Town of Williamston Zoning Ordinance

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AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR WILLIAMSTON, NORTH CAROLINA AND THE LEGALLY ADOPTED EXTRATERRITORIAL AREA*: PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF: AND CREATING A BOARD OF ADJUSTMENT IN ACCORDANCE WITH THE STATUES OF NORTH CAROLINA GOVERNING MUNICIPAL ZONING

BE IT ORDAINED AND ENACTED BY THE TOWN COMMISSIONERS OF WILLIAMSTON, STATE OF NORTH CAROLINA, AS FOLLOWS:

SECTION ONE – PURPOSE AND AUTHORITY

1-1 Purpose

This ordinance is designed to encourage the growth of the various physical elements of the Town, to guide the future development of the Town in accordance with a comprehensive plan of land use and population density so that the town may realize its potentialities as a place to live and work. These general goals include the specific purposes set forth in the definitions of the respective districts in Section Six.

1-2 Authority

The provisions of this ordinance are adopted under the authority granted by the General Statues to North Carolina municipalities. (General Statues 160A,Article 19, part 3, Zoning)

1-3 Intent

It is the general intent of this Ordinance to:

Regulate and restrict the use of all structures, lands, and waters within Williamston; And regulate and restrict lot coverage, population density and distribution, and the location and size of all structures within Williamston; implement those community, county, watershed, or regional comprehensive plans, or their components, adopted by the community so as to:

1-3.1 Secure Safety from fire, flooding, panic, and other dangers,
1-3.2 Provide Adequate light, air, sanitation, drainage;
1-3.3 Further the Appropriate use of land, and conservation of natural resources;
1-3.4 Obtain the Wise Use, conservation, development, and protection of the Community's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resources base to support and sustain such uses;
1-3.5 Prevent Overcrowding and avoid undue population concentration and urban sprawl;
1-3.6 Stabilize and Protect the natural beauty and property values;
1-3.7 Lessen Congestion in and promote the safety and efficiency of the streets and Highways;
1-3.8 Facilitate the Adequate provision of public facilities and utilities;
1-3.9 Preserve Natural Growth and Cover and promote the natural beauty of the Community.

*Map is available from the Office of the Zoning Administrator, Town Hall, Williamston, NC

1-4 Conflicting Ordinances

All prior ordinances, or parts of ordinances, and amendments thereto conflicting with this Ordinance are hereby suspended.

1-5 Adoption and Effective Date

This Ordinance shall be effective after review and recommendation by the Planning Board, publication or posting as provided by law, public hearing, and adoption by the Board of Commissioners.

Originally adopted this 7th day of August 1978.

And as subsequently amended according to statutory and procedural authority, Amendments to the ordinance are listed and described individually in the front of this book.

Readopted this 19th day of June 2000.

_____

Mayor

ATTEST:

_____

Clerk, Town of Williamston

SECTION II – INTERPRETATION AND DEFINITIONS OF WORDS USED IN THIS ORDINANCE

2.1 Word Interpretation

For the purpose of this ordinance, certain words shall be interpreted as follows. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definitions.

2-1.1 The word "person" includes a "firm, association, organization, partnership trust, company, or corporation as well as an individual."
2-1.2 The word "may" is permissive.
2-1.3 The word "shall" is mandatory and not merely directory.
2-1.4 The words "used" or "occupies" include the words "intended, designed, and arranged to be used or occupied."
2-1.5 The word "lot" includes the words "plots, parcel, site, and premises."
2-1.6 The word "building" includes the word "structure."
2-1.7 The words "Map," "Zoning Map," and "Williamston Zoning Map" shall mean the "Official Zoning Map" for the Town of Williamston, North Carolina.
2-1.8 The word "Town" shall mean the "Town of Williamston, a municipal corporation of the State of North Carolina."
2-1.9 The words "Ordinance" and "Regulation" shall mean the "Official Zoning Ordinance for the Town of Williamston, North Carolina.
2-1.10 The words "Planning Board" shall mean the "Planning Board of the Town of Williamston, North Carolina."
2-1.11 The words "Town Board" shall mean the "Town Board of Commissioners of the Town of Williamston, North Carolina."
2-1.12 The words "Board of Adjustment" shall mean the "Board of Adjustment of the Town of Williamston,
North Carolina."

2-2 Tense and Number

2-2.1 The present tense includes the future tense, and the future tense includes the present tense.
2-2.2 The singular number includes the plural number, and the plural number includes the singular number.

2-3 Word Definitions

2-3.1 Accessory Building and Use: A use customarily incidental and subordinate to the primary use or building, and located on the same lot with such use or building, but not including open-air storage or facilities accommodating more than 4 animals of any kind. (Refer to City Code relating to animal ordinance.)

2-3.2 Administrative Officer: The person, officer, or official and his authorized representative whom the Town Board has designated as its agent for administration and enforcement of these regulations.

2-3.3 Adult Use/Sexually oriented Business: Any principal or accessory use which excludes minors by reason of age. This definition does not apply to applicable alcohol beverage laws or voluntary restrictions of the motion picture industry.

2-3.4 Alley: A secondary public thoroughfare through the middle or in the rear of a block, affording access on the rear or side of property or buildings.

2-3.5 Apartment: See Dwelling, Multi-Family.

2-3.6 Billboard: See Sign, Outdoor Advertising.

2-3.7 Boarding House: A building where, for compensation, lodging with or without meals is provided.

2-3.8 Building: Any structure which has a roof and is designed for the shelter, support , or enclosure of persons, animals, or property of any kind. See Structure.

2-3.9 Building, Height of. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

2-3.10 Building Line: See Setback Line.

2-3.11 Church, Club, or Private Lodge: An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities operated on a nonprofit basis for the primary benefit of its members.

2-3.12 Curb Cut: A lowered or cut-away curb for purposes of ingress or egress to property abutting a public street.

2-3.13 District, Zoning: A section of the Town of Williamston or its extraterritorial area within which the zoning regulations are uniform.

2-3.14 Duplex. See Dwelling, Two-Family (Duplex).

2-3.15 Dwelling, Single-Family: A detached residence designed to be occupied by one family only. This does not include mobile homes.

2-3.16 Dwelling, Two-Family (Duplex): A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each. Duplexes must be located on a single lot with frontage on a public street. Multiple Duplexes may not be placed on a single property. Multiple duplexes on a single property will be considered under multi-family development standards.

2-3.17 Dwelling, Multi-Family: A residence designed for or occupied by three or more families, with separate housing and cooking facilities for each, including apartments, hotel apartments, and group housing.

2-3.18 Dwelling Unit: A building, or portion thereof, providing complete living facilities for one family; inclusive of eating, sleeping, and bath facilities.

2-3.19 Extraterritorial Area: That land coming under the jurisdiction of this ordinance and lying beyond the corporate limits as delineated on the Official Zoning Map for the Town of Williamston, and adopted in accordance with N.C.G.S. 160A-360.

2-3.20 Family: One or more persons occupying a premise(s) and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity, or sorority house, or hotel.

2-3.21 Family Care Home: A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident handicapped persons.

2-.322 Handicapped Person: A person with temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined by N.C.G.S. 122C-3(11)b.

2-3.23 Home Occupation: An occupation for gain customarily conducted on the premises by a person or family residing therein.

2-3.24 Hotel: A commercial structure in which sleeping accommodations are provided and offered To a person or family residing therein.

2-3.25 Intensive Livestock Operations: The keeping or raising of livestock in such numbers as require waste disposal systems approved by the Division of Environmental Management.

2-3.26 Junk Yard: Use of more than 200 square feet of any property for indoor/outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking, and structural steel, materials and equipment, or for the dismantling, demolition or abandonment of automobiles and boats or other vehicles or machinery or parts thereof.

2-3.27 Kennels: A fenced in or enclosed structure or structures or facilities in which actual or intended use is to domicile more than four dogs or other domesticated animals.

2-3.28 Lot: A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

2-3.29 Lot Depth: The average distance between front and rear lot lines.

2-3.30 Lot Frontage: The distance between the two side lot lines as measured along the street right-of-way.

2-3.31 Lot of Record: A lot which is a part of a subdivision or plat which has been recorded in the Office of the Register of Deeds of Martin County, or a lot described by metes and bounds, the Description of which has been so recorded.

2-3.32 Lot Width: The distance between side lot lines measured at the front building line.

2-3.33 Mobile Home: A dwelling unit that:

a. is not constructed in accordance with the standards set forth in the North Carolina State Building Code for site-built homes and

b. is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site for its own chassis, and

c. in traveling mode is forty (40) feet or more in length and eight (8) feet or more in width.

d. bears a permanent label or seal of compliance in accordance with N.C.G.S. 143-149.

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

a. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two) 22 feet. The length (the length being the longer of the two overall dimensions) shall be at least one and three-fourths (1 ¾) times the width.

b. The pitch of the mobile home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

c. The exterior siding consists of wood, hardboard, aluminum or vinyl (that does not exceed the reflectivity of gloss white paint) comparable in composition,

appearance, and durability to the exterior siding commonly used in standard residential construction;

d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home.

e. Stairs, porches, entrance platforms and other means of entrance and exit to the home shall be installed or constructed in accordance with the standard set by the North Carolina Department of Insurance;

f. The moving hitch, wheels and axles, and transporting lights have been removed;

g. The home must be set-up on poured concrete footers supporting installations piers; and

h. The manufactured home is to be oriented on the site in such a manner that the side having the main entrance, and by design intended to be the front of the manufactured home, is generally parallel to a public street abutting the site.

Mobile Home Class B. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction and does not satisfy all of the additional criteria necessary to qualify the house as a Class A mobile home, but satisfies each of the following criteria:

a. A continuous underpinning of durable all-weather, rot-resistant material, unpierced except for ventilation and access, is installed under the home;

b. Stairs, porches, entrance platforms and other means of entrance and exit to the home shall be installed or constructed in accordance with the standard set by the North Carolina Department of Insurance; and

c. The moving hitch and transporting lights have been removed or screened from view.

Mobile Home Class C. Any mobile home that does not meet the definitional criteria of a Class A.

2.-3.34 Modular Home or Sectional Home: A factory-fabricated, transportable building designed to be used by itself or, in the case of a sectional home, to be joined with similar residential units into a modular whole, placed on a permanent foundation and used for purposes in accordance with North Carolina Building Code Volume VII Residential, 93 NEC with current NC Amendments.

2-3.35 Mobile Home Park: Any place or tract of land maintained, offered, or used for the parking of two or more mobile homes used or intended to be used for permanent living purposes.

2-3.36 Motel or Hotel: A commercial structure in which sleeping accommodations are provided or offered to transient visitors for compensation.

2-3.37 Nonconforming Use: A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance, or as a result of subsequent amendments to this ordinance.

2-3.38 Nursing Home: Inclusive of convalescent home, rest home, and elderly home, described as a health facility where persons are housed and furnished with meals and continuing nursing care for compensation, either on a part-time or full-time basis.

2-3.39 Open-Air Storage: The keeping of materials in any yard without the benefit of a roofed shelter.

2-3.40 Principal Building or Use: The principal purpose for which a lot or the main structure thereon is designed, arranged, or intended.

2-3.41 Rooming House: See Boarding House.

2-3.42 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 such as tune-ups, brake adjustments, and tire changing, and excluding body working, overhauling, and painting.

2-3.43 Setback Line: The line on the front, rear and sides of a lot, set according to zoning district regulations, which delineates the area upon which a structure may be built and maintained.

2-3.44 Shopping Center: Two or more commercial establishments planning and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size and type of shops to the trade area which the unit serves.

2-3.45 Sight Triangle: (Also sight angle.) The area of unobstructed visibility required for safe egress of driveways and street intersections. Plants, walls or other visual barriers may not exceed 36 inches in height above street level in this triangle. The area shall be derived by locating point "A" at the intersection of roadways (roadway shall include driveways in this definition), "A" shall be the point at the back of the roadway curbing; if no curbing, then the pavement edge of the roadway intersects. Then locating point "B" by measuring 50 feet along the intersection street edge of the through street and point "C" by measuring 15 feet outward from the through street along the intersecting street edge. The sight triangle shall be completed by connecting lines between these three points. The area inside the triangle is defined as the area of unobstructed visibility. See Figure S.T. 1 below:

2-3.46 Sign: Any devise designed to inform, or attract the attention of persons not on the Premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations here:

a) Signs not exceed two square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

b) Flags and insignias of any government except where displayed in connection with commercial promotion;

c) Legal notices, identification, information, or directional signs erected or required by governmental bodies;

d) Integral decorative or architectural features of buildings, except letters, trademarks, moving lights, or moving parts; and

e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

2-3.47 Sign, Principal Use: A sign which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered exclusively on the premises upon which said sign is located.

2-3.48 Sign, Outdoor Advertising: Any sign, including a standard poster panel either free standing or attached to a structure, which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises on which said sign is located.

2-3.49 Sign, Temporary: A sign permitted for a period not exceeding twelve months including for sale, for rent, construction company's name, subcontractor's names, and architects' and planners' names.

2-3.50 Street: A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.

2-3.51 Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having more or less a fixed location on or in the ground. Among other things, structures including buildings, mobile homes, walls, fences, signs, and swimming pools.

2-3.52 Tourist Home: A dwelling in which sleeping and eating accommodations are provided or offered to transient visitors for compensation. See Board House:

2-3.53 Trailer, House: See Mobile Home.

2-3.54 Trailer Park: See Mobile Home Park..

2-3.55 Variance: A relaxation of the terms of a zoning ordinance. A variance may be made where, owing to conditions peculiar to the property and not the result of the

actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. Variance(s) are granted by the Board of Adjustment to rules and regulations set forth in this ordinance.

2-3.56 Yard, Front: An open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

2-3.57 Yard, Rear. An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot.

2-3.58 Yard, Side. An open space on the same lot with a building, lying between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.

SECTION III—GENERAL PROVISIONS

3-1 Interpretations and Applications

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, deed restrictions, or other agreements between parties. Wherever the provisions of these regulations impose greater restrictions upon the use of land or buildings or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, deed restrictions, or other agreements between parties, the provisions of these regulations shall govern.

3-2 Zoning Affects all Land and Buildings

No land, building, or structure shall be used, no building or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged, or altered, except in conformity with these regulations. Bona fide farms may be allowed in the extraterritorial jurisdiction; however, Intensive Livestock Operations shall not be allowed.

3-3 Only One Principal Use Upon Any Lot

Except as herein provided, there shall be no more than one principal use upon any lot.

3-4 Reduction or Change in Lot Size

No lot shall be reduced or changed in size so that the total area; minimum frontage; front, side, or rear setbacks; lot area per dwelling unit; or other dimensions, areas, or open spaces required by these regulations are not maintained. No lot shall be reduced in size so as to produce an additional lot which is not in conformity with these regulations, unless said is combined with other land to produce a conforming lot or unless said lot is needed and accepted for public use.

3-5 Maintenance of Open Space

No yard shall be encroached upon or reduced in any manner except in conformity with these regulations. The yard for one principal building shall not be considered as a yard for any other principal building. Shrubbery, driveways, retaining walls, fences, curbs, ornamental objects, and planted buffer strips shall not be construed to be encroachments on yards. Eaves are allowed to project no more than twenty-four inches into a minimum required yard.

3-6 Street Access

A building cannot be erected on a lot which does not abut a public street, a publicly maintained street, or an alley unless said lot is held in joint ownership with another lot abutting on both said lot and said street.

3-7 Lots with Multiple Frontages

In the case of a corner lot having frontage on two or more streets, all buildings shall be set back from each such street at least a distance equal to the minimum front yard requirement for the district. If a building is constructed on a lot having frontage on two streets, a setback from each street shall be provided equal to the front yard requirement for the district in which the lot is located.

3-8 Uses Prohibited

If either a use or class of use is not specifically indicated as being permitted in a district either as a matter of right or as a special use, then such a class of use shall be prohibited in the district.

3-9 Permitted Accessory Uses and Buildings

The Zoning Administrator may grant permission for the establishment of the following uses, subject to any specified condition either set forth herein.

3-9.1 Accessory Uses and Buildings. Accessory uses and buildings permitted in any R District shall be governed by the following requirements:

a) All accessory uses and buildings are required to meet the setback requirements established for the district in which they are located, as specified in Section VI of this ordinance.

b) Accessory uses and buildings allowed by right shall consist of the following structures:
1. garage (attached)
2. playhouse
3. pumphouse
4. screened recreation area (attached)
5. tool shed
6. work shed

3-10 Location of Accessory Uses or Buildings and Corner Lots

Accessory uses and buildings shall comply with the setback requirements of the zoning district in which they occur. In the case of a corner lot, such accessory use or building shall be set back from the right-of-way of the abutting side street a distance equal to the front yard setback established for principal uses in the district.

3-11 Structures Originally Designed as Mobile Homes or Trailer Houses

No structure originally designed or intended for use as a mobile home or trailer house, no matter what its size or dimensions, shall be used for any reason other than residential purposes, unless prior approval has been first obtained from the Zoning Board of Adjustment which may attach reasonable conditions for such use other than residential use. Before approval can be granted by the Zoning Board of Adjustment, such structures shall comply with all applicable building and electrical codes.

SECTION FOUR—EXCEPTIONS AND MODIFICATIONS

4-1 Walls and Fences

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any planted buffer strip, fence, or wall. However, no planted buffer strip, fence, or wall shall exceed a height of four feet in any front or side yard unless specified elsewhere in this ordinance. Within the established sight triangle of any corner, driveway, or sidewalk, walls and fences cannot exceed 3 feet in height or otherwise obstruct sight angles for traffic safety.

4-2 Structures Excluded from Height Limitations

The height limits of these regulations shall not apply to a church spire, belfry, cupola, or dome; an ornamental tower not intended for human occupancy; a monument; a water tower; an observation tower; a transmission tower; a chimney or smokestack; a conveyor; a flag pole, a radio or television tower, mast, or aerial; a parapet wall not extended more than three feet above the roof line or the building; and necessary mechanical.

4-3 Reduced Front Yard Setback Requirement

If a proposed structure is within 100 feet of an existing conforming use structure within the same district and on the same side of the street, and the setback of said existing structure is less than the setback for the district within which it is located, then the setback of the proposed structure may be reduced to the average setback distance between the existing structure and the required setback distance.

4-4 Substandard Lots of Record

Any lot of record existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance may be used as a building site for permitted or special uses in a zoning district, provided that the lot width and lot area not more than 25 percent below the minimum specified in this ordinance; and provided further that such lot shall conform to the other dimensional requirements for the district in which it is located.

4-5 Group Projects or Planned Unit Developments

In the case where two or more buildings are to be constructed on a plot of land of at least two acres in size, not subdivided into customary streets and lots, and which will not be subdivided, the application of the terms of this ordinance may be varied by the Board of Adjustment in a manner that will be in harmony with the character of the neighborhood, provided:

4-5.1 that site plans and specifications in keeping with those required by the town's subdivision regulations be reviewed by the Williamston Planning Board for recommendations before the Board of Adjustment considers the necessary variances;

4-5.2 that such uses are limited to those permitted within the zoning district in which the project is located, and that in no case shall the Board of Adjustment authorize a use prohibited in the district in which the project is to be located:

4-5.3 that the overall intensity of land use is no higher and the standard of open space is no lower than that permitted in the district in which the project is located;

4-5.4 that if the property lies within or abuts upon a residential district and is to be used for a nonresidential purpose, there shall be a densely planted buffer strip of at least six feet in height along the rear and/or side lot lines abutting an R district or conforming residential properties. No such buffer shall extend nearer to the street right-of-way than the established building line of adjoining conforming residential lots.

SECTION V –NONCONFORMING LOTS, STRUCTURES, AND USES OF LAND OR STRUCTURES

5-1 Intent

Within the districts established by this ordinance there may exist structures and uses of land and structures which were lawful before this ordinance was passed or amended but which would be prohibited, regulated differently, or restricted under the terms of this ordinance. It is the intent of this ordinance to permit the conformities to continue until they are removed, and not to encourage their survival. It is further the intent of this ordinance that nonconformities are not to be enlarged, expended, or extended, nor used as grounds for adding other structures or uses prohibited in the same district.

5-2 Application

The regulations set forth in this Ordinance affect all land, every building, and every use of land and/or building and shall apply as follows:

5-2.1 New Uses or Construction. After the effective date of this Ordinance, all new construction shall conform with the use, area, and bulk regulations for the district in which it is to be located.

5-2.2 Conforming Uses or Structures. After the effective date of this Ordinance, land or structures, or the uses of land or structures, which from the regulations for the district in which they are located may be continued; provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which they are located.

5-2.3 Nonconforming Uses or Structures. After the effective date of this Ordinance, land or structures, or the uses of land or structures, which would be prohibited under the regulations for the district in which they are located shall be considered as nonconforming. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continued use.

5-3 Continuing the Use or Nonconforming Land

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

5-3.1 Adjoining Lots. Where two or more adjoining lots with continuous frontage are in one ownership at any time after the adoption of this ordinance, and such lots individually are less than the minimum square footage and/or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located. Setbacks, side and rear yard dimensions as described in the district in which the lot is located shall apply.

5-3.2 Extensions of Use. Nonconforming uses of land shall not hereafter be enlarged.

5-3.3 Change of Use. Any nonconforming uses of land may be changed to any conforming use; or, with the approval of the Board of Zoning Adjustment, to any use more in character with the uses permitted in the district.

5-4 Continuing the Use of Nonconforming Buildings and/or the Nonconforming Uses of Buildings

The regulations set forth below provide the conditions under which nonconforming buildings and/or nonconforming uses of buildings may be continued.

5-4.1 Extensions of Use. Nonconforming buildings and nonconforming use of buildings shall not hereafter be enlarged.

5-4.2 Change of Use. If no structural enlargements are made, any nonconforming building or use of buildings may be changed to any conforming use; or, with the approval of the Board of Zoning Adjustment, to any use more in character with uses permitted in the district. In permitting such change, the Board of Zoning Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

5-4.3 Cessation of Use. If the active operation of a nonconforming use is discontinued for a continuous period of six months, such nonconforming use shall thereafter be occupied and used only for a conforming use.

5-4.4 Repair and Alteration. Normal maintenance, repair, and incidental alteration in a building occupied by a nonconforming use is permitted, provided it does not extend the nonconforming use.

5-4.5 Damage or Destruction. If a building occupied by a nonconforming use or nonconforming building is destroyed by any means to an extent of more than 60% of its replacement cost at time of destruction, such building may not be restored for any nonconforming use.

SECTION SIX – DISTRICT REGULATIONS

District regulations limiting the use of buildings and/or land and the bulk and arrangement of buildings are set forth in this section. These regulations are hereby adopted in the following form of nineteen districts for Williamston, North Carolina and its extraterritorial zoning jurisdictional area.

(1) R-4 Residential
(2) R-8 Residential
(3) R-10 Residential
(4) R-15 Residential
(5) R-20 Residential
(6) Reserved
(7) MHO Mobile Home Overlay District
(8) AO Agriculture Overlay
(9) SHO Special Highway Overlay
(10) PRD Planned Residential Development
(11) HO Historic Overlay – Reserved
(12) O&I Office and Institutional
(13) CN Neighborhood Commercial
(14) CBD Central Business District
(15) CD Downtown Commercial
(16) CH Highway Commercial
(17) Reserved
(18) M-1 Restricted Manufacturing
(19) M-2 Mixed Manufacturing

6-0 Buffer Requirements See Section 8 of this Ordinance.

6-1 R-4 Residential District

This district is a quiet, high density neighborhood consisting of single-family dwellings in older areas of town where pre-existing small lots overwhelmingly predominate. This district is intended to be located ONLY in areas of pre-existing lots of record where municipal services are available. New R-4 Districts are not to be created after original designation except as necessary to more clearly delineate and acknowledge these long-standing high density areas.

6-1.1 Permitted Uses

The following uses shall be permitted by right:

6-1.1(a) Residential Uses — Residences, single-family (not in include trailers or mobile homes except as may be shown on the Mobil Home Overlay District on the official zoning map).

6-1.1(b) Accessory — Customary neighborhood accessory uses.

6-1.2 Special Uses

The following uses are permitted subject to the additional regulations imposed below and in Section Seven of this Ordinance.

6-1.2(a) Utility Installations Utility substations or pumping stations may be permitted when authorized by the Zoning Board of Adjustment, provided they are housed in buildings that harmonize with the character of the neighborhood and have adequate side yards, fences, and other safety devices.

6-1.2(b) Railroads Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustment, on finding that the character of the district and public safety are not impaired.

6-1.2(c) Home Occupations Home occupations may be permitted provided the existing lot size is at least 6,000 sq. ft. and provided the requirements of Section 7-3.1 can be met

6-1.2(d) Swimming Pools Swimming pools shall be protected by at least a five-foot fence and latching gates to keep children and animals from having unsupervised access.

6-1.2(e) Accessory Building Uses Accessory buildings may be permitted for any home occupation permitted in this district or for personal residential purposes on finding by the Zoning Administrator that no rental purpose is intended. Accessory buildings can consist of the following structures: fallout shelter, garage(detached), greenhouse, screened recreation area (detached), storage shed, dog pens, and swimming pools.

6-1.2(f) Public Uses Parks and playgrounds shall be allowable for pedestrian use.

6-1.2(g) Churches Churches, provided they can meet lot requirements of at least 6,000 square feet and meeting the parking requirements of Section Nine.

6-1.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and special uses in this district.

6-1.3(a) Minimum Lot Size Minimum required lot area for single-family residences shall be 4,000 square feet. Minimum lot width for single-family residences shall be 40 feet measured at the building line.

6-1.3(b) Yard Requirements — Minimum yard depth for principal structure shall be 25 feet for the front yard, 25 feet for the rear yard, and eight feet each of the two side yards. A carport may not be built closer than eight feet to the side lot line.

6-1.3(c) Building Height — Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, all buildings more than two stories in height, or 30 feet as measured from the foundation at the entrance of the building, shall be required to have an increase in the original side yard requirements by one foot for every additional foot of building height.

6-1.3(d) Accessory Buildings — Accessory buildings shall not occupy more than 10 percent of the gross lot area, and they may be built no closer than three feet to any lot line. Except for attached garages, accessory buildings must be built to the rear of the principal building.

6-1.3(e) Corner Lots — On corner lots, the side yard on the side of the lot abutting the side street shall not be less than 15 feet.

6-1.3(f) Corner Visibility — On corner lots, no obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be between three feet and ten feet above the curb level.

6-1.3(g) Off-Street Parking — Refer to the off-street parking requirements in Section Nine of this Ordinance.

6-1.3(h) Conversion Of Residences — The conversion of any residential structure in order to provide additional units will be permitted only if each dwelling unit has a minimum of 450 square feet of useable floor area with adequate sanitary facilities, and provided the lot size is sufficient to satisfy a requirement of 2,000 square feet per resultant dwelling unit or individual internal use.

6-1.3(i) Signs — Community uses may have erected one shielded, non-flashing sign that harmonizes with the character of the neighborhood and does not exceed 12 square feet in area. All other permitted or special uses may erect only one non-illuminated sign not to exceed four square feet in area.

6-2 R-8 Residential District

This district is a quiet, medium density neighborhood consisting of single-family, two-family, and multiple-family dwellings along with limited home occupations and limited private and public community uses.

6-2.1 Permitted Uses

The following uses shall be permitted by right:

6-2.1(a) Residential Uses	Residences, single-family (not to include trailers or mobile homes except as may be shown in the Mobile Home Overlay District of the official zoning map). Dwellings, two-family
6-2.1(b) Community Uses	Churches Parks Playgrounds
6-2.1(c) Accessory Uses	Customary neighborhood accessory uses.

6-2.2 Special Uses

The following uses are permitted subject to the additional regulations imposed.

6-2.2(a) Utility Installations	Utility substations or pumping stations may be permitted when authorized by the Zoning Board of Adjustment, provided they are housed in buildings that harmonize with the character of the neighborhood and have adequate side yards, fences, and other safety devices.
6-2.2(b) Railroads	Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustment, on finding that the character of the district and public safety are not impaired.
6-2.2(c) Home Occupations	Home occupations may be permitted provided they are authorized by the Board of Zoning Adjustment in accordance with Section 7-3.1 of this Ordinance.
6-2.2(d) Accessory Building Uses	Accessory buildings may be permitted for any home occupation permitted in this district or for personal residential purposes on finding by the Zoning Administrator that no rental purpose is intended. Accessory buildings can consist of the following structures: fallout shelter, garage(detached), greenhouse, screened recreation area (detached), storage shed, dog pens, and swimming pools.
6-2.2(e) Swimming Pools	Swimming pools shall be protected by at least a five-foot fence and latching gates to keep children and animals from having unsupervised access.
6-2.2(f) Signs	Community uses may have erected one shielded, non-flashing sign that harmonizes with the character of the neighborhood and does not exceed 12 square feet in area. All other permitted or special uses may erect only one non-illuminated sign not to exceed four square feet in area.

6-2.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and special uses in this district.

6-2.3(a) Minimum Lot Size	Minimum required lot area for first dwelling unit shall be 8000 square feet. Minimum lot area for each additional dwelling unit shall be 3000 square feet.
	Minimum lot width for the first dwelling unit shall be 80 feet measured at the Building line.
	Additional required lot width measured at the building line per dwelling unit in excess of one shall be 10 feet.
6-2.3(b) Yard Requirements	Minimum yard depth for principal structure shall be 25 feet for the front yard, 25 feet for the rear yard, and ten feet each for the two side yards. A carport may not be built closer than ten feet to the side lot line when attached to the dwelling. When the principal structure contains three or more dwelling units, the setbacks shall be: side yard – 25 feet; front yard-35 feet; rear yard – 25 feet; and a separation of 16 Feet between each unit.
6-2.3(c) Building Height	Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, all buildings more than two stories in height, or 30 feet as measured from the foundation at the entrance of the building, shall be required to have an increase in the original side yard requirements by one foot for every additional foot of building height.
6-2.3(d) Accessory Buildings	Accessory buildings shall not occupy more than 10 percent of the gross lot area, and they may be built no closer than three feet to any lot line. Except for attached garages, accessory buildings must be built to the rear of the principal building.
	Accessory buildings on that side of the lot abutting a street shall not project beyond The full front yard requirements of the district.
6-2.3(e) Corner Lots	On corner lots, the side yard on the side of the lot abutting the side street shall not be less than 15 feet.
6-2.3(f) Corner Visibility	No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be between three feet and ten feet above the curb level.
6-2.3(g) Off-Street Parking	See the off-street parking requirements of this Ordinance.
6-2.3(h) Conversion	The conversion of any residential structure in order to provide additional units will be permitted only if each dwelling unit has a minimum of 450 square feet of useable

Of Residences — floor area with adequate sanitary facilities, and provided the requirements of 6-2.3 can be satisfied.

6-3 R-10 – Residential District

This district is a quiet, medium density neighborhood consisting of single-family dwellings along with limited home occupations and limited private and public community uses.

6-3.1 Permitted Uses

The following uses shall be permitted by right:

6-3.1(a) Residential Uses — Single-family residences (not in include trailers or mobile homes except as may be shown in the Mobile Home Overlay District on the official zoning map).

6-3.1(b) Community Uses — Churches, Parks, Playgrounds

6-3.1(c) Accessory Uses — Customary neighborhood accessory uses.

6-3.2 Special Uses

The following uses are permitted subject to the additional regulations imposed.

6-3.2(a) Utility Installations — Utility substations or pumping stations may be permitted when authorized by the Board of Zoning Adjustment, provided they are housed in buildings that harmonize with the character of the neighborhood and have adequate side yards, fences, and other safety devices.

6-3.2(b) Railroads — Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustment, on finding that the character of the district and public safety are not impaired.

6-3.2(c) Home Occupations — Home occupations may be permitted provided they are authorized by the Board of Zoning Adjustment in accordance with Section 7-3.1 of this Ordinance.

6-3.2(d) Accessory Building Uses — Accessory buildings may be permitted for any home occupation permitted in this district or for personal residential purposes on finding by the Zoning Administrator that no rental purpose is intended. Accessory buildings can consist of the following structures: fallout shelter, garage(detached), greenhouse, screened recreation area (detached), storage shed, dog pens, and swimming pools.

6-3.2(e) Swimming Pools — Swimming pools shall be protected by at least a five-foot fence and latching gates to keep children and animals from having unsupervised access.

6-3.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and special uses in this district.

6-3.3(a) Minimum Lot Size — Minimum required lot area where public water and septic tanks are used shall be 10,000 square feet for each single-family dwelling. Any lot within any R-10 district not served by public water, and/or sewer shall comply with lot requirements of the Martin County Health Department.

Minimum lot width for the first dwelling unit shall be 80 feet measured at the building line.

6-3.3(b) Yard Requirements — Minimum yard depth for principal structure shall be 25 feet for the front yard, 25 feet for the rear yard, and ten feet each of the two side yards. A carport may not be built closer than ten feet to the side lot line when attached to the dwelling

6-3.3(c) Building Height — Except for church spires, flagpoles, antennas, chimneys, and similar accessories to structures, all buildings more than two stories in height, or 30 feet as measured from the foundation at the center of the building, shall be required to have an increase in the original side yard requirements by two foot for every additional foot of building height.

6-3.3(d) Accessory Buildings — Accessory buildings shall not occupy more than 10 percent of the gross lot area, and they may be built no closer than three feet to any lot line. Except for attached garages, accessory buildings must be built to the rear of the principal building.

Accessory buildings on that side of the lot abutting a street shall not project beyond The full front yard requirements of the district.

6-3.3(e) Corner Lots — On corner lots, the side yard on the side of the lot abutting the side street shall not be less than 15 feet.

6-3.3(f) Corner Visibility — On corner lots, no obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be between three feet and ten feet above the curb level.

6-3.3(g) Off-Street Parking — See the off-street parking requirements of this Ordinance.(Section Nine)

6-3.3(h) Signs — Community uses may have erected one shielded, non-flashing sign that harmonizes with the character of the neighborhood and does not exceed 12 square feet in area. All other permitted or special uses may erect only one non-illuminated sign not to exceed four square feet in area.

6-3.3(i) Buffer Strips And Fences — Planted buffer strips, fences, or walls must be set back from property lines and sidewalks a sufficient distance to avoid disrupting pedestrian traffic on public right-of-way. No planted buffer strip, fence, or wall shall exceed a height of four feet in any front or side yard unless specified elsewhere in this ordinance. (Refer to Section Eight.)

6-4 R-15 Residential District

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

6-4.1 Permitted Uses

The following uses shall be permitted by right:

6-4.1(a) Residential Uses
- Single-family
- Two-family residences
- Class A mobile homes only

6-4.1(b) Community Uses
- Churches
- Playgrounds, public and private
- Kindergartens or nurseries
- Recreation facilities – publicly owned
- Parks

6-4.1(c) Accessory Uses
- Customary neighborhood accessory uses

6-4.1(d) Farm Uses
- Bona fide farms and their customary accessory uses except that intensive livestock operations are not allowed.
- Seasonal produce stands for crops grown at the location.

6-4.2 Special Uses

The following uses are permitted subject to the additional regulations imposed.

6-4.2(a) Utility
- Utility substations or pumping stations may be permitted when authorized by the Board of Zoning Adjustment, provided they are housed in buildings that harmonize with the character of the neighborhood or are completely screened with vegetation and have adequate side yards, fences, and other safety devices.

6-4.2(b) Mobile Home Parks — Mobile home parks or courts may be permitted when they conform to the regulations of the mobile home park regulations of this ordinance, provided they are authorized by the Board of Zoning Adjustment. (Refer to Section 7-3.2).

6-4.2(c) Railroads — Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustment, on finding that the character of the district and public safety are not impaired.

6-4.2(d) Home Occupations — Home occupations may be permitted, provided they are authorized by the Board of Zoning Adjustment in accordance with the provisions of Section 7-3.1.

6-4.2(e) Accessory Building Uses — Accessory buildings may be permitted for any home occupation permitted in this district or for personal residential purposes on finding by the Zoning Administrator that no rental purpose is intended. Accessory buildings can consist of the following structures: garage (detached), greenhouse, screened recreation area (detached), storage shed, dog pens, and swimming pools.

Swimming pools shall be protected by at least a five-foot fence and latching gates to keep children and animals from having unsupervised access.

6-4.2(f) — Farmer's Market, exhibition hall, conference center, meeting facilities, and related uses.

6-4.2(g) Planned Residential Developments — Multi-family residential developments that would follow requirements as set forth in Section 6-10 and Section 7 of this ordinance.

6-4.2(h) — Golf courses
Clubs, private
Lodges, private

6-4.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and special uses in this district.

6-4.3(a) Minimum Lot Size — Minimum size lot required shall be 20,000 square feet with a single-minimum lot width of 80 feet. Any lot which is not served by public water and/or sewer systems shall comply with the requirements of the Martin County Health Department.

Lots served by water or sewer would be allowed a minimum lot size of 15,000 square feet, and if served by both public utilities minimum lot size

	of 12,000 square feet required.
6-4.3(b) Yard Requirements	Minimum yard depth for principal structure shall be 35 feet for the front yard, 25 feet for the rear yard, and 10 feet each for the two side yards.
6-4.3(c) Building Heights	All structures, except for church spires, flagpoles, antennas, chimneys, or similar accessories to structures more than one story in height or 30 feet from the foundation measured at the center of the structure be required to have an increase in the original side yard requirements by two feet for every additional foot of building height.
6-4.3(d) Accessory Buildings	Accessory buildings cannot occupy more than 5 percent of the gross lot area, and they may be built to a minimum of three feet from any lot line. Except for attached garages, accessory buildings must be built to the rear of the principal building. Whenever more than 5 percent of the gross lot area is occupied by an accessory building, the minimum lot line setback shall be ten feet.
6-4.3(e) Corner side Lots	On corner lots, the side yard on the side of the lot abutting the street shall not be less than 15 feet. Accessory buildings on side of the lot abutting a street shall not project beyond the full front yard requirement of the district.
6-4.3(f) Corner Visibility	No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be between three feet and ten feet above the curb level.
6-4.3(g) Off-Street Parking	See the off-street parking requirements of this ordinance (Section IX).
6-4.3(h) Conversion Of Residences	The conversion of any residential structure in order to provide one additional unit will be permitted only if each dwelling unit has a minimum 450 square feet of useable floor area and adequate sanitary facilities.
6-4.3(i) Signs	Community uses may have erected one shielded, non-flashing sign that harmonizes with the character of the neighborhood and does not exceed 12 square feet in area.
6-4.3(j) Buffer Strips and Fences	Planted buffer strips, fences, or walls must be set back from property lines and sidewalks a sufficient distance to avoid disrupting pedestrian traffic on public rights-of-way. (Refer to Section VIII.)

6-5 R-20 Residential District

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

6-5.1 Permitted Uses

The following uses shall be permitted by right:

6-5.1(a) Residential Uses	Single-family Two-family residences Class A mobile homes inside city limits, if converted to real property Class A & B mobile homes outside city limits
6-5.1(b) Community Uses	Churches Playgrounds, public and private Kindergartens or nurseries Recreation facilities – publicly owned Parks
6-5.1(c) Accessory Uses	Customary neighborhood accessory uses
6-5.1(d) Farm Uses	Bona fide farms and their customary accessory uses except that intensive livestock operations are not allowed. Seasonal produce stands for crops grown at the location.

6-5.2 Special Uses

The following uses are permitted subject to the additional regulations imposed.

6-5.2(a) Utility Installations	Utility substations or pumping stations may be permitted when authorized by the Board of Zoning Adjustment, provided they are housed in buildings that harmonize with the character of the neighborhood or are completely screened with vegetation and have adequate side yards, fences, and other safety devices.
6-5.2(b) Mobile Home Parks	Mobile home parks or courts may be permitted when they conform to the regulations of the mobile home park regulations of this ordinance, provided they are authorized by the Board of Zoning Adjustment. (Refer to Section 7-3.2).
6-5.2(c) Railroads	Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustment, on finding that the character of the district and public safety are not impaired.

6-5.2(d) Home Occupations — Home occupations may be permitted, provided they are authorized by the Board of Zoning Adjustment in accordance with the provisions of Section 7-3.1.

6-5.2(e) Accessory Building Uses — Accessory buildings may be permitted for any home occupation permitted in this district or for personal residential purposes on finding by the Zoning Administrator that no rental purpose is intended. Accessory buildings can consist of the following structures: garage (detached), greenhouse, screened recreation area (detached), storage shed, dog pens, and swimming pools.

Swimming pools shall be protected by at least a five-foot fence and latching gates to keep children and animals from having unsupervised access.

6-5.2(f) — Farmer's Market, exhibition hall, conference center, meeting facilities, and related uses.

6-5.2(g) — Neighborhood Businesses pursuant to Section 6-7. These should be clustered and planned commercial developments. See Section 6-9.2(h).

6-5.2(h) Planned Residential Developments — Multi-family residential developments that would follow requirements as set forth in Section 6-10 and Section 7 of this ordinance..

6-5.2(i) — Golf courses
Clubs, private
Lodges, private

6-5.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and special uses in this district.

6-5.3(a) Minimum Lot Size — Minimum size lot required shall be 20,000 square feet with a single-minimum lot width of 100 feet. Any lot which is not served by public water and/or sewer systems shall comply with the requirements of the Martin County Health Department.

6-5.3(b) Yard Requirements — Minimum yard depth for principal structure shall be 35 feet for the front yard, 25 feet for the rear yard, and 10 feet each for the two side yards.

6-5.3(c) Building Heights — All structures, except for church spires, flagpoles, antennas, chimneys, or similar accessories to structures more than one story in height or 30 feet from the foundation measured at the center of the structure be required to have an increase in the original side yard requirements by two feet for every additional foot of building height.

6-5.3(d) Accessory Buildings	Accessory buildings cannot occupy more than 5 percent of the gross lot area, and they may be built to a minimum of three feet from any lot line. Except for attached garages, accessory buildings must be built to the rear of the principal building. Whenever more than 5 percent of the gross lot area is occupied by an accessory building, the minimum lot line setback shall be ten feet.
6-5.3(e) Corner side Lots	On corner lots, the side yard on the side of the lot abutting the street shall not be less than 20 feet. Accessory buildings on side of the lot abutting a street shall not project beyond the full front yard requirement of the district.
6-5.3(f) Corner Visibility	No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be between three feet and ten feet above the curb level.
6-5.3(g) Off-Street Parking	See the off-street parking requirements of this ordinance (Section IX).
6-5.3(h) Conversion Of Residences	The conversion of any residential structure in order to provide one additional unit will be permitted only if each dwelling unit has a minimum 450 square feet of useable floor area and adequate sanitary facilities.
6-5.3(i) Signs	Community uses may have erected one shielded, non-flashing sign that harmonizes with the character of the neighborhood and does not exceed 12 square feet in area.
6-5.3(j) Buffer Strips and Fences	Planted buffer strips, fences, or walls must be set back from property lines and sidewalks a sufficient distance to avoid disrupting pedestrian traffic on public rights-of-way. (Refer to Section VIII.)

6-6 Reserved for future amendments or residential districts

6-7 MHO – Mobile Home Overlay District

This district is any overlay, shown on the official zoning map, which identifies areas where Double-wide or large Class A mobile homes may be allowed on individual lots as Special Uses for the purpose of urban renewal.

All proposals for placement of Class A mobile homes in these areas will be Special Use requests, subject to the provisions of the underlying district and any additional requirements placed on the project by the Zoning
Board of Adjustment.

6-8 Agricultural Overlay District (AO)

Agricultural Overlay District limits land use regulations, encourages agricultural enterprises within the district, promoting family farming and related uses.

6-8.1 Permitted Uses

(a) Row Crop farming

(b) Medium to light cattle operations (no more than 1.5 head per acre)

(c) Horse farms (ranches) and stables

(d) Light hog operations (supply for farm use and no more than 50 hogs sold per year for commercial purposes) Commercial purposes shall mean for any use other than the farm owners' personal use. Operations must be at least 500 feet from property line, which includes any public streets or roads.

(e) Other similar or normal farm related use

(f) Seasonal produce and vegetable stands provided they are located at least 50 feet from public road right-of-ways

6-8.2 Special Uses

(a) Auto, truck and equipment repair limited to 2 acres in total operation of garage facility which would include buildings, parking and outside storage. All junk, remnants, scrap, inoperable equipment and/or vehicles must be screened from neighboring properties and roadside viewing as required in Section VIII of this Ordinance.

(b) Golf courses

(c) Country clubs

(d) Outdoor recreation facilities

(e) Public swimming pool located in a public or privately maintained facility

(f) Bed and Breakfast inns

(g) Nursing care facilities, rest homes

(h) Schools

(i) Junkyard facilities provided they conform with screening requirements of Section VIII.

6-8.3 Accessory Building and Uses

(a) Barns, livestock pens and buildings, equipment sheds, workshops for use of repairing farm equipment and other related needs. These may be constructed within the Agricultural Overlay District provided they are at least 100 feet from property lines and/or public streets without securing a zoning permit and as allowed within the North Carolina Building Code.

6-8.3 Area and Bulk Regulations

(a) Properties within the Agricultural Overlay must contain a minimum of 30 acres to be considered under the overlay regulations. Properties less than 30 acres are subject to the underlying district regulations regardless of the activities thereon conducted, except those properties where is shown a significant evidence of farm related use occurring.

(b) Subdivision of property. Properties that meet the overlay requirements as to area may subdivide up to three residential parcels in one year with no more than 5 parcels within a five-year period for the purpose of providing property for residential use by immediate family members (definition of immediate family members: sons, daughters, mother, father, brother, or sister) only. Lots must be minimum one acre each in size and be serviced by a minimum 50-foot road access. No more than 5 parcels or residential sources may be served by the roadway. Service to more than 5 parcels or residential sources must be by street or road installed to and accepted by the N. C. Department of Transportation or the Town of Williamston. Any commercial subdivision or residential subdivision other than above will be subject to any and all requirements as set forth in the Williamston Subdivision Regulations of April 6, 1992, and revisions thereof.

6-9 Special Highway Overlay District (SHO)

6-9.1 Zoning Areas

These districts are located in areas adjacent or in proximity to the Special Highways (existing or proposed) listed below. Each SHO overlay shall be drawn on the Zoning Map. The regulations contained in this ordinance shall be supplemental to those found in the underlying zoning district, except as herein noted.

(a) U.S. Highway 64

Limited access four-lane divided highway under construction at the time this Ordinance is adopted.

6-9.2 Permitted Uses

Uses in the SHO district shall be limited to those permitted and conditional uses listed in the underlying general zoning district. In **no case**, however, **shall** any of the **following uses be allowed** to take place on any lot which is located in the SHO district:

(a) Manufacture of:

1. Cut stone and stone products
2. Pottery and related products
3. Plastic materials, synthetic resins and rubber, cellulose and other manmade fibers, except glass
4. Batteries
5. Electrical industrial carbon and graphic products
6. Structural clay products
7. Soaps, detergents and cleaning preparations and cosmetics
8. Tires and inner tubes
9. Asphalt paving and roofing materials
10. Primary metal products and secondary smelting processes
11. Yeast
12. Industrial organic and inorganic chemicals and agricultural chemicals
13. Pulp, paper, and paperboard mills
14. Flour, other milled grain, and feed and pet foods
15. Meat packing and poultry dressing
16. Lumber mills and sawmills and lumber/timber storage yards.

(b) Livestock feed lot and sales facilities.

(c) Contractors' storage yards.

(d) Unenclosed scrap and salvage metal storage and recycling facilities.

(e) Automobile wrecking and salvage yards.

(f) Quarries.

(g) Coal sales and storage yards.

(h) Fuel oil distribution facilities.

(i) Auction sales, indoors and outdoors.

(j) Automobile painting, upholstering, repair, reconditioning and body work.

(k) Flea markets.

(l) Mobile home sales lots.

(m) Moving and storage facilities.

(n) Mini-Warehouses.

(o) Tire recapping shops.

(p) Truck terminals.

(q) Radio, television or microwave transmission towers exceeding three hundred (300) feet in height.

(r) Sanitary landfills.

(s) Roofing repair and installation facilities.

(t) Mobile home (manufactured home) parks.

6-9.3 Minimum Lot Size

A one-acre minimum lot size is required for all uses except one and two-family residential uses. One and two-family residential uses shall observe the required minimum lot size for the underlying zoning district. If the underlying zoning district requires a greater lot size for any particular use, then the greater lot size requirement shall prevail.

6-9.4 Maximum Building Height

None for non-residential uses. Residential uses shall observe the maximum building height for the underlying zoning district. This shall have the effect of nullifying the underlying zoning district maximum height regulations for all non-residential uses in the SHO district.

6-9.5 Maximum Floor Area Ratio

Maximum floor area ratio shall be in accordance with the following table:

LOT SIZE RANGE	MAXIMUM FLOOR AREA RATIO
Less than One (1) Acre	0.15
1.0 – 1.9 Acres	0.15
2.0 – 4.9 Acres	0.20
5.0 – 9.9 Acres	0.25
10.0 – 19.9 Acres	0.30
20+ Acres	0.35

For a group development the size of the entire group development site shall be used.

6-9.6 Yard Requirements

(a) Minimum Front Yard Setback – Fifty (50) feet, but in no case shall any building be set back less than one hundred (100) feet from the right-of-way of the Special Highway.

(b) Minimum Side Yard Setback – Twenty (20) feet except one hundred (100) feet shall be required if the side yard lies adjacent to a Special Highway. If said side yard is adjacent to a right-of-way for a ramp providing access to the Special Highway, a fifty (50) foot side setback shall be required.

(c) Minimum Rear Yard Setback – Fifty (50) feet, except one hundred (100) feet shall be required if the rear yard lies adjacent to a Special Highway. If said rear yard is adjacent to a right-of-way of a ramp providing access to the Special Highway, a fifty (50) foot rear setback shall be required.

6-9.7 Usage of Yard and Setback Areas (for all uses other than one and two-family residential uses):

(a) Boundary fences, gates, security stations, flagpoles, outdoor sculptures, fountains and similar works of art and on-premise ground mounted identification signs are permitted in any required setback area which adjoins a Special Highway right-of-way.

(b) Off-street parking and/or loading areas shall not be allowed within any portion of any yard which lies within fifty (50) feet from the edge of a Special Highway right-of-way line.

(c) Outdoor storage and/or display, accessory structures and uses and the dispensing of goods and services are permitted in any side or rear yard (other than one which abuts a Special Highway right-of-way), but no such use shall be located closer to a side or rear lot line than fifty (50) feet where adjacent to such public right-of-way and twenty (20) feet in all other instances. Provided, however, the dispensing of automotive fuels and related products is allowed in front yards without screening. Any outdoor storage located on the lot shall be screened from the view of any adjoining lot or roadway and the Special Highway. Such screening may be located anywhere on the lot so long as the outdoor storage is materially screened. Such screening shall generally be in conformance with Section VIII of this Ordinance with the following exceptions:

1. the screening shall consist of natural plantings only; and

2. the screening shall be in place and shall effectively screen said outdoor storage prior to the certificate of occupancy being issued.

The Zoning Administrator may partially waive the requirements for such screening in cases where he determines that due to topography such screening would be impossible to install would be unusually and unreasonably burdensome upon the developer, or would serve no screening or buffering purpose; provided however, that in making such waiver the spirit and intent of this Section are met.

6-9.8 Signs

Each nonresidential use shall be permitted all identification signs as allowed in Section X of this Ordinance for the underlying general zoning district except as follows:

Any nonresidential use on a separate tract of land is permitted one (1) ground mounted identification sign between the principle building and the right-of-way of the Special Highway. Said sign shall be no closer than twenty-five (25) feet from the edge of right-of-way of the Special Highway and shall be limited to a height of twenty-five (25) feet and a sign face area of one hundred (100) square feet. If a street lies between the principle building and the Special Highway and that street provides the main access (i.e., street that fronts the use) to the use then said sign shall be installed in lieu of the identification sign allowed pursuant to Section X of this Ordinance. In all other cases such sign is permitted in addition to all other signs permitted pursuant to Section X of this Ordinance for the underlying general zoning district.

6-9.9 Landscaping

In order to provide for a visually appealing landscape as viewed by the motorist from the adjoining Special Highway, special landscaping requirements are required for properties which lie adjacent to such Special Highways for all uses except for single-family and two-family residential uses.

The first fifty (50) feet of the yard lying between the Special Highway and the principal structure shall be landscaped or left as natural wooded landscape. This area shall run the entire length of the lot on the side where such lot adjoins the right-of-way of the Special Highway and said area shall include all land lying between said right-of-way and a line located fifty (50) feet away from and running parallel to said right-of-way. Such landscaping shall be in the form of natural plantings (trees, shrubs, planted or naturalized ground cover and/or berm). Part or all of the required landscaped area may also be left as natural wooded areas. In no event shall any portion of the landscaping area (excluding fences, gateposts, works of art, walkways, drainage structures, etc.) consist of impervious surface. No portion of the landscaped area shall exist as bare soil. All such landscaped areas shall be installed and maintained in accordance with installation and maintenance requirements of Section VIII of this Ordinance.

On any lot which borders on and has access to any road other than a Special Highway, landscaping shall be provided along the length of the yard bordering said road as required by Subsection 8-2.1 of this Ordinance and shall be provided regardless of whether said road is a thoroughfare or other road. Landscaping shall be installed in accordance with all applicable provisions of this Section and Section VII of this Ordinance.

6-9.10 Ingress and Egress Points

Direct access onto a Special Highway shall not be permitted. In addition, no access shall be allowed onto a ramp connecting the Special Highway with an intersecting road. No two points of ingress and egress (as measured at their closest distance) on any lot shall be closer than three hundred (300) feet apart. If a lot has less than three hundred (300) feet of frontage on a road which may be directly accessed, no more than one point of ingress and egress (no more than one driveway) shall be allowed on the same road for each lot, or per principal use if the principal use is located on more than one lot. Provided however, any retail use engaged significantly in the sale of automotive fuels to the public using pump islands shall be permitted one (1) additional access point along its total frontage (total frontage includes the total for all streets on which the use fronts) provided said access point is no closer than thirty-six (36) feet from any other access point. Group projects such as shopping centers and office parks shall be deemed to be a single principal use. No more than two (2) separate points of ingress and egress per lot shall be allowed per road front except under the following conditions:

(a) The lot is five (5) acres or greater in area; and

(b) The development is reviewed under the Special Use Permit process.

Under said conditions, more than two points of ingress and egress per road front per lot may be allowed.

Wherever possible, no portion of any point of ingress and egress shall be located closer than two hundred (200) feet from the centerline intersection of any two roads. Whenever this distance is not possible due to the lot dimensions, the drive shall be located as far as possible from the intersection.

Each driveway access shall be at least twenty-four (24) feet in width but not greater than thirty-six (36) feet in width.

6-10 Planned Residential Developments

6-10.1 Planned Residential Developments

All planned residential developments (PRD's) shall be developed in accordance with the standards of this Section.

6-10.1.1 Purpose and Intent

Planned residential developments (PRD's) may consist of either single-family dwellings, duplexes, or multi-family dwellings, or a mixture of said housing types. A variety of dwelling types and physical arrangements may be permitted such as single-family detached houses, lot-line houses, village houses, twin houses, duplexes, patio houses, atrium houses, townhouses, other cluster arrangements, or other multi-family arrangements provided no dwelling unit is located over another dwelling unit. These dwelling unit types are defined in Section II of this Ordinance.

The purpose for special regulations for planned residential developments is to promote variety, innovation, and flexibility in development by allowing certain variations in lot sizes, dwelling unit types and/or design requirements the intended purpose of which is to:

(a) Permit a creative approach to the development of residential land;

(b) Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance;

(c) Provide for an efficient use of land;

(d) Enhance the appearance of neighborhoods through preservation of natural features;

(e) Provide for recreational areas and open space; and

(f) Provide an opportunity for new approaches to living environment and provide an environment of stable character compatible with surrounding residential areas.

In keeping with the stated purpose of this Section, PRD's are only allowed on a conditional use basis.

6-10.1.2 Project Requirements

The following minimum requirements shall be applicable to planned residential developments.

(a) Minimum Project Site Size. Two (2) Acres for all zoning districts.

(b) Maximum density. Density shall be calculated on the basis of gross site area (project streets, public or private, are included in gross site area) and fractions shall be rounded to the nearest whole number.

Allowed densities for PRD's for each applicable zone are as follows:

Zone	Basic Density Allowed (Units Per Acre)
R-20	7

R-15	5
R-8	4
R-10	5
O&I	6

NOTE: Subsection 6-15.1.3 provides for a schedule of density bonuses over the above listed basic maximum densities where projects meet certain requirements set forth in said subsection.

(c) Dwelling Unit Types

Allowed dwelling unit types for PRD's for each applicable zone are as follows:

	R-15	R-20	R-10	R-8	O&I
Single-Family Detached Houses	YES	YES	YES	YES	YES
Lot Line Houses	YES	YES	YES	YES	YES
Patio Houses	YES	YES	YES	YES	YES
Twin Houses	YES	YES	NO	YES	YES
Duplexes	YES	YES	NO	YES	YES
Town Houses	YES	YES	NO	YES	YES
Multi-Family And Other Developments (No Units Over Units)	YES	YES	NO	YE S	YES

(d) Public water and sewer must be provided to the site.

(e) Minimum front yard setback or setback from any dedicated street. Forty (40) feet at project boundary.

(f) Minimum side yard setback at project boundary. Twenty-five (25) feet (except on corner lots where thirty-five (35) feet shall be provided).

(g) Minimum rear yard setback at project boundary. Thirty (30) feet.

(h) Minimum lot width (as measured at required front yard setback). One hundred (100) feet. In no case shall the front lot width at the street right-of-way line be less than fifty (50) feet.

(i) Maximum building height. Thirty-five (35) feet.

(j) Minimum unobstructed open space. Fifty percent (50%). [As used in section the term "unobstructed open space" shall mean all land of the gross site area (including street rights-of-way to be dedicated), which is not covered by buildings or other structures. Off-street parking areas and drives are counted as "unobstructed open space" but are not counted as "improved common open space."]

(k) Where parking is provided by private drives for individual dwelling units, space shall be provided for parking at least two (2) cars at each dwelling unit.

Where common parking areas are used at least two parking spaces shall be provided for each one or two bedroom dwelling units and at least three parking spaces shall be provided for each three or more bedroom dwelling units. However, where dwellings are designed specifically for elderly and/or handicapped persons the minimum parking requirements shall be one and one-fourth (1.25) parking spaces per such dwelling unit.

(l) At least one ground entrance to every dwelling shall be located within one hundred (100) feet of the parking area within the development designated to serve that dwelling.

(m) Private streets within the development shall be so designed and constructed to carry vehicular traffic from public streets to parking or service areas within the development. All private streets shall meet the following requirements:

(1) Private streets must have a minimum right-of-way width of 30 feet, exclusive of parking bay areas, and have a minimum pavement width of 20 feet, measured from edge of pavement to edge of pavement. Additional widths will be required where parallel parking is to be provided.

(2) Angled parking areas directly adjoining private streets will be permitted; however, the combined length of parking areas along private streets may not exceed fifty percent (50%) of the length of the adjoining roadway. Such parking areas may be alternated from one side of the street to the other. All other angled parking areas must be clearly separated from the private street by at least a barrier island.

(3) The edge of pavement of any private street shall be no closer than twenty (20) feet to any multi-family principal building. However, private streets may be within ten (10) feet of accessory buildings.

(n) In projects where multi-family units (dwelling units where more than two units are attached) are proposed there shall be an area or areas of Improved Common Open Space. Said area or areas in combination shall be at least 10,000 square feet in area or 500 square feet in area per multi-family dwelling unit, whichever is greater. (As used in this section the term "Improved Common Open Space" shall mean land and/or water areas within the site designated for development,

exclusive of lands occupied by streets, street rights-of-way, or off-street parking, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, and which has been improved with recreational areas and amenities such as, but not limited to playgrounds, ballfields, tennis courts, nature trails, gardens, swimming pools, clubhouses, etc.)

(o) Screening shall be required at the following locations:

(1) along major thoroughfares, but the screen shall not hinder sight distance where development streets or entrances intersect with thoroughfares.

(2) along a property line or a street bounding the project where said property line or street separates multi-family housing areas within the project and existing single-family residential areas outside the project.

(3) along a property line or a street bounding the project where said property line or street separates the project from any areas zoned or used for non-residential purposes.

Such screening shall materially screen the project from the view of the adjoining property, and in the case of items (1) and (3) immediately above, the adjoining property from the view of the project. Such screening shall otherwise be in compliance with Section VIII of this Ordinance.

In cases where screening is required by this Ordinance and devices such as existing vegetation or topographical features or extreme size of the tract involved would render the installation of screening unnecessary, the City Council is hereby empowered to accept the existing features as meeting the general screening requirements. Such decision shall be based on the spirit and intent of this section. The vacancy or non-use of adjacent property shall not negate the necessity for installation of screening. If at any time after such existing features are accepted, such features are altered so as to render them inadequate as screening as described in this section to achieve the required screen, the developer shall be required to make the necessary improvements to achieve the required screen.

(p) The following additional requirements apply to multi-family projects:

(p) Multi-Family development will be allowed based on a ratio which allocates 75 percent of new housing to single-family housing and 25 percent to other types of housing. The following additional requirements apply to multi-family projects:

(1) no principal residential building side (front, rear, left, or right) shall be located closer than thirty-five (35) feet to the edge of pavement of any private street or off-street parking area within the development.

(2) Front yard set back from public street shall be minimum of 80 feet and shall not include parking or any other structure except entrance drive and one identification sign.

(3) Side and rear yards set back adjacent to property lines are minimum 100 feet.

(4) Development proposed to contain more than 20 dwelling units shall have frontage along and direct primary access on a major thoroughfare as shown on the *Thoroughfare Plan for Williamston 1995*, revised 2002.

(5) Development to contain more than 50 units shall have frontage along and two direct primary accesses on a major thoroughfare, or on one major thoroughfare and one minor thoroughfare.

(6) Off-street parking areas and all internal streets shall provide safe and convenient access for firefighting and refuse collection vehicles and other service and delivery vehicles. Parking shall be provided on the following standards:

a. 1 bedroom units	1.8 spaces per unit
b. 2 bedroom units	2.2 spaces per unit
c. 3 bedroom units	2.5 spaces per unit

(7) The arrangement of buildings shall not create long alleyways between the rears of residential buildings on the site.

(8) The front entrance to any residential building shall not directly face the rear of any other residential building.

(9) No dwelling unit shall be located over another dwelling unit.

(10) No exterior wall of a building shall run unarticulated for a horizontal distance of more than forty (40) feet.

(11) No multi-family principal building shall be located closer than forty (40) feet to any other building within the development.

(12) All walls of greater than two hundred (200) square feet shall have at least six (6) square feet of window area per two hundred (200) square feet of total wall area; however, this requirement shall not apply to walls facing alleyways or end elevations.

(13) Outdoor storage facilities, either attached or freestanding shall be provided for the exclusive use of occupants at the rate of 15 square feet per bedroom per dwelling unit. Storage facilities must be within reasonable distance of units being accommodated and not grouped separately as “mini-warehouse” structure.

(14)Density Bonus not available on multi-family developments

(15)Driveway and street access may require adjoining street widening, curbs and gutter and/or acceleration/deceleration lanes where in the opinion of planning board, town board and/or NCDOT such improvements are warranted by the impact of the development. Installation of traffic signals as necessary and determined by NCDOT. All costs related to these improvements are responsibility of the developer.

(16)Developer shall provide a storm water management plan prepared and certified by a Registered Professional Engineer. The plan shall provide for the control of the first ½ inch of rainfall. The plan must assess off-site drainage ways, ditches, culverts and pipes for their ability to handle increased storm water runoff created by new development. Required off-site improvements will be responsibility of the developer.

(q) Each phase of a multi-phased project shall be able to stand as an independent project. As used in this section, the term "phase" shall refer to that portion of the project for which the applicant requests a conditional use permit. At no point in the development of a multi-phase project shall the density of residential development in a completed phase of the project area exceed the maximum density established approved for the project.

6-10.1.3 Density Bonus

A density bonus of up to forty percent (40%) over the basic density normally allowed may be approved by the Board of Adjustment when granting the special use permit. Such density bonus must be based upon the amount of unobstructed open space greater than the minimum fifty percent (50%) and the amount of land area to be used for Improved Common Open Space.

Both the unobstructed open space test and the Improved Common Open Space test must be met in accordance with the schedule below in order for a project to be considered for the respective density bonus. All Improved Common Open Space not covered by buildings or structures shall also be deemed unobstructed open space. The bonuses listed on the schedule shall be maximum bonuses and the Board of Adjustment, at its discretion may grant a smaller bonus.

Application for the density bonus must accompany the preliminary site plan when the plan is submitted for approval. Bodies of water shall constitute no more than twenty-five percent (25%) of the unobstructed open space nor more than fifty percent (50%) of the Improved Common Open Space used for calculating the maximum allowable density bonus.

The density bonus schedule shall be as follows:

% of Site (Gross Land Area) to be Unobstructed Open Space	Minimum % of Site (Gross Land Area) to be Improved Open Space	Maximum Allowable Density Bonus (% Increase in Units Per Acre)
51% to 55%	12%	8%
56% to 60%	14%	16%
61% to 65%	16%	24%
66% to 70%	18%	32%
Over 70%	20%	40%

6-11 Reserved for Historic Overlay District

6-12 OI – Office and Institutional District

This district provides for the development of offices, community institutions, limited related services, and residences which have similar development characteristics. It is also a district especially well suited as a transition zone in established residential neighborhoods near the downtown commercial district.

6-12.1 Permitted Uses:

The following uses shall be permitted by right:

6-12.1(a)	
Residences	Dwellings, two-family
	Residences, single-family (not including mobile homes)
6-12.1(b)	Business
Offices	Civic, charitable, political, union, fraternal, social and religious
	Government
	Professional offices and agencies (medical, dental, engineering, legal, etc.)

6-12.1(c) Institutions	Cemeteries Institutions, public or semi-public (but not to include jails, reformatories, Or other correctional institutions) Churches Colleges Dancing Schools Schools, public or private
6-12.1(d) Services	Boarding homes and nursing homes Funeral homes Motels Radio and television broadcasting stations
6-12.1(e) Accessory Uses and Buildings	Customary and incidental accessory uses and buildings Parking lots (Refer to Section Nine).

6-12.2 Special Uses

The following uses are permitted subject to the additional regulations imposed.

6-12.2(a) Utility Installations	Utility substations or pumping stations may be permitted when authorized by the Board of Zoning Adjustment, provided they are housed in buildings or otherwise screened to harmonize with the character of the neighborhood completely and have adequate side yards, fences, and other safety devices.
6-12.2(b) Railroads	Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustment, on finding that the character of the district and public safety are not impaired.
612-6.2(c) Home Occupations	Home occupations may be permitted, provided they are authorized by the Board of Zoning Adjustment in accordance with the provisions of Section 7-3.1 of this ordinance.
6-12.2(d) Kinder-gartens or Nurseries	Kindergartens and nurseries may be permitted when at least 100 square feet of outdoor play area are supplied for each child accommodated; the entire play area is enclosed by a fence having a minimum height of at least four feet and constructed in such a manner that maximum safety to the children is insured; and off-street parking requirements be met in accordance with Section 9-5.10.
6-12.2(e) Boarding Home	Conversion of residences into boarding homes may be allowed by the Board of Zoning Adjustment, provided that (1) improved off-street parking space is sufficient to meet the requirements of Section Nine-5.20; (2) the character of the structure is maintained to housing code standards; and (3) the neighborhood

character is maintained. The Board of adjustment may impose further conditions to insure that the boarding house is not a disruptive neighborhood use.

6-12.2(f) Conversion Of Residence To Other Uses

Conversion of residences to other permitted uses may be allowed by Board of Adjustment, provided that: (1) adequate off-street parking is provided on the lot (refer to Section Nine) or within 120 feet of the lot in any direction with easy access; (2) the character of the structure is improved and maintained; and (3) if the conversion use ceases to function for a period of 1 year, the structure would revert back to its original purpose.

6-12.2(g) Multi-Family

Allowed as a special use provided development meets requirements as set forth in Section 6-10 and Section 7 of this ordinance.

6-12.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and special uses in this district.

6-12.3(a) Minimum Lot Size, Residences

Minimum required lot area for single-family residences shall be 6000 square feet. Minimum lot width for single-family residences shall be 60 feet measured at the building line.

Minimum required lot area for two-family dwelling shall be 8,000 square feet. minimum lot width for two-family dwelling shall be 70 feet measured at the building line.

Minimum additional lot area for each dwelling unit in excess of two dwelling units shall be 2,000 square feet.

6-12.3(b) Minimum Lot Sizes, Other Uses

Minimum required lot area for offices, institutions, and services shall be 6,000 square feet measured at the building line.

6-12.3(c) Yard Requirements

Minimum yard depth for principal structure shall be 25 feet for the front yard, 25 feet for the rear yard, and 8 feet each for the two side yards. A carport may not be built closer than eight feet to the side lot line. When the Principal structure contains three or more dwelling units, the yard setbacks shall Be: side yard, 15 feet; front yard, 15 feet; rear yard, 15 feet; and a separation of 15 feet between each principal structure.

6-12.3(d) Building Heights

Except for church spires, flagpoles, antennas, chimneys, or similar accessories to structures, all buildings more than 2 story in height or 40 feet from the foundation measured at the center of the building shall be required to have an increase in the original side yard requirements by one foot for every additional foot of building height.

6-12.3(e) Building Uses	Accessory buildings shall not occupy more than 10 percent of the gross lot area, and they may be built no closer than three feet from any lot line. Except for attached garages, accessory buildings must be built to the rear of the principal building.
6-12.3(f) Corner Lots	On corner lots, the side yard on the side of the lot abutting the side street shall not be less than 15 feet. Accessory buildings on side of the lot abutting a street shall not project beyond the full front yard requirement of the district.
6-12.3(g) Corner Visibility	On corner lots, no obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be between three feet and ten feet above the curb level.
6-12.3(h) Off-Street Parking	See the off-street parking requirements of this ordinance (Section Nine).
6-12.3(i) Conversion Of Residences	The conversion of any residential structure in order to provide one additional unit will be permitted only if each dwelling unit has a minimum 450 square feet of useable floor area and adequate sanitary facilities.
6-12.3(j) Signs	Refer to Section Ten of this ordinance.
6-12.3(k) Curb Cuts	No portion of any entrance driveway leading from a public street shall be closer than 15 feet to the property line at the intersection of streets. The width of any entrance driveway leading from the public street shall not exceed 30 feet at its intersecting with the curb or street line. Driveways leading from a public street must be at least 20 feet apart as measured at the curb.
6-12.3(l) Buffer Strips and Fences	Planted buffer strips, fences, or walls must be set back from property lines and sidewalks a sufficient distance to avoid disrupting pedestrian traffic on public rights-of-way. (Refer to Section Eight.)

6-13 CN – Neighborhood Commercial District

This district is established as a district in which the principal use of land is to provide for goods and services for a residential neighborhood. It is the intent of this district to provide convenient services to relatively few people within a short distance from such district. The arrangement of the land uses within the CN Neighborhood Commercial District shall be of a

design so as not to conflict with abutting residential areas. Further, this district should be limited to one quadrant of a street intersection and should not be promoted in mid-block areas.

6-13.1 Permitted Uses

The following uses shall be permitted by right:

6-13.1(a) Trade	Florists shop Grocery stores Novelty stores Lauderettes
6-13.1(b) Services	Barber and beauty shops Dry Cleaning stores Neighborhood library
6-13.1(c) Accessory Uses and Buildings	Customary and incidental accessory uses and buildings Parking lots Principal use signs

6-13.2 Special Uses

The following uses are permitted subject to the additional regulations imposed.

6-13.2(a) Kinder-gartens or Nurseries	Kindergartens and nurseries may be permitted when at least 100 square feet of outdoor play area are supplied for each child accommodated; the entire play area is enclosed by a fence having a minimum height of at least four feet and constructed in such a manner that maximum safety to the children is insured; and off-street parking requirements be met in accordance with Section 9-5.10.
6-13.2(b) Conversion Of Residence To Other Uses	Conversion of residences to other permitted uses may be allowed by Board of Adjustment, provided that: (1) adequate off-street parking is provided on the lot or within 120 feet of the lot in any direction with easy access; (2) the character of the structure is improved and maintained; (3) the neighborhood character is improved and maintained; and (4) if the conversion use ceases to function for a period of 1 year, the structure would revert back to its original purpose.
6-13.2(c) Auto Repair Shop	Automobile repair, not to include the sale of tires, body shop or painting or automobiles. All repair work to be done inside of structure. No outside storage of supplies or remnants of repairs.

6-13.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and special uses in this district.

6-13.3(a) Building Size Limit	No one use may contain more than 4,000 square feet of gross floor area within one enclosed building under one roof.
6-13.3(b) Minimum Lot Sizes	Minimum required lot area for uses in this district shall be 6,000 square feet.
6-13.3(c) Yard Requirements	Minimum yard depth for principal structure shall be 25 feet for the front yard 15 feet for the rear yard, and 3 feet for the side yards except where a CN Neighborhood District abuts a District where a 15 foot side yard is required.
6-13.3(d) Building Heights	Except for church spires, flagpoles, antennas, chimneys, or similar accessories to structures, all buildings more than 3 story in height or 40 feet from the foundation measured at the center of the building shall be required to have an increase in the original side yard requirements by one foot for every additional foot of building height.
6-13.3(e) Accessory Buildings	Accessory buildings shall not occupy more than 10 percent of the gross lot area, and they may be built no closer than three feet from any lot line. Except or attached garages, accessory buildings must be built to the rear of the principal building.
6-13.3(f) Corner Lots	On corner lots, the side yard on the side of the lot abutting the side street shall not be less than 15 feet. Accessory buildings on side of the lot abutting a street shall not project beyond the full front yard requirement of the district.
6-13.3(g) Corner Visibility	On corner lots, no obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be between three feet and ten feet above the curb level.
6-13.3(h) Off-Street Parking	See the off-street parking requirements of this ordinance (Section Nine).
6-13.3(i) Signs	Refer to Section Ten of this ordinance.
6-13.3(j) Curb Cuts	No portion of any entrance driveway leading from a public street shall be closer than 15 feet to the property line at the intersection of streets. Driveways leading from a public street must be at least 20 feet apart as measured

at the curb.

6-13.3(k) Buffer Strips and Fences — Planted buffer strips, fences, or walls must be set back from property lines and sidewalks a sufficient distance to avoid disrupting pedestrian traffic on public rights-of-way. (Refer to Section Eight.)

6-14 **CBD – Central Business District**

Within this district it would be the spirit and intent of the ordinance to foster and promote a professional, retailing and personal services atmosphere to ensure a stable economy for effective revitalization of the area.

6-14.1 Permitted Uses

The following uses shall be permitted by right:

6-14.1(a) Retail, Office, Service Uses

Antique Shops
Art and school supply stores and Art galleries and studios
Auditoriums
Bakeries
Banks
Barber shops
Beauty shops
Bicycle stores, including rental and repair
Blueprinting and photostatting establishments
Book or stationery stores
Business colleges or business schools, operated as a business enterprise
Camera and photographic supply stores
Carpet, rugs and linoleum stores
Caskets and casket supplies, when conducted wholly within a completely enclosed building
Catering establishments when operated in conjunction with restaurant/café or diner
China and glassware stores
Clothing and costume retail shops
Coin and stamp stores
Custom dresssmaking and millinery shops
Department stores
Drug stores
Dry cleaning stores

Electrical and household appliance stores, including radio and television sales
Employment agencies
Florist shops
Food stores, grocery stores, meat markets, fish markets, bakery

goods, candy and ice cream shops, and delicatessens
Furrier shops
Furniture stores
Gift stores
Hardware stores
Hobby shops
Interior decorating shops
Jewelry stores, including watch repair
Laundries, except self-service, employing not more than four Persons in addition to one owner or manager
Leather goods and luggage stores
Loan offices
Locksmith shops
Medical or dental clinics and laboratories
Mortuaries
Musical instrument shops
News stands
Office supply stores
Optometrists
Paint and wallpaper stores
Pawn shops
Photograph developing and processing shops in conjunction with camera and supply sales
Photographer's or artist's studios
Picture framing establishments
Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing, and other similar services; newspaper publishing, including engraving and photoengraving
Radio and television broadcasting studios
Restaurants (excluding drive-in and carry-out restaurants), tea Rooms or cafes
Second hand stores, when conducted wholly within a completely Enclosed building
Sewing machine stores – sales or sales with repair
Shoe repair stores
Shoe stores
Sporting goods stores
Tailor shops
Taxidermist shops
Taxi stands
Telephone and telegraph offices
Theaters, excluding drive-in theaters
Tobacco shops
Toy shops
Travel bureau and ticket offices
Variety stores
Wearing apparel shops

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Any other similar type retail store or service establishment not specifically permitted herein but which has economic compatibility with the established uses on adjoining conforming premises

6-14.1(b) Offices	Business Financial Government Professional (medical, dental, engineers, etc.)
6-14.1(c) Services	Fire stations Police stations Civic Clubs & Organizations except on Main Street Parking lots (See Section Nine) Public Meeting Facilities
6-14.1(d) Accessory Uses and Buildings	Customary and incidental accessory uses and building provided that all accessory uses are enclosed on at least three sides and materials stored are not visible from the right-of-way.
6-14.1(e) Signs	Principal use signs (See Section Ten)

6-14.2 Special Uses

The following uses are permitted subject to the additional regulations imposed.

6-14.2(a) Automobile Service Stations	Service stations shall have a minimum lot area of 7,000 square feet with a frontage of not less than 100 feet. No portion of a service station building or equipment shall be nearer than 25 feet to the front property line. All automobile repair or storage shall be performed inside a structure.
6-14.2(b) Multi-Family Dwellings	Multi-family dwellings above the first story level of any structure having the first story devoted to a permitted use.
6-14.2(c) Drive-In Banks	Drive-in banks will require special attention to traffic circulation

6. 14.3 Area and Bulk Regulations

The following regulations limiting the development and arrangement of building and/or land area required of all permitted and special uses in this district.

6. 14.3(a) Loading Space	One loading space shall be required for each individual business establishment when abutting an alley
614.3(b) Sidewalks	Adequate sidewalks paralleling streets are required
6. 14.3(c) Signs	Refer to Section Ten of this ordinance
6. 14.3(d) Security Doors & Windows	Security measures such as window and door bars are to be placed on the inside of the building. Outside bars or steel doors are prohibited.

6-14.4 Adopting a Downtown Commercial District Development Plan

In the central business district, the existing street layout and density of building construction make it impractical to apply the area and bulk requirements and certain other portions of this Ordinance for building arrangement,
off-street parking, and truck loading space to individual property units. The Planning Board shall review all town plans for downtown development. The Planning Board shall review the proposed land use and development plans taking into consideration the following conditions:

(a) Adequate off-street parking and truck loading space to relieve traffic Congestion in the streets.
(b) Controlled vehicle movement within, through, and around the Central Business District.
(c) Adequate, safe, and convenient sidewalks for pedestrian circulation.
(d) Landscaping and planting strips to promote the character of the Central Business District.
(e) The possibilities for future expansion and development of the Central Downtown District.
(f) The relationship of the proposed land use and development of the Central Downtown Business District.
(g) The accessibility of all buildings to emergency vehicles.
(h) Compatibility with the spirit and intent of the Central Business District.

6-15 CD – Downtown Commercial District

This is the central business district which provides retailing, personal services, and office space for local and regional commercial activities. The regulations are designed to permit a concentrated development of permitted facilities and to protect the district itself from over-intensive development and congestion.

6-15.1 Permitted Uses

The following uses shall be permitted by right:

6-15.1(a) Retail, Office, Service Uses

- Antique Shops
- Art and school supply stores and Art galleries and studios
- Auditoriums
- Bakeries
- Banks
- Barber shops
- Beauty shops
- Bicycle stores, including rental and repair
- Blueprinting and photostating establishments
- Book or stationery stores
- Business colleges or business schools, operated as a business enterprise
- Camera and photographic supply stores
- Carpet, rugs and linoleum stores
- Caskets and casket supplies, when conducted wholly within a completely enclosed building
- Catering establishments when operated in conjunction with restaurant/café or diner
- China and glassware stores
- Clothing and costume retail shops
- Coin and stamp stores
- Custom dresssmaking and millinery shops
- Department stores
- Drug stores
- Dry cleaning stores
- Electrical and household appliance stores, including radio and television sales
- Employment agencies
- Florist shops
- Food stores, grocery stores, meat markets, fish markets, bakery goods, candy and ice cream shops, and delicatessens
- Furrier shops
- Furniture stores

Gift stores
Hardware stores
Hobby shops
Interior decorating shops
Jewelry stores, including watch repair
Laundries, except self-service, employing not more than four Persons in addition to one owner or manager
Leather goods and luggage stores
Loan offices
Locksmith shops
Medical or dental clinics and laboratories
Mortuaries
Musical instrument shops
News stands
Office supply stores
Optometrists
Paint and wallpaper stores
Pawn shops
Photograph developing and processing shops in conjunction with camera and supply sales
Photographer's or artist's studios
Physical culture and health services – gymnasiums, indoor swimming Pools, reducing salons
Picture framing establishments
Plumbing showrooms
Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing, and other similar services; newspaper publishing, including engraving and photoengraving
Radio and television broadcasting studios
Restaurants (excluding drive-in and carry-out restaurants), tea Rooms or cafes
Schools for music or dance
Second hand stores, when conducted wholly within a completely Enclosed building
Sewing machine stores – sales or sales with repair
Shoe repair stores
Shoe stores
Sporting goods stores
Tailor shops
Taxidermist shops
Taxi stands
Telephone and telegraph offices
Theaters, excluding drive-in theaters
Tobacco shops
Toy shops
Travel bureau and ticket offices
Upholstery shops, when conducted wholly within a completely enclosed building
Variety stores

Wearing apparel shops
Any other similar type retail store or service establishment not specifically permitted herein but which has economic compatibility with the established uses on adjoining conforming premises

6-15.1(b) Offices	Business Financial Government Professional (medical, dental, engineers, etc.)
6-15.1(c) Services	Fire stations Police stations Private clubs and lodges Parking lots (See Section Nine) Public Meeting Facilities
6-15.1(d) Accessory Uses and Buildings	Customary and incidental accessory uses and building provided that all accessory uses are enclosed on at least three sides and materials stored are not visible from the right-of-way.
6-15.1(e) Signs	Principal use signs (See Section Ten)

6-15.2 Special Uses

The following uses are permitted subject to the additional Regulations imposed.

6-15.2(a) Automobile Service Station s	Service stations shall have a minimum lot area of 7,000 square feet with a frontage of not less than 100 feet. No portion of a service station building or equipment shall be nearer than 25 feet to the front property line. All automobile repair or storage shall be performed inside a structure.
6-815.2(b) Multi-Family Dwellings	Multi-family dwellings above the first story level of any structure having the first story devoted to a permitted use.
6-15.2(c) Drive-In Banks	Drive-in banks will require special attention to traffic circulation
6-15.2(d) Churches	Churches meeting the parking regulations of Section Nine.

6-15.2(e) Beach Bingo

6-15.3 Area and Bulk Regulations

The following regulations limiting the development and arrangement of building and/or land area required of all permitted and special uses in this district.

6-15.3(a) Loading Space	One loading space shall be required for each individual business establishment when abutting an alley
6-15.3(b) Sidewalks	Adequate sidewalks paralleling streets are required
6-15.3(c) Signs	Refer to Section Ten of this ordinance
6-15.3(d) Security Doors & Windows	Security measures such as window and door bars are to be placed on the inside of the building. Outside bards or steel doors are prohibited.

6-15.4 Adopting a Downtown Commercial District Development Plan

In the central business district, the existing street layout and density of building construction make it impractical to apply the area and bulk requirements and certain other portions of this Ordinance for building arrangement, off-street parking, and truck loading space to individual property units. The Planning Board shall review all town plans for downtown development. The Planning Board shall review the proposed land use and development plans taking into consideration the following conditions:

(a) Adequate off-street parking and truck loading space to relieve traffic Congestion in the streets.
(b) Controlled vehicle movement within, through, and around the Central Business District.
(c) Adequate, safe, and convenient sidewalks for pedestrian circulation.
(d) Landscaping and planting strips to promote the character of the Central Business District.
(e) The possibilities for future expansion and development of the Central Downtown District.
(f) The relationship of the proposed land use and development of the Central Downtown Business District.
(g) The accessibility of all buildings to emergency vehicles.

6-16 CH – Highway Commercial District

These are commercial districts located on the major entrance streets into the town and provide offices, personal services, and the retailing and wholesaling of durable and convenience goods for the surrounding community and to through traffic. Because these commercial uses are subject to the public view, which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement, and suitable landscaping. The proper development of commercial uses in this district is a responsibility of the entire community.

6-16.1 Permitted Uses

The following uses shall be permitted by right:

6-16.1(a) Retail, Office, Service Uses

ABC(Alcoholic Beverage Control) stores
Appliance stores
Antique Shops
Art and school supply stores
Art galleries and studios
Automobile brokers
Automobile sales
Automobile service stations including self-service pumps, provided gasoline Pumps, canopies, and equipment at least 25 feet from the front property line
Automobile parts and supplies
Automobile, truck, and tractor tire service centers (not recapping)
Bakeries
Banks
Barber shops
Beach Bingo
Beauty shops
Bicycle stores, including rental and repair
Blueprinting and photostating establishments
Book or stationery stores
Building supply dealers
Business colleges or business schools, operated as a business Enterprise
Cabinet and carpentry stores
Camera and photographic supply stores
Carpet, rugs and linoleum stores
Caskets and casket supplies, when conducted wholly within a completely enclosed building
Catering establishments
China and glassware stores
Clothing and costume retail shops
Commercial recreation (indoor, such as ice and roller skating and bowling
Contractors, general and plumbing, heating, and electrical contracting, With screened or inside equipment storage only
Department stores
Drug stores
Dry cleaning stores

Eating establishments
Electrical and household appliance stores, including radio and television sales
Farm supplies and equipment
Fertilizer dealers
Florist shops
Food stores, grocery stores, meat markets, fish markets, bakery goods, candy and ice cream shops, and delicatessens
Furniture stores
Greenhouses, plant nurseries, and landscaping (storage, service, and sales)
Grocery stores
Hardware stores
Hobby shops
Interior decorating shops
Jewelry stores, including watch repair
Laundries
Medical or dental clinics and laboratories
Mobile home sales
Mortuaries
Motels and tourist homes
News stands
Office supply stores
Optometrists
Paint and wallpaper stores
Pet shops
Photograph developing and processing shops including drive-in service
Photographer's or artist's studios
Physical culture and health services – gymnasiums, indoor swimming Pools, reducing salons
Plumbing showrooms
Pool halls, night clubs, and similar establishments selling or intending to Sell adult beverages for consumption on premises.
Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing, and other similar services; newspaper publishing, including engraving and photoengraving
Radio and television broadcasting studios
Restaurants (excluding drive-in and carry-out), tea rooms or cafes
Schools for music or dance
Second hand stores, when conducted wholly within a completely Enclosed building
Sewing machine stores
Shoe repair stores
Shoe stores
Specialty shops (such as: pawn, dressmaking, musical instruments, records, And coin shops)
Sporting goods stores
Telephone and telegraph offices
Theaters, excluding drive-in theaters

Toy shops
Travel bureau and ticket offices
Upholstery shops
Variety stores
Wearing apparel shops
Wholesale merchandise brokers, excluding wholesale storage
Any other similar type retail store or service establishment not specifically permitted herein but which has economic compatibility with the established uses on adjoining conforming premises

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6-16.1(b) Offices	Business Financial Government Professional (medical, dental, engineers, etc.)
6-16.1(c) Services	Fire stations Police stations Private clubs and lodges Parking lots (See Section Nine)
6-16.1(d) Accessory Uses and Buildings	Customary and incidental accessory uses and building Principal use signs (See Section Ten)

6-16.2 Special Uses

The following uses are permitted subject to the additional regulations imposed.

6-16.2(a) Animal Clinics Or Hospitals	No animal storage shall be allowed within 200 feet of any residential property line or 50 feet from an property line as from any point on any property line.
6-16.2(b) Automotive Or Truck Body Repair	All automobile or truck body repairs shall be performed inside a structure; and the vehicle storage area shall be inside a structure or behind a screening buffer of vegetation and/or fencing. Structures used for body repair shall be located no closer than 25 feet to any property line.
6-16.2(c) Bottled Gas Dealers	Maximum storage of LP bottle gas is limited to 1000 gallon bulk gas tank. Bottled gas storage shall be located no closer than 25 feet from any property line, nor closer than 200 feet from a residential property line.
6-16.2(d) Outdoor	Outdoor advertising signs (off-premise signs) placement requires a permit from the Zoning Administrator in accordance with Section Ten.

Advertising Signs

6-16.2(e) Bus Station And Taxi Stands

Bus stations and/or taxi stands shall be permitted conditionally, upon the approval of a site plan by the Board of Adjustment(showing location of buildings, entrance and exit drives, bus bays, and off-street parking).

6-16.2(f) Commercial Recreation

The following uses may be permitted by the Board of Zoning Adjustment provided they meet at least the following requirements:

(a) Adequate turning lanes, driveway entrances, and off-street parking are provided to relieve traffic congestion in the street or highway..

(b) All facilities except parking are located at least 200 feet from any exterior property line bordering a residential district.

Baseball batting
Bus Stations
Carnival rides
Children's merry-go-rounds
Drive-In Theaters
Go-cart tracks
Golf driving ranges
Miniature golf

6-16.2(g) Utility

Provided any storage of equipment (poles, transformers, etc.). are kept indoors or behind a screening fence and/or vegetative buffer.

6-16.2(h)

Shopping Centers subject to site plan review with the following requirements:

(1) The minimum land area for any shopping center district shall be three acres.

(2) A minimum of one off-street parking space for every 200 square feet of floor
area in the proposed buildings shall be required.

(3) No wall, canopy, awning, or marquee sign shall exceed 20 percent of the total
wall frontage facing a public street. The total allowable sign area will be calculated according to the characteristics of each building as follows:

a. For a two or more story building, the building wall frontage is that wall facing above the window line at the ground floor of the building.

b. For those buildings of less than two stories, the total wall area will include the total building wall facing, including windows, from ground level to the top of the building.

(4) One freestanding sign structure is permitted per road frontage to be used for identifying the shopping center and any establishment within; however, such signs shall not exceed 100 square feet in sign face area. Other freestanding signs may be used for principal use buildings in the shopping center such as banks and service stations. These signs shall not exceed 64 square feet in sign face area.

6-16.2(I) Adult Use

Adult Use/Sexually Oriented Business as defined in Section Two of this ordinance shall be allowed by special use under the following conditions or with any additional conditions deemed appropriate by the Williamston Board of Adjustment:

(1) No adult use or sexually oriented business shall be constructed or allowed to
Operate closer than 1000' to the nearest:
-Residential Zone
-House of Worship
-Day Care Center
-School
-Public Park
-Public Library
-Cemetery
-Motion picture theater regularly showing G or PG rated movies to the public
-Any other area where large numbers of minors regularly travel or congregate

(2) All windows, doors, openings, entries, etc. for all adult uses shall be so located, covered, screened, or otherwise treated so that views into the interior of the establishment are not possible from any public or semi-public area, street, or way

(1) The lot containing the adult use shall not be located within a 1000'radius of another lot containing an adult use.

(4) All buildings used for permitted adult uses must be designed in such a way as to prevent the escape of noise from the premises.

6. 16.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangement of building are required of all permitted and special uses in this district.

If the property lies within or abuts upon a residential district, there shall be a densely planted buffer strip of at least eight feet in height along the yard and/or side lot lines abutting a R

District. No such buffer shall extend nearer to the street right-of-way than the established building lies to the adjoining residential lots.

6-16.3(a) Lot Require-ments	Minimum lot width shall be 75 feet with a minimum lot dept of 120 feet.
6-16.3(b) Yard Requirements	Minimum front yard depth shall be 40 feet from the right-of-way line of the street. The first 10 feet from the property line shall not be used for any purpose except for the necessary drives, walks, and landscaping and shall not include off street parking or signs.
6-16.3(c) Building Heights	There shall be no building height over 40 feet in this district, unless there is an increase in the minimum required side yard of one foot for every additional foot in building height above 40 feet.
6-16.3(d) Loading Space	One off-street truck loading space shall be provided for each commercial establishment.
6-16.3(e) Parking	Refer to Section Nine of this ordinance. Two or more commercial uses may cooperate in the provision of automobile parking space required by this section. All parking areas shall be so located and designed as to avoid undue interference with the use of public street and alleys and shall be graded and paved to city Specifications for parking lots.
6-16.3(f) Curb Cuts	No portion of any entrance driveway leading from a public street shall be closer than 20 feet to the corner of any intersection measured from the right-of-way.
6-16.3(g) Signs	Refer to Section Ten of this ordinance.

6-17 Reserved

6-18 M-1 – Restricted Manufacturing District

This district is designed to provide areas primarily for industrial assembly fabrication, and warehousing on planned sites with access to major highway and railways and with adequate utility services. These regulations prohibit the use of land for heavy industry, residential, and most retail trade activities.

6-18.1 Permitted Uses

The following uses shall be permitted by right:

6-18.1(a) Manufac-turing	Apparel and other finished products made from fabrics, leather, and similar materials Bakery products Beverages Bottling and canning soft drinks and carbonated water Electrical machinery, equipment, and supplies Furniture Ice Instruments (electrical and mechanical) Paperboard containers and boxes and other converted paper and Paperboard products Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks
6-18.1(b) Warehousing Trade & Services	Warehousing and storage services
6-18.1(c) Wholesale Trade & Services	Beer, wine and distilled alcoholic beverages Drugs, chemicals, and allied products Drygoods and apparel Electrical goods Farm products (cotton, grain and tobacco) Furniture and home furnishings Groceries and related products(groceries, dairy, products, poultry, Confectionary, fish and seafoods, fruits & vegetables) Hardware, plumbing, heating and air condition equipment & supplies Lumber and other building materials – retail or wholesale Machinery, equipment, and supplies (commercial and industrial, farm Machinery and equipment, transportation equipment) Paper and paper products Truck rental

6-18.1(d) Transpor-Tation & Utilities	Airports and flying fields Bus transportation(terminals, garaging, and equipment maintenance) Motor freight transportation (terminals, garages, and equipment) Railroads Transportation services (freight forwarding services and packing and Crating) Utilities(electric regulating substations and water storage tanks)
6-18.1(e) Other Services	Contract construction services (building, general, plumbing, heating, air condition, painting, electrical, carpentry, roofing, sheet metal, and other specifically construction trade)
6-18.1(f) Accessory Uses & Buildings	Customary and incidental accessory uses and buildings Parking Lots(See Section Nine) Principal use signs (See Section Ten)

6-18.2 Special Uses

6-18.2(a)	It is the intent of this section to permit existing residences and retail trade uses to continue until removed or abandoned.

6-10.3 Area and Bulk Regulations

6-18.3(a) Lot Require-ments	Minimum required lot size shall be 12,000 square feet. Minimum lot depth shall be 150 feet.
6-18.3(b) Yard Requirements	Minimum front yard depth shall be 40 feet from the property line, and except for the necessary driveway and walks, this area shall be planted in grass and ornamental shrubs and trees. Minimum side yard dept shall Be 20 feet on each side. Minimum rear yard depth shall be 20 feet.
6-18.3(c) Building Heights	Except for customary accessory appurtenances,building height shall be 40 feet as measured from the foundation at the center of the building 3 unless there is an increase in the minimum required side yard of two feet for every additional foot of building height above 40 feet.
6-18.3(d) Loading Space	All permitted and special uses in this district shall provide off-street truck loading space for each commercial establishment.(See Section Nine)
6-18.3(e) Off-Street Parking	See the off-street parking requirements of this ordinance(Section Nine).
6-18.3(f) Curb Cuts	No portion of any entrance driveway leading from a public street shall be closer than 15feet to the property line corner of any intersection measured from the right-of-way line.

6-18.3(g) Corner Visibility — No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be no more than three feet higher than the curb level and not less than ten feet from the property owner.

6-18.3(h) Signs — Refer to Section Ten of this ordinance.

6-19 M-2 Mixed Manufacturing District

This district is established to provide areas where the principal use of land is for light and heavy manufacturing, warehousing, and offensive trade uses. In addition, this district is intended:

(a) To provide appropriate areas for existing heavy industrial type uses predominately developed at the time of this ordinance's adoption;
(b) To provide additional areas near adequate rail, water, and/or major thoroughfares for additional development of the uses permitted in this district;
(c) To prohibit residential and retail trade uses of land in conjunction with the uses permitted in this district; and
(d) To establish regulations for the mutual protection of all users permitted in the district.

6-19.1 Permitted Uses

The following uses shall be permitted by right:

6-19.1 (a) All uses permitted in the M-1 Restricted Manufacturing District

6-19.1 (b) Manufac-Turing

Chemicals and allied products(plastics, drugs, detergents, acids, paints and varnishes, wood chemicals, and agricultural chemicals)

Fabricated metal products-machinery(engines,office machines, transportation equipment, metal working machinery and equipment, etc.)

Food and kindred products(meat products, dairy, seafood products, grain Mill products).

Lumber and wood products(sawmills, planing mills, millworks, veneer and plywood manufacture, wooden containers)

Rubber and miscellaneous plastic products(flat glass, glass and glasswares, cement, structural clay products, concrete products, gypsum products, pottery, and cut stone products)

Tobacco products manufacturing
River related business of retail, service or wholesale nature within those locations where a relationship exists.

6-19.2 Special Uses

These uses shall be permitted subject to the additional regulations imposed.

6-19.2(a) Foundries	Foundries (primary and secondary metal and nonferrous)
6-19.2(b) Petroleum Refining & Storage	Oil and gas products manufacturing and storage, provided such uses are located no closer than 300 feet to a residential district.
6-19.2(c) Salvage or Junk Yard	Salvage or junk yards are allowed, provided such operations are no closer than 200 feet to a residential district.
6-19.2(d) Sewage Disposal	Sewage treatment plants, provided such operations are no closer than 300 feet to a residential district.
6-19.2(e) Solid Waste Disposal	Refuse incineration and sanitary landfills, provided appropriate state and federal approval is acquired and such uses are no closer than 300 feet to a residential district.
6-19.2(f) Accessory Uses and Buildings	Customary and incidental accessory uses and buildings Parking lots (See Section Nine) Principal use signs (See Section Ten)

6-19.3 Area and Bulk Regulations

6-19.3(a) Minimum Lot Require-ments	Minimum required lot size shall be 12,000 square feet. Minimum lot depth shall be 150 feet.
6-19.3(b) Yard Requirements	Minimum front yard depth shall be 40 feet from the property line, and except for the necessary driveway and walks, this area shall be planted in grass and ornamental shrubs and trees. Minimum side yard dept shall be 20 feet on each side. Minimum rear yard depth shall be 20 feet.

6-19.3(c) Building Heights	Except for customary accessory appurtenances,the maximum building shall be 40 feet as measured from the foundation at the center of the building unless there is an increase in the minimum required side yard of two feet for every additional foot of building height above 40 fee .
6-19.3(d) Loading Space	All permitted and special uses in this district shall provide off-street loading and unloading space as required by Section Nine of this ordinance.
6-19.3(e) Off-Street Parking	See the off-street parking requirements of this ordinance(Section Nine).
6-19.3(f) Curb Cuts	No portion of any entrance driveway leading from a public street shall be closer than 15feet to the property line corner of any intersection measured from the right-of-way line. No two driveways leading from a public street shall be within 20 feet of each Other measured along the full height of the curb.
6-19.3(g) Corner Visibility	No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be no more than three feet higher than the Curb level and not less than ten feet from the property corner
6-19.3(h) Signs	Refer to Section Ten of this ordinance.

SECTION 6-20 Reserved for Future Use

SECTION SEVEN—SPECIAL USE PROVISIONS

7-1 General Restrictions

Permission may be granted for the establishment of uses listed as special uses if the Board of Adjustment finds from the evidence produced after a study of the complete records that:

7-1.1 the proposed use does not affect adversely the general plans for the physical development of the town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board;

7-1.2 the proposed use will not be contrary to the purposes stated in these regulations;

7-1.3 the proposed use will not affect adversely the health and safety of residents and workers in the town;

7-1.4 the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;

7-1.5 the proposed use will not be affected adversely by the existing uses;

7-1.6 the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use;

7-1.7 the proposed use will not contribute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume or type of physical activity;

7-1.8 the proposed use shall be subject to the minimum area, setback, and other locational requirements of the zoning district in which it will be located, and to the other appropriate regulations in this ordinance.

7-2 Additional Restrictions and Revocation of Permits

7-2.1 The Board of Adjustment may impose or require such additional conditions and standards as may be necessary to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood.

7-2.2 Wherever the Board of Adjustment shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, said board shall rescind and revoke such permit after sending the notice to all parties concerned and granting full opportunities for a hearing. Notice may be given by personal service or registered or certified mail.

7-3 Uses Which May Be Authorized by the Board of Adjustment

All "Special Uses" listed under each zoning district in Section Six of this ordinance are the specific responsibility of the Board of Adjustment. The Board of Adjustment may authorize such uses subject to the special conditions set forth with the listed special uses and subject to any other conditions deemed necessary to satisfy the general restrictions listed in Section 7-1 above.

The following uses may be permitted by the Board of Adjustment subject to these and/or any other appropriate conditions imposed.

7-3.1 Home Occupation—A home occupation as defined in this ordinance is considered an accessory use in a Residential district and shall be generally governed by the following requirements:

a) only one person other than those residing in the home shall be engaged in the occupation;

b) the home shall continue to be used principally as a dwelling;

c) home occupations shall be permitted only in single-family dwellings or customary residential accessory buildings;

d) the occupation shall not be visible from the street;

e) retail sales of products shall not make up more than 10% of the earnings of any home occupation, provided that in a R-15 district, farm fruits and vegetables raised and prepared on the premises may be sold;

f) there shall be a maximum of one sign used on the premises to identify the home occupation. The sign shall be a maximum of four square feet and nonilluminated, and either mounted flat against the principal building or hunt from a permanent freestanding sign (mobile signs and signs with rotating parts are not permitted);

g) the occupation shall not constitute a nuisance, as defined in the ordinances of the Town of Williamston, or any undue disturbance in the neighborhood.

7-3.2 Mobile Home Parks—A mobile home may be permitted in R-15 residential district subject to the requirements of this subsection.

7-3.2(a) Special Use Permit to Construct — Prior to the construction of a new mobile home park, or the expansion of the area of an existing mobile home park, the builder shall make application for a special use permit to construct a mobile home park. The application shall include a plan of the proposed mobile home park which shall be reviewed by the Planning and Zoning Board and checked against the requirements of this ordinance. The Planning and Zoning Board may require the builder to revise the proposed plan before final approval.

7-3.2(b) Site Plans — Plans to be included with the application for a mobile home park special use permit shall include the following:

(1) A complete site plan of the mobile home park, showing: streets, driveways, walkways, recreation areas, trailer spaces, parking spaces, buildings, garbage receptacle, street lighting, etc.

(2) Plans of proposed layouts and connections for sewer, water, storm drainage, and other utilities.

(3) Where public water or public sewer is not available, a written statement from the County Health department or appropriate state agency indicating the mobile home park has sufficient land area and soil conditions to accommodate the proposed water supply and sewage disposal systems.

(4) The name of the mobile home park, names and addresses of the owner or owners, and the designer of the park.

(5) A vicinity map showing the location of the mobile home park in relation to the other existing land uses within the general area.

7-3.2(c) Development Standards

Mobile home parks shall be developed to at least the following standards:

(1) All mobile home parks shall be located on a site or tract of land not less than one acre in size.

(2) The minimum mobile home space in a mobile home park shall be 5,000 square feet. Mobile home shall be harbored on these mobile home spaces so that there shall be at least 20 feet side clearance and 10 feet end clearance. No mobile home shall be located closer than 10 feet from any property line bounding on the park. No mobile home shall be placed closer than 35 feet to any property line adjoining a street.

(3) All mobile home spaces shall abut upon an interior driveway (and not on a public street) of not less than 30 feet in width. Such driveways shall be 18 feet wide, hard surfaced, or of properly compacted gravel, well-marked and lighted.

(4) At least one hard surfaced or properly compacted gravel off-street parking space shall be constructed and maintained for each mobile home space and shall be located so as not to interfere with the movement of vehicles on streets or access drives.

7-3.2(d) Utility Connections

In mobile home parks the following utility connections shall be required:

(1) A supply of water for domestic purposes from a source approved in writing by the County Health Office, Town of Williamston, and/or appropriate state agency shall be provided in each mobile home park.

(2) Every mobile home park shall be provided with an adequate sewage disposal system, either by connection to a public sewerage system or by connection to a septic tank system constructed in compliance with state regulations and approved in writing by the County Health Office, Town of Williamston, and/or appropriate state agency.

7-3.2(e) Waste Cans — Where centrally located waste cans are used, they shall be no further than 150 feet from any mobile home lot.

7-3.2(f) Property Markers — Each home lot shall be clearly defined by means of concrete or steel or iron pipe markers placed at all corners.

7-3.2(g) Recreation Area — At least 200 square feet per mobile home lot or stall in the park shall be provided in one or more locations for community playground and recreation purposes.

7-3.2(h) Buffer Required — There shall be provided and maintained along the property line of the mobile home park a continuous visual buffer with a minimum height of six feet. The buffer shall be a compact evergreen hedge or other type of evergreen foliage screening, or shall be a combined fence and evergreen shrubbery screen, the former facing the mobile home park. (See Section Eight).

7-3.2(i) Expansion Requires New Special Use Permit — No mobile home park shall be occupied by a greater number of mobile homes than that authorized in the approved special use permit. No mobile home park shall be enlarged or extended beyond the approved special use permit site plan unless a separate application for a special use permit is approved by the Board of Adjustment.

7-3.3 Junkyard/Salvage Yard

The following requirements shall apply to all uses, existing and proposed, meeting the definition of a junkyard within the zoning jurisdiction of the Town of Williamston. Such uses must comply with these minimum requirements, and any individual additional conditions as required by the Board of Adjustment, by January 1, 2001.

Notwithstanding these requirements, all properties are subject to Chapter 16, Sections 16-67 through 16-70 of the Municipal Code of Ordinances, regarding keeping and removal of junk and abandoned cars.

7-3.3(a) Where Allowed — Junkyards, as defined in Section 2, shall be special uses allowable in M1 and M2 zoning districts. A junkyard may not be placed within 1,000 feet of any existing junkyard.

7-3.3(b) Minimum Lot Size — Minimum lot size for junkyards shall be 1 acre, regardless of the district lot size requirements for other uses.

7-3.3(c) Buffers — A solid vegetative buffer shall be required on side and rear lot lines. In addition, solid fencing not less than 6 feet in height nor more than 8 feet shall be installed along the front building line setback from the building to the side lot line to screen roadside view.

7-3.3(d) Appearance Restrictions — No junk, salvage, or other materials shall be stored or displayed in an open-air manner in such a way as to be visible along the front of the property. The front yard shall be used only for customer parking or landscaping. All materials shall be confined within the required fence and no materials shall be stacked in such a way as to be visible above the fence.

7-3.3(e) State Highway Commission regulations also apply along state-owned and maintained roads.

7-3.4 Public Utility Facilities

7-3.4(a) Public utility installations and substations shall conform to district setback requirements and shall be planted with a buffer strip of evergreen shrubs to shield cabinets or unsightly equipment from general view.

7-3.5 Shopping Centers

7-3.5(a) Shopping Centers shall be allowed as special uses in the CH District and shall be subject to site plan review.

7-3.6 Class A Mobile Homes in the MH Overlay District

7-3.6(a) Double-wide or larger Class A mobile homes, as defined in Section 2 of this ordinance may be allowed as special uses for the purpose of urban renewal in areas subject to dilapidated and substandard housing.

7-4 Approval Process for Special Use Permits

Every application for a special use permit shall contain plans that locate the development site and demonstrate existing and proposed features on and near the site in question. The plan shall be drawn to scale sufficient to demonstrate these features. The applicant will provide 10 copies of the site plan along with a completed application to the Zoning Administrator. The Zoning Administrator will review the proposal for general compliance with zoning requirements and prepare staff comments to the Board of Adjustment. Copies of the site plan will be distributed to the Board of Adjustment for consideration at the next regular meeting falling not less than 14 days from the date of submission of the application. Property owners within 100 feet of the property in question will be notified by mail of the proposal. If a public hearing is desired, it shall be scheduled in accordance with the provisions of N.C.G.S. 160A-364, requiring notice to be published in a newspaper having general circulation at least two times in successive calendar weeks, the first time not less than 10 nor more than 25 days prior to the hearing. (Public hearings are required by law only for adoption of ordinances and amendments to ordinances. Others are optional.)

The applicant or his representative shall attend the meeting at which the evidentiary hearing of the proposal will be heard. It shall be the responsibility of the applicant to present the evidence relating

to his case, citing the ways in which his proposal complies with the requirements of Section Seven-1 above.

SECTION EIGHT – SCREENING AND LANDSCAPING REQUIREMENTS

Screening and landscaping shall be a requirement to beautify the community and to minimize the impacts of adjacent incompatible uses where districts coincide. Proper screening and landscaping can mitigate the effects of summer heat or poor drainage, especially in parking lots.

8-1 SCREENING

The Intent of these screening requirements shall be to create a screen between zoning districts and other Zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual input of unsightly aspects of adjacent development; to provide for the separation of any spaces; and to establish a sense of privacy. Any screening required under this Section shall materially screen the subject use between the ground level and the height of the required screening from the view of the adjoining property.

8-1.1 Screening shall be required under the following situations:

a. Between Residential and Non Residential Districts: Under all circumstances, the more offensive use shall bear responsibility for screening requirements.

b. Multi-Family Developments: All multi-family developments shall be screened from all other lots which lie in a Residential (R) District except that screening shall not be required around a multi- family development whose side and rear boundaries abut another multi-family development.

c. Open Storage and Open Structures: Within any business or manufacturing district, screening shall be required for the open storage of any goods other than vending machines, new retail goods displayed outside, vehicles, trailers, other equipment capable of being driven on a roadway, and any fixtures fastened to a building, ground or impervious surface; or for any unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment, whenever such storage or structure is located within one-hundred (100) feet of the street right-of-way line. Screening shall be placed on the property so as to effectively screen such open storage or structure from the public view from any street right-of-way.

d. Manufactured Home Parks: All manufactured (mobile) home parks shall be screened from other uses.

e. Planned Unit Developments: Screening for planned unit developments or individual elements of the PUD shall be determined during the site plan review and approval process.

f. Industrial Uses: All industrial uses shall be screened where the district coincides with other districts.

g. Other: Other situations as specifically listed In the Zoning District Regulations (Section Six of This Ordinance) or in the Special Use Provisions.

8-1.2 Location of Screening

a. Any screening required by above shall be located along side and/or rear property lines of the lot(s) in question required along any street right-of-way unless otherwise stipulated in this Ordinance. If screening is required along a street right-of-way it shall be located behind such right-of-way and outside the area of the sight triangle.

b. Streets shall not constitute a required screen.

8-1.3 Specifications for Screening

Screening may be in the form of natural plantings, planted berms, walls or fences. Screening shall be encouraged, however, in the form of natural plantings. Where sufficient room exists to place a screen consisting of natural plantings or maintain an existing screen of natural plantings, such natural plantings shall be used as the required form of screening. Otherwise, screening in the form of a planted berm, wall or fence may be used. The Zoning Administrator may approve a combination of natural planting, planted berm, wall or fence, if he determines that the spirit and intent of this section are met by such combination.

a. Natural Plantings. Where natural plantings are used, a buffer strip of at least fifteen (15) feet in width, or ten (10) feet for a non-residential use in an R, shall be planted. This strip shall be free of all encroachments by structures, parking areas or other imperious surfaces. The alternatives for amount and type of buffer materials to be planted per one-hundred (100) linear feet shall be as follows:

(1) Eight (8) large trees +twenty (20) shrubs; or
(2) Ten (10) small trees + twenty (20) shrubs

All materials planted shall be live plant, free from disease, installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth, properly guyed or staked and planted in a manner which is not intrusive to utilities and/or pavement. Other options shall be considered by the Zoning Administrator on a case by case basis.

Minimum buffer strip widths for natural plantings shall conform to the following:

M2 Restricted Manufacturing District	25 feet to 30 feet
M1 Mixed Manufacturing District	15 feet to 20 feet
CH Highway Commercial District	10 feet to 15 feet
Multi-Family Residential or Mobil Home Park	10 feet to 15 feet

a. Walls or Fences: Any wall shall be constructed in a durable fashion with a finish surface of brick, stones or other decorative masonry material approved by the Zoning Administrator. fences shall be constructed of wood in a durable fashion and of durable,

weather resistant wood fencing materials and of consistent pattern. No wall or fence shall be greater than four (4) feet above grade unless otherwise specified in this ordinance. All walls or fences used for screen purposes shall be opaque. Walls and fences shall be constructed in accordance with Section Four of this Ordinance.

b. Berms: All berms shall be planted with both shrubs and ground covers to leave no bare earth. The berm shall be at least three (3) feet in height and contain at least thirty (30) shrubs per one hundred (100) linear feet. Said shrubs shall be a species that can be expected to materially screen the development site within five (5) years of planting. No slope of a berm shall be steeper than one (1) foot of rise for every three (3) feet in plane.

8-1.4 Relief to Screening Requirements

In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and/or maintain the required screen, the Zoning Administrator may alter the requirements of this Ordinance provided the spirit and intent of the screening requirement as outlined in Section 8.1 of this Ordinance are maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the Zoning Administrator showing existing site features that would screen the proposed use and any additional screen materials the developer will plant or construct to screen the proposed use. The Zoning Administrator shall have no authority to provide said relief unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.

8-1.5 Areas Deficient in Screening

After the effective date of this Ordinance, where screening does not meet the requirements of this Ordinance, any change or addition undertaken on the property will require that screening be brought into compliance before any other change is made. An exception to this requirement may be made where the Zoning Administrator determines either: (1) the use has insufficient land to install required screening; (2) the use would be required to utilize land developed for off-street parking for screening; or (3) the use is already screening by existing topography or plant life. In any of such cases, the Zoning Administrator may partially or entirely waive the requirements of this subsection by allowing existing features or any combination thereof provided the spirit and intent of this ordinance are preserved.

8-1.6 Existing Screened Areas

In cases where an existing screened area exists, further plantings and/or improvements shall not be required provided said screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this ordinance. If the screened area is deficient, the developer shall make needed improvements and/or additions to satisfy the screening requirements and intent of this ordinance.

8-1.7 Screen Construction and Installation Maintenance

The plantings, fences, walls or berms that constitute a required screen shall be properly installed and maintained in order for the screen to fulfill the purpose for which it is established. Walls, fences, and berms shall be constructed in a durable and attractive fashion in accordance with any applicable codes and generally accepted construction and workmanship practices and meet all specifications herein. Plant species shall be appropriate for healthy growth under local climate conditions, not highly prone to disease and be expected to grow in a manner to meet the spirit and intent of this section. Plant materials shall be planted with generally accepted and recommended planting and growing practices.

The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy and growth from interfering with safe vehicular or pedestrian travel, or use of parking areas, or from creating any nuisances to adjoining property owners and to keep wall, fences, and berms in good repair and neat appearance. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies. All screen materials shall be protected from damage by erosion, motor vehicles or pedestrians.

8-2 LANDSCAPING

The intent of these landscaping requirements shall be to enhance the visual quality of development, to soften the appearance of expansive paved areas and building mass, create and maintain a pleasing appearance in the community, reduce the effects of glare and heat caused by parking areas and to reduce visual clutter along commercialized streets.

Landscaping required by this Section shall be installed in the following situations:

(a) All new construction, development or any expansions in developed site area for multi-family residential, mobile home parks, highway commercial development, industrial development, and all required parking areas; or

(b) For all existing development, other than one or two family residential land uses, when more than fifty (50) percent of the land area developed at the time of application for zoning permit is disturbed, redesigned, altered or reconstructed.

Where screening or buffering requirements of this Ordinance overlap in area, duplicate or otherwise conflict with any requirement of this section, only the more stringent requirements need be met except that, no fence, wall, or berm may be substituted for any requirement in this section.

The following subsections described the minimum types and amounts of landscaping which shall be required:

NOTE: Where growing conditions permit, large trees may be substituted for small trees and large or small trees may be substituted for shrubs, however, required larger plant material may not be substituted with small plant material. Where existing plant life satisfies the requirements of this Section, the owner is encouraged to use such plant life in lieu of destroying it and planting new materials.

8-2.1 Street Landscaping

Street landscaping off the street right-of-way and behind the sight triangle shall be required in The Highway Commercial and Manufacturing Zoning Districts along all thoroughfares.

Said landscaping shall be provided in a designated landscaping area which shall include, as width, at least the first ten (10) feet of the front yard as measured from the edge of the street right-of-way line. Per one-hundred (100) linear feet of landscaping, there shall be, at a minimum, (i) four small trees or (ii) two large trees. The remaining portion of the landscaped area shall be improved with ground covers or natural mulching materials. No part of the landscaped area shall be left as bare soil. It shall be the responsibility of the owner of the property and any tenant of such property to maintain the landscaped area in a healthy condition to keep plant growth off roadways or otherwise from interfering with traffic visibility or safety, and to keep the landscaped area, landscaped decorative fences and masonry wall may be constructed no closer than six (6) feet to the street right-of-way line and behind the sight triangle, however, the construction of said fences or masonry walls shall not relieve the developer from planting requirements except as provided in the succeeding paragraphs in this subsection.

All required plantings shall be located on the street side of any fence or wall, and where berms are constructed, between the street right-of-way line and the crest of the berm. Any side devices constructed within the designated landscaped area shall be limited to the following:

(a) Berms: All earth shall be planted with ground covers except where mulching is provided for trees or shrubs. Shrubs and trees on the berms and within the designated landscaping area may be counted in planting requirements. Berms shall meet all requirements of the specifications section of this Ordinance.

(b) Fences: Fences shall be constructed of decorative wood or metal materials, designed 3 specifically for fencing, be of a consistent pattern, and shall not exceed four (4) feet in height nor obstruct vision within the established sight triangle at corners or driveway areas. Utility metal fencing such as chain link fencing is not permitted within the designated landscape area. Wood fences shall be limited to pressure treated wood or naturally preserved species approved by the Zoning Administrator (e.g. locust or redwood). Wood fencing may be rail, picket, or opaque in construction and must be of a consistent pattern.

(c) Walls shall be constructed of decorative materials and shall not exceed a height of four(4)feet. Material visible on the street side shall be limited to brick, natural or cultured stone, or other decorative masonry materials approved by the Zoning Administrator. Except for stone, masonry materials must be constructed of a consistent pattern. In the event that the size of the parcel to be developed or its location would make it physically impossible to install and/or maintain the required landscaping, the Zoning Administrator may alter the street landscaping requirements of this Ordinance provided, however, the spirit and intent of this Ordinance are maintained. Such an alteration may occur only if the developer submits a plan to the Zoning Administrator which shows any existing and proposed landscaping. The Zoning Administrator shall otherwise have no authority to alter any landscaping requirements.

No street landscaping materials, wall or fence device shall be constructed or maintained in a manner which blocks sight distance at vehicular ingress and egress points on the property or obstructs sight distance at street intersections as set forth in this Ordinance. All plantings exceeding two and one-half (2-1/2) feet in height shall be located behind the sight distance.

8-2.2 Parking Lot Landscaping

Parking lots shall be landscaped in accordance with this subsection. The provisions of this Section do not apply to rear parking lots. (As used herein, the rear parking lots include only parking areas located between the rear building line and a rear interior lot line not adjoining the street), The amount of plant materials required for parking lot landscaping are in addition to any plant materials required by any other provision of this Ordinance (e.g., buffer strips, street landscaping, and building landscaping).

The following minimum number of plants shall be required for each parking space. (If calculations result in a fraction, the fraction shall be increased to the next whole number.):

Large Trees – 0.10
Small Trees - 0.07
Shrubs - 0.50

The following rules shall apply to the arrangement and installation of required parking lot landscaping:

Note: These requirements apply only to the minimum number of trees required by this Section. non-required trees (additional trees beyond what is required by this Section) may be planted in any fashion.

a. Large trees shall be planted so that no point of the tree's main trunk is closer than Four (4) feet from parking lot or driveway surfaces. If large trees required by the specifications subsection are planted in an island (area surrounded by paved surfaces), peninsula, or median there shall be sufficient previous planting area [pervious area shall also mean impervious materials (e.g., walks), that drain into the trees root area] for viable growth of such tree(s)].

(*Note*: Trees may be clustered where appropriate for the species and this area may also be used for required parking lot landscaping, a large tree must be planted within twenty-five (25) feet of the parking lot. Where existing plant stock is to be used in lieu of new materials the Zoning Administrator may allow such existing stock to be counted at distances greater than twenty-five (25) feet from the paved surfaces if the developer

can show that such existing stock casts shadows upon the paved surfaces. No trees located off the project site may be substituted for new plantings.

b. Small trees shall be planted so that no point of the tree's main trunk is closer than four (4) feet from parking lot or driveway surfaces. To be counted for required parking lot landscaping a small tree must be planted within fifteen (15) feet of the parking lot.

c. No shrubs shall be located within any vehicle overhang area. (Area three feet beyond curb or wheel stop at the head of a parking space.)

d. Required parking lot landscaping shall generally be distributed throughout the parking area. Planting may be located along the perimeter of the parking lot, along entrances, and on interior features such as islands, peninsulas and medians) is as follows:

Number of Spaces	Minimum Percent of Plant Materials to be Planted on Interior Features
40 or Less Spaces	No Minimum
40 to 100 Spaces	30%
More than 100 Spaces	50%

e. Each parking space shall be no further than one-hundred (100) feet from a tree (large tree or small tree).

f. It is encouraged that trees be located so as to maximize shading of parking spaces during summer months.

g. All parking lot landscaped areas shall be covered with ground covers or natural mulching materials, however, areas subject to vehicle overhand may be covered with
brick, stone, mulch, or other nonliving materials.

8-2.1 Landscaping Installation and Maintenance

The plantings that constitute required landscaping shall be properly installed and maintained in order to fulfill the purpose of which it is established. Plant species shall be appropriate for healthy growth under local climate conditions, not of a type highly prone to disease, and be a type expected to grow in a manner which will satisfy the spirit and intent of this Ordinance. Plant materials shall be planted in accordance with generally recommended and accepted planting and growing practices. The owner of the property and any tenant on the property where landscaping is required shall be jointly and severally responsible for the maintenance of all required landscape materials. Such maintenance shall include all actions necessary to keep the landscaped areas free of litter and debris, to keep plantings healthy; to keep growth from interfering with safe vehicular or pedestrian travel, or use of parking areas, or from creating any nuisances to adjoining properties; and to keep walls, fences, and berms in good repair and neat appearance.

Any vegetation that constitutes required landscaping shall be replaced in the event that it dies. All landscaping materials shall be protected from damage by erosion, motor vehicles, or pedestrians.

8-3 Screening & Landscaping Required Prior to Issuance of Certificate of Compliance

After the effective date of this Ordinance, a Certificate of Occupancy shall not be issued for any use located on a lot(s) upon which screening and/or landscaping is required, unless such screening and landscaping is provided on said lot(s) as herein specified. This provision may be temporarily waived by the Zoning Administrator in cases where it was not possible for the developer to install certain species of plant material prior to occupancy due to the recommended planting season not occurring at an appropriate phase in construction, and in such case, the time deadline for planting such materials shall be extended only to the ideally recommended planting season for such materials, and a refundable cash bond may be required to guarantee the planting. Such bond shall be calculated on the number of plantings to be delayed and the typical local cost of such plants.

SECTION NINE—OFF-STREET PARKING AND LOADING REQUIREMENTS

9-1 Required Plans

Each application for a zoning permit or certificate of occupancy submitted to the Zoning Administrator shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this section are met.

9-2 Off-Street Parking Required

Off-street automobile parking or storage shall be provided for every establishment and every dwelling on every lot or, in a case where no parking space can be reasonably provided on the same lot, such space shall be provided on a lot, any part of which is within 400 feet of such establishment or dwelling. Such parking space may be provided in a parking garage or on properly graded and improved open space.

9-3 Combined Lots Permissible

The required parking spaces for any number of separate establishments may be combined in one lot, and shared provided the total number of parking spaces in the lot total the required number for all of the uses utilizing the parking lot; except that uses having alternate hours of operation may share the same spaces for the purposes of meeting parking requirements as long as there is a clear separation of operating hours (i.e. churches could use business spaces or vice versa provided the businesses are not open on Sundays and provided that the church is not functioning during regular business hours.)

9-4 Exceptions and Modifications

Any structure or use in existence on the effective date of this ordinance is not affected by the provisions of this section until such time as the existing gross floor area is increased 10 percent or more. In the event of building destruction, these provisions shall be waived.

Any multi-family residential unit which is used only for elderly or public housing may request reduction of parking requirements to one space per unit upon evidence that vehicle ownership is substantially less than two per unit.

9-5 Minimum Parking Requirements

For any use, or class of uses, not specifically mentioned in this section, the requirements for off-street parking and loading facilities for a similar use or class of uses specifically mentioned shall apply. For the purposes of this section, the number of employees shall be computed on the basis of the largest number of persons to be employed on the largest shift. Each off-street parking space shall be no less than 200 square feet in area and be provided with adequate ingress and egress.

Unless otherwise specified by the Board of Adjustment as condition for special uses, parking requirements shall be as follows:

	Use	Required Parking
9-5.1	Apartment and Multi-Family Dwellings	Two (2) spaces for each unit
9-5.2	Auditorium or Theater	One space for each four seats in the largest assembly area.
9-5.3	Auto Wash	One space for each two employees on a shift of greatest employment, plus one space for the manager and reserve spaces equal to five times the capacity of the car wash at the location of ingress and egress.
9-5.4	Bowling Alley	Three spaces per alley plus requirements for any other use associated with the establishment such as restaurant, etc.
9-5.5	Church of Other Place Of Worship	One space for each 4 seats in the nave or main auditorium.
9-5.6	Club or Lodge	One space for each 200 square feet of gross floor area.
9-5.7	Commercial or Personal Service Establishment	One space for each 200 square feet of gross floor area.
9-5.8	Hospital or Care Home	One space for each one bed plus one space for each two employees (nurses, attendants, etc.) plus one space for each staff or visiting doctor.
9-5.9	Industrial or Manufacturing Establishment or Warehouse	One space for each employee on shift of greatest employment, one visitor parking space for each five managerial personnel, and one space for each vehicle used directly in the conduct of the business.
9-5.10	Kindergarten or Nursery	One space for each employee and one space per 10 children shown on certification capacity.
9-5.11	Library	One space for each three seats provided for patron use.
9-5.12	Medical and Dental Offices and Clinics	Four spaces for each practicing doctor or dentist at the office or clinic, plus once space for each employee.

9-5.13	Mobile Home Park	Two spaces for each mobile home requiring plus

	Use	Required Parking
9-5.13	Mobile Home Park(continued)	one space per employee for any building requiring staff, plus one space for visitors to any building staff.
9-5.14	Mortuary or Funeral Home	One space for each 100 square feet of gross floor area.
9-5.15	Motel	One space for each unit plus one space for each two employees plus requirements for any other use associated with the establishment.
9-5.16	Office, Professional Building, or Similar Use	One space for each 200 square feet of gross floor area.
9-5.17	Outdoor Recreation Areas (Commercial), Driving Range, Miniature Golf, etc.	One space for each three persons able to use such facility at its maximum capacity plus ten spaces for waiting plus one space for each two employees.
9-5.18	Restaurant or Place Dispensing Food, Drink, or Refreshments	One space for each three seats plus one space for each two employees.
9-5.19	Restaurant, Drive-In	One space for each three seats plus a minimum of 15 spaces for drive-in service plus one space for each two employees.
9-5.20	Rooming House and Boarding House	One space for each two guest rooms, plus two additional spaces for the owners.
9-5.21	School (a) Elementary and Junior High School	One space for each two teachers, employees, and administrative personnel plus safe and convenient loading and unloading of students.
	(b) High School	Five spaces for administrative offices plus one space for each two administrative employees plus five spaces for each classroom and one space for each ten seats in largest auditorium.
9-5.22	Shopping Center	One parking space for every 200 square feet gross floor area.

9-5.23	Single or Two Family Dwelling	Two spaces for each dwelling unit.
	Use	Required Parking
9-5.24	Stadium	One space for each four seats including adjacent off-street accommodations.

9-6 Off-Street Loading

The number of off-street loading berths required by this section shall be considered as the absolute minimum. For purposes of this section, an off-street loading berth shall have minimum dimensions of 12 feet by 25 feet and 15 feet overhead clearance with adequate means for ingress and egress.

The number of required off-street loading berths for nonresidential buildings and uses shall be as follows:

Square Feet of Gross Floor Area	Required Number of Berths
0 – 40,000	1
40,000 – 100,000	2
100,000 – 160,000	3
160,000 – 240,000	4
240,000 – 320,000	5
320,000 – 400,000	6
Each 90,000 above 4000,000	1

9-7 Paving Requirements

All parking lots for multifamily, office & institutional, commercial or industrial uses shall be paved and landscaped. Porous paving blocks may be utilized to facilitate drainage, provided an adequate maintenance plan is presented for approval at the time of application. No Certificate of Occupancy shall be issued by the Zoning Administrator until paving and landscaping requirements are met.

SECTION TEN – SIGNS

10-1 Purpose

It is the purpose of this section to permit signs of a commercial, industrial, and residential nature in districts which have appropriate uses and to regulate the size and placement of signs intended to be seen from a public right-of-way, the jurisdiction of this ordinance without proper compliance with the terms set forth in this section.

Any sign or billboard not covered by the terms of this section must be approved by the Planning Board and Town Council prior to its erection.

10-2 General Provisions

All signs within the jurisdictional area are governed by these regulations and shall be erected, constructed, and maintained in accordance with the provisions of this section; and only those signs that are listed in this section may be erected within the jurisdictional area of this ordinance.

10-2.1 Traffic Safety – No sign shall be erected or continued that:

(a) obstructs the sight distance at intersections or along a public right-of-way;

(b) would tend by its location, color, or nature to be confused with or obstruct the view of traffic signs or signals, or would tend to be confused with a flashing light or an emergency vehicle; or

(c) uses admonitions such as “stop”, “go”, “slow”, “danger”, etc. which might be confused with traffic directional signals and signs.

10-2.2 Maintenance – Whenever a sign becomes structurally unsafe or endangers the safety of a building or the public, the Zoning Administrator shall order that such sign be made safe or be removed. A period of 10 days following receipt of said order by the person, firm, or corporation owning or using the sign is allowed for compliance.

10-2.3 Prohibited Signs – The following signs are prohibited, as indicated:

(a) Signs shall not be attached to or painted on telephone poles, power poles, light poles, or other manmade objects not intended to support a sign. Except as herein provided, signs shall not be located on any rock, tree, or other natural object.

(b) Any flashing sign or device displaying flashing or intermittent lights, or lights of changing intensity, except signs indicating time and/or temperature(see N.C. General Statues 136.32, 136.32.1,136.32.2);

(c) Signs advertising an activity, business, product, or service no longer conducted on the premises;

(d) Any sign and/or display lighting not shielded in order to prevent cast of light on to or direct view of light from a residential district or residence and/or vehicles on a public right-of-way;

(e) Any sign located in a manner or place that constitutes a hazard;

(f) No sign shall be so located, placed, erected, or mounted above the for line of the structure to which it is attached, except in the case of Mansard roofs, which are 30 degrees or less from the perpendicular of the building line, where the sign area calculated will include that portion which is 30 degrees or less. However, no sign attached to an acceptable portion of a Mansard roof will be more than 12 inches from the structure at the sign base or bottom.

(g) Support wires or guy wires and other exterior supportive elements are not permitted.

10-2.4 Construction Standards – Signs shall be constructed according to the requirements of this section and Chapter XXIII of the 1967 edition of the North Carolina Building Code and amendments thereto, whichever is more restrictive.

10-2.5 Illumination – Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays of illumination therefrom being cast upon neighboring buildings and/or vehicles approaching from any direction.

10-2.6 Nonconforming Signs – All signs or advertising structures located in districts where they would not be permitted as a new use under the terms of these regulations are hereby declared to be nonconforming uses.

10-2.7 Height of Attached Signs – No signs shall be allowed to be placed above the roof line of the principal building.

10-3 Signs Which do not Require a Permit

The following signs may be erected, hung, or placed without a permit from the Zoning Administrator but shall not be illuminated. ***NOTE:*** *The Term "temporary" when applied to signs is defined elsewhere as "not to exceed 12 months."*

10-3.1 Temporary Real Estate Sign – One temporary real estate sign not exceeding four square feet in area. Where the property faces more than one street, one sign is allowed on each street footage.

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10-3.2 Temporary Construction Sign – One temporary construction site sign not exceeding 24 square feet erected on the site during the period of construction to announce the name of the owner or developer, contractor, architect, land planner, landscape architect, or engineer.

10-3.3 Temporary Farm Sign – One sign per road frontage advertising the sale of farm products,

provided the products are grown and produced on the premises where the sale is offered; and the sign area cannot exceed 16 square feet.

10-3.4 Direction or Information Sign – Direction or information signs of a public or quasi-public nature shall not exceed 12 square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:

(a) the name or location of the town, hospital, community center, public or private school, church, synagogue, or other place of worship; this type sign may be illuminated;
(b) the name of a place of meeting of an official or civic body such as the Chamber of Commerce, service club, or fraternal organization; this type sign may be illuminated;
(c) an event of public interest such as a public hearing, rezoning announcement, general election, church or public meeting, local or county fair; and other similar community activities and campaigns;
(d) soil conservation, 4-H, and similar projects; and
(e) zoning and subdivision jurisdiction boundaries.

10-3.5 Home Occupation Signs – Home occupation signs shall not exceed four square feet.

10-3.6 Setback Requirements – Signs which do not require a permit shall be setback at least 10 feet from any public right-of-way line or property line and shall be setback at least 50 feet from any road intersection.

10-4 Signs Requiring a Permit

No sign, except those listed in Section Ten-3, can be erected, hung, placed, or structurally altered without a permit from the Zoning Administrator. Signs requiring permits must meet the general provisions of 10-2 and any specific size, setback, and other requirements listed below and under a particular zoning district.

10-4.1 Identification and Principal Use Signs – These signs shall be setback at least 10 feet from any right-of-way line or property line and 50 feet from any road intersection. This does not apply in the CD District, adequate setback and clearance shall be provided in order that trucks and other larger vehicles may move close to the curb. No part of an attached or freestanding sign shall extend beyond a line projected vertically from two feet inside the curb as defined and no portion of such sign shall be less than 10 feet above the finished grade of the curb**.** Signs shall be limited to 35 feet in height inside city limits and outside city limits to 100 feet in height, except where noted.

10-4.1(a) District Requirements:

(2) **O&I-Office & Institutional and CN-Neighborhood Commercial:**
There shall be no neon signs or other advertising devices, except identification signs whose size shall be limited to one square foot of area per lineal foot of each building wall facing a public street.

Only one sign is allowed per street frontage.

No sign shall project more than one foot from any building wall or canopy edge.

Illuminated signs shall be limited to those lighted from behind to silhouette letter and figures.

Flood lighting and display lighting shall be shielded so as to prevent beaming into residential districts, and so as to prevent a direct view of the light source from a residential district.

(2) CD-Downtown Commercial and CBD-Central Business District:

No wall, canopy, awning, or marquee sign shall exceed 20 percent to the total wall area of wall frontage facing a public street. The total allowable sign area will be calculated according to the characteristics of each building as follows:

i. For a two or more story building, the building wall frontage is that wall facing above the window line at the ground floor of the building.

ii. For those buildings of less than two stories, the total wall area will include the total building wall facing, including windows, from ground level to the top of the building.

No part of an attached or freestanding sign shall extend beyond the line projected vertically from two feet to ten feet above the curb. No portion of a sign shall extend below eight feet above the finished grade of a sidewalk. Adequate setback and clearance shall be provided in order that trucks can move close to the curb.

(3) **CH-Highway Commercial; Restricted Manufacturing; M2-Mixed Manufacturing:**

No wall, canopy, awning, or marquee sign shall exceed 20 percent to the total area of wall frontage facing a public street. The total allowable sign area will be calculated to the characteristics of each building as follows:

i. For a two or more story building, the building wall frontage is that wall facing above the window line at the ground floor of the building.

ii. For those buildings of less than two stories, the total wall area will include the total building wall facing, including windows, from ground level to the top of the building.

iii. No freestanding sign shall exceed 200 square feet in sign face (measured as one side). Only one freestanding sign structure is permitted per road frontage of the lot. The total allowable sign area shall not exceed one square foot of sign face per two lineal feet of lot frontage. Any part of a freestanding sign shall be set back a minimum of 10 feet from the right-of- way line. Sign height is to be measured at the pavement elevation at lot street frontage. Signs that are above 50 feet in height shall be allowed a sign face not to exceed 250 square feet per side.

10-4.2 Outdoor Advertising Signs – These signs shall be setback a distance equal to the Minimum setback requirements for the district in which they are located unless otherwise specified in this section. No permit shall be issued for any outdoor advertising sign closer than 300 feet to any residential use or within 100 feet of any primary use building on the property. The minimum distance between signs shall be 1000 feet and said distance measured along the center line of the roadway or street adjacent to the sign. In addition to the above, the following standards are set for outdoor advertising signs:

(a) they may be illuminated;

(b) they shall not exceed 288 square feet in copy area on Major and Minor thoroughfares, nor 32 square feet in copy area on collector streets and other thoroughfares, when allowed. A double facing or "V" sign structure will not exceed the specifications above; for properties with less than 1000 feet road frontage a maximum allowable sign face for all freestanding signs located o a property shall not exceed a total of 500 square feet;

(c) Support columns for sign structure must be of steel monopole design and must have engineering certification to meet NC Building codes;

(d) the minimum clear distance between the ground level and the bottom of the trim shall be 10 feet;

(e) the maximum height of sign shall be 35 feet outside the town limits and 25 feet maximum height inside the town limits. Height shall be calculated from elevation of the pavement of the roadway upon which the sign is placed. Pavement elevation point shall be a right angle with the sign;

(f) Signs must be a minimum of 50 feet from other permitted signs on the property;

(g) Signs must be minimum distance of 500 feet from intersection of major highways or corridors. These corridors are as identified in the Town of Williamston Thoroughfare Plan. Signs must be at least 150 feet from all other intersections of highways;

(h) the backs of signs must be a neutral color to blend in with the surrounding area;

(i) shrubbery planting around sign bases is encouraged. The area surrounding the base of signs is to be maintained and free of unsightly debris.

Outdoor advertising signs are allowed only in the Highway Commercial District, M-1or M-2 Manufacturing Districts.

Outdoor advertising signs are prohibited in the CD Downtown Commercial District.

10-4.3 Commercial Banners:

10-4.3(a) Commercial banner shall be allowed for not more than a total of 12 weeks during any year.

10-4.3(b) The banner shall be professionally lettered and shall not exceed 32 square feet in size.

10-4.3(c) Banners shall be allowed only on the front façade of a building.

10-4.3(d) A $50 bond shall be required for all banners. The bond will be reimbursed upon appropriate placement and removal of the banner being permitted .

10-5 Procedure for Obtaining a Permit

Applications for permits to erect, hand, place, paint, or alter the structure of a sign shall be submitted on forms obtainable from the Zoning Administrator. Each application shall be accompanied by a plan showing the following:

(a) area of the sign;

(b) size, character, general layout, and designs proposed for painted displays;

(c) the method and type of illumination, if any;

(d) the location proposed for such signs in relation to property lines, zoning district boundaries, right-of-way lines, and existing signs; and

(e) if conditions warrant it, the Zoning Administrator may require such additional information as will enable him to determine if such sign is to be erected in conformance with these regulations.

SECTION ELEVEN—OFFICIAL ZONING MAP

11-1 Official Zoning Map Adopted

Williamston, North Carolina, is divided into districts as shown on the Official Zoning Map. This map is adopted and declared to be a part of this Ordinance. The Official Zoning Map, as amended from time to time, shall be the final authority for current zoning and status of land and buildings in the Town and extraterritorial area. All territory included within the zoning jurisdiction not previously zoned otherwise shall be zoned R-15.

The map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the Official Seal of the Town of Williamston under the following words: "This is to certify that this is the Official Zoning for the Town of Williamston, North Carolina." The date of adoption shall also be shown.

11-2 Zoning Map Changes

If, in accordance with the provisions of this ordinance, changes are made in the zoning district boundaries or if other matter is shown on the map, such changes shall be made together with an entry on the map. The entry shall be signed by the Mayor and attested by the Town Clerk. No amendment to this ordinance which involves matter portrayed on the map shall become effective until after such change and entry have been made on said map. The Town Board shall give official notice of the zoning changes to the Zoning Administrator within four calendar days after adoption of said change. Regardless of all copies of the map which may exist, the Official Zoning Map, which shall be located in the Williamston Town Hall, shall be the final authority as to the current zoning status of land, water areas, and buildings in the town and its extraterritorial area.

11-3 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Town Board may by ordinance adopt a new Official Zoning Map which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the same officials as the original and shall bear the Seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map replaced) and referred to in Section Five of the Zoning Ordinance for the Town of Williamston, North Carolina." The date of adoption of the new Official Zoning Map shall be shown, also.

11-4 Maintenance of the Official Zoning Map

The Zoning Administrator shall be responsible for the maintenance and revision of the Official Zoning Map.

11-5 Interpretation of District Boundaries

Where district boundaries prove to be uncertain as to their location on the Official Zoning Map, the following rules shall apply.

11-5.1 Streets, Rights-of-way, and Easements. Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately parallel to or following the center line of a street, highway, railroad right-of-way, utility easement, stream or river bed, or of such lines extended, then such lines shall be construed to be such district boundaries.

11-5.2 Lot Lines. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

11-5.3 Corporate Lines. Boundaries indicated as approximately following the corporate limits shall be construed as following the corporate limits.

11-5.4 Property Divisions. If a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot which lies more than 100 feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.

11-5.5 Vacation and Abandonment. Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to the portion added thereto by virtue of such vacation or abandonment.

11-5.6 Further Interpretation. In case any further uncertainly exits, the Board of Adjustment shall interpret the intent of the maps to location of such boundaries.

SECTION TWELVE—ADMINISTRATION, ENFORCEMENT AND PENALTIES

12-1 Zoning Administrator

The Zoning Administrator is hereby authorized, and it shall be his duty to enforce and administer the provisions of this ordinance. If a ruling of the Zoning Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

12-2 Zoning Permit Required

No building, sign, or other structure shall be erected, moved, extend 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 Administrator issues a zoning permit and certificate of occupancy for such work in accordance with the requirements of this ordinance.

12-3 Application for Zoning Permit or Certificate of Occupancy

Each application to the Zoning Administrator for a zoning permit or certificate of occupancy shall be made on forms provided by the Zoning Administrator and shall be accompanied by plot plans. The Zoning Administrator may waive the required submission of plot plans if he determines such information is not necessary in order to make a determination on the issuance of a certificate of occupancy. When required, plot plans are to be drawn to scale and show the following:

12-3.1 The actual dimensions of the lot to be built upon;

12-3.2 The size of the building to be erected;

12-3.3 The location of the building on the lot;

12-3.4 The location of existing structures on the lot, if any;

12-3.5 The number of dwelling, commercial, or industrial units the building is designed to accommodate;

12-3.6 The approximate setback lines of buildings on adjoining lots; and

12-3.7 Such other information as may be essential for determining whether the provisions of this ordinance are being observed.

12-4 Termination or Expiration of Zoning Permit or Certificate of Occupancy

Any zoning permit or certificate of occupancy issued shall become invalid unless the work

authorized by it shall have been commenced within six months of its date of issuance or if the work authorized by it is suspended or abandoned for a period of one year.

12-5 Certificate of Occupancy Required

A certificate of occupancy, issued by the Zoning Administrator, is required in advance of:

12-5.1 Electrical service transfer or connection to any commercial properties, excluding apartments, except those under enforcement action, in accordance with the authority of N.C.G.S. 160A-422 through 160A-425; and

12-5.2 A change of use of any building, land, or renovation thereof; and

12-5.3 Occupancy or use of a building hereafter erected, altered, or moved;

12-5.4 In addition, a certificate of occupancy shall be required for each nonconforming use created by the passage of and subsequent amendments to this ordinance. The owner of such nonconforming use shall obtain a certificate of occupancy within 60 days of the date of said passage or amendments.

12-5.5 A certificate of occupancy, either for the whole or a part of a building, shall be applied for within ten days after the erection or the structural alteration of such building or part shall have been completed in conformity with the provisions of the 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 Administrator shall state in writing the reasons for refusal; and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person.

12-6 Enforcement Powers of the Zoning Administrator

The Zoning Administrator may provide for the enforcement of this ordinance by means of withholding zoning permits and occupancy permits. He may provide for enforcement by instituting injunction, mandamus, or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance, or use; to correct or abate such violation; or to prevent the occupancy of said building, structure, or land.

12-7 Penalties for Violations

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not to exceed $500.00 or by imprisonment not to exceed 30 days. Each day such violation continues shall be deemed a separate offense.

12-8 Remedies

In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation of this ordinance, the Zoning Administrator, or any other appropriate town authority, or any person who would be damaged by such violation, in

addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation.

12-9 Complaints Regarding Violations

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

12-10 Cancellation of Permits

A zoning or occupancy permit shall be canceled by the Zoning Administrator when the method of moving, construction, or use violates any provisions contained in these regulations. Upon cancellation, any further work upon the moving, construction, alteration, or repair on the building or structure, or further use of said building, structure, or land will be deemed a violation of this ordinance. Each and every day such unlawful moving, construction, alteration, or repair on said building or structure, or further use of said building, structure, or land continues shall be deemed a separate offense.

SECTION 13 – BOARD OF ADJUSTMENT AND PLANNING BOARD

13-0 Proportional Representation of Planning Agencies

For both the Zoning Board of Adjustment and the Planning Board, there shall be proportional ETJ representation based on the population for residents of the extraterritorial area to be regulated. This proportionality shall be determined by methods defined by the state to determine full fraction population proportions and in accordance with N.C.G.S. 160-A-362. In any event, there shall be at least one representative residing in the ETJ.

13-1 Creation of the Board of Adjustment

The Board of Adjustment is hereby created, which shall consist of not less than five members, each to be appointed for three years. In addition, the Board of Commissioners of the Town of Williamston may appoint five alternate members to serve on the Board of Adjustment in the absence of any regular member. Alternate members, when appointed, shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

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13-2 Proceedings of the Board of Adjustment

The Board of Adjustment shall adopt the necessary rules to conduct its affairs and establish regular meeting dates. All meetings of the board shall be open to the public and a public record of all findings and decisions shall be maintained. The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of this ordinance.

13-3 Filing and Notice for an Appeal

13-3.1 Hearing of the Appeal – Appeals from the enforcement and interpretation of this Ordinance and requests for exceptions or variances shall be filed with the Zoning Administrator specifying the grounds thereof. The Zoning Administrator shall transmit to the Board of Adjustment all applications and records pertaining to such appeals, variances, or exceptions.

13-3.2 Notice – The Board of Adjustment shall fix a reasonable time for the hearing of the
Appeal and shall give public notice thereof.

13-3.3 Appeal Stays Proceedings – An appeal stays all proceedings in furtherance of the action

Appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal shall have been filed within him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

13-4 Fees for Variances or Appeals

A fee shall be paid to the Town of Williamston, North Carolina, for each application for a variance, exception, or appeal to cover the necessary administrative costs and advertising. Where interpretation of the terms of this ordinance is required specifically by this ordinance to be determined by the Board of Adjustment, the required fee may be waived.

13-5 Powers and Duties

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

13-5.1 Administrative – To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance.

13-5.2 Interpretation – To hear and decide where required in this ordinance appropriate interpretation of the terms of this ordinance.

13-5.3 Special Uses – To hear and decide only such special uses as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance. The location and types of special uses are listed under each zoning district with procedures for applications and additional requirements for certain special uses (such as mobile home parks) prescribed in Section Eight of this ordinance.

13-5.4 Variances – To authorize upon appeal in specific cases such variances 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 would result in unnecessary hardship. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until it shall make a finding:

(a) that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(b) that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

(c) that the special conditions and circumstances do not result from the actions of the applicant; and

(d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district.

13-6 Appeal From the Board of Adjustment

Appeal from the decisions of the Board of Adjustment shall be to the Martin County Superior Court In accordance with the procedure and within the time set out (within 30 days) in N.C. General Statutes 160-A-388(e).

13-7 Planning Board Responsibility

The Planning Board shall be the Advisory Board to the Town Council on the following matters related to the content of this ordinance:

13-7.1 Types of Review: The Planning Board shall act on the following and make appropriate recommendations to the Town Council concerning matters outlined below.

13-7.1(a) Every proposed amendment, supplement change, modification, or appeal to this ordinance shall be referred to the Planning Board for its recommendation and report.

13-7.1(b) All requests for a change in the official zoning map shall include a description of the property involved and the names and addresses of current abutting property owners.

13-7.1(c) Periodically review the district designations to ensure that land development is taking place within the intent of this ordinance and its parts.

SECTION FOURTEEN—AMENDMENTS TO THE ORDINANCE

14-1 Who May Petition

A petition for a zoning amendment may be initiated by the Town Board of Commissioners, the Planning Board, any department or agency of the town, or any citizen within the zoning jurisdiction of the Town of Williamston.

14-2 Reapplication

Reapplication for Amendment of the Zoning Ordinance shall be permitted only once within any six-month period. The Town Commissioners, by three-fourths vote of its total membership, may waive this restriction if it finds an emergency exists.

14-3 Fee

A fee shall be paid to the Town of Williamston in accordance with the duly adopted schedule of fees for each application for an amendment to this ordinance to cover the costs of advertising and other administrative expenses involved.

14-4 Application Procedure

Applications for amending the zoning ordinance shall be filed with the Zoning Administrator at least five days prior to the date on which it is to be considered by the Williamston Planning Board. Each application shall be signed in duplicate copies and contain at least the following information:

14-4.1 The applicant's name in full, applicant's address, and description of the property to be rezoned;

14-4.2 Applicant's interest in the property and the type of rezoning requested;

14-4.3 If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing;

(a) all property lines with dimensions; north arrow;

(b) adjoining streets with rights-of-way and paving widths;

(c) the location of all structures;

(d) the use of all land at the site;

(e) zoning classification of all abutting zoning districts;

(f) comprehensive site plan if the application is for commercial, industrial, or multi-family development; and

(g) a statement regarding the changing conditions, if any, in the area or in the town generally, that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

14-5 Action by the Planning Board

The Planning Board will consider and made recommendations to the Town Board of Commissioners concerning each proposed zoning amendment. The Planning Board may hold separate public hearings or may sit concurrently with the public hearing held by the Town Board of Commissioners. The Planning Board will have 35 days within which to submit its report to the Town Board of Commissioners. If the Planning Board fails to submit a report within the above time period, it shall be deemed to have recommended approval of the proposed amendment.

14-6 Required Public Hearing of the Town Board of Commissioners

A public hearing shall be held by the Town Board of Commissioners before the adoption of any proposed amendment to the zoning ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Williamston. The notice is to be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.

14-7 Petition Withdrawal

Any petition for an amendment to this ordinance may be withdrawn at any time at the discretion of the persons initiating such a request, upon written notice to the Zoning Administrator.

14-8 Reconsideration

When the Town Board shall have denied any application for the change of any zoning district, it shall not thereafter accept any other application for the same change of zoning districting affecting the same property, or any portion thereof, until the expiration of six months from the date of such previous denial in accordance with 14-2.

14-9 Protest Against an Amendment

In the case of a protest against an amendment, supplement, change, modification, or repeal signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendments shall not become effective except by favorable vote of three-fourths of all the members of the Town Board of Williamston.

14-10 Acceptable Form of Protest Petition

No protest against any change in or amendment to the zoning ordinance or zoning map shall be valid of effective unless it is in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Town Clerk in sufficient time to allow the Town at least two normal workdays, excluding Saturdays, Sundays, and legal holidays, before the date

established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.

SECTION FIFTEEN – LEGAL PROVISIONS

15-1 Questions on Enforcement and Administration

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator. If his decisions are questioned, the aggrieved party may then appeal to the Board of Adjustment; and that recourse form the decisions of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this ordinance that the duties of the Town Board of Commissioners in connections with this ordinance shall be to:

(a) consider and adopt or reject proposed amendments or the repeal of this ordinance; and

(b) to establish a schedule of fees and charges required by this ordinance.

The duties of the Town Board of Commissioners shall not include hearing and deciding questions of interpretation and enforcement that arise.

15-2 Validity

Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such Declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

15-2 Schedule of Fees

There shall be levied and collected such fees as are established herein and as set from time to time by The Town Board of Commissioners. Such schedule of fees shall be kept on file in the office of the Zoning Administrator where they shall be available for public inspection during normal business hours of the Zoning Administrator.

The schedules so adopted by the Town Board of Commissioners not set out herein are adopted as if fully set out herein.