Required.** Site Plans are required before any decision can be rendered by the Project Review Committee. At least three (3) copies of all required plans, drawings, and specifications shall be filed at the time of application. These plans and specifications shall furnish the following information:
1. **Location and Easements.** The applicant shall provide a boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, waterways, date, north arrow, existing easements, reservations, and rights-of-way.
 2. **Suitability of Land for Development.** Plans shall include topographical features, streams, vegetation, soil types, flood prone areas, historic sites, and other features, as required by Section(s) 17-51, 17-53 of the Oakboro Code.
 3. **Timing of Development.** The proposed schedule of development including phases or stages likely to be followed shall be submitted with all plans.
 4. **Water and Sewer System.** Plans shall show the location of public water and sewer lines presently in existence, connections to these lines, manholes, pumping stations, fire hydrants, and other necessary features as established by the part of the Town of Oakboro Code of Ordinances entitled Chapter 10 Municipal Utilities and Services. All multi-family projects must have public water and sewer service or approved treatment facilities are required by the appropriate state or local authorities. Where a public water and/or sewer service is not reasonably available, individual water supply systems or subsurface sewage disposal systems may be permitted subject to approvals by the Stanly County Health Department and the requirements stated in Chapter 17 Article III, Section 17-56 of the Oakboro Code of Ordinances.
 5. **Stormwater Drainage System.** The locations of natural drainage systems and/or stormwater management installations are required on the plans. These features shall be designed, constructed and maintained so as to 1) provide for the natural infiltration of stormwater; 2) control the velocity of runoff flows; 3) extend the time of concentration of stormwater runoff; and 4) collect and transmit excess stormwater flows into either the Town drainage system or into a natural drainage system. The following criteria shall also be considered:
 - a. To the extent practicable, all development shall conform to the natural contours of the land, and natural and pre-existing man-made drainage ways shall remain undisturbed.
 - b. All storm drainage systems shall be designed to carry stormwater from a 10-year frequency storm.
 - c. No surface water may be channeled or directed into a sanitary sewer.
 - d. All development shall be constructed and maintained so that adjacent

properties are not unreasonably burdened with surface waters as a result of such development.

e. More specifically:

- no development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties;
- no development may be constructed or maintained so that surface waters from such development unreasonably impedes the natural flow, of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties;
- concrete curb or curb and gutter is required to adequately direct and control stormwater in all parking lots.

6. **Grading Plan and Sedimentation Control Measures.** Proposed grading plans and sedimentation control measures, as required by the Town of Oakboro Subdivision Regulations, shall be included with any petition.
7. **Streets, Curb and Gutter, Street Lights.** The proposed location and design of streets, curbs and gutters, and street lights, as required by the Town of Oakboro Subdivision Regulations, shall be included on the site plan(s).
8. **Street Access, Easements, Monuments, Property Lines.** Proposed street access, easements, monuments, and property lines, as required by the Town of Oakboro Subdivision Regulations shall be included as part of the site plan(s).
9. **Sidewalks Required.**
 - a. All development projects located in the CB and HB zoning districts shall be required to install sidewalks along the property frontage on all roads. Where curb and gutter or other improvements to the right-of-way are necessary to allow construction of the required sidewalk, the developer may construct the necessary improvements or may pay to the town an amount equivalent to the town's cost to construct the sidewalk. These funds shall be placed into a separate account of the town and shall be used exclusively for the construction of sidewalks.
 - b. Sidewalks shall be at least five (5) feet in width, designed and constructed consistent with NCDOT "Roadway Standard Drawings" and the "Standard Specifications" publications available from the NCDOT Highway Design Branch. Sidewalks shall be installed before a certificate of occupancy is issued for the adjoining lot. Where no lot adjoins the sidewalk, the sidewalk shall be required concurrent with all other on site improvements.
10. **Building Layouts.** The proposed location of all proposed structures shall be shown on the site plan(s).

11. **Parking and Loading.** Off-street parking shall be provided for all uses of land, structures and buildings as well as for any expansion of such uses or change in use in accordance with the requirements of this Ordinance.

Every building or structure used for business, trade or industry hereafter erected shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall be located, when possible, at the rear of the business. In some cases the Zoning Enforcement Officer may approve the loading space at the end or side of a business. No vehicle shall be required to back onto a right-of-way, street or public alley.

a. **Loading Space Requirements:**

- Retail operations and all first floor non-residential uses with a gross floor area of less than 5,000 square feet and all wholesale and light industrial operations with a gross floor area of less 10,000 square feet: one (1) loading berth with minimum dimensions of 12 feet by 25 feet and 14 feet overhead clearance;
- Retail operations, including restaurants and dining facilities within hotels and office buildings, with a gross floor area of 20,000 square feet or more: one (1) loading berth with minimum dimensions of 12 feet by 25 feet and 14 feet overhead clearance for every 20,000 square feet of floor area and any fraction thereof in excess of 10,000 square feet;
- Office buildings and hotels with a gross floor area of 50,000 square feet or more: one (1) loading berth with minimum dimensions of 12 feet by 25 feet and 14 feet overhead clearance for every 50,000 square feet of floor area and any fraction thereof in excess of 25,000 square feet;
- Industrial and wholesale operations with a gross floor area of 10,000 square feet or over shall provide berths no less than 12 feet by 50 feet and 14 feet overhead clearance in quantities determined by the Project Review Committee to be sufficient to allow normal loading and unloading operations of magnitude appropriate to the use.

b. **Parking Space Requirements:**

USE CLASSIFICATION	PARKING SPACE REQUIREMENT
Automobile sales and repair	One (1) space for each two (2) employees at maximum employment on a single shift plus two (2) spaces for each 300 square feet or repair or maintenance space.
Bowling Alleys	Two (2) spaces for each alley, plus one (1) additional space for each two (2) employees.
Churches	One (1) space for each four (4) seats in the main chapel.
Elementary schools and Junior High Schools, both public and private.	One (1) space for each employee.
Hospitals	One (1) space for each four (4) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.
Mortuary or Funeral Home	One (1) space for each four (4) seats in each chapel or family room, or fifty (50) spaces for each chapel or

	family room, whichever is greater.
Motels, tourist home, tourist courts, and hotels	One (1) space for each 200 square feet of gross floor area.
Medical offices and clinics	Four (4) spaces for each doctor practicing at the clinic, plus one (1) space for each employee.
Offices, professional, business, or public, including banks	One (1) space for each 200 square feet of gross floor area.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, pool rooms, theaters, stadiums, gymnasiums, community centers, amusement parks, amusement or assembly, but not containing armories, and all similar places of public assembly	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for amusement or assembly, but not containing fixed seats.
Residential dwellings	Two (2) spaces for each dwelling unit.
Restaurants	One (1) space for each three (3) seating accommodations, plus one (1) space for each two (2) employees on the shift of largest employment.
Restaurants, drive-in, or similar uses designed for curb-type service facility	Five (5) square feet of parking area for each one (1) square foot of gross floor area; provided further, however, that no facility shall have less than fifteen (15) spaces.
Retail businesses	One (1) space for each 200 square feet of gross floor area of the retail sales area and one (1) space for each 2000 square feet of warehouse space.
Rooming and boarding houses	One (1) space for each two (2) guest rooms plus one (1) additional space for the owners, if resident lives on the premises.
Sanitariums, rest or convalescent homes, homes for the aged, and similar institutions	One (1) space for each four (4) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each two (2) employees.
Senior high schools and colleges, both public and private	One (1) space for each five (5) students for whom the school was designed, plus one (1) space for each employee.
Service Stations	Two (2) spaces for each gas pump, plus three (3) spaces for each grease rack or similar facility.
Shopping centers	Two (2) square feet of parking area for each square foot of gross floor area.
Manufactured home parks	Two (2) spaces for each manufactured home space/lot.
Wholesaling and industrial	One (1) space for each two (2) employees at maximum employment on a single shift.

- c. **Methods of Providing Required Parking and Loading.** All required parking or loading spaces shall be located on the same zoning lot as the principal use(s) it serves, except as approved by the Zoning Enforcement Officer. Parking spaces shall have minimum dimensions of nine (9) feet by 18 feet. Offsite parking for a permitted use, as required by this Ordinance, can be located by itself or combined with parking for other uses, subject to certification by the Zoning Enforcement Officer that the following requirements have been met:

- the use being served by the off-site parking is a permitted principal use in the zoning district within which the lot containing such parking is located;
- the off-site parking spaces are located within a walking distance of 500 feet to a public entrance to the structure or land area containing the use for which such spaces are required;
- a safe, direct, attractive, lighted and convenient pedestrian route exists or will be provided between the off-site parking and the use being served;
- the continued availability of off-site parking spaces necessary to meet the requirements of this Article are insured by an appropriate restriction on the title to the land providing the off-site parking spaces, in the form of a declaration, covenant, or contract.

d. **Combined Parking.** Up to one-half (1/2) of the parking spaces required for one use may be used to satisfy the parking requirements for either a second use on the same zoning lot or a use for which the provisions of Section 11 (c) of this Article are utilized, subject to certification by the Zoning Enforcement Officer that such joint usage of parking complies with the following provisions:

- the peak usage of the parking facility by one use will be at night or on, Sundays (such as with theaters, assembly halls, or churches), and the peak usage of the parking facility by the second will be at other times; or
- the second use is an ancillary use to the first use, such as restaurants and meeting rooms to hotels and motels.

e. **Use of Required Parking and Loading Areas.** Parking areas shall be used for parking automobiles, motorcycles and passenger trucks only, with no sales, storage, repair work, dismantling, or service of any kind permitted.

Required loading space shall be available for the loading and unloading of vehicles, and shall not be used for the storage of vehicles or material, or to meet off-street parking requirements.

f. **Parking Lot Landscaping Requirements.** The intent of this provision is to protect and promote the public health, safety and general welfare by requiring the landscaping of parking lots. Landscaping will serve to reduce wind and air turbulence, erosion, heat and noise, the glare of automobile lights, the level of carbon dioxide, and the blighted appearance of parking areas. Landscaping will provide shade, conserve and stabilize property values, and facilitate the creation of an attractive and harmonious community.

After the effective date of this Ordinance, buffers and screening shall be required between all parking lots and abutting uses. A six (6) foot screen shall be provided between parking areas and adjacent properties which are residentially zoned and other incompatible land uses. A three (3) foot screen shall be provided between the parking area and adjacent streets. The screen shall consist of a tight evergreen hedge and shall not be less than two (2) feet in height at the time of planting.

12. **Access and Circulation.** The type and arrangement of streets and driveways within the development shall be in compliance with the Oakboro Thoroughfare Plan. Principal vehicular access points to the development shall be designed to encourage smooth traffic flow with minimum hazards to pedestrians, bicycles, and vehicular traffic. Accommodations for controlled turning movements into and out of the development and improvement of the approach street shall be provided where existing or anticipated heavy traffic flows indicate need.

To ensure safe sight distances where streets intersect and where driveways intersect streets, a minimum clear-vision area shall be provided at the corners of such intersections. No structure or planting that would impede visibility shall be established in the clear vision area. Grading of land may be required where topography impedes the required clear vision area.

13. **Public Water and Sewer Service.** Whenever public service is desired, the regulations and specifications of the Oakboro Water/Sewer Ordinance shall apply.
14. **Other Utilities.** Every principal use must have access to a source of electric power and telephone service adequate to accommodate the reasonable need of such use.

All new electric power lines (including primary and secondary distribution lines and service arterioles) telephone and cable television lines necessary to provide service to a lot or development shall be placed underground in a manner acceptable to the regulations and standards that govern the utility.

15. **Lighting Requirements.** Except for single and two-family dwellings, all streets, driveways, sidewalks, parking areas and other common areas and facilities shall be lighted where necessary to ensure the security of property and the safety of persons using such facilities. In no case shall sources cause direct light or glare upon glare upon adjacent property or constitute a hazard to motorists using public streets.
16. **Refuse Collection.** Every site upon which one (1) or more dumpsters are to be placed shall be located and constructed so as to facilitate collection and minimize any harmful effect on persons occupying the development site, neighboring properties or public rights-of-way. Those developments hereafter established that are required to provide a refuse container shall locate the container on the property it serves. The site shall be paved with concrete, asphalt or other bituminous paving and shall be located abutting a driveway of sufficient width to allow access by the town's solid waste collection equipment. Containers shall be located in an enclosed and locked area that is screened entirely from public view. All non-vegetative screening used to block public view of dumpsters and trash containment areas shall be made of materials compatible in color and type to the principal structure(s) on the property. Sites and means of access shall be approved by the Zoning Enforcement Officer.
17. **Buffers and Screening.** In order to reduce the impacts of a use of land on adjacent

incompatible uses, buffers and screening shall be required at each boundary between different zoning districts.

Within buffers, screening is required and shall consist of one (1) or a combination of the following materials, as deemed appropriate and necessary by the Project Review Committee; the width of screening required will vary depending on the type and effectiveness of screen used:

- a row of deciduous trees and/or evergreen trees which are not less than eight (8) feet high at the time of planting and are spaced no more than 30 feet apart;
- a row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form a continuous hedge at least six (6) feet in height within two (2) years of planting. The shrubs shall be not less than two (2) feet in height at the time of planting;
- lawn grass, low-growing evergreen shrubs, evergreen ground cover, vegetable or rock mulch; or
- solid decorative brick walls, wood fences, and shrubs.

Alternative methods of buffering and screening may be permitted if, upon submission of detailed plans to the Project Review Committee, the Committee finds that the alternative methods will afford a degree of buffering and screening equivalent to that provided by the above requirements.

The retention of existing vegetation shall be maximized to the extent practicable wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.

All landscaping and screening required by this section shall be maintained so as to continue its effectiveness.

18. **Outdoor Storage.** Outdoor storage areas ancillary to the principal use of the lot shall not be used for the storage of such noxious and hazardous materials including, but not limited to:

construction wastes, scrap, salvage or debris; flammable or explosive liquids or substances; substances creating noxious fumes, vapors, dust or, wastes; automobile tires, and other such materials deemed to constitute a health hazard or public nuisance. All outdoor storage may be conducted in side or rear yard areas only.

Outdoor storage areas must be maintained to prevent the spill over of stored materials on abutting land or public rights-of-way, preserve the safety of pedestrians on adjoining sidewalks, prevent fire hazards, prevent the threat of breeding places for rats and vermin, prevent the possible uses of such yards as hiding places for criminal activity, and to eliminate the attraction of materials stored within to playing children. The storage area shall be fenced with a strong, secure, visually impenetrable fence of suitable materials of a least six (6) feet in height.

Nothing in this section shall be construed as to prevent the Town of Oakboro or other appropriate agencies from removing illegal junk and scrap yards from any zoning district within its jurisdiction.

Outdoor storage shall apply to all such outdoor storage areas, whether permitted or unpermitted no later than one year from the date of adoption of this amendment, June 17, 2020. Extensions to this deadline may be granted in writing by the Zoning Enforcement Officer for cause. ¹

19. **Building Materials.** Additions and new construction in the CB – Central Business and the HB – Highway Business zoning districts shall use facing materials that are compatible in quality, color, texture, finish, and dimension to those common on commercial buildings constructed prior to 1950. Acceptable materials include, but may not be limited to: brick, stone or wood. Under limited circumstance shall metal siding, exposed concrete block, etc. be allowed and approval of the planning board is required. Circumstances include maintaining continuity of the property and/or building code requirements.
20. **Swimming Pools.** Swimming pools as defined by NC Residential Building Code, the NC State Building Code and/or the NC Administrative Code (NCAC) of the NC Department of Environment and Natural Resources (NCDENR) located on any site, including single-family residential sites, shall be:
 - a. Located in the rear yard only.
 - b. Located a minimum of ten (10) feet from side and rear property lines.
 - c. Completely enclosed by a fence or wall as governed by the applicable code, rule or law of the NC Residential Building Code, the NC State Building Code and/or the NC Administrative Code (NCAC) of the NC Department of Environment and Natural Resources (NCDENR).

SECTION 5. MANUFACTURED HOME PARK DEVELOPMENT STANDARDS

(A) Specifications.

The lot area for a manufactured home park shall be at least five (5) acres. All areas to be included in said park shall be clearly shown on site plans as required by this Ordinance.

1. There must be at least 12 manufactured home spaces available for occupancy prior to the issuance of an occupancy permit by the Zoning Enforcement Officer.
2. Each manufactured home in a home park shall occupy at minimum an 8,000 square foot space with an overall density not to exceed nineteen (19) manufactured homes per five (5) acre tract. It is expected that parks shall have access to municipal water

¹ Resolution dated 6/17/2019

and sewer services.

3. It shall be the park owner's responsibility to properly maintain the grass covered areas within the park.
4. All manufactured home park streets shall be paved to state standards to a width of at least 16 feet. These requirements are applicable only to new and/or expanding parks unless otherwise indicated, after the effective date of this Ordinance. Dead end streets are discouraged. Streets exceeding 600 feet in length shall utilize a cul-de-sac in their design.
5. An identification sign (see Article VIII, SECTION 6G) shall be required.
6. Two (2) off-street parking spaces shall be provided for each manufactured home space. Required parking spaces shall be included within the minimum square footage required for each manufactured home space. The driveway and parking spaces shall be paved.
7. Each manufactured home shall be properly tied down in accordance with the provisions of the State of North Carolina Regulations for Manufactured Homes, 1989.
8. No manufactured home or its ancillary structure shall be closer than 20 feet to another manufactured home or its ancillary structures.
9. Each park shall be supplied with public or community water and sewer.
10. All manufactured homes shall be set back at least 20 feet from side and rear lots line of the manufactured home space and at least 30 feet from the front property line of the manufactured home space.
11. An administrative fee, used to cover administrative costs, shall be paid to the Town of Oakboro prior to site plans being reviewed by the Planning Board. A survey plat of the park shall be prepared by a registered surveyor and shall be drawn to scale on a map no larger than 24" x 36" Such plans must show the area to be used for the proposed manufactured home park; the ownership and use of neighboring properties; the proposed common entrance and use of neighboring properties; the proposed common entrance and exit, driveways, walkways, and off-street parking spaces; the location of manufactured home spaces, recreation areas (if any) and service buildings; the location of sanitary conveniences including laundries, and refuse receptacles; and the proposed plan of water supply, sewage disposal and electric lighting.
12. All garbage and refuse shall be stored in suitable trash bins and covered with tight fitting covers. It shall be the park owner's responsibility to ensure service is made available to centrally located trash bins for the park.
13. For Emergency 911 purposes, each unit or space shall be appropriately numbered for ease of identification.
14. Proper animal control shall be the responsibility of each pet owner. No outside pets shall be allowed.

15. It shall be the park owner's responsibility to ensure that abandoned automobiles (defined as those having an expired license plate or no plate at all), discarded household appliances, and furnishings shall not be permitted to remain within the confines of the individual manufactured home space or that of any common area of the manufactured home park.
16. All manufactured homes abutting a state or Town maintained road shall be oriented to insure that the longest side is parallel--or as close as possible--to the front lot line.
17. No manufactured home within a park shall have direct access to any road other than the Interior road(s) serving the park.
18. Any manufactured home park, being built or expanding so as to come within 400 feet of a commercial, industrial, or residential district [as depicted in subsection (B) below] shall be provided with screening in accordance with the same.
19. Provisions shall be made by the park owner for adequate lighting at appropriate intervals.
20. There shall be established a clearly defined buffer around the park of at least 20 feet along the rear and the two (2) side lot lines and 40 feet from the public road (if there is no right-of-way) or 20 feet along the public road (if there is a right-of-way) providing access to the park entrance. This buffer area may be use for the screening or fencing required above.
21. All parks must maintain a one (1) mile interval between their closest boundaries.
22. Within 60 days after moving to a manufactured home park, skirting shall be required on all units. Should circumstances warrant, a 30 day extension may be obtained from the Zoning Enforcement Officer.
23. A recreational area, using a set aside of 400 square feet for each manufactured home space, shall be maintained for the residents of the park. Such area shall, along with walkways, be adequately lighted for safety.
24. Only Class A, B, or C units, shall be permitted within new parks and / or expansions to existing parks.
25. It shall be the duty of each manufactured home park operator to keep a register containing a record of all manufactured home owners and occupants located within the park as follows:
 - a. the names of each manufactured home occupant;
 - b. the names and addresses of the owner of each manufactured home;
 - c. the make, model year, and license number of each manufactured home and motor vehicle;
 - d. the state, territory, or county issuing the manufactured home licenses; and
 - e. the date of arrival and of departure of each manufactured home.
26. It shall be the Town Board's responsibility to issue a Special Use Permit for the

establishment of a manufactured home park.

(B) Buffers and Screens at Perimeter of Park.

1. **Intent.** To help minimize any incompatibilities between a manufactured home park and the surrounding community, buffering and screening requirements will vary according to the adjacent land use. The greater the potential is for incompatibility, the more extensive the screening and buffering requirements shall become (See definitions of buffers and screens in Article 2 Definitions). The provisions of this section shall apply to any park site within 400 feet of an incompatible use. It shall be the responsibility of the manufactured home park owner to establish and maintain any required buffer and screening.
2. **Determination of Buffer and Screen Requirements.**
 - a. Buffer and screening requirements are based on adjacent land uses. To simplify the process of assigning buffer and screening standards to particular land uses, the adjacent land uses have been grouped in the following manner:
 - i. Agriculture (AG). This group includes all bona fide farm operations.
 - ii. Single-Family Residential (SFR). This group includes single family and two (2) family (duplex) residential development.
 - iii. Multi-Family Residential (MFR). This group includes all multifamily residential uses (condominiums, townhouses, apartments, or another manufactured home park, etc.).
 - iv. Light Commercial (LC). This group includes all commercial uses which do not have outside activities associated with the use, generate low trip rates, or have the potential for nuisances to adjacent properties due to noise, light and glare or hours of operation.
 - v. Heavy Commercial (HC). This group includes all commercial uses which do have outside activities associated with the use, have high trip generation rates, or have the potential for nuisances to adjacent properties due to noise, light and glare or hours of operation
 - vi. Industrial (I). This group includes all industrial uses and other uses which require outdoor storage, have high trip generation rates, or have the potential for nuisance to adjacent properties due to noise, light and glare or typical hours of operation. The following list of specific uses identified shall have the same buffers and screens as are required for industrial uses:
 - (a) banking and financial services with drive-thru facilities;
 - (b) car washes;
 - (c) convenience stores;
 - (d) implement sales and services;
 - (e) kennels;

- (f) outdoor displays, retail;
- (g) motor vehicle repair and maintenance;
- (h) motor vehicle storage yards;
- (i) recreational vehicle parks;
- (j) recreation services, outdoor;
- (k) restaurants; and
- (l) storage and salvage yards.

- b. The following tables list the specifications for required widths of buffer areas and for screens:

BUFFER AREAS	
1	10 Feet
2	20 Feet
3	40 Feet
4	60 Feet

SCREENS	
(Minimum Plant Material per 100 Linear Feet)	
A	2 deciduous trees; 8 primary evergreen plants; 10 supplemental evergreen shrubs
B	3 deciduous trees; 10 primary evergreen plants; 12 supplemental evergreen shrubs
C	4 deciduous trees; 12 primary evergreen plants; 16 supplemental evergreen shrubs
D	5 deciduous trees; 14 primary evergreen plants; 20 supplemental evergreen shrubs

- c. To determine the type of buffer and screen needed, identify the “use group” listed in “2.a.” above, of all adjacent properties, excluding properties located across a public right-of-way. Then use the tables in “2.b.” to identify the buffer and screen type required. The number refers to the buffer required and the letter to the screen required.

Land Uses Adjoining Manufactured Home Park	
<u>Adjoining Land Use</u>	<u>Type of Screen and Buffer</u>
Agricultural	1A
Single-family Residential	3D
Light Commercial	3B
Heavy Commercial	3C
Industrial	4D
Multi-family Residential	3B

3. **Buffer Location.** Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, with the following exceptions:
- a. **Portion of Site Proposed for Development.** If only a portion of a site is proposed for development, the required buffer and/or screen may be located at the limit of the construction perimeter with approval of the Building Inspector;
 - b. **Topographic Irregularities.** Where topographic irregularities require a different location to meet the intent of this Section, the location of the buffers

and screens may be varied with approval of the Building Inspector; and

- c. **Rights-of-Way and Roads.** Buffers and / or screens shall not be located on any portion of an existing, dedicated or proposed right-of-way or a private road.

4. **Size of Plant Material.**

- a. Deciduous trees planted in buffers 30 feet in width or less may be either medium or large varieties, however, at least one-half (1/2) of the required trees shall be the large variety. Deciduous trees in buffers of greater than 30 feet in width shall be the large variety trees.
- b. All deciduous trees used for screening must be a minimum of eight (8) feet in height at installation and shall be at least two (2) inches in diameter measured six (6) inches above ground level.
- c. All primary evergreen plants shall be a minimum of six (6) feet in height at the time of planting unless combined with an approved earthen berm and shall be not less than ten (10) feet in height at maturity.
- d. All supplemental evergreen shrubs shall be a minimum of 18 inches in height at installation and shall attain a minimum height of 36 inches, three (3) years after installation.

5. **Spacing of Plant Material.**

- a. All deciduous trees shall be installed with tree trunks spaced a minimum distance of 30 feet apart and a maximum distance of 60 feet apart.
- b. All primary evergreen plants shall be distributed evenly along the length of the buffer and shall be staggered where quantities permit. Primary evergreen plants shall be installed with tree trunks spaced a minimum of seven (7) feet apart and a maximum of 15 feet from other primary evergreen plants and from any required deciduous tree.
- c. All supplemental evergreen shrubs shall be distributed evenly along the length of the buffer and shall be staggered where quantities permit.

- 6. **Maintenance.** Any fence, earthen berm or plant material used for screening shall be maintained in sound condition by the property owner. Maintenance includes replacement of any required screening materials which are damaged and or dying.

7. **Multiple Use of Buffers.**

- a. Buffers **may not** be used to satisfy minimum setback and space requirements.
- b. Buffers may be used for the installation of underground utilities, provided the location and use of the utility lines do not interfere with the required screen plantings.

- c. Prohibited uses in a buffer shall include: play fields, stables, swimming pools, tennis courts or other similar active recreation uses and storage or parking facilities.
8. **Modifications to Buffer and Screen Requirements.** Modifications or changes to the approved design of the buffer area and home permit shall be heard and decided upon by that board.

Requests for changes must exhibit at least one (1) of the following traits:

- a. **Narrow.** Unusually narrow sections of land are available for planting within the back and/or side yards because of existing permanent structures, existing paving or natural features such as rock outcroppings.
- b. **Steep Slopes.** Slopes in excess of 2:1 exist in locations where a buffer is required;
- c. **Public Safety.** Specialized land uses such as public utilities, airports, etc. exist where strict adherence to the screening standards would significantly interfere with the function of that use and would create a public safety problem;
- d. **Public Agency.** Lot size reduction due to public action; or
- e. **Platting or Deeding.** Difficulties have arisen from a plat or deed which was recorded prior to the adoption of this Ordinance.

SECTION 6. CLUSTER RESIDENTIAL DEVELOPMENTS

- (A) **Purpose.** The Cluster Development provisions provide an alternative to standard residential development practices. This land development technique involves siting clusters of homes on smaller lots than those permitted under conventional development regulations with the remaining “*saved*” land being retained as common open space. This permanent common open space, legally dedicated through subdivision plat recordation and deed restrictions, can be used for natural conservation and/or recreational facilities for the cluster residents’ benefit.

- 1. Variations in lot sizes are permitted.
- 2. Procedures area established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the cluster development.

(B) **Dwelling Types and Acreage.**

- 1. Single-family residential dwellings are permitted (with developmental standards) in the R-9, R-15, and R-20 districts.
- 2. Townhouses (on a minimum 2 acre tract) are permitted (with developmental standards) in R-9.
- 3. Single-family detached cluster developments shall consist of at least a five (5) acre tract, except that cluster developments that are found by the Town Board to be a

logical extension of an existing or approved, cluster development may contain a smaller acreage.

4. The final size of each lot within the cluster development shall reside with the developer.
- (C) **Maximum Number of Lots.** To determine the maximum number of lots, subtract 18% (the approximate amount needed for road right-of-way) from the gross area of the tract scheduled for development; divide the result by the minimum lot size within the district. Multiply that figure by 1.10 {i.e., a 10% density bonus} (any resultant decimals should be rounded upward for .51 and greater but downward otherwise).
- (D) **Subdivision Approval Required.** No cluster development may be constructed except in accordance with a Preliminary and then Final Subdivision Plat approved by the Town Board, after review and comment by the Planning Board.
- (E) **Modification Yard and Lot Requirements.** Such modifications or reductions (in the same proportion of the average lot size reduction) are permitted so long as they are indicated on the preliminary subdivision plat, however, the particular yard (normally the rear or side) abutting the boundary of the entire cluster development shall not be less than the corresponding minimum yard requirement for that particular district.
- (F) **Common Space.**
1. **Open Space Standards.** At the discretion of the developer; a cluster may utilize a variety of lot sizes not in conflict with Subsection (C) above, and provided further that the common area shall be designated as a park or open space. Such park or open space shall be held in non-profit corporate ownership by the owners of the lots within the development.
 2. **Minimum Amount.** Each, cluster development shall allocate at least 40% of the gross area for open space. No more than 25% of a lake or pond or greenway can be used as a component of the 40% requirement.
 3. **Open Space Provisions.** In consideration of the purposes served by a cluster development, the title to such areas as provided shall be preserved for the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purposes. Improvements clearly incidental to the purpose of these provisions may be made within the open space provided that the maximum coverage of such improvements shall not exceed 20% of the land portion of the open space.
 4. **Preservation of Trees.** Except in active recreation areas, existing healthy trees over 12 inches in diameter shall be preserved. The use of temporary fencing to protect such trees shall be employed during site development.
 5. **Access to Open Space.** All lots created within the development shall have direct access to all parks or open space as provided by means of public streets, dedicated

walkways, facts of physical contiguity, other public land, or lands in common ownership by all residents.

6. **Grouping of Cluster Lots.** Cluster lots may be located in one or more contiguous groupings; provided, however, that no more than 20 lots may be in a single contiguous group without a minimum 50 foot separation, which may be a publicly dedicated street right-of-way.

When the open space is to be dedicated to a homeowners' association or other such non-profit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association of non-profit organizations. This declaration (a copy of which shall be retained by the Town Clerk) shall be submitted with the preliminary plat approval and shall include but not be limited to the following:

- a. The homeowners' association or the non-profit organization shall be established before any lots are sold;
- b. Membership shall be mandatory for each lot buyer and any successive buyer;
- c. The association shall provide for liability insurance, any taxes, and maintenance of all grounds and facilities; and
- d. Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property.

- (G) **Cluster Development Site Plan Standards.** Because of the effort to promote single-family and townhouse cluster developments over traditional subdivisions, it was agreed that there should be no differences in the granting of a permit or in the subdivision review process. Yet at the same time, the newness of the concept indicated there were some features that should be specifically addressed.

The site plan, at no greater than 1"= 20" scale, shall show the following information:

1. Location, arrangement, dimensions for the required two (2) exterior parking spaces for each townhouse or house;
2. Locations and dimensions of vehicular entrances, exits, and drives;
3. General drainage system;
4. Location and materials of walls and fences;
5. Ground cover, topography, slopes, banks, and ditches;
6. The locations and general exterior dimensions of the various residences;
7. The locations, dimensions, and arrangement of areas to be devoted to planting, lawns, trees, and other plants;
8. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone (underground), and electric service (underground) - all utilities will be constructed to town standards;
9. An analysis of anticipated traffic volume;
10. Sedimentation and erosion control plan;

11. Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer, if required, will coordinate planning for the development with this agency;
12. Plans for refuse disposal equipment and method of refuse disposal such as compactors and dumpsters, if pertinent;
13. Delineation of areas to be constructed in phases and sequential order;
14. Sidewalks (with a six-foot buffer separating them from the road surface) on both sides of the street at a width of five (5) feet, linking development; depending upon developmental factors, these requirements for townhouses may be waived;
15. Plans for rolled curbs throughout the development; depending upon developmental factors, these requirements for townhouses may be waived; and
16. Any other reasonable conditions felt necessary by the Planning Board or the Town Board.

SECTION 7. MULTI-FAMILY DWELLINGS - APARTMENTS

- (A) **Density.** An 8,000 square foot lot shall be provided for the first dwelling unit; an additional 4,000 square feet of land shall be provided for the second and 3,000 square feet for each subsequent dwelling unit in the same building. The overall density of development shall not exceed 12 units per acre where public water and sewer is available. When public sewer is not available, the Stanly County Health Department may require a lower density.
- (B) **Mean Lot Width.** An 80 foot minimum mean lot width is required for the first dwelling unit with an additional 20 feet required for each unit on the ground floor in excess of one (1).
- (C) **Building Setback Lines.** All principal buildings shall have a minimum front yard setback of 40 feet; side and rear yard setbacks shall be a minimum of 30 feet.
- (D) **Control of Potential Nuisance Uses.** Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas, and sporting facilities shall not be placed within 50 feet of adjacent land uses or anticipated to be used as single-family residential areas.
- (E) **Internal Relationships.** Structures, uses, and facilities shall be grouped in a safe, efficient, convenient; and harmonious relationship in order to preserve desirable natural features and minimize disturbances of the natural topography.
- (F) **Interior Circulation System.** Streets, drives, parking, and service areas shall provide safe and, convenient access to dwelling units. Specifically, streets should be laid out in a manner which does not encourage outside traffic to traverse the development on minor streets.
- (G) **Vehicular Access to Public Roads.** When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.

- (H) **Signs.** Signage shall comply with the, requirements specified in Article VIII.
- (I) **Recreation Facilities.** Family-oriented multi-family projects shall provide an open-space suitable for recreation based on the number of bedrooms as established in the following table:

Number of Bedrooms Per Apartment	Minimum Space / Bedroom (Sq. Ft.)
1 - Bedroom Apartment	0
2 - Bedroom Apartment	25
3 - Bedroom Apartment	50
4 - Bedroom Apartment	100

These recreational areas shall be reasonably located to assure safe and convenient access. These areas shall not be less than 30 feet by 30 feet in area *and shall not be sited in the front yard setback area.*

- (J) **Parking.** Automobile parking spaces [a minimum of two (2) per unit] and drives shall not be located closer than ten (10) feet to the front, side or rear of any building.
- (K) **Building Relationships.** One (1) building wall that has both window and door openings shall be located no closer than 50 feet to another building. One (1) building wall that has only window openings or only door openings shall be located no closer than 25 feet to another building.
- (L) **Courtyard.** Any group of buildings forming a courtyard shall have at least 25% of the perimeter of such courtyard open for access by emergency vehicles.
- (M) **Streets (Interior).** Streets shall be public and shall be paved and built to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways.
- (N) **Calculation for Determining the Average Lot Size in an R-9 Cluster Subdivision, given a minimum open space percentage.**

- a. For the sake of the exercise, assume a 7 acre minimum tract size:

$$\begin{array}{l}
 43,560 \text{ sq. ft. / acre} \times 7 \text{ acres} = 304,920 \text{ sq. ft} = \text{Tract Size (TS)} \\
 \text{Road Right-of-way (R-O-W)} \quad \frac{.82 \text{ assumes } 18\% \text{ for R-O-W}}{250,034 \text{ sq. ft}}
 \end{array}$$

- b. $250,034 / 9,000 = 27$ DUs with 7,034 sq. ft of open-space (OS)
- c. $27 \text{ DUs} \times 1.10$ (density bonus factor) = 29.7 = 30 (rounded off)
- d. Required 40% minimum OS requirement; $40\% \times 304,920 = 121,968$ sq. ft. of open space (OS).

The above computations are designed solely to depict the number of units that could

be built (27), increased by the density bonus of 3 (to equal $27 + 3 = 30$) and the total open space.

Tract size	=	304,920 sq. ft.
Open space	=	<u>(-)121,968</u>
Buildable Area (BA)	=	182,952 sq. ft.
Right-of-Way = 18%BA	=	<u>32,931</u>
Housing Site (HS)	=	150,021 sq. ft. / 30 units = 5,000 sq. ft. / unit

SECTION 8. ELECTRONIC GAMING ESTABLISHMENTS

The following specific provisions shall be met as minimum standards prior to the approval of any business engaging in electronic gaming as a special use in the Central Business (CB), Highway Business (HB), or Industrial (I) zoning districts.

- (A) **Days/Hours of Operation.** Electronic Gaming Establishments shall be closed from 11:00 p.m. until 7:00 a.m., Monday through Thursday, and shall close at 12:00 midnight on Fridays and Saturdays. On Sundays, Electronic Gaming Establishments may be open between the hours of 1:00 p.m. and 11:00 p.m.
- (B) **Maximum Number.** The maximum number of machines/terminals/computers in use by an electronic gaming establishment is eight (8).
- (C) **Minimum Paved Parking Spaces.**
 - (1) One (1) space per every two (2) terminals or one (1) space per every 100 square feet of total floor area, whichever is greater.
 - (2) One (1) handicapped space per every 25 or fewer spaces.
 - (3) One (1) in every eight (8) accessible spaces, but not less than one (1) shall be served by an access aisle 96 inches wide minimum and shall be designated "Van Accessible".
 - (4) One (1) additional parking space shall be required per each employee.
- (D) **Permits and Licenses Required.** All applicable permits shall be issued to the applicant prior to the issuance of a business license. If food or beverages are served, the establishment shall meet the requirements of the Stanly County Health Department, including any and all necessary permits and/or licenses.
- (E) **Spacing.** The electronic gaming establishment shall be a minimum of 500 feet from any residence or dwelling unit, 1000 feet from other electronic gaming establishments or any adult or sexually oriented business, and 1000 feet from houses of worship, daycare centers, libraries, public parks, recreation areas, or motion picture establishments where "G" or "PG" rated movies are shown to the general public on a regular basis.

- (F) **Certificate and Straight Line Drawing Required.** A current certificate and straight line drawing prepared within 30 days prior to application by a registered land surveyor depicting the property lines and structures containing any existing electronic gaming establishments within 1,000 feet of the property to be certified, and the property lines of any established religious institution/synagogue, school, daycare center, library, public recreation or motion picture establishment where “G” or “PG” rated movies are shown to the general public on a regular basis that is within 1,000 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is existing at the time an application is submitted. Measurement of the distance shall be in a straight line from the closest point of the parcel at which the electronic gaming establishment is located.

SECTION 9. TATTOOING AND OR BODY PIERCING ROOMS

Purpose. The limiting of a cluster of similar land uses that tend to be incompatible with other businesses and other nonbusiness uses surrounding the area.

1. Tattooing and or body piercing rooms shall be no closer than 100’ from any church, school, daycare, residential use.
2. Tattooing and or body piercing rooms shall be limited on hours of operation to 8am till 11pm daily.
3. Tattooing and or body piercing rooms and tattooing and body piercing activity shall not be visible from the exterior arear of the building and or the public right-of-way.
4. For the purpose of this Ordinance, the term “tattoo” and “body piercing” shall be the definitions, activities and laws described in North Carolina General Statutes Sec. 160A-283 and Sec. 14-400 and all laws followed at all times. ²

² Resolution dated 3/16/2015

ARTICLE VIII

SIGN REGULATIONS

SECTION 1. PURPOSE

The purpose of this Article is to (1) encourage and permit such signs as will by reason, size, location, construction, or manner of display, promote the public health, safety, welfare; (2) be compatible with and supportive of the requirements for traffic safety; (3) be consistent with the visual quality and the historic and scenic character of Oakboro by regulating signs in such a way as to support and complement the above stated purposes and other legitimate objectives as set forth in the Zoning Ordinance

SECTION 2. APPLICABILITY

This article shall apply to all signs located within the corporate limits and zoning jurisdiction of the Town of Oakboro.

SECTION 3. SIGNS PROHIBITED IN ALL ZONING DISTRICTS

- Any sign not included under the types of signs specifically permitted in a zoning district;
- any wind activated sign except as permitted under the provision of this article;
- any portable sign except as permitted under the provisions of this article;
- any sign which displays flashing, blinking, or intermittent light or light of changing intensity except as permitted under the provisions of this article;
- any sign which moves or has parts or sections which move;
- any sign which obstructs or blocks the clear vision area, as defined by Article VI, Section 6;
- any roof sign;
- any bench sign;
- any off premises sign which advertises or publicizes a product, service, or event not available or not occurring on the premises or lot upon which the sign is located;
- any sign painted upon the pavement of any public street or right-of-way except traffic control signs provided by governmental agencies;
- any sign which imitates in any way or appears similar to official traffic control signs or devices;
- any sign placed in a public right-of-way except those placed by a governmental agency;
- any temporary sign except as provided by this Article;
- any sign, light, or floodlight erected or maintained in such a manner as to cast direct light onto a public street or right-of-way or adjacent properties;
- any sign which obstructs or blocks another permitted sign;
- any sign, containing obscene or offensive words, pictures, or symbols; and
- any sign which does not comply with the provisions of the law of the state of North Carolina.

SECTION 4. SIGNS PERMITTED IN ALL ZONING DISTRICTS

One each of the following signs shall be permitted per zoning lot in addition to other permitted signs:

- construction sign
- directory sign
- institutional sign
- integral sign
- home occupation sign
- window sign
- real estate sign
- political sign

The following signs are permitted as needed in addition to other permitted signs:

- emergency or warning signs or lights including blinking or flashing lights erected or installed by government agencies;
- flag signs;
- holiday decorations;
- no trespassing/no loitering/keep out signs;
- traffic directional signs;
- public signs; and
- special event signs, local interest signs, temporary signs and banner signs without commercial advertising displayed by religious, charitable, civic, fraternal, political and similar organizations and special event signs, temporary signs and banner signs advertising special sales and events of commercial establishments may be displayed following issuance of a temporary sign permit for up to three (3) weeks prior to a special event and seven (7) days after the conclusion of the special event. All organizations applying for a temporary sign permit must receive written permission from the property owner prior to placing signs or banners on private property. If signs are not removed within one (1) week from the conclusion of the event, the Town shall bill the organization \$25.00 for each sign the Town has to remove.
- Public buildings, churches, clubs, and lodges are permitted one (1) wall sign,

SECTION 5. SIGNS EXEMPT FROM PERMITS AND FEES

- political signs;
- construction signs;
- real estate signs;
- flag signs;
- institutional signs;
- public signs;
- public service signs;

- integral signs;
- occupant/street number signs;
- professional name plates;
- no trespassing/no loitering signs and
- emergency/warning signs

SECTION 6. GENERAL SIGN REGULATIONS

All signs must be erected and/or constructed so that no part of the sign or structure extends into or over a public right-of-way.

Two or more contiguous, but separate and distinct zoning lots or parcels shall not be considered one (1) lot or parcel for the purpose of determining sign area or setback requirements.

- (A) **Sign Area.** The sign area of a sign consisting of letters, figures, numbers, or symbols only, without a background, shall be the area of the smallest rectangle which would enclose all letters, figures, numbers, or symbols which constitute the sign.

The area of all other signs shall be the entire surface area or signboard upon which letters, numbers, figures, symbols, or copy of any sort could be placed. When a sign has more than one (1) face, all faces which could be viewed simultaneously shall be considered the sign area. Structure, bracing, or support shall not be considered part of the sign area unless such structure is part of the sign face.

- (B) **Freestanding Signs.** Freestanding signs shall be separated by a distance equal to the minimum lot width permitted in the zoning districts in which the freestanding signs are located.

Freestanding sign support structures shall be located at least one (1) foot from any public right-of-way or easement.

- (C) **Political Signs.** A political sign shall not be erected more than 60 days prior to the election to which the sign pertains and shall be removed within ten (10) days following that election.

- (D) **Institutional and Home Occupation Signs.** Institutional signs and home occupation signs shall be located only on the zoning lot occupied by the institution or home.

- (E) **Gasoline Pump and Price Signs.** Gasoline service stations are permitted gasoline pump signs, a gasoline price sign and one (1) attached sign indicating the type of services offered in addition to other permitted signs.

- (F) **Manufactured Home Park Sign.** One (1) manufactured home park sign is permitted per major entrance to a manufactured home park. The area of each sign shall not exceed one-half (1/2) square foot per manufactured home space or 50 square feet, whichever is less. Signs shall be set back at least ten (10) feet from the front property

line. Illumination is restricted to indirect white lighting.

SECTION 7. SIGN REGULATIONS FOR RESIDENTIAL DISTRICTS

- All signs listed in Section 5 are permitted in residential zoning districts.
- Subdivisions may have two (2) subdivision signs per entrance.
- Height, area, setback, and number of signs permitted are indicated in Section 14.

SECTION 8. SIGN REGULATIONS FOR NEIGHBORHOOD BUSINESS DISTRICTS, CENTRAL BUSINESS DISTRICTS, AND HIGHWAY BUSINESS DISTRICTS.

- All signs listed in Section 4 and 5 of this Article are permitted in all zoning districts.
- Wall signs, freestanding signs, canopy signs or projecting signs are permitted. Each business may choose two (2) signs.
- Projecting signs and canopy signs must be at least eight (8) feet from the sidewalk at their lowest point.
- Illuminated signs are permitted except as prohibited in Section 3 of this Article. In the CB zoning district, internally illuminated or backlit signage is prohibited.
- Height, area, setback, and number of signs permitted are indicated in Section 14 of this Article.
- Directional signs for industrial uses no greater than 4 (four) square feet in area are permitted.
- Temporary Flags such as Feather Flags and other similar temporary flags that are “non lighted” are allowed each weekend Friday from 5pm until Sunday and any State Holiday. Failure to remove signs during times not specifically allowed shall constitute the town to charge \$25 for each sign removed.¹

SECTION 9. REGULATIONS FOR INDUSTRIAL BUSINESS DISTRICTS

- All provisions of this Article apply to Industrial Business Districts.
- Signs for retail uses in Industrial Zoning Districts shall comply with height, area, and setback requirements of business zoning districts.
- Height area, setback and number of signs permitted are indicated in Section 14.
- Industrial direction signs are permitted.
- Illuminated signs are permitted.

SECTION 10 SIGNS PERMITTED IN SHOPPING CENTERS AND MALLS

- Shopping centers and malls are permitted one (1) freestanding sign to identify the mall or shopping center and are permitted one (1) directory sign listing only the

¹ Resolution approved 9/12/2016

names of the businesses occupying the premises. The directory sign shall be attached to the same sign structure as the permitted freestanding sign.

- Each separate business establishment within a mall or shopping center may have one (1) wall-mounted sign.
- Height, area, setback, and number of signs permitted are indicated in Section 14.

SECTION 11. BUSINESSES SET BACK 200 FEET OR MORE

A business set back from its major road frontage right-of-way line by over 200 feet may increase the permitted size of attached wall signs by ten (10) percent for each 50 feet beyond 200 feet, up to a maximum increase of 100 percent.

SECTION 12. ADMINISTRATION

- (A) **Permit Procedure.** A permit shall be issued for all signs hereafter erected, attached, installed, modified or relocated unless exempted by the provisions of Section 5.
- (B) **Application.** Application for a permit shall be made to the Zoning Enforcement Officer who shall prescribe the forms upon which applications are to be made as well as prescribing any other materials or information which may be necessary to insure compliance with this Article.
- (C) **Information Needed.** A completed permit application shall describe the location, dimension, height, type of construction and a drawing, plan, or photograph of the sign for which application is being made together with maps or other explanation as is necessary to properly and precisely describe, the sign in question. The Zoning Enforcement Officer may require additional information or description at his discretion.
- (D) **Permit Fees.** The Town of Oakboro charges a fee for each sign permit. Inspection fees will be charged for each inspection. Fee schedules are set by the Town Board and are subject to change.
- (E) **Approval.** A copy of an approved permit application, with required signatures affixed, shall constitute a zoning compliance.

SECTION 13. ENFORCEMENT

- (A) **Maintenance.** Every sign, including those specifically exempt from this Article with respect to permits and fees, shall be maintained in good structural condition at all times. The Zoning Enforcement Officer shall have the authority to cause the repair, repainting, alteration, or removal of a sign which constitutes a hazard to safety, health, or public welfare, by reason of inadequate maintenance, dilapidation, or abandonment.
- (B) **Abandoned Signs.** Except as otherwise provided in this Article, any sign that is located on property that becomes vacant and is unoccupied or unused for the conduct

of normal business for a period of 90 days or more, or any sign that pertains to a time, event, or purpose that no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended due to a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant or unused for the conduct of normal business for 180 days or more. An abandoned sign shall be removed by the owner of the sign or owner of the premises.

- (C) **Removal.** The Zoning Enforcement Officer shall cause to be removed any sign that endangers the public safety or any sign for which no permit has been issued except those listed in Section 5. The Zoning Enforcement Officer shall prepare a notice which shall state that the sign is to be removed within 30 days. The sign shall be removed at the expense of the sign owner or property owner in accordance with the provisions of this section.

All such notices mailed by the Zoning Enforcement Officer shall be sent by certified mail any time periods provided in this Section shall be deemed to commence on the date of the notice.

Notwithstanding the above, in case of emergency, the Zoning Enforcement Officer may cause the immediate removal of a sign posing imminent danger to public welfare or safety without notice and at the owner's expense.

Costs of removal or repair, court costs and attorney fees incurred by the Town of Oakboro shall be assessed against the owners of the sign or property.

Existing signs, except off-premises signs (billboards), which are made non-conforming by this article but are not abandoned or do not pose a hazard to the public may continue to be used by the present owner. At such time as the zoning lot upon which the sign is located is sold, or at such time as the business to which the sign pertains is closed or sold, any existing sign must be removed or must be made to comply to all the provisions of this Section within 180 days of such sale or business closure.

Existing off-site billboards shall be removed within five (5) years of the date of adoption of this Ordinance.

- (D) **Failure to Remove.** If a sign owner fails to remove a sign which violates the provisions of this Article within the time period allotted for removal, The Zoning Enforcement Officer shall cause the sign to be removed and all costs of such removal shall be assessed against the owner of the sign or property.
- (E) **Damaged Sign.** A non-conforming sign which sustains damage exceeding 50% of its value or sustains damage to more than 50% of the sign area may not be reconstructed unless such reconstruction will make the sign conform to all provisions of this Article.

SECTION 14. MAXIMUM SIGN AREA, NUMBER OF SIGNS PERMITTED AND SETBACKS

Zoning Districts & Permitted Uses	Max. Total Sign Area per Lot (ft.²)	Max. # of Signs per Frontage	Max. Area per Sign (ft.²)	Max. Height (ft.)	Min. Setback (ft.)
All Residential Districts	4	2 ²	2	3	1
NB	100	2 ²	50	10	10
CB	50	2 ²	25	10	10
HB	100	2 ²	50	20	20
I	100	2 ²	50	20	20
Shopping Centers	300	2 ²	200	20	20
Individual Businesses within a Shopping Center	50 ¹	1	50 ¹	N/A	N/A
Public Buildings, Churches, clubs, and lodges	20	2 ²	16	4	1
Political Signs	16	1	16	4	1
Construction & Real/Estate Signs/	32 (4 in residential districts)	1	32 (4 in residential districts)	8 (4 in residential districts)	1
Temporary Flags	100	1 per 25 feet of road frontage	25	20	5 ²
HB	150	2	100	30	5 ³

¹ Section 13 provides for an increase in maximum sign area for buildings set back from the road more than 200 feet.

² On Corner Lots, which are lots that occupy the interior angle at the intersection of two street lines with an angle more than 45 degrees and less than 135 degrees with each other, the street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front. There can be only one frontage per lot.

² Resolution approved 9/12/2016

³ Resolution approved 11/20/2017

ARTICLE IX

TELECOMMUNICATION TOWER REGULATIONS

SECTION 1. PURPOSE

The purpose of this Article is to establish a framework within which to better understand telecommunication tower sitings. To this end, it has been established that various types of towers are available, co-location is highly advantageous, and sitings on public lands offer substantial advantages. These and other aspects will be herein addressed to give the citizens of the Town of Oakboro the chance to benefit from the latest technological wave.

SECTION 2. APPLICABILITY

This Article shall apply to all telecommunication towers locating within the zoning jurisdiction of the Town of Oakboro after the effective date of passage of this Ordinance.

SECTION 3. WHERE PERMITTED

(A) Any Residential District.

1. Transmission sites may be placed on any publicly owned suitable structures. Approval for such siting shall be handled by the Zoning Administrator.
2. Transmission towers may be sited on any publicly held tract of land exceeding one (1) acre in size. A Conditional Use permit shall be required.

(B) HB and I Districts.

1. Transmission towers may be sited on any publicly or privately held tract of land exceeding one-half (1/2) acre in size. A Conditional Use permit shall be required.
2. Towers may be erected on an existing building without requiring a Conditional Use permit. The tower shall not exceed 30 feet or 30% of the height of the building, whichever is greater.

SECTION 4. TYPE TOWER PERMITTED

Within any residential district where permitted and the HB and I Districts, either a lattice tower or monopole may be permitted. The Board of Adjustment will carefully consider the advantages and disadvantages of each prior to a final decision. Any erected tower and control building should be neutral in color. Tower manufacturers shall be required to provide evidence of the self-collapsing features of any tower erected.

SECTION 5. CO-LOCATION AND HEIGHT STIPULATIONS

- After the initial tower has been sited, future expansions shall obligate the existing and/or new carriers to co-locate unless it can be clearly shown that such a requirement cannot adequately meet the projected customer needs.
- Height limitations shall not exceed 150 feet in any residential district and 199 feet in the RB and I Districts.
- When co-locating, there is no necessity for an otherwise required Conditional Use permit.

SECTION 6. SUPPLEMENTAL USE OF TOWERS

- Adequate provisions by the carrier should be made to ensure that the placement of transmitters for emergency services is made available.
- No commercial messages shall be placed on any tower.

SECTION 7. OLD TOWERS AND ADVANCED TECHNOLOGY

- Abandoned towers (those not used for a period of six (6) months or more) shall be removed by the carrier(s).
- Should technology changes render the height of the tower(s) excessive, the Zoning Administrator may require that the tower be reduced in height, replaced or removed. See Section 9 below.

SECTION 8. POWER OUTPUT

It shall be the carrier's responsibility to present evidence that the power output from the tower does not exceed federally approved levels for exposure to electromagnetic forces.

SECTION 9. PERIODIC REVIEW OF PERMITS

The permit for the construction of a tower shall be for a period not to exceed seven (7) years. At the end of each period, the tower owner(s) shall submit to the planning department designated technical and market information documenting the continued need for the tower and the lowest feasible tower height. If this tower height is 70% or less of the existing height of the tower, the owner shall be required to reduce the tower height to the lower height.

SECTION 10. SETBACKS

In any residential district and the HB and I districts, setback requirements of one (1) additional foot for each foot that the tower exceeds 75 feet shall apply.

ARTICLE X

INTERPRETATION, APPEALS & VARIANCES

SECTION 1. INTERPRETATIONS

Where there is any uncertainty as to the intent or actual meaning of any provision of this Ordinance, or as to the intended location of any zoning district boundary shown on the *Zoning Map*, the Zoning Enforcement Officer shall make an interpretation of said provision or boundary on request of any person. Any person aggrieved by such interpretation may appeal the interpretation to the Board of Adjustment in accord with the provision of this Ordinance.

In making an interpretation of any zoning district boundary, or in deciding any appeal thereof, the Zoning Enforcement Officer or Board of Adjustment shall apply the standards outlined in Article V, Section 5.

SECTION 2. APPEALS

All questions arising in connection with the enforcement of the ordinance shall be made first to the Zoning Enforcement Officer; and such questions shall be presented first to the Board of Adjustment only on appeal from a ruling of the Zoning Enforcement Officer. Any order, requirement, decision or determination made by the Zoning Enforcement Officer may be appealed to the Board of Adjustment pursuant to the procedure found in the Rules of Procedure of the Board of Adjustment, Article III.

SECTION 3. STAY OF FURTHER ACTION

An appeal to the Board of Adjustment stays all actions seeking enforcement of or compliance with, the decision being appealed, except where the Zoning Enforcement Officer certifies to the Board of Adjustment that, based on findings stated in the certificate, a stay would cause imminent peril to life or property, or that because the situation appealed from is transitory in nature, an appeal would seriously interfere with enforcement of this Ordinance.

SECTION 4. VARIANCE

Rules governing the granting of variances are as outlined in Article III, Section. 3 of this Ordinance.

SECTION 5. APPLICATION FOR APPEAL OR VARIANCE

Applications for appeal or for a variance shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall prescribe the form(s) on which applications are made,

as well as any other material which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records.

No application shall be accepted by the Zoning Enforcement Officer unless it complies with all requirements of this Ordinance. Applications which are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the application.

On receipt of a complete application the Zoning Enforcement Officer shall transmit the application to the Board of Adjustment. In the case of application for appeal, the Zoning Enforcement Officer shall also transmit to the Board all documents constituting the record on which the decision being appealed was based. All appeals to the Board of Adjustment shall be final.

SECTION 6. ACTIONS SUBSEQUENT TO DECISION

The Zoning Enforcement Officer shall cause notice of the disposition of all applications for appeals and variances to be delivered to the applicant by personal service or by registered or certified mail, return receipt requested, and shall cause a copy of the decision to be filed in the office of the Zoning Enforcement Officer. If a variance is granted, the nature of the variance and any conditions attached thereto shall be entered on the face of any necessary Zoning Permit.

SECTION 7. FEES

Fees sufficient to cover the cost of the appeal of variance process shall be charged to the petitioner at the time of application. Such fees are set by the Town Board and are subject to change from time to time.

ARTICLE XI

CHANGES AND AMENDMENTS

SECTION 1. GENERAL

The Town board may, from time to time, on its own motion or on petition, after public notice and hearing as provided by this Ordinance, amend, supplement, change, modify or repeal the zoning regulations and restrictions and zone boundaries herein or subsequently established. It shall be the responsibility of the Zoning Enforcement Officer to inform the applicant that in the case of a general rezoning amendment, the Planning Board will not consider the petition based on any specific proposal or development of the property. No such action shall be taken until the proposal has been submitted to the Planning Board for review and recommendation. If no recommendation has been received from the Planning Board within forty-five (45) days after submission of the proposal to the Chairman of the Planning Board, the Town Board may proceed as though a favorable report had been received.

SECTION 2. GENERAL DISTRICT REZONING

All petitions for general use rezoning of any parcel or tract within the town limits and zoning jurisdiction of Oakboro by any person or group other than the Town Board shall be filed with the Zoning Enforcement Officer 20 days prior to the Planning Board meeting at which the petition is to be considered. Such petition shall include:

- the current zoning classification of the tract(s);
- the requested zoning classification of the tract(s);
- the current zoning classification of all contiguous parcels of land;
- the name(s) of the property owner(s) of all contiguous tracts;
- the name(s) of the property owner(s) of the tract(s) to be rezoned;
- the location of the tract(s) to be rezoned; and
- a map showing the tract(s) to be rezoned and all contiguous tracts and streets.

The Town Board may rezone any parcel or tract of land from one use district to any other use district as described within this Ordinance after declaring its intent to do so and following all regulations regarding public notice and hearing.

SECTION 3. PUBLIC NOTICE AND HEARING REQUIRED

Should the Town Board decide to accept the petition for a text or map amendment to this Ordinance, a public hearing shall be held by the Town Board; the Planning board may sit jointly with the Town Board at this hearing. A notice of such public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Stanly County. Such notice shall be published the first time not less than ten (10) nor more than 25 days before the date fixed for the hearing. In computing such period, the day of the

hearing shall be included.

When considering a petition for rezoning to a general zoning classification, the Town Board will not evaluate a petition based on any specific proposal for the use or development of the property. The petitioner will refrain from using any graphic materials or descriptions of the proposed development except for those which would apply to any use permitted by the requested classification.

Whenever there is a Zoning Map amendment, the owner of that parcel of land and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the public hearing on the proposed amendment by first class mail. The notice shall be mailed at least ten (10) but not more than 25 days prior to the date of the public hearing. The person mailing such notices shall specify such.

The above first class mail notice shall not be required if the Zoning Map amendment directly affects more than 50 different property owners. In this instance, the Town may elect to either make the mailed notice provided for above or may as an alternative, elect to publish once a week for four (4) successive calendar weeks in a newspaper having general circulation in the area, an advertisement of the public hearing that shows the boundaries of the area affected by the proposed Zoning Map amendment and explains the nature of the proposed change. The final two (2) advertisements shall comply with and be deemed to satisfy the provisions of G.S. 160A-364.

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

SECTION 4. APPLICATION SUBMITTED; ADVERTISING REQUIRED

Every proposed amendment or repeal to this Ordinance shall be referred to the Planning Board for its recommendation and report. Such proposals shall be submitted on application forms to be secured from the Zoning Enforcement Officer (see Appendix II for examples).

SECTION 5. DECISION

The Town Board shall make a decision on the proposed amendment within 60 days after the public hearing.

Only two (2) petitions for rezoning of any parcel or tract will be heard by the Town Board within a 12 month period. Such time period shall begin on the date the first petition is heard by the Planning Board.

SECTION 6. CITIZEN COMMENTS

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this zoning ordinance to the Town Clerk at least two business days prior to the proposed Board of Commissioner's vote on such change, the clerk shall deliver such written statement to the Board. If the proposed change is the subject of a quasi-judicial proceeding such as a variance or appeal of a staff decision to the Board of Adjustment, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provisions of such names and addresses to all members of the Board shall not disqualify any member of the Board from voting.¹

SECTION 7. FEES

An application fee shall be filed with the Town Clerk at the time of application for any zoning change or amendment to the Zoning Ordinance. Such fees are set by the Town Board to cover the cost of processing and advertising. These fees are subject to change from time to time.

¹ Resolution dated 6/17/2019

APPENDIX I

TABLE OF PERMITTED USES												
	RA	R20	R15	R9	R9-M ¹	NB	CB	HB	I	SE(F)	FP	SO ²
Adult Day Care Center	C							C				DS
Adult Day Care Home	C	C	C									DS
Adult Entertainment										SD		DS
Agriculture*	P								P		P	DS
Agriculture Equipment Sales	P							P	P			DS
Agriculture Supplies (excluding equipment)	P						P	P	P			DS
Alcoholic Beverage, Package, Retail Sales						P	P	P	S			DS
Animal Hospital / Veterinarian	C							P	C			DS
Antique Shops	C					P	P	P	S			DS
Art Galleries						P	P	P	S			DS
Art Schools						P	P	P	S			DS
Arts and Crafts Shops	C					P	P	P	S			DS
Auto Parking; Lots and Related Structures							P	P	P			DS
Automobile Parts and Accessories Mfg.									P			DS
Automobile Parts and Supply Stores						P	P	P	P			DS
Automobile Repair, Including Painting, Upholstery, and Body Work							C	P	P			DS
Automobile Sales						C	P	P	S			DS
Automobile Washing							P	P	S			DS
Bakeries, Retail						P	P	P	S			DS
Bakeries, Wholesale								P	P			DS
Barber and Beauty Colleges						P	P	P	S			DS
Barber and Beauty Shops	C					P	P	P	P			DS
Bed and Breakfast Establishment	C	C	C	P	P							DS
Billiard Halls								P	S			DS
Boat and Trailer Manufacturer												DS
Boat and Trailer Sales								P	P			DS
Book and Magazine Stores						P	P	P	S			DS
Bowling Alleys								P	S			DS

* Except poultry, fowl, and hog operations

** Townhouses permitted
(See Article VII, Section 6)

P=Permitted Uses
T=Temporary Uses
C=Conditional Uses

S=Special Use Permit
SD(CD)=Special (Conditional) Use With Develop. Stds.
DS= Development Standards

¹ Resolution dated 10/4/2016

² Resolution dated 6/6/2014

TABLE OF PERMITTED USES												
	RA	R20	R15	R9	R9-M ³	NB	CB	HB	I	SE(F)	FP	SO
Bldg Material and Specialties Mfg.									P			DS
Bldg. Materials Storage and Sales Yards								P	P			DS
Building Supply Outlet								P	P			DS
Bus Stations								P				DS
Business Colleges							P	P				DS
Business Machines & Bus. Mach. Parts Mfg.									P			DS
Camera Supply Stores						P	P	P	S			DS
Cemeteries	C	C	C	C	C							DS
Child Day Care A	C	C	C									DS
Child Day Care B	C	C	C									DS
Child Care Center								P				DS
Clothing and Fabric Stores						P	P	P	P			DS
Congregate Care Facility	C			C	C							DS
Consignment Stores						P	P	P	P			DS
Contractor's Offices						P	P	P	P			DS
Customary Accessory Uses	P	P	P	P	P	P	P	P	P			DS
Customary Home Occupations	P	P	P	P	P	P	P					DS
Dairy Products Distributing Facilities						C	C	C	P			DS
Department Stores							P	P	S			DS
Drug Stores						P	P	P	S			DS
Dry Cleaning and Laundry Pick-up Stations						P	P	P	S			DS
Dry Cleaning and Laundry Plants								P	P			DS
Dwelling Duplex	C			C	C				CD			DS
Dwelling, Multi-family**					CD ⁴		S		CD			DS
Dwelling, Single-Family (excl. Manuf. Homes)	P	P	P	P			S		C			DS
Electrical Appliance and Electronic Equip. Mfg.									P			DS
Electronic Gaming Establishments							S	S	S			DS
Energy Production									P			DS
Family Care Home	P	P	P	P	P							DS
Financial Institutions						P	P	P	S			DS
Floral Shops						P	P	P	S			DS
Flour and Feed Mills									P			DS
Funeral Homes								P	S			DS
Furniture Manufacturing									P			DS
Furniture Sales							P	P	S			DS

³ Resolution dated 10/4/2016

⁴ Resolution dated 10/4/2016

TABLE OF PERMITTED USES												
	RA	R20	R15	R9	R9-M ⁵	NB	CB	HB	I	SE(F)	FP	SO
Game Rooms							P	P	S			DS
Gift Shops						P	P	P	S			DS
Greenhouses	P							P	P			DS
Grocery Stores	C					P	P	P	P			DS
Hardware Manufacturer									P			DS
Hardware Stores						P	P	P	S			DS
Hatcheries	P								P			DS
Heating and Refrigeration Shops								P	P			
Hobby Shops						P	P	P	S			DS
Horticultural Nurseries	P								P			DS
Housewares Manufacturer									P			DS
Ice and Cold Storage Facilities								P	P			DS
Indoor Theaters						P	P	S	S			DS
Industrial Supplies and Equip. Sales and Service							S	P	P			DS
Industrial Trade Schools							C	C	P			DS
Iron and Steel Foundries									P			DS
Jewelry Manufacturing							C	C	P			DS
Jewelry Sales and Repair						P	P	P	S			DS
Laundromats						P	P	P	S			DS
Libraries	C	C	C	P	P	P	P	P	P			DS
Lumber Mills									P			DS
Machine and Welding Shops								P	P			DS
Manufactured Home Park (A, B or C)	SD											DS
Manufactured Homes on Individual Lots (A or B)	C ⁶	T	T	T	T	T	T	T	T			DS
Manufactured Homes Manufacturing									P			DS
Manufactured Home Sales								P	S			DS
Medical / Dental Clinics						P	P	P	S			DS
Medical / Dental Laboratories								S	P			DS
Metal fabricating								P	P			DS
Mini-warehouses								P	P			DS
Monument Works and Sales								P	P			DS
Motels/Hotels								P				DS
Motorcycle and Power Equip. Sales and Service							P	P	S			DS
Museums							P	P				DS
Music and Dance Studios						P	P	P	S			DS
Music Store						P	P	P	S			DS

⁵ Resolution dated 10/4/2016

⁶ Resolution approved 3/19/2018

TABLE OF PERMITTED USES

	RA	R20	R15	R9	R9-M ⁷	NB	CB	HB	I	SE(F)	FP	SO
Music Instruments and Manufacturing									P			DS
Nursing Care Institution	P	P	C									DS
Office Equipment Sales and Service						P	P	P	S			DS
Office Supply Stores						P	P	P	S			DS
Optical Goods							P	P	S			DS
Outdoor Rec. & Entertainment (private)	C							P	S			DS
Outdoor Sales of Plants, Fruits and Veg.	C					P	P	P	P			DS
Pallet Manufacturing									P			DS
Paper Products Manufacturing									P			DS
Pet Shops						P	P	P	S			DS
Photography Studios						P	P	P	S			DS
Places of Worship	C	C	C	C	C	P	P	P	P			DS
Plastic Products Manufacturing						P	P	P	P			DS
Plumbing and Heating Supply						P	P	P	P			DS
Precision Instruments Manufacturing									P			DS
Print Shops						P	P	P	S			DS
Private Clubs and Lodges (for profit)	C						C	P	S			DS
Private Clubs and Lodges (not for profit)	C					P	P	P	P			DS
Private Schools (grades K-12)	C	C	C	C	C	P	P	P	S			DS
Professional Offices						P	P	P	P			DS
Public Buildings and Facilities	C	C	C	C	C	P	P	P	P			DS
Public Works, Public Utility Service and Storage	C						C	P	P			DS
Radio and T.V. Repair Shop						P	P	P	S			DS
Radio Stations								P	P			DS
Recreational and Entertainment Activities ⁸	C											DS
Recycling Center ⁹									P			DS

⁷ Resolution dated 10/4/2016

⁸ Resolution dated 10/4/2016

⁹ Resolution dated 6/17/2019

TABLE OF PERMITTED USES

	RA	R20	R15	R9	R9-M ¹⁰	NB	CB	HB	I	SE(F)	FP	SO
Recycling Collection Center ¹¹						C		P				DS
Research Labs									P			DS
Restaurants	C					P	P	P	P			DS
Roofing Materials Storage and Sales								P	P			DS
Rubber and Glass Products Manufacturing									P			DS
Salvage Yards									C			DS
Schools (Special Learning)						P	P	P	S			DS
Service Stations	C					C	P	P	P			DS
Shoe Sales and Repair						P	P	P	P			DS
Shopping Centers								P				DS
Sign Painting and Fabricating								P	P			DS
Solar/Minor ¹²	P/DS	P/DS	P/DS	P/DS	P/DS	P/DS		P/DS	P/DS	P/DS	P/DS	DS
Solar/Major ¹³	DS	DS	DS	DS	P/DS	DS		DS	DS	DS	DS	DS
Sporting Goods Manufacturing									P			DS
Sporting Goods Store						P	P	P	S			DS
Tailor Shops						P	P	P	S			DS
Tanning and Exercise Salons	C					P	P	P	S			DS
Tattoo/Piercing ¹⁴							P/DS	P/DS				DS
Taxi Stands							P	P				DS
Telecommunication Tower	CD	CD	CD	CD				CD	CD			DS
Textile and Cordage Manufacturing									P			DS
Tire Recapping Shop								P	P			DS
Tobacco Sales and Warehousing								P	P			DS
Townhouses **				P	P				CD			DS
Toy Stores						P	P	P	S			DS
Trucking Terminals									P			DS
Upholstery Shops						P	P	P	S			DS
Variety Stores (Convenience)							P	P	S			DS
Warehousing and Distribution								S	P			DS
Woodworking Shops	C					P	P	P	P			DS

¹⁰ Resolution dated 10/4/2016

¹¹ Resolution dated 6/17/2019

¹² Resolution dated 6/16/2014

¹³ Resolution dated 6/16/2014

¹⁴ Resolution dated 3/16/2015