ARTICLE I. IN GENERAL

SEC. 26-1. AUTHORITY AND ENACTMENT.

The authority to adopt zoning regulations is granted by G.S. 160D-201. ~~et~~ et seq.

SEC. 26-2. TITLE.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Town of Spring Hope, North Carolina," and may be referred to as the zoning ordinance.

SEC. 26-3. PURPOSE.

1) For the purpose of promoting the health, safety, morals and general welfare, this chapter is adopted by the board of commissioners to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.
2) The zoning regulations in this chapter are in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

SEC. 26-4. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For clarity, the following shall apply:

- Words in the present tense include the future tense.
- Words used in the singular include the plural, and words used in the plural include the singular.
- The word "shall" is mandatory and not discretionary.
- The word "may" is permissive.

- The word “lot” includes the word “plot” or “parcel.”
- The word “person” includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
- The word “used” or “occupied” as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the word “intended”, “arranged”, or “designed to be used or occupied.”
- The word “map” or “zoning map” shall mean the Official Zoning Map of Spring Hope, North Carolina.
- All "measured distances" shall be to the nearest foot. If a fraction is one-half foot or more, the full number next above shall be taken.
- Words contained in this ordinance and not defined hereinafter shall assume definitions as prescribed in Merriam-Webster's Collegiate Dictionary, 11th Edition.

A

Abutting means that the property either directly touches another piece of property or is separated only by a street or utility right-of-way.

Accessory building, structure, or use means a building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

Administrative hearing means a proceeding to gather facts needed to make an administrative decision.

Adult establishment means any principal or accessory structure or use of land, which meets the definition of adult establishment as set forth in G.S. 14-202.10, but excluding "massage and bodywork therapy."

Alley means a strip of land, owned publicly or privately set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Apartment complex means two or more buildings, each consisting of two dwelling units or more, under common ownership and located on the same or directly abutting pieces of property.

Artisan manufacturing means a facility involving on-site production of goods by hand manufacturing, involving the sue of hand tools and small-scale, light mechanical equipment. This includes cabinet shops, ceramic studios, jewelry, manufacturing, and woodworking.

Automotive repairs means a facility where general vehicle repair and service is conducted, including audio and alarm installation, custom accessories, bed-liner installation, glass

repair or replacement, transmission, brake, muffler and tire shops, along with body and paint shops.

B

Bar/Tavern is an establishment where liquors are sold to be consumed generally on the premises. A tavern differs from a craft alcohol production facility in that liquors and other alcoholic beverages are not produced on-site.

Bedroom means a room designated for sleeping, also known as a sleeping room.

Bed and breakfast home means a business in a private home of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all of the following criteria: a. Does not serve food or drink to the general public for pay. b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home. c. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay. d. Is the permanent residence of the owner or the manager of the business.

Bed and breakfast inn means a business of at least nine but not more than 12 guest rooms that offers bed and breakfast accommodations for a period of less than one week, and that meets all of the following requirements: a. Does not serve food or drink to the general public for pay. b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals only to overnight guests of the business. c. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as separate charge on the overnight guest's bill at the conclusion of the guest's stay. d. Is the permanent residence of the owner or the manager of the business.

Board of adjustment refers to the Board of Adjustment of the Town of Spring Hope, North Carolina.

Boardinghouse means an owner-occupied dwelling, or part thereof, in which lodging is provided to more than two, but not more than six paying guests on a daily or longer basis and where the rooms rented do not constitute separate dwelling units.

Bona fide farm purposes means agricultural activities as set forth in G.S. 160D-903.

Building means any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons or animals.

Building means any structure used or intended for supporting or sheltering any use or occupancy.**Building, height of** means the vertical distance measured from the grade:

i) To the highest point of the coping of a flat roof;

ii) To the deck line of a mansard roof; or

iii) To the height level between the eaves and ridge of a gable, hip, or gambrel roof.

C

Campground, commercial means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and recreational vehicles, and which is primarily used for recreational purposes and retains an open air or natural character.

Campground, youth or organized group means an establishment in an open air or natural setting either publicly or privately owned, complete with buildings, structures, and sanitary facilities and services designed for recreation and/or education for youth groups; or organized secular or religious organizations for their members and not open to the general public.

Charter as defined in G.S. 160A-1(2).

Child/Adult Day care center (more than 8 persons) means any facility, other than a private dwelling, operated for the purpose of providing care, protection and guidance to children or adults during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period. This type of facility is designed and approved to accommodate more than 8 children or adults at a time based on State regulations, not an accessory to residential use.

Child/Adult Day care home (8 or fewer persons) means an operation in which supervision or care is provided on a regular basis as an accessory use within a principal dwelling unit, by a resident of the dwelling for no more than 8 children (no more than 5 of which may be preschool-age) or for no more than 8 adults. The children or adults cared for do not live in the home or reside there overnight.

City as defined in G.S. 160A-1(2).

Civic Meeting Facilities means non-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge, and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. The use often includes meeting and storage facilities.

Community/Cultural Center means a facility designed to promote cultural advancement and serve the community, such as occasional live theater, dance, or music establishments; art galleries, studios, and museums; non-profit civic or fraternal organizations, museums, exhibition, or similar facility; and libraries.

College/university means an institution other than a trade school that provides full-time or part-time education beyond high school.

Comprehensive plan means a comprehensive plan that has been officially adopted by the governing board pursuant to G.S. 160D-501.

Conditional zoning means a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Condominium means a project meeting the requirements of G.S. ch. 47A. The type of structure and use, rather than the condominium form of ownership, shall be the determining factor in deciding whether a use is permitted in a district.

Craft alcohol production means a facility that produces beer, wine or other alcoholic beverages in quantities compliant with applicable local, state and federal regulations for distribution, retail or wholesale, on or off premises. The establishment shall include as an ancillary use an onsite taste testing area and may include other uses such as a restaurant or tavern.

D

Decision-making board means A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under G.S. 160D.

Determination means a written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer means a person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development means any of the following:

i) The construction, erection, alteration, enlargement, renovation, substantial repair (i.e. – equal or greater than 50% of structure value in any 3-year period), movement to another site, or demolition of any structure.

ii) The excavation, grading, filling, clearing, or alteration of land.

iii) The subdivision of land as defined in G.S. 160D-802.

iv) The initiation or substantial change in the use of land or the intensity of use of land.

v) This definition does not alter the scope of regulatory authority granted by G.S. 160D.

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

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

Dwelling means is subject to the restrictions of G.S. 160D-706(b), any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except for purposes of G.S. 160D Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling, multifamily means a building containing more than two individual dwellings with separate cooking and toilet facilities for each dwelling. The term "multifamily dwelling" includes apartments and condominiums.

Dwelling, single-family detached means a detached building designed to be occupied by one family, but excluding manufactured homes.

Dwelling, two-family (duplex) means a building containing two dwelling units and designed to be occupied by two families, but excluding manufactured homes and townhouses.

Dwelling unit means any building, structure, manufactured home or mobile home, or part thereof, used, and occupied for human habitation or intended to be so used, and includes any outhouses and accessory structures belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle, which is if used solely for a seasonal vacation purpose.

Dwelling unit, accessory (ADU) means an accessory dwelling unit (ADU) is a self-contained dwelling unit - includes a sleeping area, kitchen and bathroom, as well as its own external entrance - that is constructed on a lot in addition to an existing commercial

use or single-family residence.. The ADU use is subordinate to the principal commercial use or dwelling.

E

Electronic gaming operations means any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. The term, "electronic gaming operations" includes, but is not limited to internet cafes, internet sweepstakes, beach sweepstake or cybercafes. This does not include any lottery approved by the state.

Entertainment and Recreation, indoor, means an establishment offering entertainment or recreation to the general public where the activity takes place indoors. Typical uses include, but are not limited to, game rooms/arcades, arena, billiard parlors, bowling alley, cinema, concert hall, convention center, dance hall, event venue, indoor stadium, roller skating rinks, and theaters.

Entertainment and Recreation, outdoor, means an establishment offering entertainment or recreation to the general public wherein any portion off the activity takes place in the open, excluding golf courses and public parks. Typical uses include, but are not limited to, batting cages, golf driving ranges, miniature golf courses, and go-cart tracks.

Equipment repair, heavy, means repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include, but are not limited to, automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

Evidentiary hearing means a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. 160D.

F

Family care home means home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.

Floor area, gross means the number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies and terraces,

unless used in conjunction with the use, such as for outdoor eating, merchandising storage, assembly, or similar uses, and excluding off-street parking and loading areas.

Food truck means a self-contained vehicle that is designed to prepare and serve food in various locations.

G

General manufacturing means a facility where manufacturing of finished and unfinished products primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such materials, industrial service firms engaged in the repair or servicing of industrial, farming, or commercial machinery, equipment products or by-products. This includes textile and apparel manufacturing, transportation equipment manufacturing, wood product manufacturing, primary metal manufacturing, fabricated metal product manufacturing, welding shops, machine shops, industrial tool repair, fuel oil distributors, solid fuel yards, and carpet cleaning plants.

General retail greater than 5,000 square feet means establishments of greater than 5,000 square feet of floor area engaged in the sale or rental of goods for consumer or household use.

General retail less than 5,000 square feet means establishments of 5,000 square feet or less of gross floor area engaged in the sale or rental of goods and services for consumer or household use.

Governing body means the board of commissioners.

Government offices, including public safety, means offices or facilities owned and maintained by a government entity such as local, state, or federal government.

Greenhouse, commercial means a retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing or display.

Group home means a facility with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than 30 people.

H

Heavy manufacturing means a facility primarily engaged in manufacturing or other enterprises with significant external effects. This includes manufacturing of cement and concreate products, food and beverage manufacturing, manufacturing of fertilizer, paint, acetylene, corrosive acid, insecticides, disinfectants, poisons, pharmaceuticals, and wood biomass products.

Home occupation means the incidental use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in conformance with section 26-77.

K

Kennel means an establishment for the keeping or breeding of dogs for profit.

L

Landowner or owner means the holder of the title in fee simple. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as their agent or representative for the purpose of making applications for development approvals.

Legislative decision means the adoption, amendment, or repeal of a regulation under this G.S. 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 G.S. 160D.

Legislative hearing means a hearing to solicit public comment on a proposed legislative decision.

Light/Limited Manufacturing, Assembly & Fabrication means a facility that involves the manufacturing, assembling, finishing, cleaning, or developing any product or commodity. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building. This includes medical and testing laboratories,

Local act as defined in G.S. 160A-1(5).

Lot means a single lot of record, or more than one contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when severed from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this chapter.

Lot area means the computed area contained within the lot lines exclusive of any portion lying within a street or road right-of-way.

Lot, corner means a lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot coverage, maximum in percent means the maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

Lot depth means the distance between the midpoints of straight lines connecting the foremost point of the side lot lines in front and the rearmost points of side lot lines in the rear.

Lot of record means a lot which is part of a subdivision recorded in the office of the register of deeds of the county, or a lot described by metes and bounds, the description of which has been so recorded.

Lot width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line) shall not be less than 80 percent of the required lot width, except in the case of the turning circle of cul-de-sac where the 80 percent requirement shall not apply.

M

Manufactured home.

i) The term "manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

ii) The term "manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

iii) For manufactured homes built before June 15, 1976, the term "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

iv) The term "manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Manufactured home, class A means a dwelling unit that:

i) Is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended;

ii) Is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site;

iii) Meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development; and

iv) Conforms to the development standards of section 26-247.

Manufactured home, class B means a manufactured home ten years old or less at the time of permitting that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify as a class A manufactured home, but meets the development standards section 24-248.

Manufactured home park means a residential use in which more than 3 class A or B manufactured homes are located on a single lot or tract. See section 26-249 for specific provisions related to manufactured home parks.

Massage therapy business means a use of land that offers "massage and bodywork therapy," as a principal or accessory use, which is legally defined as, "systems of activity applied to the soft tissues of the human body for therapeutic, educational or relaxation purposes" and who employ therapists licensed by the North Carolina Board of Massage and Body Work Therapy.

Modular homes means as defined in G.S. 105-164.3(21b), shall comply with the design and construction standards set forth in G.S. 143-139.1.

Mixed use development means a development type that permits residential and commercial in a single building or area. This development may promote walkable neighborhoods.

N

Net acreage, acres, land area, or square footage of land area means land area with streets, rights-of-way, and driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.

Nightclub means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.

P

Person means an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Personal services means establishments not of an adult nature, defined elsewhere in this section, or listed as a separate use, which provide non-medically related services to individuals. Such uses include, but are not limited to: barbershops, beauty salons and spas, clothing rental, coin-operated laundromats, marriage counseling, massage therapy business (see separate definition),personal laundry and dry cleaning establishments, photographic studios, tattoo parlors and travel agencies. These uses may also include accessory retail sales of products related to the services provided.

Pet grooming means establishments for any person engaged in the operation of changing the physical appearance of the skin, coat, hair, or feathers of pet animals for compensation. A groomer facility is any permanent establishment where a person pays a fee to have their pet animal's skin, coat, hair, or feathers cleaned, styled, or maintained or where a person pays to have their animal's physical appearance changed.

Planning and development regulation jurisdiction means the geographic area as defined in G.S. 160D-201.

Planned residential development means as defined in section 26-72.

Planning Board refers to the Planning Board of the Town of Spring Hope, North Carolina established pursuant to G.S. 160D-301

Principal building, use, or structure means the main use of a lot or the building or structure in or on which the main use of the lot takes place.

Property means all real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

Q

Quasi-judicial decision means a decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

R

Repair and maintenance shops (other) means establishments primarily engaged in the provision of repair services to individuals and businesses, but excluding automotive and heavy equipment repair use types. Typical uses include, but are not limited to, appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Restaurant means an establishment whose primary purpose is serving meals to patrons.

Restaurant, drive-in or take-out means any restaurant, which makes provision for curb service, outdoor service or a drive-in window, or any restaurant more than ten percent of whose average daily customers take their food or beverages out of the restaurant.

Restaurant, indoor means any restaurant except a drive-in or take-out restaurant.

Right-of-way, street means a strip of land, owned publicly or privately which affords the principal means of access to abutting property.

Roof line means the top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

S

Shooting range means an improved area that is commercially operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, air guns, archery, or any other similar sport shooting.

Shopping center means any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.

Short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Sign means any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, and any background material, , shapes or other trim shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of art which in no way identify or advertise a product or business shall be excluded from this definition. Building addresses shall be excluded from this definition. Types of signs include the following:

i) **Ground sign** means a sign erected on a freestanding frame, mast and/or pole and not attached to any building, fence or wall.

ii) **Identification sign** is an on-premises sign giving directions, instructions or facility information; e.g., parking or exit and entrance signs.

iii) **Off-site advertising sign (billboard)** means a sign which contains information about an establishment, business, commodity, activity or service not conducted, solid, or offered upon the premises where such sign is located.

iv) **On-site advertising sign** means a sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

v) **Projecting sign** means a sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

vi) **Roof sign** means a sign attached to and extending upward from a roof of a structure.

vii) **Snipe** sign means a temporary off-premises commercial sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

viii) **Wall sign** means a sign which is attached flat to the wall or facade of a building, or to a fence or wall.

ix) **Temporary sign** means a non-permanent sign that is erected for a specific length of time.

Site plan means a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision.

Solar generation facility, utility scale means an installation, sometimes called a solar farm, principally designed and used to capture and convert solar energy into electric or thermal energy primarily for use off-site, such as transmission to the power grid.

Special use permit means a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The

term includes permits previously referred to as conditional use permits or special exceptions.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, the term "structure" includes buildings, manufactured homes, fences, signs and swimming pools.

T

Temporary event means a use permitted for a short duration of time on an irregular basis with a permit. The term "temporary events" includes such uses as carnivals or fairs, religious tent revivals, farm stands, sale of seasonal decorations, etc.

Temporary use means a use established for a fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations. Examples include, but are not limited to temporary manufactured homes, construction office trailers, etc.

Townhouse means a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

U

Use, as applied to any land or building shall be construed to include the terms "intended", "arranged" or "designed to be used."

V

Variance means a relaxation of the terms of this chapter under specific conditions set forth in section 26-283(2).

W

Wood biomass plant means a plant or facility producing electrical power from woody biomass, where wood is combusted in boiler systems fitted with air emissions controls to drive steam turbines that produce electricity. Cogeneration may be applied in the plant, in which wood is used to generate both electricity and heat for other processes such as drying and heating. Wood biomass does not include plants that use a combination of wood and other fuels such as coal, oil or natural gas (also known as co-firing).

Y

Yard means an open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this chapter.

Yard, front means a yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

Yard, rear means a yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

Yard, side means a yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

Z

Zoning administrator means the official charged with the enforcement of this chapter, who shall be the Town Manager or their appointee.

Zoning map, map, or Spring Hope Zoning Map means the Official Zoning Map of the Town of Spring Hope, North Carolina.

Zoning map amendment or rezoning means an amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

SEC. 26-5. JURISDICTION.

The area to which this chapter applies is shown on the official zoning map.

SEC. 26-6. INTERPRETATION.

In its interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general

welfare. Whenever the requirements of lawfully adopted rules, regulations, chapters, deed restrictions, or covenants, are at variance with the requirements of this chapter, the most restrictive, or that imposing the highest standards, shall govern.

SEC. 26-7. SEVERABILITY.

This chapter and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, buildings, or structures shall not be affected hereby. Whenever any condition or limitation is included in an order authorizing a special use permit, , variance, zoning compliance permit, certificate of occupancy or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter or the requirement of some provision hereof, and to protect the public health, safety and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

SEC. 26-8. APPLICATION OF REGULATIONS.

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

1) No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or structurally altered except in compliance with the regulations of this chapter for the district in which it is located.
2) No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this chapter for the district in which it is located.
3) No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements and other requirements of this chapter are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.
4) No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another structure or use.
5) In any district, no more than one principal building or use may be erected on a single lot of record, except as specifically permitted in other sections of this chapter.

6) Pursuant to G.S. 160D-903, standards in this Ordinance may be limited in their effect on bona fide farms, but any use of such property for non-farm purposes shall be subject to these regulations.

SEC. 26-9. INTERPRETATION OF REGULATIONS.

The regulations in this chapter shall be enforced and interpreted according to the following rules:

1) Uses not designated in the district regulations as permitted, conditional, or special uses shall be prohibited. Special uses are permitted according to the additional regulations imposed. These special uses can be approved only by the board of adjustment or board of commissioners as specified in this chapter. Additional uses may be added to the chapter by amendment.
2) Regulations set forth by this chapter shall be minimum regulations. If the requirements set forth in this chapter are at variance with the requirements of any other lawfully adopted uses, regulations, or chapters, the more restrictive or higher standard shall govern.
3) Unless restrictions established by covenants which the land are prohibited by or contrary to the provisions of this chapter, nothing herein contained shall be construed to render such covenants inoperative.

SEC. 26-10. VESTED DEVELOPMENT RIGHTS AND PERMIT CHOICE.

Any amendments, modifications, supplements, repeal or other changes in these regulations or the zoning maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses:

1) For which a building permit has been issued prior to the effective date of the ordinance from which this chapter is derived making the change so long as the permit remains valid and unexpired pursuant to G.S. 160D-108 and the building permit has not been revoked pursuant to G.S.160D-403; or
2) For which a zoning permit has been issued prior to the effective date of the ordinance from which this chapter is derived making the change so long as the permit remains valid and unexpired pursuant G.S.160D-108; or
3) For which a vested right has been established and remains valid and unexpired pursuant to this section.

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

SEC. 26-11. ADDITIONAL PROCEDURES FOR ESTABLISHING A VESTED RIGHT.

A vested right to commence a planned development or use of property according to a site specific vesting plan shall be established upon approval of a special use permit by the appropriate town board. The vested right thus established is subject to the terms and conditions of the site plan. Only those design elements shown on or made a part of the site plan or permit shall be vested. A vested right for a site specific plan remains valid and unexpired pursuant to G.S. 160D-108.

SEC. 26-12. TERM OF A VESTED RIGHT.

A right, which has been vested by the town, shall remain vested for a period of one year from date of approval. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the board of commissioners when it approves the modification or amendment. A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. A right which has been vested under the provisions of this section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued except that:

1) When a vested development plan has been at least 50 percent completed by the end of the vesting period, the project as a whole shall be given two more years to complete development in conformance with the approved plan not to exceed a total vested period of five years; and
2) Prior to the vested right terminating at the end of the one-year period, the owner of the property may petition the appropriate board for a one-time two-year extension of the vested right not to exceed a total vested period of five years. In its deliberations regarding the extension request, the board may consider, among other things:
    a) The percentage of the project completed;
    b) A demonstration by the petitioner of good faith efforts made towards project completion;
    c) The reasons for the delay of project build-outs; and
    d) The compatibility of the planned development with current town plans and the surrounding landscape.
3) Multi-phase developments shall be vested for a period of seven years for the time a site plan approval is granted for the initial phase of the multi-phased development. For purposes of this subsection, “multi-phased development” means a development containing 25 acres or more that (i)is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with

committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

The board may choose to extend the vested right for the entire project or only a portion of the project and may require one or more design features shown on the plan or incorporated in the permit to meet the current code.

SEC. 26-13. DECLARATION OF A VESTED RIGHT UPON VOLUNTARY ANNEXATION.

A petition for annexation filed with the town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. 160D-108, or the failure to sign a statement declaring whether or not a zoning vested right has been established shall be binding on the landowner, and any such zoning vested right which may have existed shall be terminated.

SEC. 26-14. REPEALS AND ENACTMENT.

1) Repeal of conflicting ordinances. All ordinances or parts of ordinances of the town which are in conflict or inconsistent with this chapter are repealed and superseded to the extent necessary to give this chapter full force and effect.
2) Statute of limitations. In accordance with G.S.160D-601 a cause of action as to the validity of this chapter, or amendment thereto, shall accrue upon the adoption date of the ordinance from which this chapter is derived or amendment thereto, and shall be brought within two months as provided in G.S. 1-54.1.

ARTICLE II. DISTRICT PROVISIONS

SEC. 26-66. ESTABLISHMENT AND PURPOSE OF DISTRICTS.

For the purpose of this chapter the zoning jurisdiction of the town is divided into the following districts:

1) **GENERAL USE DISTRICTS.**

a) RA, RESIDENTIAL-AGRICULTURAL DISTRICT.

The purpose of this district is to allow agricultural activities and residential development at low rural densities in areas where public service are not available.

b) R-30, LOW DENSITY RESIDENTIAL DISTRICT.

The purpose of this district is to provide for the development of residential neighborhoods at low densities where public services may not be available.

c) R-15, MEDIUM DENSITY RESIDENTIAL DISTRICT.

The purpose of this district is to provide for the development of residential neighborhoods at medium densities where public services are available.

d) R-8, HIGHER DENSITY RESIDENTIAL DISTRICT.

The purpose of this district is to provide for older in-town neighborhoods which have developed at this density and to provide for other medium- and high-density residential areas.

e) R-MF, MULTIFAMILY RESIDENTIAL DISTRICT.

The purpose of this district is to provide new areas for multifamily residential development.

f) R-MH, MANUFACTURED HOME RESIDENTIAL DISTRICT.

The purpose of this district is to provide for the development of manufactured homes on individual lots and of manufactured home parks in appropriate locations.

g) CB, CENTRAL BUSINESS DISTRICT.

The purpose of this district is to allow a wide range of commercial uses compatible with the town's downtown area.

h) GB, GENERAL BUSINESS DISTRICT.

The purpose of this district is to provide for a variety of business uses which are appropriate in certain selected locations in the planning area where they will not cause compatibility problems with other uses.

i) IC, INTERCHANGE COMMERCIAL DISTRICT.

The purpose of this district is to provide areas to serve the needs of the traveling public.

j) LI, LIGHT INDUSTRIAL DISTRICT.

The purpose of this district is to provide for industrial uses of a clean nature which will be compatible with adjacent districts.

k) HI, HEAVY INDUSTRIAL DISTRICT.

The purpose of this district is to allow a wide range of industrial uses in areas where they will not be incompatible with adjacent uses or neighborhoods.

SEC. 26-67. OFFICIAL ZONING MAP ESTABLISHED.

The boundaries of the use districts established by this article are shown on the official zoning map which shall be maintained by the zoning administrator and kept at the town clerk's office in the municipal building, Spring Hope, North Carolina. The official zoning map and all amendments, certifications, citations, and other matters entered on the official zoning map are hereby made a part of this article and have the same legal effect as if fully set out herein. The official zoning map shall be identified by the signature of the mayor attested to by the town clerk. The maps may be in paper or a digital format approved by the local government.

1) Copies. Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies, and when certified by the signature of the mayor attested by the town clerk in accordance with G.S. 160A-79 or G.S. 153A-50, shall be admissible into evidence and shall have the same force and effect as would the original map.

SEC. 26-68. AMENDMENTS TO THE OFFICIAL ZONING MAP.

Amendments to the official zoning map shall be adopted by development regulation as provided in section 26-330. Promptly after the adoption of an amendment, the zoning administrator shall alter or cause to be altered the official zoning map to indicate the amendment. The town clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and the effective date of the amendment.

Sec. 26-69 Use Regulation.

The zoning administrator is responsible for the interpretation of the Table of Permitted Uses.

1) Use Classifications
   a) Use Groups

i) For the purpose of interpretation of the Table of Permitted Uses (Table 304.1), land uses are classified into six major categories: “Agricultural,” “Civic,” “Commercial,” “Industrial,” and “Accessory, Temporary, or Other.”

b) Use Categories

i) Each use group is further divide into use categories. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of resident or customer, how goods and services are sold or delivered, and site conditions. The use categories are intended to provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

2) Interpretation

a) District Boundaries

i) Method of interpretation. If uncertainty exists as to the boundaries of the use districts shown on the official zoning map, which is not resolved by the ordinance or ordinances establishing and amending such boundaries, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

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

(3) Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following such jurisdictional boundaries;

(4) Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main track or tracks;

(5) Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed as following such centerlines;

(6) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shoreline is changed either naturally or as permitted by law, such a boundary shall be construed as moving with the actual shoreline;

(7) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;

(8) Boundaries indicated as parallel to or extensions of natural or manmade features indicated in subsections (a)(1) through (7) of this section shall be so construed; and

(9) Distance not specifically indicated shall be determined by the scale of the official zoning map.

ii) Where uncertainties continue to exist after application of the rules in subsection (a) of this section, appeal may be taken to the board of adjustment as provided in article VIII of this chapter.

b) Developments with Multiple Principal Uses

i) When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffeeshop, bookstore, and bakery, for example would be classified in the retail sales and service category because all the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

(1) When there are 2 or more principal uses that require different types of permits (zoning, specials use, etc.), then the development shall be reviewed using the most restrictive process from among the proposed uses.

c) Simple Use Interpretation Criteria

i) When a specific use type cannot be classified into a use category or appears to fit into two or more categories, the zoning administrator or designee is authorized to determine the most appropriate use category. The following considerations may be used in making similar use interpretations:

(1) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.

(2) The relative amount of site area or floor space and equipment devoted to the activity.

(3) Relative amounts of sales from each activity.

(4) The customer type for each activity (ex – retail or wholesale).

(5) The relative number of employees in each activity.

(6) Hours of operation.

(7) Building and site arrangement.

(8) Vehicles used with the activity.

(9) The manner in which uses are classified by commonly used business classification reference sources, such as the North American Industrial Classification System (NAICS) or the Land Based Classification System (LBCS).

(10) The relative number of vehicle trips generated by the use; and/or

(11) How the use advertises itself.

SEC. 26-70. PERMITTED USES.

Uses permitted in all districts shall be in accordance with table 304.1:

1) P is a use permitted by right;
2) D is a permitted use, but subject to additional development standards as specified in article VII of this chapter;
3) S is a special use, allowed only with approval of the board of adjustment, and subject to the standards of section 26-325.

TABLE 304.1. PERMITTED AND SPECIAL USES

Uses	Districts										
	RA	R30	R15	R8	RMF	RMH	CB	GB	IC	LI	HI
Agricultural											
Farming	P								P	P	P
Greenhouses, Commercial	D	D	D							P	P
Nursery & Garden Center	P										
Residential											
Residential Household Living											
Dwellings, single-Family	P	P	P	P	P	P					
Dwellings, two-family					S	S					
Dwellings, multifamily					D		D				
Dwellings, townhouses					S						
Manufactured homes, class A	D					D					
Manufactured homes, class B						D					
Modular homes	D	D	D	D	D	P					
Manufactured home parks						S					
All other group living (except as noted above)											
Residential Group Living											
Boardinghouses	S	S	S	S	S		S	S	S		
Family care homes	D	D	D	D	D	D					
Group homes	S				S						
Civic											
Lodging											
Bed and breakfast home (Up to 8 rooms)	D	D	D	D	D		D	D			
Hotel or Motel							P	P			
Short-term rental	D										

Uses	Districts										
	RA	R30	R15	R8	RMF	RMH	CB	GB	IC	LI	HI
Education, Government and Institutional											
Armories							P	P			
Cemeteries	D	D	D	D	D	D					
Child/Adult Day care center (More than 8 persons)	D						D	S	S	S	
Child/Adult Day care home (8 or fewer persons)	D	D	D	D							
Civic Meeting Facility	P	S	S		P	P					
Community Centers							P	P			
Community/Cultural Centers	P	P			P		P	P			
Colleges and universities							S	S			
Government offices, including public safety							P	P	P	P	
Hospitals								P	P	P	
Religious Organizations	P				P	S	S				
All other cultural exhibits/libraries (except as noted above)							S	S			
Nursing homes	S	S			S			P	P		
Schools, Public or Private	S	S	S	S	S	S	S	S	S	S	S
All other schools (except as noted above)	S	S	S	S	S	S	S	S	S	S	S
Commercial											
Entertainment and Recreational											
Amusement parks								S	S		
Bar							S	S			
Campground (commercial)	S										
Campground (youth or organized groups)	S										
Electronic gaming operations										S	S
Entertainment and Recreation, indoor							S	S	S		

Uses	Districts										
	RA	R30	R15	R8	RMF	RMH	CB	GB	IC	LI	HI
Entertainment and Recreation, outdoor	S							S			
General Parks and Open Space	P	P	P	P	P	P	P				
Playgrounds, municipal	P	P	P	P	P	P					
Nightclub								S	S		
Shooting range, indoor								D		D	D
Shooting range, outdoor	S									S	S
All other indoor recreational and entertainment											
All other outdoor recreational and entertainment											
Business, Professional and Personal Service											
Automotive rental or leasing								P	P	P	P
Automotive repair services								P	P	P	P
Automotive towing and storage								P		P	P
Banks, and other financial institutions, including drive-in							P	P	P		
Car washes								P	P		
Equipment repair—heavy										P	P
Funeral homes					S		S	S	S		
Kennels								P			
Laboratories for research and testing										S	S
Lawn, tree, or pest control services								P			
Motion picture studio										P	P
Offices—business, professional and public							P	P	P	P	P
Personal services							P	P	P		
Pet grooming							D	P			
Repair and maintenance shops (other)							P	P		P	P

Uses	Districts										
	RA	R30	R15	R8	RMF	RMH	CB	GB	IC	LI	HI
Septic tank service										P	P
Truck and trailer leasing										P	P
Veterinary hospital or clinic	P							P		P	
Retail or Wholesale Sales											
ABC store							P	P	P		
Adult establishments											S
Convenience store w/fuel sales (Service Station)							P	P	P		
Convenience store w/o fuel							P	P	P		
Drug stores with drive-thru								P	P		
Drug stores w/o drive-thru							P	P	P		
General retail uses less than 10,000 square feet							P	P	P		
General retail uses greater than 10-,000 square feet							P	P	P		
Farmers market							P	P	P		
Flea market, indoor							D	P	P	P	P
Flea market, outdoor							D	P		P	P
Fuel dealers								D	D	D	D
Manufactured home sales								S		P	P
Motor vehicle sales, new and used								P	P	P	P
Pawnshops										P	P
Petroleum, bulk storage										S	S
Pet Stores								P			
Pet Supplies							P	P			
Restaurants (with drive-thru)								P	P	P	P
Restaurants (without drive-thru)							P	P	P	P	P

Uses	Districts										
	RA	R30	R15	R8	RMF	RMH	CB	GB	IC	LI	HI
Truck stops									S		S
Industrial											
Manufacturing and Industrial Uses											
Artisan Manufacturing							P	P	P	P	
General Manufacturing											P
Heavy Manufacturing											S
Light/Limited Manufacturing, Assembly, & Fabrication										P	P
Manufactured home, manufacturing										P	P
Craft Alcohol Production Facility							D	D	S	S	P
Other operations not listed in this use group, outdoor										S	S
Printing plants, newspaper and publishers							D	D		P	P
Storage and salvage yard, outdoor										S	S
Transportation, Warehousing and Utilities											
Bus station							P	P	P		
Telecommunication towers	S	S	S	S	S	S	S	S	S	S	S
Microcell telecommunication facilities							S	S			
Utility lines and related structures	P	P	P	P	P	P	P	P	P	P	P
Public utility installation	S	S	S	S	S	S	S	S	S	P	P
Trucking terminals										P	P
Warehousing—self-storage								P		P	P
Warehousing										P	P
Solar generation facility, utility scale	S										
Accessory, Temporary, or Other Uses											
Accessory uses	D	D	D	D	D	D	D	D	D	D	D

Uses	Districts										
	RA	R30	R15	R8	RMF	RMH	CB	GB	IC	LI	HI
Cafeteria and snack bars to serve employees							P	P	P	P	P
Food trucks							D	D		D	D
Home occupations	D	D	D	D	D	D					
Temporary uses							D			D	S

SEC. 26-71. DIMENSIONAL REQUIREMENTS.

Dimensional requirements shall be in accordance with table 305. Where public water and sewer is not provided, minimum dimensions shall be in accordance with the requirements of the county health department, but in no case less than the requirements of table 305. Additional requirements for special uses are founded in article VII of this chapter, development standards.

TABLE 305.1. RESIDENTIAL REQUIREMENTS

	RA	R-30	R-15	R-8	R-MF	R-MH
Minimum lot area in square feet						
For single-family dwelling or manufactured home lot	30,000	30,000	15,000	8,000	12,000	12,000
For two-family dwelling	NA	NA	NA	NA	15,000	15,000
For multi-family dwelling	NA	NA	NA	NA	See Article VII	NA
For other principal use	20,000	20,000	20,000	10,000	20,000	20,000
Minimum lot width in feet						
For single-family dwelling or manufactured home lot	100	100	100	80	90	90
For two-family dwelling	100	100	100	90	100	100
For multi-family dwelling	NA	NA	NA	See Article VII	NA	NA
For other principal use	100	100	100	90	100	100
Minimum lot depth in feet	150	150	150	100	120	120
Minimum front yard in feet	30	30	30	25	30	30
Minimum side yards in feet						
For single-family dwelling or manufactured home lot [1]	15	15	15	10	12	12
For two-family dwelling[1]	15	15	15	10	12	12
Minimum rear yards in feet	30	30	30	25	25	25
Maximum lot coverage in percent	40	40	40	40	40	40
Maximum permitted height in feet	35	35	35	35	35	35

[1] For corner lots, add ten feet in width to the side yard that adjoins the secondary street.

TABLE 305.2. NONRESIDENTIAL REQUIREMENTS

	CB	GB	IC	LI	HI
Minimum lot area in square feet					
For principal use	None	10,000 (1)	10,000	30,000	40,000
Minimum lot width in feet					
For principal use	None	50	100	150	150
Minimum lot depth in feet	None	100	100	150	150
Minimum front yard in feet	None	30	30	35	35
Minimum side yards in feet					
For principal use	0 (2)	10	10	25	25
Minimum rear yard in feet	10 (3)	25	25	25	25
Maximum lot coverage in percent	100	40	40	40	40
Maximum permitted height in feet	35	35	35	50	50 (4)

Notes

1) See article VII of this chapter for additional shopping center standards.
2) No side yard is required, however, when side yards are provided they shall be at least five feet wide.
3) 10 feet where there is no public alley; no rear yard is required where a 20-foot public alley abuts the rear property line, but where the abutting public alley is less than 20 feet in width, sufficient setback shall be provided equally by lots on either side of the alley to provide space for a minimum 20-foot rear alley.
4) 50 feet provided that if any building exceeds 35 feet in height, the depth of the front and rear yard and width of the side yards shall be increased by one foot for each additional two feet or fraction of two feet in excess of 35 feet. The board of adjustment may allow as a special use, a principal structure with a height in excess of 50 feet.

SEC. 26-72. NONRESIDENTIAL DESIGN STANDARDS

1) Applicability
   a) The following regulations apply to all new construction or expansion of existing nonresidential or commercial use buildings. These requirements shall be in effect for both the development of individual buildings and parcels with two or more buildings on a single parcel. In any three-year period, any overall or combined renovation of more than 50% of the outside of a building shall adhere to the standards herein.
2) External Materials

a) The external façade facing the public right of way shall be a minimum of 50% masonry (brick, stacked stone, stone masonry units, architectural concrete masonry units (CMUs)).

b) The exclusive use of metal siding is prohibited and no more than 50% of the exteriors materials or accents may be metal, with the exception of metal fastenings and trim.

(a)

(h)

SEC. 26-73. RESERVED

SEC. 26-74. OVERLAY DISTRICTS.

1) Historic district regulations. (Reserved)
2) Traditional neighborhood district regulations. (Reserved)

SEC. 26-75. ACCESSORY USES, BUILDINGS AND STRUCTURES.

1) Accessory structures and uses. This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.
2) Procedure for establishment. Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with the Spring Hope Zoning Code.
3) General standards.
   a) Permitted accessory uses and structures. Permitted accessory uses and structures include those listed in this section and those that the town manager or zoning administrator determines meet the following:
      i) Are clearly incidental to an allowed principal use or structure;
      ii) Are subordinate to and serving an allowed principal use or structure;

iii) Are subordinate in area, extend and purpose to the principal use or structure;

iv) Contribute to the comfort, convenience or needs of occupants, business or industry associated with the principal use or structure.

a) Located on same lot as principal use. All accessory uses and structures shall be located on the same lot as the principal use or structure and not located within any street right-of-way, except as allowed by the Spring Hope Zoning Code for specific accessory uses and structures.

b) Compliance with ordinance requirements. Accessory uses and structures shall conform to the applicable requirements of the Spring Hope Zoning Code, including this section, the district provisions in article II, development standards in article IV, and development standards in article VII.

1) Standards for accessory structures.

a) Dimensional standards. Accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards and district standards, except as provided in this section.

b) Easements. Accessory structures may not be located in an easement unless the easement or easement holder expressly states the allowance in writing.

c) Drive-up accessory structures. Drive-up accessory structures, such as automated teller machines, ice vending, coffee stands, and similar accessory structures that provide drive-up or walk-up service and which are located within a surface parking area shall meet the following standards:

i) The accessory structure shall not be placed in any required parking spaces.

ii) The location shall be designed so that any access or stacking lanes do not extend into a primary drive aisle, or the public right-of-way. A site plan may be required.

iii) The surface parking area shall be configured and restriped to maintain access and circulation to the principal use(s).

iv) Any roof-top mechanical equipment shall be screened from the adjacent streets.

a) Residential accessory structures. An accessory structure, including an accessory building, for a single-family or duplex dwelling shall meet the following:

1) Setbacks.

a) Rear and side. Accessory structures must setback three feet from side and rear lot lines.

b) Corner side. For corner lots, accessory structures must setback five feet from the side street.

c) Alleys. For accessory structures that are located along an alley, the structure must setback a minimum of ten feet from the rear lot line abutting the alley.

d) No accessory structure shall be located closer than ten feet to any other building or structure.

1) Utilities. Utility service, such as water, sewer and electricity, to the accessory structure shall be provided by branching service from the principal structure.

2) Accessory buildings.

a) Locations. In addition to the setback requirements, accessory buildings shall not extend in front of the rear line of primary structure, except on lots that are greater than two acres in area, for which one accessory building may be located in the front of the principal structure provided it meets the street setback. Car garages and carports may be placed equal to the front plane of the primary structure.

b) Size. The maximum total area of all accessory buildings on the lot shall not exceed 50 percent of the gross floor area of the principal structure or 700 square feet, whichever is greater. Height of accessory buildings shall not exceed 35 feet. No detached accessory building or structure shall exceed the height of the principal structure or use.

i) Exemption: Parcels zoned residential-agricultural (RA) and located within the extra-territorial jurisdiction (ETJ) are exempted from the size and number of accessory structures.

a) Recreational uses and buildings accessory to apartment complexes shall be in accordance with section 26-250.

1) Standards for specific accessory uses.

a) Accessory dwelling unit. An accessory dwelling unit (ADU) is permitted as accessory to a single-family detached dwelling if it complies with the following standards:

1) General.

a) No more than one ADU shall be located on a lot with a single-family detached dwelling.

b) An ADU shall have a maximum of two bedrooms.

c) An ADU and the principal dwelling shall have the same street address and mailbox.

d) Setback requirement for ADU, shall be located at a minimum of ten feet from the front plane of the primary structure on the lot.

e) An ADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit.

f) An ADU and principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot).

g) An ADU shall be served by water, sanitary sewer, gas and electrical utilities as part of the principal dwelling.

h) An ADU shall not exceed fifty percent (50%) of the heated floor area of the principal dwelling unit. A permitted ADU may be up to 400 square feet, regardless of the size of the principal dwelling unit.

i) The ADU may be a manufactured home if it meets all the criteria outlined in this section and is permitted by the underlying zoning district.

2) Design.

a) An ADU shall maintain the architectural design, style, appearance and character of the principal dwelling by incorporating design elements such as similar materials, facade treatment, colors, window style, roof design, and roof pitch.

b) Caretaker dwelling. One caretaker dwelling unit is permitted as accessory to a commercial, institutional, or industrial use either within the principal building or in an accessory building on the lot within IC, LI, HI, and GB zoning districts.

c) Portable storage containers. Portable storage containers are allowed as accessory to the principal use on the same lot, provided they comply with the following standards:

d) Residential districts. Portable storage containers located within any residential district shall comply with the following standards:

i) A portable stage container is not subject to the requirements in subsection (d), standards for accessory structures; however, it must be located on the lot and outside any street right-of-way.

ii) No more than two portable storage containers may be located on a lot with a single-family or duplex dwelling.

iii) The gross square footage of a portable storage container on a lot with a single-family dwelling or duplex dwelling shall not exceed 160 square feet.

iv) A portable storage container may remain on a lot up to 30 days in duration, except when the container is used in association with construction on the same site and an issued permit, which the container may remain for the duration of the construction project for a maximum of one year and shall be removed upon final inspection. Extension beyond that timeframe may be renewable upon discretion of the Town Manager or their appointee.

2) Business and special districts.

a) Portable storage containers located within any business or special district shall comply with the following standards:

b) Portable storage containers shall meet the requirements in subsection (d), standards for accessory structures.

c) The number, size and duration of portable storage containers on a lot are not regulated.

d) Portable storage containers shall not be placed between a principal structure and a public street, except in the LI and HI districts.

SEC. 26-76. FENCES AND WALLS.

Fences and walls are permitted as accessory uses, provided that they comply with the following:

1) No residential fence or wall in any front yard setback shall be built to height greater than five feet above grade.
2) No residential fence or wall located in the side or rear yard shall be greater in height than six feet above grade. Notwithstanding the provisions of this section, a fence up to eight feet in height shall be permitted between any residential use and any business, commercial or industrial use.
3) Within commercial, industrial, or non-residential zoning districts, fences or walls shall not exceed 12 feet in height. The zoning administrator may approve commercial or industrial fences in excess of 12 feet in height when exceptional cases are demonstrated, but not to exceed 20 feet in height.
4) No fence or wall shall be constructed within a general drainage or utility easement which will block or materially impede the flow of stormwater runoff.
5) No fence, post, or wall shall be installed so as to obstruct visibility at a street intersection or driveway entrance as regulated in section 26-79.
6) Fences or walls in residential districts may be constructed of wood, stone, brick, decorative concrete block, wrought iron, products created to resemble these materials, or a combination of any of these materials. Materials such as, but not limited to, plywood, particleboard, sheet metal, concrete slabs, or concrete barriers shall not be used for fencing or for walls.
7) Within residential districts, no open wire fencing of a type that could inflict injury from casual contact (such as barbed or razor wire fencing) and broken glass atop walls is permitted; however, within commercial or industrial districts, no barbed or razor wire fencing is permitted below a height of eight feet.
8) Electric fences, except for livestock fences within residential agricultural (AR) zoning districts, shall be prohibited. Invisible pet fences are not considered "electric."
9) Notwithstanding the provisions of subsections (1, 2 and 3), an open wire fence up to 12 feet in height shall be permitted for safety reasons around towers, electrical substations, and similar uses. At a minimum, the bottom four feet of such fencing shall be screened from view from nearby public streets using a planted hedge.
10) Other requirements.
    a) Fences must be erected with the posts, supports, stringers and all unfinished materials facing the owner's property and residence or other primary structure.
    b) A certificate of zoning compliance is required before erecting a fence.

c) A fence or wall must be completed within 90 days of the issuance of the certificate of zoning compliance.

SEC. 26-77. HOME OCCUPATION REGULATIONS.

1) Where permitted. Home occupations are permitted in all districts only as an incidental use and must comply with the following regulations:

   a) The home occupation shall be operated by a resident of the dwelling.

   b)

   c) Parking must be provided to prevent hazards and or street congestion..

   d) No more than 25 percent of the total actual floor area of the dwelling or 500 square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one accessory building, not exceeding 1,000 square feet may be used for home occupations to house commercial vehicles and/or for storage of materials used in connection with the home occupation. All lot coverage, dimensional, and other requirements of this chapter must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the permit application.

   e) A home greenhouse shall be permitted provided that such greenhouse meets the requirements of section 26-75 and that any sales in connection with such greenhouse meet the requirements of this section.

   f) No outdoor sales or storage shall be permitted in connection with the home occupation.

   g) The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance. There shall be no advertising or signage visible from the exterior.

   h) The use may not emit noise beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.

   i) No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.

   j)

k) No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before 7:00 a.m. or after 9:00 p.m.

l) The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the storage of liquid petroleum, gasoline, kerosene or other flammable liquids, funeral homes and mortuaries, adult uses, animal hospitals and kennels, bottled gas sales. All home occupation activities conducted at the site of the home occupation shall be conducted within a completely enclosed structure.

m) Any home occupation not complying with these regulations shall be a special use.

SEC. 26-78. SUPPLEMENTARY DIMENSIONAL REQUIREMENTS; EXCEPTIONS AND MODIFICATIONS.

1) Existing front yard setbacks. The minimum front yard requirements of this article for dwellings shall not apply on any lot where the average front yard depth of existing dwellings is less than the minimum required. In such situations, the subject dwelling is not required to meet the district minimum front yard setback, but must meet either the adjacent dwelling with the greatest front yard depth, or the average front yard of existing dwellings located wholly or in part within 100 feet on each side, whichever is greater. When averaging to determine yard depth, only dwellings within the same block, in the same zoning district, and on the same side of the street may be used.

2) Corner lot set backs. In any residential district, the side yard requirements for corner lots shall be increased by ten feet along the side abutting a street. The front and side yards of the lot shall be designated at the time of permitting.

3) The board of adjustment shall review as a special use those structures which exceed the height limitations of this article such as, religious spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, masts, aerials, and similar structures.

4) Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any required setback, but such projection may not exceed six feet and may not be closer than ten feet to any lot line.

5) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required setback, but such projection shall not exceed three feet.

6) The requirements of this article do not apply to roads, water, sewer, gas, electric, telephone and similar utility lines except where specifically mentioned.

7) Minimum required width on lots which front on the turnaround circle of a cul-de-sac shall be measured at the front yard setback line.

SEC. 26-79. VISIBILITY AT INTERSECTIONS.

On a corner lot and where driveways/drive aisles intersect the street, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and half and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect.

SEC. 26-80. STREET ACCESS REQUIRED.

No principal building, structure, or use may be erected or established on any lot which does not abut at least 20 feet on one of the following:

1) A public street dedicated to and maintained by the town or the state department of transportation;
2) A street constructed to the standards in the chapter 24, subdivisions, with a written agreement concerning maintenance of the street;
3) A private recorded access easement serving a lot at least two acres in size for the exclusive use of a single residential unit established on such lot, and provided that the access is maintained in a condition passable for emergency service vehicles, and further provided that no such access may be established closer than 150 feet to any other previously recorded access.

SEC. 26-81. COMPLEXES.

Office centers, institutional, industrial and similar nonresidential complexes may have more than one principal building on a single lot, provided that the following requirements are met:

1) If the land area in the site is over two gross acres, the use shall be considered a planned unit development, and must be developed according to the provisions of section 26-72.
2) Uses in complexes shall be limited to those permitted within the zoning district in which the project is located.
3) The overall intensity of land use shall be no higher, and the standard of open space no lower than that permitted in the district in which the project is located.
4) The distance of every building from the nearest property line shall be in accordance with the front, side and rear yard requirements of the district in which the project is located. No building shall be closer to any other building in the complex than the minimum side yard required in the district in which the project is located.
5) The building height shall not exceed the height limits permitted in the district in which the project is located.

6) Shopping centers shall be allowed only in accordance with the requirements of section 26-253 or as part of a planned unit development, or in buildings existing on the effective date of the development regulation from which this section is derived.

SECS. 26-82—26-105. RESERVED.

ARTICLE III. NONCONFORMITIES

SEC. 26-106. COMPLIANCE WITH REQUIREMENTS.

A lawful pre-existing use, structure, or lot which does not meet the requirements of this chapter is called a nonconformity. Special provisions apply to nonconformities and these are listed in sections 26-107 to 26-111. In lieu of the provisions in this section, nonconforming signs shall comply with the requirements in article IV of this chapter, and nonconforming manufactured home parks shall comply with the requirements of article VI of this chapter.

SEC. 26-107. EXISTING SUBSTANDARD STRUCTURES.

1) The conforming use of a structure as explained in section 26-110, existing at the time of the adoption of the development regulation from which this section is derived, may be continued although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area and lot coverage provisions of this chapter. Such structures are called substandard structures.
2) Substandard structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access and all other applicable requirements of this chapter for the district in which such a structure is located.
3) Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access and all other applicable provisions of this chapter for the district in which such structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply.
4) A substandard structure may not be moved off the lot on which it is located unless, when relocated, it complies with the regulations for the district in which it is located.

SEC. 26-108. EXISTING NONCONFORMING USES; EXCEPTIONS.

The lawful nonconforming use of a structure, land or water existing at the time of the adoption of the development regulation from which this section is derived may be continued except that:

1) Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended. Additional structures may not be added which will be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming.

2) Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.
3) If such nonconforming use is damaged by fire, explosion, flood or other calamity to the extent of more than 75 percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this article.
4) If such nonconforming use is discontinued or terminated for a period of more than 180 days, any future use of the structure, land or water shall comply with the provisions of this chapter.
5) A nonconforming use may not be moved off the lot on which it is located unless when relocated, it complies with the regulations for the district in which it is relocated.
6) The board of adjustment may permit as a special use a change in the nonconforming use, provided that the requirements of subsections (1) through (5) of this section are met and the board of adjustment finds that such new use would be more in character with the uses permitted in the district. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
7) Once a nonconforming use has been changed or altered so as to comply with the provisions of this article, it shall not revert back to a nonconforming use. Once the board of adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose it status as a legal nonconforming use and become subject to all the conditions required by the board of adjustment. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district, it shall not subsequently be changed to be less in character.

(Ord. of 4-10-2006, § 402)

SEC. 26-109. EXISTING VACANT SUBSTANDARD LOTS.

1) Where the owner of a lot at the time of adoption of the development regulation from which this article is derived or their successor in title thereto does not own sufficient land to enable the owner to conform to the lot area or lot width requirements of this chapter, such a lot may be used as a building site for a single-family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than 20 percent below the minimum specified in this article, and further provided that the county health department approves the reduction if on-site water or wastewater facilities are involved. In cases where the lot area and lot width are more than 20 percent below the minimum specified in this chapter or other dimensional requirements cannot be met, the board of adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions. A letter of approval

from the county health department is required if on-site water or wastewater facilities are involved. If the pre-existing substandard lot is not in a district where single-family residences are permitted, the board of adjustment may issue a variance to allow some reasonable use.

2) If two or more adjoining and vacant lots are in one ownership when this chapter is adopted or at any time after the adoption of the development regulation from which this section is derived, and such lots individually do not meet the minimum dimensional requirements of this chapter for the district in which such lots are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and areas for the district in which located, and therefore, the provisions of subsection (a) of this section do not apply.

SEC. 26-110. CONFORMING USES AND STRUCTURES.

1) Any use or structure existing prior to the effective date of the development regulation from which this article is derived, which conforms to the regulations of this article for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located may be continued, provided any changes shall comply with the provisions of this article.
2) Any structure or use existing prior to the effective date of the development regulation from which this article is derived, which would be permitted by this article as a special use in the district in which it is located may be continued as if a special use permit had been applied for and issued, provided that any changes shall comply with the provisions of this article.

SEC. 26-111. EFFECT OF AMENDMENT.

If subsequent amendments to this article or the official zoning map result in the creation of additional nonconformities or conformities, such nonconformities and conformities shall be governed by the provisions of this article unless otherwise stated in the amendment.

SECS. 26-112—26-135. RESERVED

ARTICLE IV. DEVELOPMENT STANDARDS

SEC. 26-136. PARKING AND LOADING REQUIREMENTS.

General requirements. When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this section shall be met. The following regulations concerning required parking shall apply:

1) Each zoning permit application filed with the zoning administrator shall include information as to the location and dimensions of required off-street parking space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the zoning administrator, or their appointee to determine whether or not the requirements of this section are met. No certificate of occupancy shall be issued until the parking requirements and regulations are fully met.
2) The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that 50 percent of the parking space required for religious institutions, theaters, assembly halls, or similar uses whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays. The applicant must demonstrate that a parking agreement is in place between uses.
3) If the off-street parking space required by this article cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use.

4) Parking space sizes shall be governed by the following dimensions:

Parallel stall	20 feet by 9.0 feet
Angle stall	19 feet by 8.5 feet
90 degree stall	19 feet by 9.0 feet

5) Minimum aisle widths shall be:

Parking Angle (in degrees)	Aisle Width in Feet	
	One Way Traffic	Two-Way Traffic
0;deg;	12	24 (0 degrees only)
30;deg;	11	N/A
45;deg;	13	N/A
60;deg;	18	N/A
90;deg;	24	24

6) A safe means of ingress and egress shall be provided for all parking spaces and driveways for uses other than single- and two-family residential shall be at least 24 feet wide.

SEC. 26-137. DESIGN STANDARDS FOR OFF-STREET PARKING.

1) Surfacing.
   a) Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
   b) Access drives shall be paved and maintained from the curbline to a point at least ten feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.
   c) Paving shall not be required for:
      i) Parking facilities used on an irregular basis for religious institutions, private clubs or other similar nonprofit organizations;
      ii) Parking facilities for residential uses where six or fewer spaces are required;

iii) Parking areas for agricultural uses in the RA district; parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.

2) (b) Markings. Each parking stall shall be marked off and maintained so as to be distinguishable.

3) (c) Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

4) (d) Yards. All parking lots shall observe the minimum planting yard requirements of article VI of this chapter, landscaping.

5) (e) Curbs or bumpers. The required yards shall be set off from parking areas by either continuous curb or one non-contiguous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five inches or more than two feet high.

6) (f) Drainage. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the zoning administrator or their appointee may exempt the developer from this requirement, provided that adequate provision is made for drainage.

7) (g) Separation of bumper and walkways. In the event any parking stall abuts upon a walkway there shall be a space of 3½ feet between the wheel bumper or curb and the edge of the walkway.

8) (h) Entrance and exits. On all corner lots, all vehicular openings shall be located at least 20 feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line or 40 feet at the curbline. There shall be a minimum distance between driveways of 25 feet measured along the curbline unless such driveways are less than five feet apart.

9) Internal circulation. Sufficient area shall be provided within the property lines of the parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion.

SEC. 26-138. EXCEPTIONS.

1) The zoning administrator or their appointee may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this article would be likely to cause avoidable safety or traffic congestion problems until modification is made. The applicant may appeal the zoning administrator's decision to the board of adjustment under the normal procedure for an appeal.

2) If a peculiar characteristic of an establishment makes the requirements in this article clearly unrealistic, the board of adjustment may grant the applicant a parking modification.

3) Central business district uses. It is recognized that due to the special nature of the central business district and the desire to promote good design and preserve the character of Spring Hope's downtown, the off-street parking requirements of table 501.1 in section 26-139 may not be feasible or desirable. In the CB, Central Business District, the zoning administrator, or their designee, may allow a new use to be established which is served by a combination of off-street parking, on-street parking or municipal lots. The applicant must provide sufficient information to allow the zoning administrator to determine if sufficient parking is available for the use, so that the spirit of this chapter is met, and no foreseeable traffic congestion problems will be created.

SEC. 26-139. MINIMUM NUMBER OF PARKING SPACES.

The minimum number of required off-street parking spaces shall be calculated as provided in table 501.1. In the case of a building or use not expressly listed in table 501.1, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers which are listed specifically.

TABLE 501.1. OFF-STREET PARKING STANDARDS

Uses	Number of Required Off-Street Parking Spaces
Residential Uses	
Bed and breakfast, home	1 space per rentable bedroom or sleeping unit
Dwellings, single- and two-family	2 per dwelling unit
Dwellings, multifamily 1 and 2 bedroom units 3 bedroom units	 1.5 spaces for each dwelling unit 2 spaces for each dwelling unit
Dwellings, accessory	1 per unit
Cluster Mailbox Unit	2 spaces per location, one space must meet ADA requirements
Townhouses	2 spaces for each dwelling unit
Group housing, such as boardinghouses, dormitories and similar establishments	1.2 for each bedroom

Manufactured homes on individual lots	2 per manufactured home
Manufactured home parks	2 spaces for each manufactured home, plus 1 visitor parking space for each 4 manufactured homes
Short-term rental	Same as the structure type or 1 space per rentable bedroom or sleeping unit, whichever is greater.
Office and Institutional Uses	
Financial institutions	1 for each 300 square feet of gross floor area or fraction thereof, and if necessary, stacking requirements in Table 501.2
Hospitals	1 space for each 250 square feet of gross floor area or fraction thereof
Community/Cultural Center	1 space for each 300 square feet for use by the public or fraction thereof, and if necessary, stacking requirements in Table 501.2
Nursing homes, family care homes and similar institutions	0.4 times the maximum lawful number of occupants
Offices	
Doctor or dentist	1 for each 500 square feet of gross floor area or fraction thereof
Other	1 for each 500 square feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges, religious institutions, funeral parlors, auditoriums, gymnasiums, amusement parks and similar places	1 for each 4 seats in the main assembly hall.
Schools and Colleges	
Day nurseries, kindergartens, elementary, junior high	2 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office
Senior high, and college, trade, vocational with dormitories	10 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office
College, trade, vocational without dormitories	10 for each 750 square feet of classroom floor area or fraction thereof
Commercial Uses	
Entertainment and Recreation (indoor)	No minimum 5 per 1,000 square feet of gross floor area
Entertainment and Recreation, (outdoor)	5 per 1,000 square feet of activity area

Campground	
Tent	1 for each campsite, plus office parking requirement
Recreational Vehicle	1 for each campsite, plus office parking requirement
Car wash	5 per wash lane, stacking requirements in Table 501.2
Golf course (not including putting greens accessory to multifamily dwellings or hotels or motels)	4 per hole
Hotel or motel	1 for each guest room
Restaurant	
Restaurant	12 spaces per 1,000 square feet of gross floor area of the defined seating area, and if necessary, stacking requirements in Table 501.2
Automotive repairs	4.5 per 1,000 square feet of gross floor area or fraction thereof within the central business (CB) zoning district and the general business (GB) zoning district; 7.5 per 1,000 square feet of gross floor area or fraction thereof within the interchange commercial zoning district; 8 per 1,000 square feet of gross floor area or fraction thereof within the light-industrial (LI) and heavy-industrial (HI) zoning districts
Service station	2 for each gas pump, plus 3 for each grease rack or similar facility
General retail less than 10,000 square feet	1 for each 1,000 square feet of gross floor area
General retail more than 10,000 square feet	1 for each 1,000 square feet of gross floor area
Personal services (hair salon, nail salon, or similar)	3 per 1,000 square feet of gross floor area or fraction thereof
Industrial Uses	
Industrial and research uses, warehousing and very low customer volume wholesaling operations	1 for each employee on the largest shift

TABLE 501.2. Stacking Requirements

Use	Stacking Requirements
Car Wash	5 stacking spaces per wash lane
Restaurant	Eight stacking spaces per lane
Financial Institution	Three stacking spaces per lane
Other	As determined by the Zoning Administrator, or their appointee, based on a study of the use by a professional traffic consultant

SEC. 26-140. OFF-STREET LOADING REQUIREMENTS.

1) Every building or structure used for business, trade, industry, or office and institutional purposes, shall provide loading space as indicated in this section. Each loading space shall be no less than 15 feet in width, and 30 feet in depth. Each space shall also be no less than 15 feet in height if such space is covered. It shall have access driveways to public streets or alleys which driveways shall be at least 24 feet wide and with adequate turning radii for the delivery vehicles customarily associated with the particular use. If there is not more than one delivery and pickup during the hours when a retail trade, office, or institutional establishment is open to patrons, such space may be combined with the existing parking space on the premises. Loading space shall be provided in accordance with the following schedule:
   a) Retail business: One space for each 40,000 square feet of gross floor area or fraction thereof.
   b) Wholesale trade and industry: One space for each 10,000 square feet of gross floor or fraction thereof.
   c) Office and institutional uses, including hotels and motels: One space for each 50,000 square feet of gross floor area or fraction thereof.
   d) As well as meeting the requirements of subsection (a)(3) of this section, elementary, junior high, or high schools, kindergartens, nurseries and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.
2) Exceptions.
   a) If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the board of adjustment may grant the applicant a modification of the loading requirements in regard to that particular establishment.
   b) In the central business district, the zoning administrator may allow a new use to be established in an existing building even if all loading requirements of this section

cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use, and traffic or safety hazards will not be created.

(Ord. of 4-10-2006, § 501.2)

SECS. 26-141—26-163. RESERVED.

ARTICLE V. SIGNS

SEC. 26-164. SIGN STANDARDS.

1) No sign or sign structure shall be erected, posted, hung, painted, re-hung, repainted, repaired, replaced, changed or maintained in any district except in compliance with this section. This article shall not apply to signs erected in conjunction with the Spring Hope Pumpkin Festival and similar town-wide temporary events which are officially sanctioned by the board of commissioners.
2) General sign regulations.
    a) No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in section 26-79.
    b) No ground sign structure shall be placed in the right-of-way.
    c) Individual stores in a shopping center shall not have separate ground sign structures. The shopping center as a whole may display signage in accordance with this section.
    d) Signs and sign structures shall meet all requirements of the state building code.
    e) Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors supporting frames and fastening free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling or chipping.
    f) Obsolete signs and their supporting structures shall be removed within 90 days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which the sign refers. This provision does not refer to billboards, until the commercial use of the billboard for rent has ceased. An extension of the 90-day time limit for removal may be granted by the zoning administrator, or their designee, for reasonable cause.
    g) Illuminated signs shall be limited to those lighted from behind to silhouette letters and internally illuminated, and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination or glare from being cast directly on any building or on traffic.
    h) (8)
    i) Sign area measurement.
2) Sign surface area measurement.
    a) The surface area of a sign shall be measured by including the entire area within a single, continuous, rectangular perimeter.

b) Enclose the extreme limits of the writing, representation, emblem, or other display, together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

c) Do not include any supporting framework or bracing that is clearly incidental to the display itself.

d) b. Signs consisting of multiple elements. If the sign consists of multiple elements, all of the area, including that area between elements shall be included in the computation of the sign area.

3) Double-faced signs.

a) The sign surface area of a double-faced, back-to-back sign with identical words or graphics on both sides shall be regarded and calculated as one sign.

b) A double-faced sign with an angle shall be regarded and calculated as two signs.

c) (10) Sign height computation. The vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

SEC. 26-165. PROHIBITED SIGNS.

The following types of signs are expressly prohibited:

1) Signs with moving, revolving or rotating parts, or any sign which moves or gives an illusion of movement, except for time and temperature units and traditional barber poles shall be prohibited in all districts.

2) Signs with lights or illumination which flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature units.

3) Signs which obstruct the view of or could be confused with any authorized traffic sign, signal or device or make use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

4) Signs which obstruct openings required to be left uncovered or unobstructed by building codes, the housing code or other laws relating to buildings.

5) Snipe signs. (See definition in section 26-46.)

SEC. 26-166. OFF-SITE ADVERTISING SIGNS (BILLBOARDS).

Off-site advertising signs (billboards) shall be permitted only as a special use in the GB, IC, LI and HI districts. The general conditions for special uses in section 26-325 are not

applicable to off-site advertising signs, rather the conditions of this section shall be used by the board of commissioners in hearing applications for off-site advertising signs:

1) The property on which the sign is to be located must be adjacent to an interstate or federal aid primary highway.
2) The sign must be located within 660 feet of the edge of the right-of way of such highway.
3) The sign shall comply with all regulations of the state department of transportation, and with state statutes.
4) No two such structures shall be placed less than 1,000 feet apart.
5) Only one sign face per structure shall be permitted.

SEC. 26-167. NONCONFORMING SIGNS.

Signs in existence prior to the adoption of the regulations from which this sign ordinance is derived and that do not conform to the provisions of this zoning code are declared nonconforming signs. The policy of the town is that the eventual elimination of nonconforming signs is just as important to the health, safety, welfare, and appearance of the town as is the prohibition of new signs that would violate this zoning ordinance.

Nonconforming signs may be continued under the following conditions:

1) Were erected prior to adoption of the various sign regulations from which this section derives, and with which they are in violation.
2) Shall not be relocated, modified or expanded where it increases their degree of nonconformity.
3) Nonconforming signs which advertises a business no longer conducted or closed where such sign is located shall be terminated within 90 days. Termination of the nonconformity shall consist of removal of the sign. If the former business owner is unable to remove such sign, it shall be the responsibility of the property owner.
4) When removed for other than normal maintenance may be not erected again, nor may such a sign be replaced with another nonconforming sign. Normal maintenance may include, but is not limited to fixing, maintaining, and panel change out that does not increase the nonconformity.

SEC. 26-168. PERMITTED SIGNS.

The following sign types shall be permitted in accordance with table 502.5:

TABLE 502.5. PERMITTED SIGNS

Sign Type	Dimensions			

	Maximum Area (in sq. ft.)	Maximum Height (in ft.)	District Permitted	Permit Required	Special Requirements
Advertising, off-site (billboards)	384 for U.S. 64; 32 for N.C. 581, U.S. 64-A	30	GB, IC, LI, HI	Special Use	See section 26-166
Agricultural, advertising products produced on premises	32	8	RA, LI, HI	Yes	
Bulletin board,	20	8	All districts	Yes	
Canopy signs (may also be placed on nonraising marquees)	20		CB, GC, IC, LI, HI	Yes	Sec. 26-169(a)
Central Business District signs					
Information kiosk and directory sign			CB		Sec. 26-169(b)
Sandwich board	6	3	CB		Sec. 26-169(c)
Directional signs containing no advertising matter					
Traffic, safety, utility warning,	N/A	N/A	All districts	No	
Pedestrian, public	N/A	N/A	All districts	No	
Directional (off-site)	12	6	All districts	Yes	
Development entrance signs	32	8	All districts	Yes	Sec. 26-169(d)
Ground signs	150	25	GB, IC, LI, HI	Yes	Sec. 26-169(f)
	40	12	CB	Yes	Sec. 26-169(f)
Home occupation (See professional announcement)					
Identification signs (attached)		N/A	All districts	No	Sec. 26-169(h)

Professional announcement signs	4	N/A	All districts	No	Sec. 26-169(i)
Projecting signs	3	N/A	CB, GB, IC, LI, HI	Yes	Sec. 26-169(j)
Temporary signs					
Construction site placard	32	12	LI, HI	Yes	Sec. 26-169(k)
	4	6	CB, GB, IC		
Directional to garage sales and similar events in residential area	4	N/A	All districts	No	Sec. 26-169(l)
Pennants, banners and streamers			CB, GB, IC, LI, HI	Yes	Sec. 26-169(m)
Noncommercial signs	4	N/A	All districts	No	Sec. 26-169(n)
Portable signs	32	10	GB, IC, LI, HI	Yes	Sec. 26-169(o)
					)
Wall or roof signs	1.25 sq. ft. of sign area per running foot of building frontage		CB, GB, IC, LI, HI	Yes	Sec. 26-169(s)
Window signs			CB, GB, IC, LI, HI	No	

(Ord. of 4-10-2006, § 502.5(A))

SEC. 26-169. SPECIAL SIGN REQUIREMENTS.

1) Canopy signs. One is allowed per establishment entranceway. Bottom of sign must be a minimum of seven feet above sidewalk level. Minimum height may be greater over a public right-of-way if required by town regulations. No awning or canopy shall be permitted to extend beyond a point two feet inside the curb line. Insurance shall be required if the awning or canopy projects over the public right-of-way.
2) Information kiosk and directory signs (public). Off-premises public sign kiosks or directory signs display a directory of businesses, uses, or attractions and may be placed

within the public right-of-way, provided that the sign kiosk or directory sign is erected and maintained by the town or state or an agent of such.

a) The sign kiosk or directory sign shall serve to direct the public to a single development site or contiguous development sites.

b) Maximum size shall be four feet wide and eight feet tall for freestanding kiosks. Wall mounted directory signs may not exceed four feet wide by six feet high.

c) The property on which the sign kiosk or directory sign is located does not contain another kiosk or directory sign.

d) The sign kiosk or directory sign does not obstruct the clear sight triangle or in any other way interfere with the safe passage of vehicles, pedestrians, and bicyclists on, off of, or along public streets, sidewalks, or bike paths.

3) Sandwich board sign. A sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground and meets the following conditions below:

a) A total of one sign shall be allowed per downtown business.

b) The sign shall be located within four feet of the main building entrance to the business and its location shall not interfere with pedestrian or vehicular circulation. Insurance shall be required if the sign is placed on the public right-of-way.

c) The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign's lettering should be professionally painted or applied; a "yard sales" or "graffiti" look with hand painted or paint stenciled letters is not acceptable; however, chalkboard signs shall be permitted.

d) Sign shall be kept in good repair and presentable at all times.

e) Maximum size: 24 inches wide by 36 inches high.

4) Development entrance signs. Development entrance signs include entrance or monument type signs to subdivisions, neighborhoods, public, commercial, industrial, institutional establishments and manufactured home parks. No more than two per entrance are allowed. Minimum height requirement includes sign and any support pillars.

5) Ground signs.

a) No more than one per street frontage containing entrance to use.

b) Must be at least 30 feet from any other ground sign.

c) Must meet vision clearance requirements of section 26-79.

d) The board of adjustment may grant a special use permit for a higher sign on property adjoining U.S. Highway 64 according to conditions in section 26-166.

e) Properties abutting U.S. Highway 64 may have one additional ground sign oriented to U.S. 64 up to a maximum of 50 feet in height.

6) Identification signs, attached. Attached identification signs include memorial signs, tablets, name of building and date of construction. The sign must be cut into a masonry surface or cast of metal and affixed flat against a surface.

7) Professional announcement. This category includes signs for home occupations. No more than one sign per establishment shall be allowed. Sign may not be illuminated and must be compatible with the neighborhood.

8) Projecting signs. The sign may extend no more than three feet from the wall at the farthest point. One such sign is allowed per face on the street, or two per establishment, whichever is less. Such sign may be hung on corner of building but shall count against the maximum allowed above. Insurance shall be required if the awning or canopy projects over the public right-of-way.

9) Construction placards. Construction placards must be removed after final inspection or a certificate of occupancy has been issued.

a) Temporary event directional signs. Temporary event directional signs include garage sales in residential districts. Signs must be posted no more than 24 hours before sale and removed within 24 hours after sale. Portable commercial signs are prohibited for this use.

10) Pennants, banners and streamers with advertising matter or logos. These types of signs are allowed as a temporary use only and shall remain for no more than 28 consecutive days. Acceptable materials are vinyl or cloth only. Portable commercial signs are prohibited for this use.

11) Portable signs (includes signs mounted on a vehicle or trailer, or a trailer type device). A non-renewable permit from the zoning administrator is required. Signs shall be permitted for no more than ten days. No more than one sign per establishment per street frontage shall be allowed. The same establishment may not have a temporary sign again for 90 days after removal of such sign. The sign shall not have colored or flashing lights which cause glare on traffic or adjacent properties, and shall not be located on the public right-of-way nor obstruct vision clearance as indicated in section 26-79.

12) Wall signs.

a) Wall signs must be mounted on areas of wall free of windows, doors, or other major architectural detail. Only one wall, roof, or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this article.

b) Wall signs may be used only for identification or on-site advertising.

c) Signs shall not project over the roof line of the building to which they are attached.

SECS. 26-170—26-191. RESERVED.

ARTICLE VI. LANDSCAPING

SEC. 26-192. PURPOSE AND SCOPE.

This article is intended to establish minimum standards for the design of landscapes for uses other than single-family and two-family residential so as to improve the community aesthetically, economically and environmentally.

SEC. 26-193. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means a standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

Critical root zone (CRZ) means a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

Deciduous means those plants that annually lose their leaves.

Diameter-at-breast-height (DBH) means the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

Drip line means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Evergreen means those plants that retain foliage throughout the year.

Evergreen screen means a plant growing to over 20 feet in height at maturity that retains foliage year round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.

Ground cover means a prostrate plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On

slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

Landscaping means the process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover.

Parking lot plantings means planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

Planting area means the area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.

Planting yard means the required installation of landscaping and screening materials between zoning districts and sometimes individual uses. The following are types of planting yards:

1) Type A planting yard means a planting strip having minimum width of 8 feet which is intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.
2) Type B planting yard means a medium density screen having a minimum width of 15 feet which is intended to partially block visual contact between zoning classifications and create spatial separation.
3) Type C planting yard means a medium density screen having a minimum width of 20 feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. a type C planting yard reduces lighting and noise that would otherwise intrude upon adjacent zoning classifications.
4) Type D planting yard means a very high density screen having a minimum width of 30 feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. A type D planting yard reduces lighting and noise that would otherwise intrude upon adjacent zoning classification.

Shrub, large, means an upright plant growing ten feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, medium, means a plant growing five feet to ten feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, small, means a plant growing to less than five feet in height at maturity that is planted for ornamental purposes.

Street tree means a tree planted along the street behind the right-of-way.

Street yard means a planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of the development by providing a pleasing view from the road.

Tree, ornamental, means a small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Tree, shade, means a large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

SEC. 26-194. APPLICABILITY

The provisions of this article shall apply to all uses other than single-family residential.

SEC. 26-195. PLANTING YARDS.

1) Planting yards are intended to separate different land uses and zoning districts from each other and are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas. The planting yard types are determined by four different levels based on zoning districts. The zoning districts have been divided into the following four levels:
   a) Level 1. Residential, single-family.
      i) RA Residential-Agricultural, excluding duplex.
      ii) R-30 Single-Family Residential, excluding duplex.
      iii) R-15 Medium Density Single-Family, excluding duplex.
   b) Level 2. Residential, duplex and multifamily.
      i) RA, Residential-Agricultural, duplex only.
      ii) R-8, Single-Family Residential, duplex only.
      iii) R-MF, Residential Multifamily.
      iv) R-MH, Mobile Home Residential.
   c) Level 3. Business.
      i) GB, General Business.
      ii) IC, Office and Institutional.
   d) Level 4. Manufacturing.
      i) LI, Light Industrial District.
      ii) HI, Heavy Industrial District.
2) In the case of a group development, the outer boundaries shall be landscaped according to the requirements of table 503.2, planting yard landscaping in section 26-196(a) and table 503.3, street yard landscaping requirements in section 26-196(b)(4). The interior

boundaries abutting out parcels within a group development must comply with the requirements of tables 503.2 and 503.3 at the time of their development.

SEC. 26-196. PLANTING YARD CHARTS.

1) Table 503.1 shows how the four different levels of zoning classification relate to one another to determine the type of planting yard that is required.

TABLE 503.1. PLANTING YARD CHART

		Least Intensive	⇒	⇒	Most Intensive
		Adjacent Zoning District Level			
Least Intensive	Proposed Level	1	2	3	4
⇓	1	*	*	*	*
⇓	2	C	A**	A	A
⇓	3	C	B	A**	A
Most intensive	4	D	D	C	A**

*No planting yard requirement.

**Where like zoning abuts one another, the planting yard requirement for the type A yard shall be a minimum average width of eight feet, but at no time shall the width be less than four feet.

TABLE 503.2. PLANTING YARD LANDSCAPING

Yard Type	Minimum Width (in feet)	Shade Trees	Ornamental Trees	Shrubs	Required Points (per linear foot)
A	8	optional	1/50'	optional	0.4
B	15	1/75'	1/100'	optional	0.7
C	20	1/50'	1/75'	optional	0.9
D	30	1/50'	1/50'	optional	1.0

2) Table 503.2 shows the planting requirements of the planting yard Types A through D. Each planting yard has a specified width, type of plant material and quantity of plant material that is required. The width and density of the planting yard increases as the difference in zoning classifications increase.

3) A wall or fence, a minimum of six feet in height (constructed of masonry or pressure-treated lumber), or densely planted vegetation a minimum of six feet in height that would

provide a complete visual separation within three years of planting, may be used to reduce both the minimum width of the planting yards and the corresponding number of points per linear foot by 20 percent as follows:

Type of plant	Points
Shade tree	12
Ornamental tree	6
Large shrub	3
Medium shrub	2
Small shrub	1

4) In type B planting yards, ornamental trees may be substituted for shade trees at the rate of two ornamental trees for each required shade tree.
5) All trees in street yards shall be planted at least than four feet from any public right-of-way.
6) For the purpose of this section, building setbacks (as listed in section 26-71) shall supersede planting yard landscaping requirements.

TABLE 503.3. STREET YARD LANDSCAPING

	Minimum Width	Trees			Shrubs
		Shade	or	Ornamental	
Requirements	8'	1/35'	or	1/25'	Optional

TABLE 503.4 Planting Yards

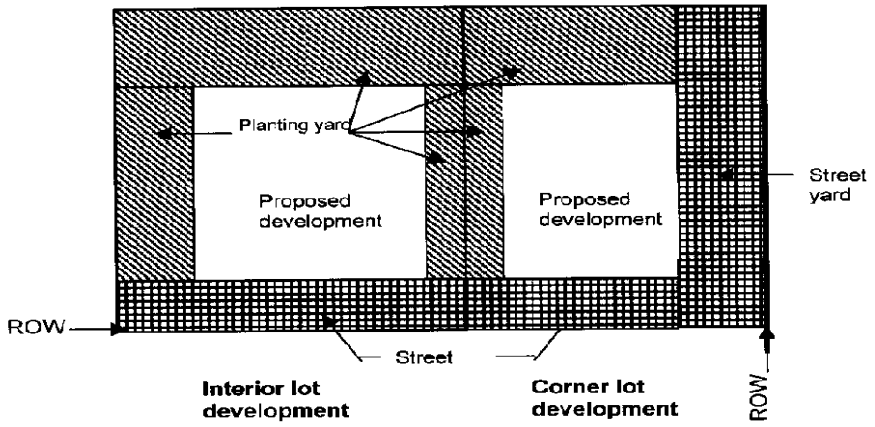
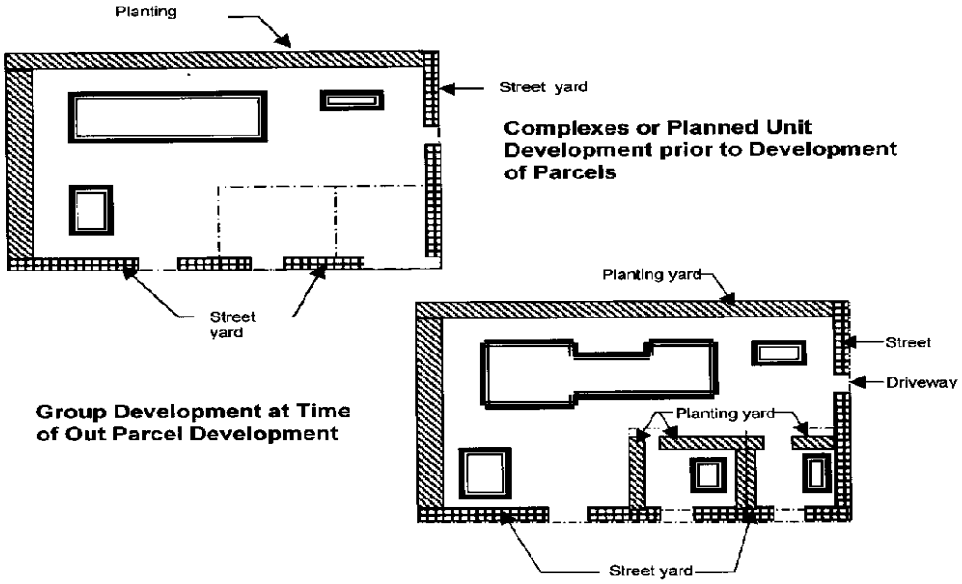


TABLE 503.5 Complexes or Planned Unit Developments



SEC. 26-197. LANDSCAPING AND DESIGN STANDARDS FOR STREET YARDS.

A street yard consists of a planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

1) Street yards shall be a minimum of eight feet wide.
2) Street yards shall contain one shade tree per 35 linear feet or one ornamental tree per 25 linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute

equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical; however, the requirements of table 503.3, street yard landscaping requirements in section 26-196(b)(4).

3) Parking, merchandise display and off-street loading are prohibited in the street yard.
4) Any tree or shrub planted within a sight triangle shall comply with section 26-79, visibility at intersections.

SEC. 26-198. STANDARDS FOR LANDSCAPING WITHIN PARKING LOTS.

1) All new or expanded (to add 12 or more spaces) parking lots with 12 or more spaces shall comply with this section.
2) If an existing parking lot (paved or unpaved) is expanded or improved to add 12 or more spaces, it shall comply with the parking lot requirements of this article within the expanded or improved portion.
3) If a parking lot is expanded or developed, then the street yard, planting yard, and parking lot requirements shall be applicable.
4) In parking lots with 12 or more spaces, trees shall be planted at a rate of one shade tree or two ornamental trees for every 12 spaces or fraction thereof.
5) Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
6) Trees required within the planting yards or street yards cannot be credited toward the parking lot requirements.
7) Planting areas within the parking lots shall provide a minimum of 81 square feet with a minimum inside dimension of nine feet and a minimum prepared depth of 18 inches.

SEC. 26-199. TREE PRESERVATION AND CARE DURING CONSTRUCTION.

1) Existing trees shall be preserved whenever feasible. Credits for tree preservation are offered when a tree preservation plan is submitted to the town's zoning administrator prior to grading the site. A tree preservation plan must show that there will be no disturbance in the critical root zone (CRZ). A disturbance is considered trenching, placing backfill in the CRZ, driving or parking equipment in the CRZ, and dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).
2) When selecting which trees to preserve, the following shall be considered:
   a) Existing and proposed grading;
   b) Age, condition, and type of tree; and

c) Location of site improvements and utility connections.

3) (c) Credit for existing trees within parking lots and planting yards will be given at the rate of 18 points per four inches in diameter at breast height (DBH) of existing plant material preserved. Minimum size requirement to qualify for tree preservation in four inches (DBH).

4) (d) Should any tree designated for preservation in the tree preservation plan die at anytime after approval of the plan or issuance of a certificate of occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within 180 days. In the event of a restricted site, the owner may request review by the zoning administrator. The replacement tree shall be a minimum of two inches in caliper for a shade tree and a minimum of six feet in height for an ornamental tree (six feet from the top of the root ball to the top of the tree) at the time of planting.

SEC. 26-200. LANDSCAPE PLAN SUBMITTAL REQUIREMENTS.

In order for a plan to be reviewed, a site plan containing the following information must be submitted to the zoning administrator:

1) Site plan shall be drawn to scale and include a North arrow and necessary interpretive legends.
2) Property lines and zoning designation of adjacent properties.
3) Location of proposed buildings, parking areas with spaces delineated, paving and sidewalks.
4) Existing plant materials and areas to be left in natural state.
5) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
6) Locations, size and names for all proposed plants.
7) Location and description of other landscape improvements, such as earth berms, walls, fences, sculptures, fountains, and paved areas.
8) Planting and installation details as necessary to ensure conformance with all required standards.
9) Location of overhead and underground utilities.
10) Landscape compliance summary table. This table shall list required planting yards by type, length, points required and plants to meet the points requirement. This table shall include the length of street yard and trees by type (shade or ornamental) to meet the tree planting standard. This table shall include the number of new parking spaces provided and the trees required and the trees proposed to meet parking lot landscape requirements.

SEC. 26-201. LANDSCAPE STANDARDS AND SPECIFICATIONS.

The following standards and specifications shall apply to landscaping:

1) The developer shall furnish and install all plant materials listed on the plan schedule.
2) Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
3) Plant materials must be from the recommended plant list or known to be hardy in USDA Plant Hardiness Zone 7. Plants included in the "plant types to discourage" list may not be used to meet the requirements of this article.
4) Shade trees must be a minimum of two inches in caliper. Ornamental trees must be a minimum of six feet in height at the time of planting (six feet from top of root ball to top of tree).
5) No tree may be planted in the sight triangle.
6) Do not use staking materials unless it is absolutely necessary. If staking is necessary, than the developer/property owner must remove the staking materials after one growing season.
7) Property owners shall ensure to the best of their knowledge and ability the survival and health of required trees in perpetuity.
8) A temporary certificate of occupancy for six months may be issued when extremes in weather or soil conditions are not favorable for landscaping.
9) The developer shall ensure that all plant pits, vine pits, hedge trenches, and shrub beds are excavated as follows:
    a) All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above existing grade. Soil within the planting areas shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Soil shall be compatible with the composition of the existing sub-soil and sufficiently blended to ensure adequate exchange of air and water between the planting area and the adjacent soil strata. Plants shall rest on well-compacted surface. The tree pit shall be a minimum of nine inches larger on every side than the ball of the tree.
    b) If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth.
10) Each tree or shrub shall be pruned in an appropriate manner, in accordance with accepted standard practice.
11) All trenches and shrub beds shall be cultivated to the lines shown on the drawings. The areas around isolated plants shall be cultivated to the full diameter of the pit.
12) Existing trees shall be preserved whenever possible. (See section 26-199.)

13) All planting areas shall be mulched with a two-to-three-inch layer of bark or other similar material to cover the planting area.

SEC. 26-202. ALTERNATIVE METHODS OF COMPLIANCE.

1) Use of alternate plan, material, or methods. Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or front lot configuration, utility easements, unified development design, or unusual site conditions.
2) Approval of alternate plan. The board of commissioners may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this article. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening, height, spread, and canopy of the planting at maturity.
3) Appeal. The decision of the board of commissioners regarding alternate methods of compliance may be appealed to the board of adjustment.

SEC. 26-203. PLANT SUBSTITUTION.

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting may be approved by the Town Manager or their appointee if the following are true:

1) There is no reduction in the quantity of plant material.
2) There is no significant change in size or location of plant materials.
3) The new plants are of the same general category (i.e., shade tree, ornamental tree, or shrub) and have the same general design characteristics mature height, crown spread) as the materials being replaced.

SECS. 26-204—26-229. RESERVED.

ARTICLE VII. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

SEC. 26-230. REQUIRED.

The following standards apply as applicable to uses designated as S, C or D in table 304.1, Table of permitted uses in section 26-70. These standards shall be required in addition to all other provisions of this chapter.

SEC. 26-231. ADULT ESTABLISHMENTS.

1) No adult establishment shall be located within 1,000 feet (determined by a straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of any religious institution, school, day care, public park, residence or playground as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.
2) No adult establishment shall be located within 1,000 feet (determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.
3) No more than one adult establishment may be located within the same structure.

SEC. 26-231.1. AUTOMOTIVE REPAIRS.

1) In the central business (CB) district, a maximum of four service bay doors no more than ten feet in width each are permitted on two sides of the building. There shall be no parking in front of bay doors while occupied. The lot shall be clear of vehicles in front of bay doors to allow for maneuvering vehicles in and out to be serviced.
2) Minimum number of parking spaces per section 26-139. Each parking space shall be marked.
    a) Angled, perpendicular, or parallel spaces shall be between 16 and 18 feet in length and nine feet in width.
    b) If additional parking is required, it may be allowed on a separate, but adjoining parcel to the primary location of the automotive repair business.
        i) The additional parking on adjoining parcel shall be screened by a minimum six-foot high solid fence or masonry wall around the entire perimeter of the parked vehicles. No gate or part of the fence shall slide or swing into the roadway. If any

vehicles intended for current or future work exceeds the height of the fence, the business shall install a solid fence or masonry wall to adequately obstruct the view of any parked vehicles from any public right-of-way (ROW).

ii) Landscaping requirements to place medium to large (two feet to five feet) shrubs and/or ornamental trees every 15 feet in width along the perimeter of the fence or wall adjoining residential lots and street frontage to create a buffer between zoning districts and to minimize potential nuisances.

iii) Overflow parking is defined as parking spaces exceeding the calculated minimum number of parking spaces per section 26-139. Overflow shall be screened by a minimum six-foot high solid fence or screened fence around the entire perimeter of the overflow parking. No gate or part of the fence shall slide or swing into the roadway. If any vehicles intended for current or future work exceeds the height of the fence, the business shall install a fence to adequately obstruct the view of any parked vehicles from any public right-of-way (ROW). For any commercial or industrial sized vehicles, business may seek relief in the height of the fence at the discretion of the zoning administrator.

3) No vehicles associated with the business including, but not limited to customers and vendors that are to be serviced shall be parked on the street or any public ROW. The ROW within the automotive repair business' driveway and parking lot shall be marked.
4) There shall be no dismantling of vehicles for salvage within the automotive repairs business.
5) The storage of impounded vehicles is not permitted.
6) Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
7) No outside speaker system is permitted.

SEC. 26-232. BOARDINGHOUSES.

1) The boardinghouse shall be the permanent residence of the owner of the establishment.
2) In any residential zoning district, parking shall only be permitted in the front yard on a designated driveway.
3) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements.

SEC. 26-233. COMMERCIAL CAMPGROUND.

1) Campgrounds and RV parks are intended for seasonal occupancy only and shall not be used as a permanent residence.

2) The use shall meet any applicable county health department requirements.

SEC. 26-234. CEMETERIES.

1) Cemeteries shall be subject to chapter 18, article VI, division 3 of this Code and all applicable county health department regulations and state laws.

SEC. 26-235. RELIGIOUS INSTITUTIONS.

Institutions with a capacity in excess of 600 persons shall be located with direct access to a major or minor collector street as identified on the most recent functional classification map published by the state department of transportation.

SEC. 26-236. CIVIC MEETING FACILITY.

1) The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.
2) Noise from a public address system shall not be heard beyond the property where the use is located.
3) The use shall have access only on a major or minor collector street as identified on the most recent functional classification map published by the state department of transportation.

SEC. 26-237. DAY CARE CENTER.

1) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum 20-foot setback as measured from the abutting street right-of-way line shall be required.
2) At least 100 square feet of outdoor play area shall be provided for each child. The outdoor play and recreation area shall be located at least 50 feet from the lot line of any residentially-used or residentially-zoned property and enclosed by a fence or wall at least four feet in height, which shall be maintained in good condition.
3) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each 20 people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.
4) Hours of operation. A day care center operation shall only be permitted between the hours of 6:00 AM and 10:00 PM, Sunday through Saturday.

5) Landscaping requirements. A Type C planting yard is required when adjacent to a residentially-zoned property.

SEC. 26-238. DAY CARE HOME.

(a) A home day care must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling, all building and lot standards for residential dwellings shall be maintained.

(b) No outdoor play shall be permitted after dark and care shall not be provided on a 24-hour basis.

(c) The facility shall be staffed by persons residing in the dwelling in which the day care is located except that up to one non-resident may report to work at a daycare home.

(d) No other day care home may be located within 500 feet of an existing day care home.

(e) No more than nine children present at any one time, no more than five shall be preschool-aged, not including the operator's own preschool-aged children.

(f) Day care homes must be licensed through the NC Department of Health and Human Services.

SEC. 26-239. MULTI-FAMILY DWELLINGS IN CB DISTRICT.

1) A zoning compliance permit must be granted and shall be based upon compliance with all provisions of this section. Should any of these provisions not be met or be violated, the permit shall be revoked.
2) (b) A residential use of an existing commercial structure shall only be considered on the second floor of a multi-story building.
3) At least 500 square feet of floor area, centrally conditioned with air, per dwelling unit shall be provided.
4) (e) Appropriate arrangements shall be made for off-street parking. Parking locations must be identified and approved by the Town of Spring Hope as part of the building/site plans submitted.
5) (g) The residential use shall not create traffic or other problems for adjacent uses by other downtown business or adversely affect the commercial character of the district.
6) (h) Allowing the residential use shall at no time allow destruction of historically significant buildings or diminish the historic character architectural elements of the exterior of any building.
7) (i)

SEC. 26-240. ELECTRONIC GAMING OPERATIONS.

1) The hours of operation of the establishment must not be any earlier than 9:00 a.m. nor any later than 11:00 p.m., Monday through Saturday.
2) No alcohol beverages and no smoking shall be permitted within the establishment.
3) The establishment must not be located within 1,000 feet from any religious institution.
4) The establishment must not be located within 100 feet from any residence, measuring the distance off from the edge/corner of the building from one another.
5) Off-street parking must be paved and must be one space for each two computers, plus one handicapped parking space.
6) The fee for each machine will be $300.00 annually, set by the board of commissioners.
7) The establishment must not be located within 1,000 feet from any other electronic gaming operation.
8) No establishment shall have more than 20 electronic gaming machines/computers.
9) Windows shall not be tinted, nor shall there be any interior obstructions, such as curtains, screens, blinds, partitions, or signs, placed to prevent a clear and unobstructed view of the interior from the street.
10) Persons under the age of 18 are prohibited within the premises.
11) Lighting. No interior or exterior lighting shall be used to frame windows, doors, or along the building itself, whether in part or in whole. Exterior lighting must encompass the entire parking lot.
12) Must provide at least one security officer clearly marked as security, either an employee or hired from third party that provides certified armed security.
13) Must have at a minimum two cameras outside covering the entire parking lot.
14) Must have an exterior camera at every entry and exit of the business, including an interior camera at the main entrance.
15) All those entering the establishment shall show a federal or state form of identification to the security officer with all facial coverings removed to confirm identification.
16) Must provide an enclosed secondary area at entrance with secondary door that will only be opened after proper identification and video/photo of patron is confirmed and documented.

SEC. 26-240.1RESERVED.

SEC. 26-241. ENTERTAINMENT AND RECREATIONAL INDOOR.

1) Operating hours shall less than or equal to 10:00 a.m. to 1:00 AM Monday thru Saturday, and 1:00 p.m. to midnight on Sunday.

SEC. 26-242. ENTERTAINMENT AND RECREATIONAL, OUTDOOR.

1) Lights from the use shall be designed so that they will not produce glare which will shine on any adjacent residential structures.
2) Noise emanating from the use shall not exceed ambient noise levels in the surrounding area at a distance of more than one hundred feet from any point of the property containing the use.
3) A minimum six-foot high security fence shall be provided along the entire boundary of the recreational activities.
4) Batting cages, golf driving ranges, airsoft, paintball and similar facilities shall include fencing, netting, or other control measures around their perimeter to prevent objects from leaving the designated area.

SEC. 26-243. FAMILY CARE HOMES.

1) No home may be located within a one-half-mile radius of an existing family care home.

SEC. 26-243.5. FOOD TRUCKS.

1) Standards:
   a) Applicability. These regulations apply to all instances of food trucks operating or being stored in the town, except that food trucks participating in a town-sponsored event, a fair or festival operated by a non-profit organization or otherwise permitted temporary or special event are considered to be part of that event for zoning classification purposes, and are exempt from these regulations. They would have to comply with conditions of the event permit.
   b) Location. Food truck operation is allowed with certain developmental standards in the CB, GB, LI, and HI districts, as well as on any street location having CB, GB, LI, and HI zoning on both sides of the street. Food trucks are also allowed on town park property with permission of the town and shall comply with these regulations.
   c) Overnight storage of food trucks shall be on private property and shall conform to zoning regulations governing storage of a commercial vehicle.
2) Performance standards.

a) Time limit. Food trucks shall operate in the permitted zoning districts from the hours of 7:00 a.m. to 9:00 p.m., except in a town park by permission of the town. A location is a single place with a radius of 150 feet.

b) Sound and lighting. No flashing lighting, music, amplified sound, or other noise designed to attract attention is permitted in connection with the operation of a food truck. Any generators on the food trucks shall be low noise generators.

c) No sales to motor vehicles. Food truck vendors may not solicit or conduct business from the food truck with persons in motor vehicles.

d) Clearance. The food truck shall not be operated so as to block, obstruct, or restrict the free passage of vehicles or pedestrians in the lawful use of the sidewalks or streets or access to abutting property.

e) Trash and objects. The food truck shall not discharge items from the operation onto any public or private property, and shall dispose of waste into a dedicated waste receptacle belonging to the truck. The operator shall pick up all refuse generated by the food truck before the unit is moved.

f) On streets. Every food truck shall comply with parking and standing regulations and vehicle operation laws on public streets. The vending unit shall not be positioned in areas where it may impede or inconvenience the public or create a traffic hazard.

g) On private or public property other than streets. Every food truck operating on private or public property other than streets shall obtain the written permission of the owner or lessee of the property. Each food truck operator must submit a site plan.

h) Limits on number. Food trucks shall be located at least 150 feet apart from any other food truck.

i) Licensing. Every food truck in operation shall have obtained applicable county health department licensing and shall meet county health department regulations.

j) Food truck operators must provide proof of general liability insurance in the amount of at least $1,000,000.00 covering the operation of the food truck.

k) A zoning compliance permit fee of $25.00 is required.

l) Each permit is for a 12-month period and is renewable with the resubmission of another application.

SEC. 26-243.6. FARMER'S MARKET.

A market open to the public where all products sold are farm products, value-added farm products, or a food or beverage product, and where the booths are operated by producers. (Note: A farmers market differs from a produce stand in that there may be more than one seller per parcel of land.)

1) Minimum parking spaces: One per 200 s.f. of sales area of GFA of structure(s) or area(s) to be used for said use, unless otherwise indicated. On street and/or shared parking allowed for calculation.
2) No booths, stalls, display areas or sanitary facilities shall be placed or maintained within any required setback area.
3) All items shall be stored indoors when the farmers market is not open for business or removed from the site at the close of each business day, including to but not limited to tents.
4) Sanitary facilities shall be provided on-site with at least one handicapped-accessible facility unless sanitary facilities access can be provided indoors within an enclosed building.
5) Hours of operations permitted Monday—Saturday from 6:00 a.m. to 9:00 p.m. Sunday hours permitted from 2:00 p.m. to 6:00 p.m.

SEC. 26-243.7 FLEA MARKET, INDOOR.

A retail sales use where more than one vendor whether professional or nonprofessional displays for sale, trade or barter any goods, regardless whether they are new or used within a fully enclosed building.

1) Minimum parking spaces: One per 200 s.f. of sales area of Gross Floor Area (GFA) of structure(s) or area(s) to be used for said use, unless otherwise indicated. On street and/or shared parking allowed for calculation.
2) All items shall be stored indoors when the flea market is not open for business or removed from the site at the close of each business day.
3) Sanitary facilities shall be provided within the facility including handicapped-accessibility.

SEC. 26-243.8 FLEA MARKET, OUTDOOR.

An open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, handcrafted, homegrown, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition shall not be construed to include sidewalk sales by retail merchants, fruit or produce stands, bake sales, or garage, yard sales held in conjunction with an incidental to residential uses or sponsored and conducted by religious, civic or charitable organizations on their own property. The term "flea market" also includes an occasional or periodic sales activity held within a building, structure or open area where individuals or groups of

individual sellers offer items, new or used, for sale to the public, not to include private yard or garage sales, and occasional sales.

1) Minimum parking spaces: One per 200 s.f. of sales area of GFA of structure(s) or area(s) to be used for said use, unless otherwise indicated. On street and/or shared parking allowed for calculation.
2) No booths, stalls, display areas or sanitary facilities shall be placed or maintained within any required setback area.
3) All items shall be stored indoors when the flea market is not open for business or removed from the site at the close of each business day including but not limited to tents.
4) Sanitary facilities shall be provided on-site with at least one handicapped-accessible facility unless sanitary facilities access can be provided indoors within an enclosed building.
5) Hours of operations permitted Monday - Saturday from 6:00 a.m. to 9:00 p.m. Sunday hours permitted from 2:00 p.m. to 6:00 p.m.

SEC. 26-244.CONVENIENCE WITH FUEL SALES (SERVICE STATION).

1) All storage tanks and loading facilities will be located at least 100 feet from any exterior property line.
2) Pumps and canopies must be located to the side or rear of the principal building.
3) Pump canopies must be located at least 50 feet from any interior side or rear property line that adjoins a residentially developed property.
4) Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or a commercial street directly intersecting a thoroughfare.
5) The fire chief, and where applicable, the county health department shall review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the storage measures.

SEC. 26-245. GENERAL RETAIL USES GREATER THAN 10,000 SQUARE FEET.

1) Accessory shipping containers used for the temporary storage of merchandise must be placed in the rear yard of the use and shall not be visible from the principal entrance.
2) Accessory outdoor sales area. All merchandise for sale or rent shall be contained within the building envelope or under cover of attached canopies except:
    a) Sidewalk sales or other organized temporary promotional events not to exceed one event per month.

b) Lawn and garden centers, home improvement or department stores may permanently display plant materials, lawn and garden supplies, outdoor furniture or similar merchandise. All sales areas shall be contained within a designated area immediately adjacent to the primary retail building. Any permanent sales areas shall be designated on the required site plan. Sales areas shall not encroach upon required parking areas and must be designed so as not to impede the passage of vehicles within required parking areas. All tents or detached canopies must be securely tied down and maintained to prevent a hazardous condition.

SEC. 26-246. HEAVY MANUFACTURING.

1) The use shall be located at least 1,000 feet from any residentially-zoned land and the planning board will take into consideration the potential for odors, dust and noise in deciding whether to approve the use.
2) A minimum of six feet high security fencing shall be provided along the entire boundary of the facility.

SEC. 26-247. MANUFACTURED HOMES ON INDIVIDUAL LOTS, CLASS A.

1) Class A manufactured homes shall be allowed in RA and R-MH zones when all lot dimensional requirements and the additional requirements as listed below are met:
   a) Have a length not exceeding three times its width.
   b) Minimum size of 1,100 square feet.
   c) Roof is finished with either asphalt or fiberglass type shingles that are commonly used in standard residential construction.
   d) Exterior siding consisting of vinyl or aluminum horizontal lap siding, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
   e) Continuous, permanent brick foundation or brick curtain wall, unpierced except for required ventilation and access.
   f) Tongue, axles, transporting lights, and removable towing apparatus are removed subsequent to final placement.
   g) 6-inch overhang, which may include rain gutters.
   h) Roofs to have minimum 4/12 pitch.
   i) A permanent porch shall be placed on the front of each home which measures at least six feet in width and a minimum of 24 square feet in area.
   j) Be listed as real property (must own land as well as the home).
   k) Landscaping and shrubbery required.

2) A zoning compliance certificate must be issued by the zoning administrator indicating that all town requirements are met prior to final inspection and approval by county building inspections to allow occupancy.

SEC. 26-248. MANUFACTURED HOME, CLASS B.

Class B manufactured homes shall be located only within an approved manufactured home park in the RMH district, and shall meet the following standards:

1) Skirting or a curtain wall, unpierced except for required ventilation and access, is installed under the manufactured home and may consist of brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation; and
2) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the state department of insurance and attached firmly to the primary structure and anchored securely to the ground.

SEC. 26-249. MANUFACTURED HOME PARK.

1) General requirements.
   a) Minimum number of manufactured home spaces: At least three spaces.
   b) Manufactured homes shall not be sold within a manufactured home park, except that an individual manufactured home owner shall be allowed to sell the manufactured home in which they reside.
   c) The transfer of a deed to a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation.
   d) Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the state building code may be added to any manufactured dwelling provided that setbacks within the space can be met and a building permit is obtained from the county.
   e) Within a manufactured home park, one manufactured home may be used as an administrative office.
   f) An area may be designated as a park maintenance area and shall be appropriately screened.
   g) Convenience establishments of a commercial nature shall be limited to coin-operated laundries. These may be permitted in manufactured home parks subject to the following restrictions:

i) Such establishment shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

ii) Such establishment shall be designed to serve the trade and service needs of the park residents only.

h) The county environmental health section, the county building inspector, and/or the town zoning administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this section. It shall be the duty of the owners or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for inspection.

i) The park owner or operator shall notify park occupants of all applicable provisions of this section and inform them of their duties and responsibilities under this section.

j) Site plans for manufactured home parks shall comply with the requirements of sections 26-316 through 26-317.

2) Manufactured home space requirements.

a) All manufactured homes shall be located on individual manufactured home spaces served by public utilities. The minimum size for each space shall be 7,000 square feet. Spaces shall not be less than 100 feet in width at the setback line.

b) Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners and each space shall clearly display a street address as assigned by the town.

c) Each manufactured home space shall be located so as not to be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.

d) Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 20 feet from any building within the manufactured home park, at least 50 feet from all external property lines, and at least 30 feet from the edge of the right-of-way of any private interior road. The setback from a public road right-of-way shall be the same as that required for the zoning district in which the manufactured home park is located.

e) Accessory buildings. Accessory buildings may be constructed in the rear yard provided they are no larger than ten feet by 12 feet and no closer than 15 feet from any adjoining lot line.

3) Road and access requirements.

a) Convenient access to each manufactured home space shall be provided by roads with a minimum right-of-way of 50 feet for a residential collector road and 45 feet for a local residential road as defined by the North Carolina Department of Transportation—Subdivision Roads Minimum Construction Standards Manual. The required traveled way width is 20 feet for a 50-foot right-of-way and 18 feet for a 45-

foot right-of-way. Private roads within manufactured home parks shall conform to the construction standards.

b) Proper sight lines shall be maintained at all road intersections in accordance with the current NCDOT requirements for sight clearances.

c) New road names shall not duplicate or be similar to existing road names and shall be subject to approval by the town.

d) Two automobile parking spaces shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any road in the park.

e) No manufactured home space shall have direct vehicular access to a public road.

f) All manufactured home spaces shall directly abut a private road contained within the park.

g) The manufactured home park owner shall be responsible for the continued maintenance of the roads within the manufactured home park.

4) Utility requirements.

a) Water supply. An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When a municipal water supply is not available, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of the state division of health services. Placement of water improvements to manufactured home spaces shall comply with the state building code for plumbing.

b) Sewage disposal.

i) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the state division of environmental management shall be provided. Plans for sewage collection systems and treatment facilities shall be submitted to the state division of environmental management. Placement of sewer improvements to manufactured home spaces shall comply with the state building code for plumbing. Individual septic tank systems can be considered, if soil, topography, and ground water conditions are favorable and approval from the county health department is obtained.

ii) Provision shall be made for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four inches above ground elevation.

c) Solid waste disposal and sanitation requirements.

i) The storage, collection, and disposal of solid waste in the manufacture home park shall be in accordance with the requirements of the town.

ii) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the county health director.

iii) Parks shall be maintained from an accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

iv) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least one foot above the ground.

v) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

vi) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

d) (4) Street lighting requirements. All roads in the manufactured home park shall be adequately illuminated from sunset to sunrise. The minimum size street light shall be a 175 watt mercury-vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet.

e) (5) Electrical service requirements. Minimum electrical service shall be provided to each manufactured home space in accordance with the National Electrical Code.

5) Screening requirements. When a manufactured home park is to be constructed within 50 feet of a recorded residential subdivision not naturally screened with existing evergreen vegetation located on the site of the proposed manufactured home park, the owner of the park shall provide and maintain a five-foot buffer yard along the adjacent boundary. The buffer yard shall be planted in evergreen trees or shrubbery or solid fencing at least five feet in height.

6) Recreational space requirements. Each manufactured home park shall provide 400 square feet of recreational area for each manufactured home space that is less than 10,000 square feet in area. However, no recreational area required by this subsection shall be less than 2,500 square feet.

SEC. 26-249.5 CRAFT ALCOHOL PRODUCTION FACILITY.

An establishment for the manufacture, blending, fermentation, processing, and packaging of alcohol that takes place wholly inside the building, with the exception of loading. These facilities may incorporate tasting rooms or tours, with all applicable ABC Commission permits. A facility which only provides tasting or retail sales of alcoholic beverages is not a micro-distillery, micro-brewery, or micro-winery.

1) General requirements.
   a) Except for loading, all activities must occur within a building.
   b) Must have an off-street, alley, or parking loading dock.
   c) Must obtain all applicable ABC commission permits.
   d) Subject to all applicable laws for the manufacturing, sale, and distribution of alcoholic products.
   e) All buildings and/or structures must comply with rules enforced by the following departments if applicable: Nash County Building Inspections, Public Utilities, Environmental Health, NC Department of Transportation.
   f) If located in the CB and GB districts, the facility must include a tasting room, restaurant, or incorporate tours.
   g) Shall not produce odors, gas, dust or any other atmospheric pollutant detrimental to the health, safety, or general welfare of persons living or working in the surrounding area.
   h) Must abide by article VI: Landscaping requirements.
   i) No drive through is permitted.
   j) Must abide by all zoning requirements including but not limited to signs for the Town of Spring Hope.

SEC. 26-250. MULTIFAMILY DWELLINGS AND TOWNHOUSES (INCLUDING PATIO HOMES).

1) Maximum density allowed. Maximum density shall be one dwelling unit per 4,000 square feet of net acreage.
2) Building separation. The minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

Height of Taller Building	Minimum Horizontal Distance Between Vertical Projections
20 feet or less	16 feet
Between 20.1 and 25.0 feet	25 feet
Between 25.1 and 30.0 feet	30 feet
Between 30.1 and 35.0 feet	40 feet

3) Distance related to windows. The minimum distance between the centers of facing windows of different dwelling units shall be 20 feet.

4) Perimeter yard required. A yard of at least 50 feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings and structures shall not be allowed in the required yard.

5) Access for emergency vehicles. Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

6) Maximum number. The maximum number of townhouse units attached to each other shall be eight.

7) Accessory uses. Accessory uses such as leasing offices, coin-operated laundry facilities, swimming pool snack bars and similar uses for residents of the multifamily dwelling may be allowed provided that they are intended to serve residents of the dwelling or complex only, will not be visible from the exterior of the site and will not attract outside traffic to the site.

8) Recreation and open space.

a) Every person or corporation who establishes a multifamily project for residential purposes shall be required to dedicate a portion of such land for the purpose of park, recreation, and open space sites to serve the residents of the multifamily project. The recreation area shall be clearly designated on the site plan for the project.

b) The minimum amount of land that shall be dedicated for recreation, parks, or open space in all townhouse and multifamily projects shall be one-half acre for each townhouse, or five percent of the gross acreage, whichever is greatest.

c) Suitability of land. Criteria for evaluating suitability of proposed recreation, parks, and open space areas shall include, but not be limited to, the following, as determined by the board of commissioners in consultation with the planning board:

i) Unity. The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest. The board of commissioners may require that parcels be connected and may require the dedication of a connecting path of up to 60 feet, and in no case less than 30 feet in width in addition to the land required in subsection (h)(2) of this section.

ii) Location. The dedicated land shall be located so as to serve the recreation needs of the project.

iii) Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to 60 feet in width and shall in no case be less than 30 feet in width.

a) (4) Usability. The dedicated land shall be usable for active recreation (i.e., play areas, ball fields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated unless acceptable to the board of commissioners. If the board of commissioners determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.

b) (5) The board of commissioners may, in cases of unusual or exceptional nature, allow adjustments in the dedication requirements established in or required by this chapter. Such adjustments shall be reviewed by the planning board and recreation committee before action by the board of commissioners.

c) (6) In the case of townhouse or condominium project, the land required by this section shall be deeded to a homeowners' association.

d) (7) Nothing herein shall be construed to limit the amount of privately controlled open space which may be included in this agreement, over and above the recreation and park site obligation.

9) Homeowners' association required. For townhouse or condominium projects, a homeowners' association shall be established which shall have responsibility for the maintenance of all common areas. The association shall also be responsible for all open space and recreation areas that are not deeded to the town. The approved document shall be recorded with the final townhouse or condominium project plat. Provisions shall include, but not be limited to, the following:

a) The association shall be established before the units are sold.

b) Membership shall be mandatory for each home buyer and all successive buyers, unless another arrangement is approved by the board of commissioners which adequately protects the interest of the town and the owners.

c) The association shall be responsible for the liability insurance, local taxes, and maintenance of the recreation and other facilities.

d) Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the board of commissioners which adequately protects the interests of the town and the owners.

e) If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the town to satisfy the requirements for public recreation space under this section.

f) An owner of each dwelling unit or each homeowner shall have voting rights in the association.

g) The following information shall also be provided:

i) The name of the association.

ii) The manner in which directors of the association are to be selected.

iii) The post office address of the initial registered office.

iv) The name of the city and county in which the registered office is located.

v) The number of directors constituting the initial board of directors.

vi) The names and addresses of the board of directors shall be submitted annually to the town.

h) Property owners shall be furnished with a copy of the declaration of covenants and restrictions by the seller of the individual lots.

SEC. 26-251. NIGHTCLUB.

1) Private clubs shall be open to members of the club and their guests only.
2) Hours of operation shall be no later than 1:00 a.m.
3) Outdoor entertainment areas shall not be permitted.
4) Music, loudspeakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the club.

SEC. 26-251.5. PET GROOMING.

1) General requirements.
   a) Pets animals will not be kenneled within the facility overnight.
   b) All activities related to pet grooming must take place within an enclosed building.
   c) All buildings and/or structures must comply with rules enforced by the following departments if applicable: Nash County Building Inspections, Public Utilities, Environmental Health, NC Department of Transportation.
   d) Must abide by all zoning requirements including but not limited to signs for the Town of Spring Hope.

SEC. 26-252. SCHOOLS AND COLLEGES.

The board of adjustment shall carefully review the site plans for any possible traffic congestion problems, to ensure proper connectivity and emergency services access, and potential impacts to adjacent residential neighborhoods.

SEC. 26-253. SHOPPING CENTER.

1) Shopping centers shall contain only uses allowed as permitted, special in the CB and GB districts. No shopping center building shall be less than 50 feet from the street right-of-way line, or less than 30 feet from another property line.

2) Accessory outdoor sales area. All merchandise for sale or rent shall be contained within the building envelope or under cover of attached canopies except:
   a) Sidewalk sales or other organized temporary promotional events not to exceed one event per month.
   b) Lawn and garden centers, home improvement or department stores may permanently display plant materials, lawn and garden supplies, outdoor furniture or similar merchandise. All sales areas shall be contained within a designated area immediately adjacent to the primary retail building. Any permanent sales areas shall be designated on the required site plan. Sales areas shall not encroach upon required parking areas and must be designed so as not to impede the passage of vehicles within required parking areas. All tents or detached canopies must be securely tied down and maintained to prevent a hazardous condition.

SEC. 26-253.5. SOLAR GENERATION FACILITY, UTILITY SCALE.

1) Development standards:
   a) The perimeter of the area containing the solar generation facility shall be located at least 200 feet from every residence not on the same property as the facility.
   b) The solar generation facility shall be enclosed by a chain-link security fence, a minimum of six feet in height and topped with barbed wire.
   c) Except for poles and lines necessary to connect the facility to the electrical utility grid, the height of structures and arrays associated with the facility shall not exceed 25 feet, and structures and arrays shall be set back at least 100 feet from every public road right-of-way.
   d) A Type A planting yard per Section 26-196 Table 503.2 shall be provided where the property on which the solar generation facility is located adjoins residential uses, unless the Board finds that equivalent natural vegetation exists sufficient to satisfy the screening requirement, or that the distance between the use and residences renders all or certain portions of screening unnecessary.
   e) Prior to construction, the developer of the site shall consult with NCDOT or the town director of public works regarding necessary driveway location and improvements to ensure safety and to protect the public road or street from damage during construction and shall comply with such requirements.
   f) The site shall conform to applicable stormwater regulations, such as water supply watershed protection regulations and river basin rules, to prevent erosion and protect water quality in adjacent surface waters. Prior to development of the site, the applicant shall consult with the N.C. Division of Water Quality concerning compliance with applicable stormwater management requirements.
   g) The solar generation facility shall be developed in accordance with an approved site plan that includes:

i) The location of the solar generation facility (including the arrangement of any existing or proposed buildings, structures, or panels);

ii) The distance from any proposed solar generation facility, structure, or use area to the surrounding property lines;

iii) Any existing or proposed signs, fencing, lighting, parking areas, driveways, landscaping, vegetative screening or required buffers;

iv) Horizontal and vertical (elevation) scaled drawings with dimensions of proposed solar collector structures; and

v) Noted limitations on built-upon area as required for compliance with stormwater, watershed, and/or riparian buffer regulations.

h) Structures and equipment shall be removed within 180 days of determination by the town that the facility is no longer being maintained in an operable state of good repair, unless the current responsible party with ownership interest in the facility provides substantial evidence to the zoning administrator of the intent to maintain and reinstate operation of the facility.

i) One or more of these standards may be modified or relaxed as appropriate to suit the particular setting and site, if, in the considered judgment of the reviewing board, doing so will ensure that any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community is minimized.

SEC. 26-254. STORAGE AND SALVAGE YARDS (OUTDOOR).

1) Minimum area. The minimum area required to establish a storage and salvage yard shall be five acres.

2) Use separation. The operations of salvage yards shall not be any closer than 300 feet to any residential property line. Neither should any such operations be closer than 300 feet to the property line of any school, hospital, nursing and convalescent home, or day care facility.

3) Screening. Salvage yards shall be enclosed by a sight obstructing screen of at least eight feet in height adjacent to public roads and eight feet in height adjacent to properties of a residential, educational or institutional nature. All such screens shall be maintained in a sound and stable manner for the life of the operation. Entrances and exits shall be secured when the salvage yard is closed. If state or federal requirements for screening are more stringent, such requirements shall be applicable.

4) Noise. Equipment-producing noise or sound in excess of 70 decibels measured at the source, shall be located no closer than 400 feet to the nearest residence. No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.

5) Vibration. No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line.

6) Dust and particulates. Emissions of dust and particulates shall be in accordance with the state rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved/hard-surfaced with either concrete or asphalt.

7) Smoke and burning. Emissions of smoke and burning of nonvegetative matter shall not be permitted on the site of a salvage yard.

8) Trash and garbage. Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.

9) Disposal of toxic/hazardous matter. Disposal of toxic/hazardous matter on any salvage yard site shall be expressly forbidden.

10) Storage of fuels. Storage of fuels shall be contained in below ground tanks meeting the requirements of the state. No such fuel storage shall be within 1,000 feet of any residential, educational, or institutional structure. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.

11) Drainage. Salvage yard sites shall be adequately drained to ensure that no standing water shall exist that might provide breeding habitation for insects.

12) Weeds and vegetation. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than six inches.

13) Storage. Salvage materials shall be stored in piles not exceeding ten feet in height and shall be arranged as to permit easy access to all such salvage for firefighting purposes.

14) Permit requirements. The facility shall obtain all applicable state and federal permits.

SEC. 26-255. TELECOMMUNICATION TOWERS.

1) Where required. RA, CB, GB, IC, LI, HI, except that communications towers on government facilities and structures are allowed by right in all zoning districts. Towers not located on existing structures shall be subject to the setback, sign, security, lighting, abandonment, site plan, and ownership requirements set forth in this section.

2) Co-location.

   a) Co-location on a previously approved tower is permitted without an additional special use permit provided that all conditions of the previously approved permit are complied with.

b) Co-location on a building or substantial structure, such as a water tower, shall not require the issuance of a special use permit, but all other applicable provisions shall be met and approved by the zoning administrator. The zoning administrator may require the issuance of a special use permit if there is doubt as to whether or not a given proposal is in compliance with the intent of the section.

c) Where a new tower is proposed, documentation shall be required to substantiate why the proposed antenna and/or equipment cannot be accommodated on a previously approved tower due to one or more of the following reasons:

   i) The planned equipment would exceed the structural capacity of the previously approved towers, considering their existing and planned use, and those towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost; or

   ii) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost; or

   iii) Previously approved towers do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with the existing and/or planned equipment of the present users; or

   iv) Other reasons make it impractical to place planned equipment on previously approved towers. (The applicant must explain and document in detail such other reasons.)

d) Where a new tower is proposed and sufficient reasons for a new tower exist, favorable consideration will be given to towers designed to accommodate future users. Documentation shall be required describing the capacity of the proposed tower in terms of today's technology (including the number and type of antennas that the tower will accommodate). Approval of such new tower will be conditioned on space being made available to such future users at a reasonable fee and any necessary costs of adapting the facilities to the proposed future use. A statement of intent on whether excess space will be leased is required.

3) Setback.

a) The minimum tower setback from any property line shall be:

   i) Equal to the height of the tower; or

   ii) Equal to the maximum fall distance for a professional engineer-certified installation; published engineering data for a particular model of tower will be acceptable to substantiate a setback less than the height of the tower if the building inspector can easily determine that the tower has been installed in accordance with such data, otherwise a professional engineer must certify that the tower is installed as required; or

   iii) For a steel monopole tower with a base diameter greater than or equal to one foot, equal to one-half of the height of the tower, provided that a professional engineer

certifies that the tower has sufficient strength to withstand hurricane-force winds of a velocity that have occurred, or can be expected to occur in the area, and that should winds of greater velocity occur, the design of the tower is such as to bend rather than fall.

b) The owners of easements and rights-of-way within the setback must provide a letter of acknowledgment of the proposed tower location.

4) (d) Signs. No business signs, billboards, or other advertising shall be installed on the tower or security fencing.

5) (e) Security. Security fencing at least six feet in height shall be installed around the base of the tower or the tower shall be equipped with a professional engineer certified anti-climb device. Published data or documentation for an anti-climb device must be provided to support such device and must be of such nature to enable the building inspector to easily determine that the anti-climb device has been installed in accordance with such data; otherwise, a professional engineer must certify that the anti-climb device has been properly installed.

6) (f) Lighting. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other federal or state authority and in no case shall exceed the required minimum. Prior to construction of the tower, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

7) (g) Abandonment. Any tower that ceases to be use for communications broadcasting and/or broadcast receiving as permitted by this article for a period of more than 9 months shall be removed by the tower owner at their expense. The removal shall occur within 90 days of the end of such nine-month period.

8) (h) Site plan requirements. In addition to the requirements of sections 26-316 through 26-319, the following information shall be provided on the site plan: applicable setbacks, easements and rights-of-way, fencing, access, and an area map indicating the proposed tower and coverage, other towers and coverage areas, and any approved tower sites within a five-mile radius.

(i) Other requirements. Proof of ownership of the proposed site or authorization to use it and copies of any easements impacting the site.

(Ord. of 4-10-2006, § 504.125)

SEC. 26-256. TEMPORARY EVENTS.

(a) Temporary events shall apply for a temporary event permit from the town on a form provided by the town. The applicant shall describe the nature of the event, provisions for applicable parking, sanitation, security and other information deemed necessary by the town. Any fees shall be in accordance with the town's adopted fee schedule.

(b) Permits may be issued for no more than a ten-day period. Permits may not be reissued for a similar event within a five-month period.

SEC. 26-257. TEMPORARY USE.

The board of adjustment may issue a temporary special use permit for uses which are not permitted in the zoning district or which do not meet all zoning requirements but which are necessary in special situations. A time limit shall be placed on the temporary special use permit and the permit shall not be renewed except upon a compelling showing of the need therefor, and the board of adjustment may attach any reasonable and appropriate conditions and safeguards it deems necessary.

SEC. 26-258. TRUCK STOPS.

The following provisions apply to truck stops:

(1) A minimum 12-foot-high opaque fence shall be provided next to adjacent residentially zoned property.

(2) The maximum height of any outdoor lighting source shall be 30 feet and maximum lighting levels shall not exceed 6 footcandles. .

SEC. 26-259. BED AND BREAKFAST HOMES.

a) General Requirements

(1) No more than 8 guest rooms.

(2) Does not serve food or drink to the general public.

(3) Serves the breakfast meal, the lunch meal, the dinner meal, or a combination f all or some of these three meals, only to overnight guests of the home.

(4) Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.

(5) Owner/manager lives on site.

(6) Compatible with neighborhood.

(7) Off-street parking 1 per guest room and 1 for owner/manager.

(8) Meet all applicable local and State health and building code requirements.

SEC. 26-260. GREENHOUSES, COMMERCIAL.

1) General Requirements

a) Use Separation. All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

b) Screening. All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots according to article VI: Landscaping requirements.

c) Noise. Equipment-producing noise or sound in excess of 70 decibels measured at the source, shall be located no closer than 100 feet to the nearest residence. No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.

SECTION 26-261. PRINTING PLANTS, NEWSPAPER & PUBLISHING.

(1) General Requirements

a) Use Separation. All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

b) Noise. Equipment-producing noise or sound in excess of 70 decibels measured at the source, shall be located no closer than 100 feet to the nearest residence. No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.

SEC. 26-262. SHORT-TERM RENTALS.

a) Off-street parking areas greater than 4 spaces shall be screened from residential properties and any rights-of-way by evergreen screening at least 2 feet tall.

b) Trash collection areas shall be screened from view and cans shall only be allowed on the street during collection day.

SEC. 26-259. RESTAURANTS, DRIVE-THRU

1) Drive-thru window must be located to the rear or side of building.

2) Drive- thru vehicle storage/stacking shall be located outside of and physically separated from the right-of-way.

SEC. 26-260. SHOOTING RANGE, INDOOR

1) Noise. Shall be designed as a controlled shooting environment that includes impenetrable walls, floor, and ceiling, adequate ventilation, lighting systems, and acoustical treatment for sound attenuation suitable for the range's purpose.

SEC. 26-261. SHOOTING RANGE, OUTDOOR

1) Use Separation. Outdoor shooting ranges shall be at least 200 yards from adjacent property lines and shall be located no closer than ¼ mile to any religious institution, school, day care, or dwelling.
2) Hours. Hours of operations shall be limited to 9:00 AM to 9:00 PM.
3) A Type D buffer per Section 26-196 Table 503.2 shall be provided from adjoining properties, unless the Board finds that equivalent natural vegetation exists sufficient to satisfy the screening requirement, or that the distance between the use and residences renders all or certain portions of screening unnecessary.
4) The operator of the shooting range shall implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" from the U.S. Environmental Protection Agency (EPA).

SECS. 26-263—26-279. RESERVED.

ARTICLE VIII. ADMINISTRATIVE PROVISIONS

SEC. 26-280. ZONING ADMINISTRATOR.

The zoning administrator shall be appointed by the board of commissioners and is duly charged with the enforcement of the provisions of this chapter. If the zoning administrator finds that any of the provisions of this article are being violated, they shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall also take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. of 4-10-2006, § 601.1)

1) Conflict of interest. No staff member shall make a final decision on an administrative decision required by G.S. 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

SEC. 26-281. PLANNING BOARD.

1) Oath of office. All appointed members before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26.
2) Powers and duties of planning board. As directed by the board of commissioners, the planning board shall have the following duties:
    a) Develop and recommend to the board of commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
    b) Make recommendations to the board of commissioners concerning proposed zoning text and map amendments, as provided by sections 26-332 through 26-333.
    c) Review and approve minor subdivisions in accordance with chapter 24, the subdivision regulations of the town.
    d) Perform any other duties assigned by the board of commissioners.
    e) Prepare, review, maintain, monitor, and periodically update and recommend to ther governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
3) The planning board shall adopt rules and bylaws in accordance with the provisions of this chapter and of G.S. 160D-201 et seq.
4) Conflict of interest. Members of the planning board shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of the matter being considered is reasonably likely to have a direct,

substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

SEC. 26-281.1. APPOINTMENT AND TERMS OF PLANNING BOARD MEMBERS.

1) There shall be a planning board consisting of five members, and two alternate members may also be appointed to the board.
   a) (1) Three full members shall reside within the town.
   b) One full member may be appointed from a town advisory board (such as, but not limited to the downtown development board, tree board, etc.), who resides within the county; provided however, if a town advisory board member cannot be found, an in-town resident shall be selected.
   c) One full member appointed may be an actively owner-occupied business and property owner that resides within the county; provided, however, if an owner-occupied business and property owner cannot be found, an in-town resident shall be selected.
   d) (5) One full member nominated by the Spring Hope Board of Commissioners and appointed by the Nash County Board of Commissioners, shall reside in the town's extraterritorial jurisdiction (ETJ), unless the proportional calculation for ETJ representation which shall be based on the population estimates of the residents of the extraterritorial planning jurisdiction requires more than one member. The population estimates for this calculation shall be updated no less frequently than after each decennial census.
   e) Two alternates may be appointed by the board of commissioners. Either of the alternate positions is to be filled by a resident in town or the extraterritorial jurisdiction. If, despite good faith efforts, enough residents of the town or extraterritorial jurisdiction cannot be found to fill the seats reserved for the alternate members, then the board of commissioners may appoint other residents of the county to fill these seats.
2) Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed.
3) Members may be appointed to no more than two successive three-year terms. For any member to be eligible to serve another three-year term, they must remain off of the board a minimum of one year to be appointed again.
4) The alternates shall sit in lieu of either in-town or out-of-town members not present in order to establish a quorum. All members (including alternate members when sitting in lieu of a regular member) may participate and vote on all issues before the board

regardless of whether the issue affects property within town or within the extraterritorial jurisdiction.

5) Faithful attendance at the meetings of the board is considered a prerequisite for maintenance of membership on the board.

SEC. 26-281.2. MEETINGS OF THE PLANNING BOARD.

1) The planning board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action with applications expeditiously.
2) When the board acts solely in its advisory capacity (for example, when it considers rezoning applications), it need not conduct its meetings (or portions of meetings) strictly in accordance with the quasi-judicial procedures. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
3) Minutes shall be kept of all board proceedings.
4) All board meetings shall be open to the public, and the agenda for each board meeting shall be made available in advance of the meeting.

SEC. 26-281.3. QUORUM AND VOTING.

1) A quorum for the planning board shall consist of a majority of the board membership, excluding vacant seats. A quorum is necessary for the board to take official action.
2) All actions of the planning board shall be taken by majority vote, a quorum being present.
3) A roll call vote shall be taken upon the request of any member.
4) Extraterritorial planning area members may vote on all matters considered by the board, regardless of whether the property affected lies within or without the town.

SEC. 26-281.4. PLANNING BOARD OFFICERS.

1) At its first meeting in December of each year, the planning board shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the board's meetings and one member to serve as Vice-Chairperson. The people so designated shall serve in these capacities for terms of one year, unless their terms of appointment to the board expire sooner. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
2) The Chairperson and Vice-Chairperson shall take part in all deliberations and vote on all issues.

SEC. 26-281.5. ADVISORY COMMITTEES.

1) From time to time, the town board may appoint one or more individuals to help the planning board carry out its planning responsibilities with respect to a particular subject area. By way of illustration, and without limitation, the town board may appoint advisory committees to consider a thoroughfare plan, pedestrian master plans, bikeway plans, housing plans, economic development plans, etc.
2) Members of such advisory committees shall sit as nonvoting members of the planning board when such issues are being considered and lend their talents, energies, and expertise to the planning board. All formal recommendations to the town board, however, shall be made by the planning board.
3) Nothing in this section shall prevent the town board from establishing independent advisory groups, committees, or commissions to make recommendations on any issue(s) directly to the town board.
4) If an advisory committee provides direct advice to the town board (i.e. it does not report to the planning board), a member of that board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member.

SEC. 26-282. BOARD OF ADJUSTMENT.

1) Establishment. A board of adjustment is hereby established. The Spring Hope Board of Commissioners is to serve as the board of adjustment. The members of the Spring Hope Board of Commissioners shall serve the dual role as the board of adjustment members. Therefore, the appointment, term and officers of the board of adjustment shall be identical to that of the Spring Hope Board of Commissioners. There shall be one member who shall be reside in the extraterritorial jurisdiction (ETJ), unless the proportional calculation for the ETJ representation determined based on the population of residents in the extra territorial area increases and shall be appointed by the County Board of Commissioners upon recommendation by the Spring Hope Board of Commissioners. The population estimates for this calculation shall be updated no less frequently than after each decennial census. If the county board of commissioners fails to appoint the ETJ members within 90 days after receiving a resolution from the Spring Hope Board of Commissioners requesting that these appointments be made, the Spring Hope Board of Commissioners may make them.
2) Proceedings of the board of adjustment. The board of adjustment shall elect a chairperson and vice-chairperson from its regular members, who shall serve for one year or until re-elected or until their successors are elected. The board shall conduct its meetings in accordance with the quasi-judicial procedures, including those set forth in section 26-328 and G.S. 160D-406et seq. The board of adjustment shall meet on call as needed and shall take action with conformity. The chairperson, or in their absence, the

vice-chairperson, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

3) Quorum. A quorum for the board of adjustment shall consist of the number of members equal to four-fifths of the regular board membership (excluding vacant seats). A quorum is necessary for the board to take official action. A member who has withdrawn from the meeting without being as provided in this division (c) shall be counted as present for the purposes of determining whether a quorum is present.

4) Voting.

   a) The concurring vote of four-fifths of the regular board membership (excluding vacant seats) shall be necessary grant a variance. All other actions of the board shall be taken by majority vote, a quorum being present. Vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-1-9(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

   b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with (d)(3) below, or has been allowed to withdraw from the meeting in accordance to (d)(4) below.

   c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

      i) If the member has a direct financial interest in the outcome of the matter at issue;

      ii) If the matter at issue involves the member's own official conduct;

      iii) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

      iv) If a member has the close familial, business, or other associational relationship to the applicant that the member cannot reasonably be expected to exercise sound judgement in the public interest.

   d) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

   e) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

   f) A roll call vote shall be taken upon request of any member.

5) Decision and appeal. Every decision of the board of adjustment shall be filed in the office of the zoning administrator and a written copy thereof shall be delivered to the

appellant by personal delivery, electronic mail, or by first-class mail. Every decision by the board shall be subject to review by superior court by proceeding in the nature of certiorari, pursuant to G.S. 160D-14-2. Any appeal to the superior court shall be taken within 30 days after the decision of the board is filed in the office of the zoning administrator, or after a written copy thereof is delivered to the appellant by personal delivery, electronic mail or first-class mail, whichever is later.

SEC. 26-283. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT.

The board of adjustment shall have the following powers and duties:

1) Administrative review.
   a) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the town. Appeals shall be taken within times prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken, and with the board of adjustment, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.
   b) 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 has been filed with them, that because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this chapter. In that case, proceedings shall not be stayed except by a 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.
   c) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that, in its opinion, ought to be made in the premises. To this end, the board shall have all the powers of the officer from whom the appeal is taken.
2) Variances.
   a) When owing to special conditions, practical difficulties or unnecessary hardships would result from carrying out the strict letter of this chapter, the board of adjustment shall have the power to vary or modify any of the regulations or provisions of this article relating to the use, construction or alteration of buildings or

structures or the use of the land, so the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance. A variance may be granted in such individual cases of unnecessary hardship upon a finding by the board of adjustment that the following conditions exist:

i) There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this chapter unrealistic.

ii) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

iii) A literal interpretation of the provisions of the article would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

iv) The request variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare.

v) The special circumstances are not the result of the actions of the applicant.

vi) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

vii) The variance is not a request to permit a use which is not a permitted use in the district involved.

b) b. Conditions imposed on variances. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been ensured. Such conditions may be imposed by the board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the board to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

c) c. Variances granted by the board run with the land and not to the subject applicant. A variance granted by the board does not expire unless it has not been acted upon within a period of one year from the date of issue. In such cases, the variance may be cancelled upon written notice to the owner of the subject property.

3) Map interpretation. To interpret the official zoning map in accordance with section 26-69.

SECS. 26-284—26-314. RESERVED.

ARTICLE IX. PERMITS

SEC. 26-315. ZONING PERMIT REQUIRED.

No building or structure including signs and fences, or any part thereof shall be erected, extended, enlarged, or structurally altered or moved until a zoning permit has been issued by the zoning administrator or their authorized representative. A fee in accordance with the town's adopted fee schedule on file in the town clerk's office shall be charged for the issuance of each zoning permit. All applications shall be in a form prescribed by the zoning administrator and shall be accompanied by a site or plot plan in accordance with sections 26-316 through 26-321.

SEC. 26-316. SITE PLAN REQUIRED.

4) Site or plot plans shall be required as part of the application process for any of the following:
    a) New structures.
    b) Expansions to existing structures.
    c) Any new use not contained within an existing building except:
    d) Agricultural uses which do not involve the construction of buildings, containment pens for livestock, swine, or poultry, or the construction of sediment or animal waste lagoons;
    e) Temporary or seasonal uses unless the zoning administrator cannot otherwise determine compliance with parking or screening requirements.
    f) Any significant change in required landscaping or buffer areas.
    g) An expansion to parking areas requiring a landscaping plan in accordance with article VI of this chapter.

SEC. 26-317. PLOT PLAN REQUIREMENTS.

A plot plan shall be required for any single-family or duplex residential use, and any other situation determined by the zoning administrator to require such a plan. A plot plan does not require the seal of a professional engineer, architect, landscape architect, or surveyor, but shall be drawn to scale and signed by the preparer. It shall consist of the following elements, except that the zoning administrator has the authority to waive any application requirement where the proposed type or scale of use makes that information unnecessary or impractical:

1) The date the plan was drafted along with the name, signature, address and phone number of the preparer.
2) The zoning classification of the subject property and all immediately adjacent properties.
3) Property lines, lot dimensions, and total acreage.
4) The location and extent of rights-of-way and easements.
5) The location and type of natural water features (e.g., streams, ponds, rivers, wetlands, etc.).
6) The location and dimensions of driveways.
7) The approximate location and dimension of structures including signs.
8) The location and dimension of parking lots/areas and internal circulation drives.
9) The location and dimension of private streets.
10) The approximate location and dimensions of landscaping, buffering, screening, fences, and walls.
11) Septic tank systems and wells (including dimensions of each).
12) The approximate location of significant trees (those eight inches or greater in caliper when measured six inches above grade).

SEC. 26-318. SITE PLAN REQUIREMENTS.

A site plan shall be required for all commercial, industrial and multifamily projects, and any other situations determined by the zoning administrator or planning board to require such a plan. A site plan shall require the seal of a professional engineer, architect, or landscape architect, except that surveyors may also seal plans for projects that do not include any engineering stormwater control structures. The plan should be drawn to a scale such that all features are clearly legible. A site plan shall consist of the following elements:

1) A location map that shows the project in relation to the larger planning area.
2) The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.
3) The name of the development.
4) Date of plan preparation.
5) A north arrow, legend and scale (including a bar scale).
6) Environmental features. A site plans shall show existing and proposed features of the site, including (where applicable):
    a) Natural cover (wood, pastureland, etc.).

b) Streams, ponds or rivers.

c) Historic sites.

d) Fragile environmental areas.

e) The approximate location of significant trees (those eight inches or greater in caliper when measured six inches above grade).

f) Contour lines shown as dotted lines at no more than two-foot intervals. (This may be modified by zoning administrator depending upon topography.)

g) The location, size, and dimensions of all recreational areas and areas intended to remain as permanent open space, clearly indicating whether such open space areas are intended to be offered for dedication to the public.

7) Dimensions and layouts of all parking and loading areas including properly designated handicapped spaces.

8) Public and private streets and alleys, including planned points of ingress and egress. Driveway approval procedures as required by the state department of transportation shall be initiated.

9) Stormwater structures and conveyances.

10) Utilities, including water, sewer, electric, power, and telephone.

11) The location and dimensions of all structures, including freestanding signs including:

a) The number of dwelling units the building is designed to accommodate, if applicable.

b) The height and number of stories of the structure.

12) Lighting plan.

13) All sidewalks, trails, and pedestrian paths.

14) Landscaping plan. A landscaping plan in accordance with article VI of this chapter

15) Legal features including:

a) The zoning of the property and adjacent properties, including zoning district lines.

b) Property lines.

c) Project phase lines.

d) Street rights-of-way.

e) Utility easements (including water, sewer, electric, power, stormwater, and telephone).

f) Lot dimensions.

16) Sign detail required. Whenever a new sign or change in existing sign would require the issuance of a permit, detailed designs showing all relevant information required to

determine compliance with the sign regulations shall be required as part of a complete application.

17) In addition to the information required in subsections (1) through (16) of this section, manufactured home parks shall provide the following information on the site plan:

a) Location of all manufactured home spaces with dimensions.

b) All recreation and convenience areas including parks, laundry facilities, swimming pools, etc.

c) Location of park office.

d) Location of dumpsters and sanitation facilities.

SEC. 26-319. PLAN EXEMPTION.

The zoning administrator may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

SEC. 26-320. CANCELLATION OF PERMIT.

Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one year. Prior to the expiration of a zoning permit, the applicant may request a six month extension either to begin a project or to continue an inactive project. If the applicant can demonstrate just cause why the extension is needed, the board of commissioners may grant the extension.

SEC. 26-321. RECORD OF ZONING PERMITS.

A record of all zoning permits shall be kept on file in the office of the town clerk and open to the public, subject to state law.

SEC. 26-322. CERTIFICATE OF OCCUPANCY/COMPLIANCE.

No land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use until a certificate of occupancy/compliance has been issued by the zoning administrator stating that the building and/or the proposed use complies with the provisions of this chapter. A certificate of the same shall be required for the purpose of changing any existing use, as well as for maintaining, reviewing, changing, or extending any

nonconforming use. The aforementioned certificate shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten working days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this chapter. A record of all such certificates shall be kept on file and open to the public, subject to state law.

SEC. 26-323. CONFORMANCE WITH PLANS.

Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction.

SEC. 26-324. RIGHT OF APPEAL.

If the zoning permit and/or occupancy/compliance certificates are denied, the applicant may appeal the action of the zoning administrator to the board of adjustment.

SEC. 26-325. SPECIAL USES.

1) The provisions of this chapter permit some uses to be established by right in the appropriate district while other uses are listed which require a permit from the board of adjustment. Those which require a permit from the board of adjustment are termed special uses by this chapter. In some circumstances, these uses may be compatible with and desirable in the districts in which they are designated as special uses, but they may also have characteristics which could have detrimental effects if not properly designed and controlled. All special use permit requests require a public hearing in accordance with sections 26-327 through 26-329 and must meet the conditions of section 26-326. Some uses due to their nature require design standards in addition to the general conditions listed below. Design standards for individual uses are found in article VII of this chapter.
2) If all requirements and conditions are mutually accepted by the applicant and the board of adjustment for special uses, the board shall authorize the issuance of the special use permit ; otherwise, the permit shall be denied. Any special use so authorized shall be perpetually binding upon the property included in such permit. Permits may be subsequently changed or amended only in response to a request of the property owner by the board of adjustment for special uses after a public hearing by the procedures in this section.

SEC. 26-326. CONDITIONS WHICH MUST BE MET BY SPECIAL USES.

1) General conditions. In order for any special use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the board to find that the following conditions exist where applicable:
   a) All applicable specific conditions pertaining to the proposed use have been or will be satisfied.
   b) Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
   c) Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.
   d) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.
   e) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts.
   f) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.
2) Additional conditions. If the board approves a special use, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities.

SEC. 26-327. APPLICATIONS FOR APPEALS, VARIANCES, AND SPECIAL USES.

1) The applicant shall submit the appropriate appeal for administrative review, or for a variance, in accordance with section 26-283(1), (2).
2) Applications for a special use permit shall be accompanied by a site plan prepared in accordance with section 26-316. The applicant shall furnish the number of copies established by the zoning administrator along with any other information required for proper review of the application.

SEC. 26-328. HEARING PROCEDURE.

1) Public hearing procedures. The board of adjustment for special uses shall hold a evidentiary hearing on the application and shall give due notice of the hearing to the parties involved.
2) Public notice. Notice of the evidentiary hearing for special use permits, administrative appeals, and variances shall be mailed to the person or entity whose appeal, application, or request is subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.
3) Quasi-judicial procedure.
    a) All hearings by the board of adjustment for administrative appeals, variances, special use permits shall be conducted as quasi-judicial hearings in accordance with the general law and court decisions of the state. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross examine witnesses, to inspect documents, and to offer evidence or testimony in explanation or rebuttal. Findings shall be based on substantial evidence or testimony which is competent, relevant, and material. Findings as to the existence or nonexistence of crucial facts shall be based on sworn evidence or testimony unless the party or parties before the board of adjustment stipulate the facts or waive this requirement.
    b) The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
    c) The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a

party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

d) Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

e) (4) Although a four-fifths majority is necessary for the board of adjustment to grant a variance, the board does not have to meet this requirement in issuing special use permits. The clerk of the board of adjustment shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact.

4) Conflict of interest.

a) A member of any board exercising quasi-judicial functions pursuant to this article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse themself, the remaining members shall by majority vote rule on the objection.

b) Vacant positions on the board of adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculations of the requisite supermajority if there are no qualified alternates available to take the place of su99ch board members.

SEC. 26-329. FEES.

A fee in accordance with the town's adopted fee schedule which is on file in the office of the town clerk shall be paid to the town for each application for an administrative review, variance, or special use permit not initiated by an officer or agency of the town, to cover the costs of advertising and other administrative expenses involved. No application will be processed until such fee has been paid.

SEC. 26-330. AMENDMENTS.

This zoning chapter, including the zoning map, may be amended only by the board of commissioners of the town, according to the procedures of this article. Proposed amendments may be initiated by the board of commissioners, planning board, or board of adjustment of the town. Proposed amendments to the text of this chapter may also be initiated by any resident or property owner within the jurisdiction covered by this article, and any property owner within the jurisdiction covered by this article may initiate a request for a change in the zoning classification of their property.

SEC. 26-331. APPLICATION.

1) Map amendments.

(1) Except for amendments initiated by the board of commissioners or planning board no proposed amendment shall be considered by the board of commissioners nor a public hearing held until an application made on a form provided by the town, and containing the following information is submitted by the applicant:

a. A statement of the present zoning regulations or district boundary;

b. The name and signature of the applicant;

c. The tax parcel number of the lot proposed to be rezoned;

d. The names and addresses of the owners of the lot in question;

e. A map of the proposed amendment showing tax parcel number of the subject property and adjacent properties shall be attached to the application. The map shall show ownership of adjacent lots along with the use of each adjacent property.

(2) The applicant shall provide any additional information related to the proposed amendment requested in writing by the planning board or board of commissioners. The zoning administrator shall transmit the original application to the board of commissioners and the original application shall be filed in the office of the town clerk after consideration by the board of commissioners. A fee shall be paid to the town for each application not initiated by an officer or agency of the town to cover the costs of advertising and other administrative expenses involved. No amendment shall be advertised until such fee is paid.

2) Text amendments.

a) A petition for amendment to the text of this chapter shall consist of:

i) A completed application form.

ii) A written justification for the requested amendment including consistency of the proposal with town planning policies.

iii) Any other information deemed necessary by the zoning administrator or board of commissioners.

a) A fee in accordance with the adopted fee schedule which is on file in the office of the town clerk shall be paid to the town for each application not initiated by an officer or agency of the town to cover the costs of advertising and other administrative expenses involved. No amendment shall be advertised until such fee is paid.

SEC. 26-332. PUBLIC HEARING.

1) Planning board review. No amendment will be adopted by the board of commissioners until they have held a public hearing on the amendment, and will have given the planning board at least 30 days to make a recommendation concerning the amendment. The planning board may review and make a recommendation on the proposed amendment either before or after the public hearing. In the case of a rezoning , the planning board shall be given 30 days before the hearing to review and make a recommendation on the rezoning, and the board of commissioners shall hold a public hearing on the proposed rezoning. The board of commissioners is not bound by the recommendations, if any of the planning board.
2) Statement of consistency with adopted plans. In accordance with G.S. 160D-604, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of commissioners that addresses plan consistency and other matters deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval by the board of commissioners. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
3) Notification.
    a) Published Notice
        i) Notice of the public hearing shall be published in a newspaper of general circulation in the Spring Hope area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten days prior to the hearing date. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
    b) Mailed Notice

c) Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person mailing such notices shall certify to the board of commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

d) If a zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, the town may, as an alternative method of notification, elect to publish notice of the hearing as required by G.S. 160D-602. Such notification shall not be less than one-half of a newspaper page in size. The advertisement shall be effective only for owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent tax listing for the affected property, shall be notified according to the first class mail provisions listed in subsection (c)(2) of this section.

e) Posted Notice

i) The Zoning Administrator or designee shall post a notice of application at a visible location on subject property no less than 14 days prior to the hearing. The content of the posted notice shall include the Town's general contact information and that a land use decision is under consideration.

4) Board of Commissioners statement. Prior to adopting or rejecting any zoning amendment, the board of commissioners shall adopt a statement describing whether its action is consistent with the adopted comprehensive plan. Such statement shall explain why the board of commissioners considers the action taken to be reasonable and in the public interest.

SEC. 26-333. CITIZEN COMMENTS.

Subject to the limitations of this Article, zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

SECS. 26-334—26-354. RESERVED.

ARTICLE X. ENFORCEMENT

SEC. 26-355. GENERAL ENFORCEMENT.

Violations of this chapter shall constitute a misdemeanor and/or at the election of the town, shall subject the violator to civil penalties and/or where permitted by law, equitable remedies for said violation as hereinafter provided.

SEC. 26-356. INJUNCTION AND ORDER OF ABATEMENT REMEDIES.

1) Any provision of this article that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the general court of justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.
2) An order of abatement may direct:
    a) That buildings or other structures on the property be closed, demolished or removed;
    b) That fixtures, furniture or other movable property be removed from buildings on the property;
    c) That abandoned or junked vehicles be removed;
    d) That improvements or repairs be made; or
    e) That any other action be taken that is necessary to bring the property into compliance with this article.
3) If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

SEC. 26-357. CIVIL PENALTIES.

1) Notice of violation.
    a) Upon determination of a violation of any section of this chapter, the penalty for which is a civil penalty, the town shall cause a notice of violation to be issued to the violator by the appropriate official of the town and served on the violator or their agent, either in person or by personal delivery, electronic delivery, or first class United States mail, postage prepaid and addressed to the last known address of the violator as contained in the records of the town or as obtained from the violator or their agent. The notice of violation may be posted on the property. The appropriate town official serving the notice of violation shall sign and have notarized an affidavit describing the type of service and the date of service. The violator shall be deemed to have been served upon the mailing or personal service of the notice of violation. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
    b) The notice of violation shall set out the nature of the violation, the Code section or ordinance violated, the date or dates of the violation, and shall contain an order to immediately cease the violation. The notice of violation shall specify that a second and subsequent citations will assess a civil penalty, together with costs, attorney fees, and such other relief as provided by law. The notice of violation shall also inform the violator of the violator's appeal rights. If the violation is in the nature of an offense for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated within which the violation must be abated.
2) Appeals. The violator must file an appeal from a notice of violation within 10 days from the service date of the notice of violation as indicated on the affidavit of service. An appeal is deemed filed when it is received by the town clerk. Forms and instructions for filing an appeal shall be made available at the office of the town clerk. A violator who fails to file an appeal within the time period described above is deemed to have forfeited the appeal for the violation, the notice of violation, the civil citations, and the civil penalties assessed for the violation. Appeals shall be heard by the board of adjustment pursuant to G.S. 160D-405 . The decision of the board of adjustment is subject to review in the superior court of the county in the nature of certiorari.
3) Extensions allowed. Where the town determines that the period of time stated in the original notice of violation is not sufficient for abatement based upon the work required or based on a consent agreement, the town may amend the notice of violation to provide for additional time.
4) Civil citation. Upon failure of the violator to comply with the notice of violation within 10 days of service, a civil citation in the amount of $50.00 shall be issued by the appropriate official of the town and served on the violator or their agent, either in person or by first class United States mail, postage prepaid and addressed to the last known address of the

violator as contained in the records of the town or obtained from the violator or their agent.

5) Citation contents and repeat violations. The civil citation shall direct the violator to immediately cease the violation, shall inform the violator of the penalty amount, and shall direct the violator to make payment at town hall within ten days of the date of the civil citation, or alternatively to pay the citation by mail postmarked within ten days of service of the civil citation. Once a notice of violation has been issued and the ten-day warning period has expired, civil citations in the amount of $50.00 may be issued for each day the same or similar violation continues until the prohibited activity is ceased or abated. If a violation is repeated within a two-year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies as set forth in this section. A repeat violation is one which is identical to or reasonably similar to a previous violation for which a notice of violation or civil citation has been issued by the town.
6) Settlement of civil claim. If the violator fails to respond to a civil citation within ten days of its service, and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the state general court of court of justice for the collection of the penalty, costs, attorney fees and such other relief as permitted by law.

SEC. 26-358. CRIMINAL PENALTIES.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not to exceed $500.00 and/or imprisonment for a period not to exceed 30 days. Each day a violation continues shall be deemed a separate offense, provided that the violation of this article is not corrected within 30 days after notice of said violation is given.