

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS

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- Repair or demolition of dwellings unfit for human habitation, see G.S. §§ 160A-441 et seq.

ADOPTION OF CODES BY REFERENCE

§ 150.001 SCOPE OF SUBCHAPTER AND CODES.

(A) The provisions of this subchapter and of the regulatory codes herein adopted shall apply to the following:

- (1) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any

appurtenances connected or attached to such building or structure;

(2) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof;

(3) The installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances thereof; and

(4) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.

(B) The adoption of this subchapter and the codes herein adopted by reference shall constitute a resolution within the meaning of G.S. § 143-138(d), making the regulatory codes herein adopted applicable to dwellings and outbuildings used in connection therewith and to apartment buildings used exclusively as the residence of not more than two families.

(Prior Code, § 10-11)

§ 150.002 BUILDING CODE ADOPTED.

The entirety of the current edition of the State Building Code, as adopted by the State Building Code Council and as amended, including the Building, Energy, Fire Prevention, Mechanical, Plumbing and Residential Codes, is hereby adopted by reference as fully as though set forth herein as the building code of the town to the extent such code is applicable for safe and stable design, methods of construction, minimum standards and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired or otherwise constructed or reconstructed.

(Prior Code, § 10-12)

§ 150.003 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time such amendments are filed with the Town Clerk as provided in § 150.005.

(Prior Code, § 10-13)

§ 150.004 COMPLIANCE WITH CODES.

(A) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished or moved shall conform to the requirements, minimum standards and other provisions of the State Building Code.

(B) Every building or structure intended for human habitation, occupancy or use shall have plumbing, plumbing systems or plumbing fixtures installed, constructed, altered, extended, repaired or reconstructed in accordance with the minimum standards, requirements and other provisions of the State Building Code.

(C) All mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems,

fuel burning equipment, and appurtenances shall be installed, erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the State Building Code.

(D) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the State Electrical Code.

(Prior Code, § 10-14)

§ 150.005 COPIES OF CODES FILED WITH CLERK.

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the Town Clerk. Such copies shall be the official copies of the codes and the amendments.

(Prior Code, § 10-15)

INSPECTION DEPARTMENT

§ 150.020 ORGANIZATION OF DEPARTMENT.

The Town Inspection Department shall be the County Inspection Department.

(Prior Code, § 10-29)

§ 150.021 GENERAL DUTIES OF DEPARTMENT AND INSPECTORS.

(A) It shall be the duty of the Inspection Department to enforce all of the provisions of this chapter and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether or not the provisions of this chapter and such codes are being met.

(B) The State Building Code shall be enforced by the Building Inspector. The State Plumbing Code shall be enforced by the Plumbing Inspector. The State Heating Code shall be enforced by the Heating/Air Conditioning Inspector. The State Electrical Code shall be enforced by the Electrical Inspector.

(Prior Code, § 10-30)

§ 150.022 CONFLICTS OF INTEREST.

No officer or employee of the Inspection Department shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or any part thereof, or in the making of plans or specifications therefor, unless he or she is the owner of such building. No officer or employee of the Inspection Department shall engage in any work which is inconsistent with his or her duties or with the interests of the town.

(Prior Code, § 10-31)

§ 150.023 REPORTS AND RECORDS.

The Inspection Department, and each inspector, shall keep complete, permanent and accurate records in convenient form of all applications received, permits issued, inspections and re-inspections made, and all other work and activities of the Inspection Department. Periodic reports shall be submitted to the Council, and to other agencies, as required.

(Prior Code, § 10-32)

§ 150.024 INSPECTION PROCEDURE.

(A) Inspections.

(1) The Inspection Department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes. When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations; provided, no approval shall be based upon reports of such organizations unless the same are in writing and certified by a responsible officer of such organization.

(2) All holders of permits, or their agents, shall notify the Inspection Department and the appropriate inspector at each of the following stages of construction so that approval may be given before work is continued.

(a) Foundation inspection. To be made after trenches are excavated and the necessary reinforcement and forms are in place, and before concrete is placed. Drilled footings, piles and similar types of foundations shall be inspected as installed.

(b) Framing inspection. To be made after all structural framing is in place and all roughing-in of plumbing and electrical and heating has been installed, after all fire blocking, chimneys, bracing and vents are installed, but before any of the structure is enclosed or covered. Poured in place concrete structural elements shall be inspected before each pour of any structural member.

(c) Fire-proofing inspection. To be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.

(d) Final inspection. To be made after building or structure has all doors hung, fixtures set and ready for occupancy, but before the building is occupied.

(B) Calls for inspection. Request for inspections may be made to the office of the Inspection Department or to the appropriate inspector. The Inspection Department shall make inspections as soon as practicable after request is made therefor, provided such work is ready for inspection at the time the request is made. Re-inspections may be made at the convenience of the Inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the Inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his or her agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this subchapter.

(C) Street or alley lines. Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley or other public place, he or she shall secure a survey of the line of such street alley, or other public place, adjacent to the property upon which such building or structure is to be erected, before proceeding with construction of such building or structure. It shall be the duty of the Building Inspector to see

that the building does not encroach upon such street, alley or other public place.

(D) Certificate of occupancy. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Inspection Department has issued a certificate of occupancy therefor. A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building. Application for a certificate of occupancy may be made by the owner or his or her agent after all final inspections have been made for new buildings, or, in the case of existing buildings, after supplying the information and data necessary to determine compliance with this chapter, the appropriate regulatory codes and any zoning ordinance for the occupancy intended. The Inspection Department shall issue a certificate of occupancy when, after examination and inspection, it is found that the building in all respects conforms to the provisions of this chapter, the regulatory codes, and any zoning ordinance for the occupancy intended.

(Prior Code, § 10-33)

§ 150.025 OVERSIGHT NOT TO LEGALIZE VIOLATION.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the Inspection Department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.

(Prior Code, § 10-34)

§ 150.026 POWERS OF INSPECTION OFFICIALS.

(A) Authority. Inspectors are hereby authorized, empowered and directed to enforce all the provisions of this chapter and the regulatory codes herein adopted.

(B) Right-of-entry. With an appropriate warrant or permission from the owner or occupant, inspectors shall have the right of entry on any premises within the jurisdiction of the regulatory codes herein adopted at reasonable hours for the purpose of inspection or enforcement of the requirements of this chapter and the regulatory codes, upon presentation of proper credentials.

(C) Stop orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner, or in violation of any provision of this chapter or any other town ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit or permits issued therefor, or in such manner as to endanger life or property, the appropriate inspector may order such work to be immediately stopped. Such order shall be in writing to the owner of the property or to his or her agent, or to the person doing the work, and shall state the reasons therefor and the conditions under which the work may be resumed.

(Prior Code, § 10-35)

ENFORCEMENT

§ 150.040 REGISTRATION OF CONTRACTORS.

Every person carrying on the business of building contractor, plumbing contractor, heating-air conditioning contractor or electrical contractor within the town shall register at the office of the Inspection Department, giving name and place of business.

(Prior Code, § 10-59)

§ 150.041 BOND REQUIRED OF CONTRACTORS.

Every person required to register at the office of the Inspection Department under § 150.040 shall also give a good and sufficient bond in the sum of \$1,000, to be approved by the Town Attorney, conditioned upon faithful performance of duty in doing any work which he or she may have contracted to do, and to indemnify the town against loss in any manner whatsoever for any unskillful or negligent work or conduct in the performance of the duties imposed by the provisions of this chapter or any regulatory code herein adopted, or any damage to any utility lines, streets or sidewalks in the town or for any damage which may accrue to any person by reason of any default of the contract, or for the payment of any inspection or other fees required by this subchapter.

(Prior Code, § 10-60)

§ 150.042 PERMITS REQUIRED.

(A) Building permit. No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal or demolition of any building or other structure, or any part thereof, without a written permit therefor from the Building Inspector; provided, however, that no building permit shall be required for work the total cost of which does not exceed \$100 and which does not involve any change of the structural parts or the stairways, elevators, fire escapes or other means of egress of the building or the structure in question. Board of Health approval of property for septic tank is required where sewage system cannot be connected to town sewer. In all cases of removal or demolition of a building or structure a good and sufficient bond in the sum of \$500 shall be posted by the property owner or by his or her contractor at the time of application for a permit, to ensure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his or her contractor to completely demolish, remove and clear the premises, after 30 days' notice by the Building Inspector, shall be cause for forfeiture of such bond.

(B) Plumbing permit. No person shall commence or proceed with the installation, extension or general repair of any plumbing system without a written permit therefor from the Plumbing Inspector; provided, however, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if such repairs or replacements do not disrupt the original water supply or the waste or ventilating systems. Board of Health approval of property for septic tank is required where sewage system cannot be connected to the town sewer.

(C) Heating/air conditioning permit. No person shall commence or proceed with the installation, extension, alteration or general repair of any heating or cooling equipment system without a written permit from the heating-air conditioning inspector; provided, however, no permit shall be required for minor repairs or minor burner services or filter replacements of warm air furnaces or cooling system.

(D) Electrical permit. No person shall commence or proceed with the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without a written permit therefor from the Electrical Inspector; provided, however, no permit shall be required for minor repair work such as the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed; provided further, no permit shall be required for the installation, alteration or repair of the electrical wiring, devices, appliances and equipment installed by or for an electrical public utility corporation for the use

of such corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of such corporation in the operation of signals or the transmission of intelligence.
(Prior Code, § 10-61) Penalty, see § 10.99

§ 150.043 APPLICATION FOR PERMIT.

(A) Written application shall be made for all permits required by this subchapter, and shall be made on forms provided by the Inspection Department.

(B) Such application shall be made by the owner of the building or structure affected or by his or her authorized agent or representative, and, in addition to such other information as may be required by the appropriate inspection to enable him or her to determine whether the permit applied for should be issued, shall show the following:

(1) Name, residence and business address of owner;

(2) Name, residence and business of authorized representative or agent, if any; and

(3) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such be required for the work involved in the permit for which application is made.

(Prior Code, § 10-62)

§ 150.044 PLANS AND SPECIFICATIONS.

Detailed plans and specifications shall accompany each application for permit when the estimated total cost of the building or structure is in excess of \$20,000, and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him or her to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this subchapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.
(Prior Code, § 10-63)

§ 150.045 LIMITATIONS ON ISSUANCE OF PERMITS.

(A) No building permit shall be issued for any building or structure the estimated total cost of which is more than \$20,000, unless the work is to be performed by a licensed general contractor.

(B) No building permit shall be issued for any building or structure, other than a one- or two-family dwelling, the estimated total cost of which is more than \$20,000, unless the plans bear the State seal of a registered architect or a registered engineer.

(C) Where any provision of the state statutes or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such licensed specialty contractor.

(D) Where detailed plans and specifications are required under this subchapter, no building permit shall be issued unless such plans and specifications have been provided.
(Prior Code, § 10-64)

§ 150.046 ISSUANCE OF PERMIT.

When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this subchapter and the appropriate regulatory codes, he or she shall issue such permit, upon payment of the proper fee or fees as hereinafter provided in § 150.050.
(Prior Code, § 10-65)

§ 150.047 REVOCATION OF PERMITS.

The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for such revocation. Permits shall be revoked for any material departure from the approved application, plans or specifications; for refusal or failure to comply with proper orders of the Inspector; for refusal or failure to comply with requirements of this subchapter and the appropriate regulatory codes; or for false statements or misrepresentations made in securing such permit.
(Prior Code, § 10-66)

§ 150.048 TIME LIMITATIONS ON VALIDITY OF PERMITS.

(A) All permits issued under this subchapter shall expire by limitation six months after the date of issuance if the work authorized by the permit has not been commenced.

(B) If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire.

(C) No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.
(Prior Code, § 10-67)

§ 150.049 CHANGES IN WORK.

After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this subchapter or of any regulatory code adopted herein, shall not be made until specific written approval of such changes or deviations has been obtained from the appropriate inspector.
(Prior Code, § 10-68)

§ 150.050 PERMIT FEES.

(A) Fees for permits shall be based upon the total estimated cost of the proposed work, including all subcontracts if any, but in no case shall the total estimated cost be less than the market value of similar completed

work in the town as determined by the appropriate inspector or inspectors. Permit fees collected by the town shall be as set out in the schedule of fees which is on file in the town office and hereby made a part hereof

(B) A penalty of \$10 will be assessed anyone who actually begins construction without securing a proper building permit pursuant to the State Building Code.
(Prior Code, § 10-69) (Ord. passed 4-3-1984)

§ 150.051 DUTY OF INSPECTION DEPARTMENT; ZONING, BUILDINGS, HOUSING.

(A) Enforcement of zoning ordinance.

(1) If the Inspection Department is charged with enforcement of a zoning ordinance, then no permit for alteration, repair or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with applicable provisions of the zoning ordinance.

(2) If the Inspection Department is not charged with enforcement of a zoning ordinance, then no permit for alteration, repair or construction of any building or structure shall be issued until a zoning permit has first been issued by the appropriate official charged with enforcement of the zoning ordinance.
(Prior Code, § 10-97)

(B) Condemnation, repair and demolition of unsafe buildings. The Inspection Department shall be charged with enforcing the provisions of G.S. §§ 160A-426 through 160A-434, relating to the condemnation, repair and demolition of unsafe buildings, upon the direction of the governing body.
(Prior Code, § 10-123)

(C) Enforcement of Housing Code. The Inspection Department shall be responsible for the enforcement of any ordinance or codes adopted by the governing body relating to the repair, closing and demolition of dwellings unfit for human habitation, pursuant to state law.
(Prior Code, § 10-145)

(D) Enforcement of uniform standards. The Inspection Department shall, upon the direction of the governing body, be responsible for enforcing the North Carolina Uniform Standards Code for Mobile Homes, being G.S. §§ 143-144 et seq., including any design and construction standards incorporated therein by reference.
(Prior Code, § 10-174)

Statutory references:

Exercise of municipal power authorized to provide for repair, closing or demolition of unsafe buildings,
see G.S. § 160A-441

Ordinance authorized concerning repair, closing and demolition upon order of public officer,
see G.S. § 160A-443(5)(b)

MINIMUM HOUSING STANDARDS

§ 150.065 FINDING; PURPOSE.

(A) Pursuant to G.S. § 160A-441, it is hereby declared that there exist in the town dwellings which are unfit

for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by state law, it is the purpose of this subchapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160A-444. (Prior Code, § 10-202) (Ord. passed 7-1-1983)

§ 150.066 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever the words dwelling, dwelling unit, rooming house, rooming unit, premises are used in this subchapter, they shall be construed as though they were followed by the words "or any part thereof".

BASEMENT. A portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

CELLAR. A portion of a dwelling which is located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

DETERIORATED. A dwelling is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this subchapter at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DILAPIDATED. A dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this subchapter except at a cost in excess of 50% of its value, as determined by finding of the Inspector.

DWELLING. Any building, structure or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a DWELLING. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION. The control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.

GARBAGE. The organic waste resulting from the handling, preparation, cooking and consumption of food.

GENDER. Words having a masculine gender shall include the feminine and neuter genders.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping,

cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or the public.

INSPECTOR. The Building Inspector of the town or any authorized agent of the Inspector.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANT. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who alone, jointly or severally with others shall:

(1) Have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof;

(2) Be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or

(3) Have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual OWNER shall be bound to comply with the provisions of this subchapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PARTY or PARTIES IN INTEREST. All persons who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

PERSON. Any individual, corporation, firm, partnership, association, organization or other legal entity.

PLUMBING. All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catchbasins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PUBLIC AUTHORITY. The town housing authority or any officer who is in charge of any department or branch of the government of the town or county or the state relating to health, fire, building regulations or other activities concerning dwellings in the town.

ROOMING HOUSE. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or brother of the owner or operator.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

RUBBISH (NON-ORGANIC WASTE MATERIALS). The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and dust.

SUPPLIED. Paid for, furnished or provided by, or under the control of, the owner or operator.

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

UNFIT FOR HUMAN HABITATION. Conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this subchapter.

(Prior Code, § 10-203) (Ord. passed 7-1-1983)

§ 150.067 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNITS.

(A) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.068 through 150.073.

(B) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.068 through 150.073.

(Prior Code, § 10-204) (Ord. passed 7-1-1983)

§ 150.068 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit.

(A) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches or other parts of appurtenances shall be maintained in such condition that they will not fail or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather-tight and water-tight.

(H) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling or in such condition or location as to constitute a fire hazard.

(I) There shall be no use of the ground for floors, or wood floors on the ground.
(Prior Code, § 10-205) (Ord. passed 7-1-1983)

§ 150.069 BASIC PLUMBING, HEATING AND ELECTRICAL EQUIPMENT AND FACILITIES.

(A) Plumbing system.

(1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the state plumbing code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(B) Heating system. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following.

(1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70°F measured at a point three feet above the floor during ordinary winter conditions.

(2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of 70°F measured three feet above the floor during ordinary winter conditions.

(C) Electrical system.

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacle, connected in such manner as determined by the State Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electrical Code.
(Prior Code, § 10-206) (Ord. passed 7-1-1983)

§ 150.070 VENTILATION.

(A) General. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) Habitable rooms. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

(C) Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.
(Prior Code, § 10-207) (Ord. passed 7-1-1983)

§ 150.071 SPACE, USE AND LOCATION.

(A) Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code.

(1) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) Ceiling height. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(C) Floor area calculation. Floor area shall be calculated on the basis of habitable room area; however, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not

be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

(D) Cellar. No cellar shall be used for living purposes.

(E) Basements. No basement shall be used for living purposes, unless:

(1) The floor and walls are substantially water-tight;

(2) The total window area, total openable window area and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or accessway.
(Prior Code, § 10-208) (Ord. passed 7-1-1983)

§ 150.072 SAFE AND SANITARY MAINTENANCE.

(A) Foundation walls, exterior walls and exterior roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight and rodent-proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(B) Interior floors, walls and ceilings. Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(C) Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather-tight, water-tight and rodent-proof and shall be kept in sound working condition and good repair.

(D) Stairs, porches and appurtenances. Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.

(E) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.

(F) Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this subchapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) Drainage. Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(H) Noxious weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(I) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.
(Prior Code, § 10-209) (Ord. passed 7-1-1983)

§ 150.073 CONTROL OF INSECTS, RODENTS AND INFESTATIONS.

(A) Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.

(B) Rodent control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.

(C) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(D) Rubbish storage and disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) Garbage storage and disposal. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by town ordinances.
(Prior Code, § 10-210) (Ord. passed 7-1-1983)

§ 150.074 ROOMING HOUSES; EXCEPTIONS.

All of the provisions of this subchapter, and all of the minimum standards and requirements of this subchapter, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy and any rooming unit in any rooming house, except as provided in the following divisions.

(A) Water closet, hand lavatory and bath facilities. At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(B) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house. He or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(D) Sanitary facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by division (A) above shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

(Prior Code, § 10-211) (Ord. passed 7-1-1983)

§ 150.075 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Public areas. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

(C) Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) Care of facilities, equipment and structure. No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

(Prior Code, § 10-212) (Ord. passed 7-1-1983)

§ 150.076 POWERS AND DUTIES OF BUILDING INSPECTOR.

(A) The Building Inspector is hereby designated as the officer to enforce the provisions of this subchapter and to exercise the duties and powers herein prescribed.

(B) The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this subchapter.

(C) The Building Inspector shall have the following powers and duties:

(1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the

purpose of carrying out the objectives of this subchapter with respect to the repair, closing or demolition of such dwellings and dwelling units;

(2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(3) To keep a record of the results of inspections made under this subchapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;

(4) To administer oaths and affirmations, examine witnesses and receive evidence;

(5) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with § 150.077 and state law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(6) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to assist in carrying out the purposes of this subchapter, and to delegate any of his or her functions and powers to such officers, agents and employees; and

(7) To perform such other duties as may be prescribed herein or by the Town Council.
(Prior Code, § 10-213) (Ord. passed 7-1-1983)

§ 150.077 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.

(A) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit or the person in charge thereof shall give the Inspector free access to such dwelling and its premises at all reasonable times for the purposes of such inspection, examination and survey.

(B) Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this subchapter or with any lawful order issued pursuant to the provisions of this subchapter.
(Prior Code, § 10-214) (Ord. passed 7-1-1983)

§ 150.078 PROCEDURE FOR ENFORCEMENT

(A) Preliminary investigation; notice; hearing. Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing

and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) Procedure after hearing. After such notice and hearing, the Inspector shall state in writing his or her determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he or she shall state in writing his or her findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this subchapter within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations and improvements have been made.

(2) If the Inspector determines that the dwelling is dilapidated, he or she shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this subchapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

(1) In personam remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board at its next regular meeting a resolution directing the town attorney to petition the Superior Court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).

(2) In rem remedy. After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (C)(1) above, the Inspector shall submit to the Board an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § 160A-443 and § 150.080.

(D) Appeals from orders of Inspector.

(1) An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Zoning Board of Adjustment a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed.

(2) When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the

certificate (a copy of which shall be furnished the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § 160A-446(f) and division (E) below.

(a) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(b) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(E) Petition to superior court by owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § 160A-446(f).
(Prior Code, § 10-215) (Ord. passed 7-1-1983)

§ 150.079 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect and the serving of such complaint or order upon such person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this subchapter in a newspaper having general circulation in the town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.
(Prior Code, § 10-216) (Ord. passed 7-1-1983)

§ 150.080 IN REM ACTION BY INSPECTOR; PLACARDING.

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this subchapter, and upon adoption by the Board of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.078(C), the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this subchapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(B) Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).

(Prior Code, § 10-217) (Ord. passed 7-1-1983)

§ 150.081 COSTS A LIEN ON PREMISES.

As provided by G.S. § 160A-443(6), the cost of any repairs, alterations or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 150.080 shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by state law.

(Prior Code, § 10-218) (Ord. passed 7-1-1983; Res. 99, passed 7-5-1988)

§ 150.082 ALTERNATIVE REMEDIES.

Neither this subchapter, nor any of its provisions, shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this subchapter by criminal process as authorized by G.S. § 14-4 and § 150.085, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Prior Code, § 10-219) (Ord. passed 7-1-1983)

§ 150.083 ZONING BOARD OF ADJUSTMENT TO HEAR APPEALS.

(A) All appeals which may be taken from decisions or orders of the Inspector pursuant to § 150.078(D) shall be heard and determined by the Zoning Board of Adjustment. As the appeals body, the Board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by § 150.078(D) and shall keep an accurate journal of all its proceedings.

(B) If the Zoning Board of Adjustment consists of more than five members, the Chairperson shall designate five members to hear appeals under this subchapter.

(Prior Code, § 10-220) (Ord. passed 7-1-1983)

§ 150.084 CONFLICT WITH OTHER PROVISIONS.

In the event any provision, standard or requirement of this subchapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the town shall prevail.

(Prior Code, § 10-221) (Ord. passed 7-1-1983)

§ 150.085 VIOLATIONS.

(A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair,

alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 150.078, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(C) The violation of any provision of this subchapter shall constitute a misdemeanor, as provided by G.S. § 14-4.

(D) In addition to the penalty established by division (C) above, and the remedies provided by other provisions of this subchapter, this subchapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

(Prior Code, § 10-222) (Ord. passed 7-1-1983) Penalty, see § 150.999

REPAIR, CLOSING OR DEMOLITION OF ABANDONED STRUCTURES

§ 150.100 FINDING; INTENT.

It is hereby found that there exist within the town abandoned or vacated structures which the Town Council finds to be hazardous to the health, safety and welfare of the residents of the town due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, frequent use by individuals engaging in illegal activity, frequent use by vagrants as living quarters in the absence of sanitary facilities, or otherwise seen by the Town Council seen as a nuisance to the overall well-being of the entire community. Therefore, pursuant to the authority granted by G.S. § 160A-441, it is the intent of this subchapter to provide for the repair, closing or demolition of any such abandoned or vacated structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing or demolition of dwellings unfit for human habitation.

(Ord. passed 12-3-2002)

§ 150.101 DUTIES OF TOWN MANAGER, CHIEF OF POLICE OR OTHER DESIGNATED TOWN OFFICIAL.

(A) The Town Manager, Chief of Police or other designated town official are hereby designated as the town officers to enforce the provisions of this subchapter.

(B) It shall be the duty of these individuals:

(1) To locate abandoned structures within the town and determine which structures are in violation of this subchapter;

(2) To take such action pursuant to this subchapter as may be necessary to provide for the repair, closing or demolition of such structures;

(3) To keep an accurate record of all enforcement proceedings begun pursuant to the provisions article;
and

(4) To perform such other duties as maybe prescribed herein or assigned to him or her by the Town Council.
(Ord. passed 12-3-2002)

§ 150.102 POWERS OF TOWN MANAGER, CHIEF OF POLICE OR OTHER DESIGNATED TOWN OFFICIAL.

The Town Manager, Chief of Police or other designated town official are authorized to exercise such powers as may be necessary to carry out the intent and provisions of this subchapter, including the following powers in addition to others herein granted:

(A) To investigate the conditions of buildings within the town in order to determine which structures are abandoned or vacant and in violation of this subchapter;

(B) To enter upon premises for the purpose of making inspections;

(C) To administer oaths and affirmations, examine witnesses and receive evidence; and

(D) To designate such other officers, agents and employees of the town as he or she deems necessary to carry out the provisions of this subchapter.
(Ord. passed 12-3-2002)

§ 150.103 STANDARDS FOR ENFORCEMENT.

(A) Every abandoned or vacated structure within the town shall be deemed in violation of this subchapter whenever such structure constitutes a hazard to the health, safety or welfare of the town citizens, as a result of:

(1) The attraction of insects or rodents;

(2) Conditions creating a fire hazard;

(3) Dangerous conditions constituting a threat to children;

(4) Frequent use by individuals performing illegal activities;

(5) Frequent use by vagrants as living quarters in the absence of sanitary facilities; or

(6) Detriment to the overall aesthetics and property values within the community.

(B) In making the preliminary determination of whether or not an abandoned or vacated structure is in violation of this subchapter, the Town Manager, Chief of Police or other designated town official may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

(1) Holes or cracks in the structure's floors, walls, ceilings or roof which might attract or admit rodents and insects, or become breeding places for rodents and insects;

(2) The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;

(3) Violations of the State Building Code, the State Electrical Code, the Fire Prevention Code, which constitute a fire hazard in such structure;

(4) The collection of garbage, rubbish or combustible material which constitutes a fire hazard in such structure;

(5) The use of such structure or nearby grounds or facilities by children as a play area;

(6) Violations of the State Building Code which might result in danger to children using the structure or nearby grounds or facilities as a play area; and

(7) Repeated use of such structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking or eating.
(Ord. passed 12-3-2002)

§ 150.104 PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation; notice; hearing. Whenever a petition is filed with the Town Manager, Chief of Police or other designated town official by at least five residents of the city charging that any structure exists in violation of this subchapter or whenever it appears to the town personnel mentioned above, upon inspection, that any structure exists in violation hereof, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such structure a complaint stating the charges and containing notice that a hearing will be held before a town official named above at a place therein fixed, not less than ten nor more than 30 days after the serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing the petition relating to such structure. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the town official.

(B) Procedure after hearing. After such notices and hearing, the Town Manager, Chief of Police or designated town official shall state in writing his or her determination whether such structure violates this subchapter. If the Town Manager, Chief of Police or designated town official determine that the dwelling is in violation, he or she shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such structure or else remove or demolish the same within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

(1) In personam remedy. If the owner of any structure shall fail to comply with an order of the Town Manager, Chief of Police or designated town official within the time specified therein, the town official mentioned above may submit to the Town Council at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Town Manager, Chief of Police or designated town official.

(2) In rem remedy. After failure of an owner of a structure to comply with an order of the Town Manager, Chief of Police or designated town official within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (C)(1) above, the Town Manager, Chief of Police or designated town official shall submit to the Town Council an ordinance ordering the town officials mentioned above to cause such structure to be removed or demolished, as provided in the original order of the Town Manager, Chief of Police or designated town official and pending such removal or demolition, to placard such dwelling as provide by G.S. § 160A-443.

(D) Petition to superior court by owner. Any person aggrieved by an order issued by the Town Manager, Chief of Police or designated town official shall have the right, within 30 days after issuance of the order to petition the superior court for a temporary injunction restraining the above mentioned town officials pending a final disposition of the cause, as provided by G.S. § 160A-446(f).
(Ord. passed 12-3-2002)

§ 150.105 VACATED AND CLOSED STRUCTURES.

(A) If the Town Council have adopted an ordinance, or the Town Manager, Chief of Police or designated town official shall have issued an order, ordering an abandoned structure to be repaired, altered or improved as provided in § 150.104, and if the owner has vacated and closed such structure and kept such structure vacated and closed for a period of one year pursuant to the ordinance or order, then, if the Town Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the structure and that the continuation of the structure in its vacated and closed status would be inimical to the health, safety, morals and welfare of the city in that the structure would continue to deteriorate, and would create a fire and safety hazard would be a threat to children and vagrants, would attract persons intent on criminal activities, and would cause or contribute to blight and the deterioration of property values in the area, then in such circumstances, the Town Council may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(1) If it is determined that the repair of the structure can be made at a cost not exceeding 50% of the then current value of the structure, the ordinance shall require that the owner either repair or demolish and remove the structure within 90 days; or

(2) If it is determined that the repair of the structure cannot be made at a cost not exceeding 50% of the then current value of the structure, the ordinance shall require that the owner demolish and remove the structure within 90 days.

(B) An ordinance adopted pursuant to this section shall be recorded in the office of the Register of Deeds of the county and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this subchapter, the Town Manager, Chief of Police or designated town official shall effectuate the purpose of this subchapter. The cost of repair or demolish and remove the dwelling shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority and be collected in the same manner as the lien for special assessments established by G.S. § 160A, Art. 10.
(Ord. passed 12-3-2002)

§ 150.106 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

(A) Complaints and orders issued by the Town Manager, Chief of Police or designated town official under this subchapter shall be served upon persons either personally or by registered or certified mail and, in

conjunction therewith, may be served by regular mail. When the manner of service is regular mail in conjunction with registered or certified mail, and the registered or certified is unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud.

(B) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Town Manager, Chief of Police or designated town official in the exercise of reasonable diligence, and the town official makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper have general circulation in the town at least once no later than the time at which personal service would be required under the provisions of this subchapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(C) Each owner of rental property located within the town shall authorize a person residing in the county to serve as his or her agent of the purpose of accepting service of process under this section. The owner shall provide, on a form supplied by the Town Clerk, the authorized agent's name and address. The owner shall notify the Town Clerk of any changes in the information provided not less than ten days after such changes have occurred. Nothing in this division (C) shall be interpreted to require an owner to designate an agent to accept service of process where the owner of the rental property resides with the county. The initial failure of an owner to authorize an agent, as required in this division (C), will not result in the imposition of a civil penalty as hereinafter authorized, however, a civil penalty will be imposed if an owner fails to authorize an agent and fails to provide to the Town Clerk, on the form supplied by the Town Clerk, the authorized agent's name and address not less than ten days after being notified by the representing town official that such designation is required under this division (C).

(Ord. passed 12-3-2002) Penalty, see § 150.999

Statutory reference:

Service of complaints and orders, see G.S. § 160A-445

§ 150.107 IN REM ACTION BY TOWN MANAGER, CHIEF OF POLICE OR DESIGNATED TOWN OFFICIAL; PLACARDING.

(A) After failure of an owner of a structure to comply with an order of the Town Manager, Chief of Police or designated town official issued pursuant to the provisions of this subchapter, and upon adoption of the Town Council of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(s) and § 150.104, the town official shall proceed to cause such structure to be removed or demolished, as directed by the ordinance of the Town Council and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

(B) Each such ordinance shall be recorded in the office of the Register of Deeds of the county, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).

(Ord. passed 12-3-2002)

§ 150.108 COSTS; A LIEN ON PREMISES.

(A) As provided by G.S. § 160A-443(6), the amount of the cost of any removal or demolition caused to be made or done by the Town Manager, Chief of Police or designated town official pursuant to this subchapter shall be a lien against the real property upon which such cost was incurred.

(B) Such lien shall be filed, have the same priority and be enforced and the costs collected as provide by G.S. § 160A, Art. 10.
(Ord. passed 12-3-2002)

§ 150.109 ALTERNATIVE REMEDIES.

Neither this subchapter, nor any of its provisions, shall be construed to impair or limit in anyway the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this subchapter by criminal process, and the enforcement of any remedy provide herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.
(Ord. passed 12-3-2002)

§ 150.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any violation of the provisions of § 150.106(C), or a failure to comply with any of its requirements will subject the offender to a civil penalty in the amount of \$50. Each ten-day period of part thereof in which a violation continues shall be considered a separate violation for the purpose of the civil penalty provided by this division (B).
(Ord. passed 12-3-2002)

CHAPTER 151: PLANNING

Section

- 151.01 Planning Board created
- 151.02 Membership and vacancies; attendance
- 151.03 Organization, rules, meetings and records
- 151.04 Jurisdiction and voting
- 151.05 General powers and duties
- 151.06 Basic studies
- 151.07 Comprehensive plans
- 151.08 Zoning amendments
- 151.09 Subdivision regulations
- 151.10 Public facilities
- 151.11 Miscellaneous powers and duties
- 151.12 Annual report; analysis of expenditures; budget request

Statutory references:

- Planning agency, see G.S. § 160A-361
- Subdivision regulation, see G.S. § 160A-371
- Supplemental powers, see G.S. § 160A-363

§ 151.01 PLANNING BOARD CREATED.

Pursuant to G.S. §§ 160A-361 and 160A-362, there is hereby created a Planning Board of the town, to perform the functions and the duties herein prescribed.
(Prior Code, § 38-1) (Ord. passed 2-10-1980)

§ 151.02 MEMBERSHIP AND VACANCIES; ATTENDANCE.

(A) The Planning Board shall consist of nine members.

(1) Five members shall be citizens and residents of the town, and shall be appointed by the Town Council; three members shall be citizens of the county who reside outside the town but within the extraterritorial jurisdiction of the town as specified by an extraterritorial boundary ordinance adopted pursuant to G.S. § 160A-360(b), and shall be appointed by the Town Council, and one member shall be appointed by the Edgecomb County Town Council.

(2) The members of the Planning Board shall serve for terms of three years each, such terms to be initially staggered as follows: two members for one year, three members for two years and four members for three years.

(3) Thereafter, member vacancies shall be appointed for a term of three years for each member appointed.

(B) Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Faithful attendance at meetings of the Board is to be considered a prerequisite to continued membership, and the Town Council may remove and replace any member continually delinquent in his duty to attend.

(Prior Code, § 38-2) (Ord. passed 2-10-1980; Ord. passed 11-14-1989)

§ 151.03 ORGANIZATION, RULES, MEETINGS AND RECORDS.

(A) The Planning Board shall elect a Chairperson, and create and fill such other offices as it may determine. The term of the Chairperson and other officers shall be one year, with eligibility for reelection.

(B) The Board shall adopt rules for transaction of its business and shall keep a record of its member's attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record.

(C) The Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four members for the purpose of taking any official action.

(Prior Code, § 38-3) (Ord. passed 2-10-1980)

§ 151.04 JURISDICTION AND VOTING.

(A) The three members appointed to the Planning Board by the Town Council as representatives of the extraterritorial area outside the town shall have equal rights, privileges and duties with the other members of the Board in all matters pertaining to the regulation of such area, both in preparation of the original regulations and in consideration of any proposed amendments to such regulations.

(B) On all matters pertaining to the regulation of the area within the corporate limits, only those Board members appointed by the Town Council of the town to represent the area within the corporate limits shall vote. For taking action on any matter pertaining to the extraterritorial zoning area, there shall be present a quorum of at least two members from the extraterritorial area.

(C) For the taking of action on any matter pertaining to the area within the corporate limits, there shall be present a quorum of at least three of the members appointed to represent the area within the corporate limits of the town.

(Prior Code, § 38-4) (Ord. passed 2-10-1980)

§ 151.05 GENERAL POWERS AND DUTIES.

It shall be the duty of the Planning Board, in general, to:

(A) Make studies of the area within its jurisdiction and surrounding area;

(B) Determine objectives to be sought in the development of the study area;

(C) Prepare and adopt plans for achieving those objectives;

(D) Develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans that the Town Council may direct;

(E) Advise the Town Council concerning the use and amendment of means for carrying out plans;

(F) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct; and

(G) Perform any other related duties that the Town Council may direct.
(Prior Code, § 38-5) (Ord. passed 2-10-1980)

§ 151.06 BASIC STUDIES.

(A) As background for its comprehensive plans and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of human-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.

(B) In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities, which may include, but are not limited to, studies of housing, commercial and industrial facilities, parks, playgrounds and recreational facilities, public and private utilities, and traffic, transportation and parking facilities.

(C) All officials of the town shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examination or surveys and maintain necessary monuments thereon.
(Prior Code, § 38-6) (Ord. passed 2-10-1980)

§ 151.07 COMPREHENSIVE PLANS.

(A) The comprehensive plans, with the accompanying maps, plats, charts and descriptive matter, shall be and show the Planning Board's recommendations to the Town Council for the development of the area, including, among other things, the general location, character and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and opens; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, power, gas, sanitation, transportation, communication and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, buildings, grounds, open spaces, properties, utilities or terminals.

(B) The comprehensive plans and any ordinances or other measures to effectuate the plans shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with present and future needs, best promote health, safety, morals and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other things, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion

of good civic design and arrangement, the wise and efficient expenditure of public funds, and the adequate provision of public utilities, services and other public requirements.
(Prior Code, § 38-7) (Ord. passed 2-10-1980)

§ 151.08 ZONING AMENDMENTS.

The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance and map, based upon its studies and plans. In addition, it shall review and make recommendations to the Town Council concerning all proposed amendments to the zoning ordinance and map.
(Prior Code, § 38-8) (Ord. passed 2-10-1980)

§ 151.09 SUBDIVISION REGULATIONS.

(A) The Planning Board shall review, from time to time, the existing regulations for the control of land subdivision in the area and submit to the Town Council its recommendations, if any, for the revision of said regulations.

(B) The Planning Board shall review and make recommendations to the Town Council concerning all proposed plats of land subdivision.
(Prior Code, § 38-9) (Ord. passed 2-10-1980)

§ 151.10 PUBLIC FACILITIES.

The Planning Board shall review with the town officials and report its recommendations to the Town Council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines and proposals to change existing street lines; however, whether or not there is a recommendation from the Planning Board, the Town Council may, if it deems wise, take final action on any such matter at any time.
(Prior Code, § 38-10) (Ord. passed 2-10-1980)

§ 151.11 MISCELLANEOUS POWERS AND DUTIES.

(A) The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the plans. Before recommending any such plans to the Town Council, the Planning Board shall hold at least one public hearing thereon.

(B) The Planning Board shall have power to promote interest in and an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.
(Prior Code, § 38-11) (Ord. passed 2-10-1980)

§ 151.12 ANNUAL REPORT; ANALYSIS OF EXPENDITURES; BUDGET REQUEST.

The Planning Board shall, in May of each year, submit in writing to the Town Council a report of its activities, and an analysis of the expenditures to date for the current fiscal year; and shall submit to the Town

Council for budget consideration its requested budget of funds needed for operation during the ensuing fiscal year.
(Prior Code, § 38-12) (Ord. passed 2-10-1980)

CHAPTER 152: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 152.001 AUTHORITY AND ENACTMENT CLAUSE.

(A) By the authority of G.S. Ch. 160A, Art. 19, Part 2, the Town Council does hereby exercise the powers and authority to regulate the subdivision of land within its corporate limits and extraterritorial jurisdiction.

(B) This chapter shall invalidate and supersede all previous ordinances pertaining to the matters herein.
(Ord. passed 2- -2004, § 1-1)

§ 152.002 PURPOSE.

The purpose of this chapter shall be to promote the health, safety and welfare of the people within the subdivision jurisdiction of the town and to provide for the orderly growth and efficient development of the town.
(Ord. passed 2- -2004, § 1-2)

§ 152.003 TITLE.

This chapter shall be known as the “Subdivision Ordinance of the Town of Bethel, North Carolina”, and may be cited as the “Subdivision Ordinance”.

(Ord. passed 2- -2004, § 1-3)

§ 152.004 JURISDICTION.

The regulations contained herein, as provided in G.S. § 160A-360, shall govern each subdivision of land within the corporate limits of the town as now or hereafter established, and each subdivision of land situated within the extraterritorial jurisdiction of the town as established by an ordinance and map adopted by the Town Council in accordance with G.S. § 160A-360.

(Ord. passed 2- -2004, § 1-4)

§ 152.005 INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

(Ord. passed 2- -2004, § 1-5)

§ 152.006 CONFLICT.

(A) This chapter is not intended to interfere with, annul or abrogate any other ordinance, rule or regulation, statute or other provision of law applicable to the town. Where any provisions of this chapter impose limitations different from those imposed by any other provision of this chapter or any other ordinance, rule or regulation, or other provision or law, whichever provisions are more restrictive or impose higher standards shall control.

(B) This chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this document are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this chapter shall govern. Where the private provisions impose more restrictive or higher standards than this chapter then such private provisions shall be operative and supplemental to these regulations.

(C) If any part or provision of these regulations or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered. Such judgment shall not affect or impair the validity of the remainder of this chapter even without any such part, provision or application.

(Ord. passed 2- -2004, § 1-6)

§ 152.007 CONFORMANCE PREREQUISITE TO ACCEPTANCE OF STREETS, EXTENSION OF PUBLIC SERVICES AND THE LIKE.

No street shall be maintained by the town, no street dedication accepted for ownership and maintenance, no building permits issued nor shall water, sewer or other public facilities or services be extended to or connected with any subdivision for which a plat is required to be approved unless and until the requirements set forth in this chapter have been met.

(Ord. passed 2- -2004, § 1-7)

§ 152.008 CONFORMANCE WITH OFFICIAL PLANS.

All subdivisions shall comply with the principles, goals and objectives of the town Land Use Plan, as amended from time to time and all other officially adopted plans and policies of the town. In addition, proposed subdivisions must comply with the requirements of the zoning regulations of the town.

(Ord. passed 2- -2004, § 1-8)

§ 152.009 AMENDMENTS.

This chapter may be amended by the following procedures.

(A) Proposed amendments. Proposed amendments may be initiated by the Planning and Zoning Board, Town Council, Board of Adjustment or by one or more interested parties. An application for an amendment shall contain a description of the proposed subdivision regulation to be amended. Such application shall be filed with the town not later than 15 days prior to the Planning and Zoning Board meeting. A fee as established by the Town Council shall be paid by the applicant for an amendment to cover the administrative expenses involved. This fee shall not apply to amendments initiated by any Town Council.

(B) Action by the Planning and Zoning Board. The Planning and Zoning Board shall consider and make recommendations to the Town Council concerning each proposed subdivision ordinance amendment. If no recommendation is received from the Planning and Zoning Board within 60 days of first submission to the town, the proposed amendment shall be deemed to have been approved by the Planning and Zoning Board.

(C) Action by the Town Council. No amendment shall be adopted by the Town Council until after public notice and hearing. Notice of public hearing shall be published once a week for two successive calendar weeks in the local newspaper, said notice to be published for the first time no less than ten days or more than 25 days prior to the date fixed for said hearing.

(Ord. passed 2- -2004, § 1-9)

§ 152.010 WAIVERS.

The Planning and Zoning Board may recommend and the Town Council may authorize a waiver if such waiver can be made without destroying the intent of this chapter. Any waiver thus authorized is required to be entered in writing in the minutes of the Planning and Zoning Board and the Town Council with the reasoning on which the departure was justified set forth. In approving waivers, the Town Council may require such conditions

as will, in its judgment, secure substantially the objectives of the standards or requirements of this chapter. In order for a waiver to be granted, a simple majority vote by the Town Council is required. A fee as established by the Town Council shall be paid by the applicant for a waiver to cover the administrative expenses involved. (Ord. passed 2- -2004, § 1-10)

§ 152.011 GROUNDS FOR WAIVERS.

Standards in this subchapter may be waived under one of the following circumstances.

(A) Physical hardship. Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this subchapter would cause unusual and unnecessary hardship on the subdivider.

(B) Equal or better performance. Where, in the opinion of the Town Council, a waiver will result in equal or better performance in furtherance of the purposes of this chapter.

(C) Unintentional error. Where through an unintentional error by the applicant, his or her agent, or the reviewing staff, there is a minor violation of a standard in this subchapter, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties. (Ord. passed 2- -2004, § 1-10.1)

§ 152.012 ENFORCEMENT.

(A) No owner or agent of the owner of any land located within the territorial jurisdiction of the town shall subdivide land in violation of these regulations or transfer or sell land by reference to, exhibition of or any other use of a plat before the plat has been properly approved under these regulations and recorded in the office of the County Register of Deeds. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from these regulations. The Register of Deeds shall not record a plat of any subdivision unless the plat has been approved in the manner prescribed by these regulations.

(B) The town, through its attorney or other official designated by the Town Council, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this chapter shall be subject, upon conviction, to fine or imprisonment as provided by the state statutes. (Ord. passed 2- -2004, § 1-11)

§ 152.013 ADMINISTRATOR.

The Town Manager shall designate such agent or office of the town as Administrator of this chapter as shall be determined appropriate. (Ord. passed 2- -2004, § 1-12)

§ 152.014 ADMINISTRATIVE FEES.

The Town Council shall set a fee schedule for the administration of this chapter. The Administrator shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the

subdivider.

(Ord. passed 2- -2004, § 1-13)

§ 152.015 EFFECT OF PLAT ON DEDICATION.

(A) Pursuant to G.S. § 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the town or public of the dedication of any street or other ground, public utility line or public facility shown on the plat; however, the Town Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction.

(B) Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair or maintain any street, utility line or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

(Ord. passed 2- -2004, § 1-14)

DEFINITIONS

§ 152.030 WORD INTERPRETATION.

Words not defined in this chapter shall be given their ordinary and common meaning.

(Ord. passed 2- -2004, § 2-1)

§ 152.031 RULES OF CONSTRUCTION.

For purposes of this chapter, the following rules of construction shall apply.

(A) Words used in the present tense include the future tense.

(B) Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

(C) The words “shall”, “will” and “must” are mandatory in nature implying an obligation or duty to comply with the particular provision.

(D) Words used in the male gender include the female gender.

(E) Any reference to a subchapter or section shall mean a subchapter or section of this chapter, unless otherwise specified.

(Ord. passed 2- -2004, § 2-2)

§ 152.032 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS EASEMENT. An easement which grants the right to cross property.

ADMINISTRATOR. The person/office authorized by § 152.013 who is responsible for administering and enforcing this chapter.

ALLEY. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

BASE FLOOD ELEVATION. Elevation at which there is a 1% annual chance of being equaled or exceeded by flood waters. The 1% ANNUAL CHANCE FLOOD is also known as the 100-YEAR FLOOD.

BLOCK. The land lying within an area bounded on all sides by streets, railroads, public parks, bodies of water or a combination thereof.

BUFFER. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The BUFFER is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

BUFFER STRIP. An area reserved, in accordance with the provisions of § 152.075, by the subdivider and delineated on a subdivision plat for the planting of trees and shrubs by future lot owners.

BUILDING. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered a separate BUILDING.

BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the principal building and the street right-of-way line or the property line.

CAMPGROUND SUBDIVISION. An area subdivided into lots for the temporary location of recreational vehicles, campers, tents or travel trailers but not for manufactured homes and permanent structures.

COLLECTOR STREET. A street whose principal function is to carry traffic between cul-de-sac, local and subcollector streets, and streets of higher classification, but which may also provide direct access to abutting properties.

COMMON AREA(S). All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

CONDOMINIUM. Portions of real estate which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a CONDOMINIUM unless the undivided interests in the common elements are vested in the unit owners.

CORNER LOT. A lot abutting upon two or more streets at their intersection.

CUL-DE-SAC STREET. A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

DEDICATION. A gift by a property owner to another being received for the transfer. The DEDICATION is made by written instrument and is completed with a written acceptance.

DEVELOPER. The legal or beneficial owners of a parcel or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DOUBLE FRONTAGE LOT. A lot having frontage on two parallel or approximately parallel streets.

DRAINAGE EASEMENT. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

DRAINAGE WAY. Any natural or human-made channel that carries surface runoff from precipitation.

DWELLING. One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents are not DWELLING units.

DWELLING, FOUR-FAMILY. A building on one lot arranged and designed to be occupied by four families living independently of each other.

DWELLING, SINGLE-FAMILY. A building arranged and designed to be occupied by one family.

DWELLING, THREE-FAMILY. A building on one lot arranged and designed to be occupied by three families living independently of each other.

DWELLING, TOWNHOUSE. A single-family attached dwelling, dwelling situated on its own individual lot, generally within a development containing drives, walks and open space in common areas. Ownership is passed in fee-simple subject only to party wall rights by agreements set forth in the restrictive covenants.

DWELLING, TWO-FAMILY (DUPLEX). A building on one lot arranged and designed to be occupied by two families living independently of each other.

EASEMENT. A grant by the property owner for use by the public, corporation or person(s), of a strip of land for specified purposes.

EXTRATERRITORIAL JURISDICTION (ETJ). The portion of the town planning jurisdiction that lies outside of the corporate limits of the town.

FLAG LOT. A lot that is composed of a narrow “flagpole” strip extending from the street and much wider “flag” section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a FLAG LOT, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

100-YEAR FLOODPLAIN. Areas which are susceptible to inundation during a 100-year flood. The determination of the 100-YEAR FLOODPLAIN shall be based upon information provided by the Federal Emergency Management Agency (FEMA) or produced under the cooperative technical state (CTS) agreement between the state and FEMA in its flood hazard boundary map (FHBM) or flood insurance study (FIS) and its accompanying flood maps such as the flood insurance rate map(s) (FIRM) and/or the flood boundary floodway map(s) (FBFM), for the county. The land lying within these areas shall have the boundaries surveyed and the plat

recorded in the county registry in the county office of the Register of Deeds. In the absence of 100-year flood data, other flood data may be used if approved by, FEMA, the National Flood Insurance Program, the County Floodplain Administrator and the town.

FLOODWAY. Channel of a stream and any adjacent area that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.

FRONTAGE ROAD. A local street or road that is parallel to a full or partial access controlled facility and functions to provide vehicular access to adjacent land.

INTERIOR LOT. A lot other than a corner lot.

LOCAL RESIDENTIAL STREET. A street whose primary function is to provide access to abutting properties.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word LOT includes PLOT, PARCEL or TRACT.

LOT AREA. The total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street or private right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street.

LOT COVERAGE. The portion of a lot covered by building(s) and/or structure(s).

LOT DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

LOT OF RECORD. A lot, plot, parcel or tract recorded in the Office of the County Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MAJOR SUBDIVISIONS. A subdivision involving four lots or more or any other subdivision not qualifying as a minor subdivision.

MAJOR THOROUGHFARE STREET. Major thoroughfares consist of interstate, other freeway, expressway or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

MANUFACTURED HOME. A residential dwelling unit built to the most recent standards of the U.S. Department of Housing and Urban Development as amended and supplemented, composed of one or more components, each of which was substantially assembled in a manufacturing plant not more than 15 years from the date of the town's issuance of a zoning compliance certificate, and designed to be transported to the home site on its own chassis. Travel trailers and campers shall not be classified as MANUFACTURED HOMES.

MANUFACTURED HOME PARK. A residential use in which two or more manufactured homes are located on a single lot or tract.

MANUFACTURED HOME SUBDIVISION. A residential subdivision containing manufactured homes situated on their individual lot.

MARGINAL ACCESS STREET. A service street that runs parallel to a major thoroughfare, minor thoroughfare or collector street which, for purposes of safety, provides access to abutting properties and separation of through traffic.

MINIMUM REQUIREMENTS. All sizes, setbacks and other requirements of this chapter are minimum requirements and may be increased.

MINOR SUBDIVISIONS. A subdivision involving three lots or less fronting on an existing approved public street, not requiring any new public or private street for access to the interior of the property, not requiring extension of public water or sewer line, and not requiring a waiver from any requirement of this chapter.

MINOR THOROUGHFARE STREET. Minor thoroughfares collect traffic from collector, subcollector and local streets and carry it to the major thoroughfare system. **MINOR THOROUGHFARES** may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A **MODULAR HOME** may consist of two or more sections, or a series of panels or room sections erected or joined together on the site. A **MODULAR HOME** is transported to a building site on a carrier, and then either craned or rolled from the carrier onto a foundation. A “carrier” is not a steel frame or chassis permanently attached to the structure and serving as part of the permanent foundation.

OFFICIAL MAPS AND PLANS. Any maps and plans officially adopted by the Town Commissioners as a guide for development in the town.

OPEN SPACE. An area (land and/or water) generally lacking in human-made structures and reserved for enjoyment or for the preservation of natural benefits.

OWNER. A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

OWNER’S ASSOCIATION. An organization of homeowners or property owners owning real property, residing, or operating a business within a particular subdivision or development whose major purpose is to maintain and provide community facilities, services or land for common use of the residents or property owners of the subdivision or development.

PARCEL. Land intended as a unit for transfer of ownership, for development, or both.

PLANNED UNIT DEVELOPMENT (PUD). A permitted use designed to provide developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common open space must be an element of the plan related to affecting the long-term value of the entire development.

PLAT. A surveyed map or plan of a parcel of land which is to be, or which has been, subdivided.

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of §§ 152.110 through 152.112, which is presented for town approval and subsequent recordation in the County Register of Deeds Office.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage and any other requirements of §§ 152.110 through 152.112, which is presented for preliminary approval.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the buildable lot on which it is located or, in a group housing development, of the building site on which it is located.

PRIVATE DRIVE. A vehicular travel way not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two or more principal buildings in a group housing development.

PRIVATE SEWER. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

PRIVATE STREET. A vehicular travel way not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system. The platting of such streets requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.

PRIVATE WATER. A system which provides for the supply and/or distribution of potable water for use by a development, project or owner, and which is not operated or maintained by a government organization or utility district.

PUBLIC SEWER. A system which provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district and is approved by the Division of Water Quality of the State Department of Environmental Health and Natural Resources.

PUBLIC STREET. A dedicated public right-of-way for vehicular traffic which:

- (1) Has been accepted by the town or the NCDOT for maintenance; or
- (2) Is not yet accepted but in which the roadway design and construction have been approved under public standards for vehicular traffic.

PUBLIC WATER. A system which provides distribution of potable water to 15 or more service connections or which serves 25 or more customers on a regularly basis, is owned and operated by a government organization or utility district, and is approved by the Division of Environmental Health, State Department of Environmental Health and Natural Resources.

RECREATIONAL VEHICLE (TRAVEL TRAILER/CAMPER). A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

RESERVATION. An obligation shown on a plat to keep property free from development for a stated period of time or indefinitely. It is neither a dedication nor a conveyance.

REVERSE FRONTAGE LOT. A through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

SETBACK. The minimum required horizontal distance between a structure or activity and the property line or the street right-of-way line.

SETBACK, FRONT. Any setback from a street or road.

SETBACK, INTERIOR. A setback from any property line not alongside a street.

SETBACK, REAR. A setback from an interior property line lying on the opposite side of the lot from the front street setback.

SETBACK, SIDE. Any interior property line setback other than a rear setback.

SETBACK, SIDE CORNER. A street setback on a corner lot other than a front setback. For purposes of this chapter, the Administrator shall determine which setback is the front setback.

SIGHT DISTANCE AREA, HORIZONTAL. The area formed by extending lines from the point of intersection of intersecting streets along the centerline of such streets for a distance of 40 feet and connecting the ends of such lines by a straight line to form the base for a triangle. Each of the two sides of the triangle will be 40 feet in length.

SIGHT DISTANCE AREA, VERTICAL. The area between three feet and ten feet above the horizontal area measured from the level of the point of intersection of the centerlines of the intersecting streets.

SIGHT DISTANCE EASEMENT. An easement which grants to the town the right to maintain unobstructed view across property located at a street intersection.

SINGLE-TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier or a non-residential use and to which access from the rear of the lot is usually prohibited.

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER BUFFER AREA. Land within 30 feet of intermittent and perennial streams, natural lakes and ponds shown on either the most recent version of the county soil survey prepared by the Natural Resources Conservation Service or a 1:24,000 scale topographic map prepared by the U.S. Geologic Survey, and that exist on the ground.

STORMWATER RUNOFF. The direct runoff of water resulting from precipitation in any form.

STREET. A dedicated and accepted public right-of-way for vehicular traffic.

STREET RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a travel way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines and communication lines.

SUBDIVIDER. Any person, firm, corporation or duly authorized agent who subdivides or develops any

land deemed to be a subdivision as defined herein.

SUBDIVISION. Any division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development, whether immediate or future, and shall include any division of land involving the dedication of a new street or a change in an existing street, but the following shall not be included within this definition or be subject to the regulations established within:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (4) The division of a tract in single ownership, the entire area of which is no greater than two acres, into not more than three lots where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality.

THOROUGHFARE PLAN. A plan adopted by the Town Council for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

THROUGH LOT. A lot abutting two streets that do not intersect at the corner of the lot.

TOWN. The Town of Bethel, North Carolina.

TOWN COUNCIL. The Town of Bethel Town Council.

TOWNHOUSES. A group of single-family attached dwellings, each dwelling situated on its own individual lot, generally within a development containing drives, walks and open space in common areas. Ownership is passed in fee-simple subject only to party wall rights by agreements set forth in the restrictive covenants.

TOWNHOUSE LOT. A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home or unit in a nonresidential group development.

TRACT. All continuous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

UTILITY EASEMENT. An easement which grants to the town or other utility provider the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

WAIVER. Official permission from the Town Council to depart from the requirements of this chapter (see § 152.010).

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps and unenclosed porches but including covered porches.
(Ord. passed 2- -2004, § 2-3)

PROCEDURES FOR PLAT APPROVAL

§ 152.045 EXCLUSION DETERMINATION.

(A) If a proposed division of land meets one or more of the exclusions under the definition of “subdivision” in § 152.032, the owner may submit to the Administrator maps, deeds or other materials in sufficient detail to permit a conclusive determination by the Administrator.

(B) An owner of land who wishes to record a plat of such a division of land shall obtain a certificate of exception (see Appendix A) from the Administrator.
(Ord. passed 2- -2004, § 3-1)

§ 152.046 COORDINATION WITH OTHER PROCEDURES.

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with other applications for approvals required for the particular project.
(Ord. passed 2- -2004, § 3-2)

§ 152.047 MINOR SUBDIVISION QUALIFICATIONS.

The Administrator shall approve or disapprove minor subdivision plats in accordance with the provisions of this section. A minor subdivision, as defined in § 152.032, is a subdivision involving three lots or less.
(Ord. passed 2- -2004, § 3-3)

§ 152.048 MINOR SUBDIVISION REVIEW AND APPROVAL PROCEDURES.

(A) The applicant for minor subdivision plat approval is encouraged to confer with the Administrator prior to submitting a minor subdivision plat for a determination of whether the approval process authorized by this section can be and should be utilized.

(B) The Administrator may require the applicant to submit whatever information is necessary to make this determination.

(1) The applicant for minor subdivision plat approval shall submit to the Administrator a plat drawn in waterproof ink on a sheet made of material and of a size that will be acceptable to the County Register of Deeds office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 100 feet. The applicant shall also submit three prints of the plat, to be distributed to and reviewed by the town departments, as

well as any required application form and required fee. If the minor subdivision plat is to be reviewed by the Town Council as provided for in division (B)(3) below, five additional prints of the plat shall be required.

(2) The minor subdivision plat shall contain the following information:

(a) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the County Registry;

(b) The name of the subdivision owner or owners;

(c) The township, county and state where the subdivision is located;

(d) The name of the surveyor and his registration number and the date of survey;

(e) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

(f) All of the additional information required by G.S. § 47-30, G.S. § 39-32.3, and §§ 152.110 through 152.112; and

(g) All of the applicable certificates required in Appendix A.

(3) The Administrator shall take expeditious action on an application for minor subdivision plat approval. A decision shall be rendered by the Administrator within ten days after receipt of the proposed minor subdivision plat. If no decision is rendered by the Administrator within the required ten-day period, the applicant may appeal to the Town Council for review of the application under the major subdivision approval process. Either the Administrator or the applicant may at any time refer the application to the Town Council for review under the major subdivision approval process.

(4) Subject to division (B)(2) above, the Administrator shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in § 152.032 or the application or the proposed subdivision fails to comply with any other applicable requirement of this chapter.

(5) If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

(6) Approval of any plat is contingent upon the plat being recorded within 30 days after the date the certificate of approval is signed by the Administrator or his or her designee. Failure to record the approved plat within the specified 30-day period shall render the plat null and void.

(Ord. passed 2- -2004, § 3-4)

§ 152.049 MAJOR SUBDIVISIONS.

(A) A major subdivision, as defined in § 152.032, is a subdivision involving four or more lots. When a subdivision is to be developed in stages, a sketch design plan and a preliminary plat shall be submitted for the entire development. A final plat may be submitted for each stage. A minor subdivision plat may also be reviewed and approved under the major subdivision process upon the referral of the Administrator or the minor subdivision plat applicant.

(B) The procedures for the review of a major subdivision involve:

- (1) Sketch design plan review by the town staff;
 - (2) Preliminary plat review by the town staff, review by the Planning and Zoning Board and Planning and Zoning Board recommendation to the Town Council;
 - (3) Town Council review and action; and
 - (4) Final plat review by the town staff and action by the Town Council.
- (Ord. passed 2- -2004, § 3-5)

§ 152.050 SKETCH DESIGN PLAN.

(A) Submission requirements.

- (1) The subdivider shall submit to the Administrator a sketch design plan prior to submitting a preliminary plat. Sketch design plans are optional for successive phases of a previously approved subdivision.
- (2) The sketch design plan shall conform to the following requirements:
 - (a) A minimum number of three copies of a sketch design plan shall be submitted at least ten days prior to the deadline for submission of preliminary plats;
 - (b) A sketch design plan shall be drawn at a scale of approximately one inch to 100 feet unless the size of property dictates a larger scale; and
 - (c) The sketch design plan shall depict or show:
 1. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, streets and waterways;
 2. Total acreage to be subdivided, minimum lot size, street and lot layout, and acreage left in open spaces or other uses;
 3. Existing uses of the land within the subdivision and adjoining it;
 4. The name, address and telephone number of the owner and developer;
 5. Streets and lots of adjacent developed or platted properties;
 6. Zoning classifications of the tract and of adjacent properties; and
 7. One hundred-year floodplain areas shall be identified.

(B) Sketch design plan review procedures. The Administrator and town staff shall review the sketch design plan for general compliance with this chapter. The Administrator shall then advise, within ten days, the subdivider or his or her authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be

construed as constituting an official action of approval for recording of the subdivision by the Town Council as required by these regulations.

(Ord. passed 2- -2004, § 3-6)

§ 152.051 PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURES.

(A) Submission requirements. The applicant for preliminary subdivision plat approval shall submit the required number of prints, at least 21 days prior to the regularly scheduled Planning and Zoning Board meeting at which the plat will be considered. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 100 feet. The applicant shall also submit any required application forms and any required fee.

(B) Preliminary plat contents. The preliminary plat shall be consistent in concept with the previously approved sketch plan and shall contain the following information:

(1) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the County Registry;

(2) The name of the subdivision owner or owners;

(3) The township, county and state where the subdivision is located;

(4) The name of the surveyor, surveyor's registration number and the date of survey;

(5) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

(6) One hundred-year floodplain areas shall be identified; and

(7) All of the additional information required by G.S. § 47-30, G.S. § 39-32.3, § 152.074, and §§ 152.110 through 152.112.

(C) Administrator and town staff review. Upon receipt of the requisite copies of the proposed preliminary plat, the Administrator shall distribute the copies to the town staff for review of the plat. Following the town staff review, the Administrator shall forward the staffs findings and recommendations to the Planning and Zoning Board and to the applicant at least five days prior to the Planning and Zoning Board meeting. If the Administrator determines that the plat is incomplete, the Administrator shall notify the applicant of the deficiencies. Plats shall not be forwarded to the Planning and Zoning Board until all deficiencies have been corrected.

(D) Planning and Zoning Board review and Town Council review and action. The Planning and Zoning Board shall review the preliminary plat and the findings and recommendations of the Administrator and town staff, and any other reports or recommendations pertaining to the plat and shall recommend approval, approval with conditions or disapproval of the preliminary plat to the Town Council. The Planning and Zoning Board shall review and make a recommendation to the Town Council on each preliminary plat within 60 days after the first consideration by the Planning and Zoning Board.

(1) If approval is granted by the Town Council, written confirmation shall be made on two copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of

the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements. Preliminary approval shall be valid for a period of 12 months from the date of approval of the plat by the Town Council unless an extension of time is applied for and granted by the Town Council or unless a longer time period is established under applicable vested rights provisions. Preliminary plats whose approval has elapsed shall be resubmitted in accordance with the provisions of this section.

(2) If the Town Council conditionally approves the preliminary plat, the conditions and reasons thereof shall be stated in writing.

(3) If the Town Council disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this chapter with which the plat does not comply. The applicant may make the recommended revisions and submit a revised preliminary plat.

(4) If the Planning and Zoning Board fails to take action on the preliminary plat request within 60 days from the date that the plat is initially reviewed by the Planning and Zoning Board, the Administrator shall forward the application to the Town Council for review and approval. In such case, the Town Council shall follow the same review and approval procedures as established in this section.

(Ord. passed 2- -2004, § 3-7)

§ 152.052 FINAL PLAT REVIEW AND APPROVAL PROCEDURES.

(A) Conformance with preliminary plat. The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Town Council following the same review and approval procedures set forth in § 152.051 for preliminary plats.

(B) Submission requirements. A final plat made of material and of a size that will be acceptable to the County Register of Deeds office for recording purposes shall be submitted to the Administrator 14 days prior to the Town Council meeting at which it will be heard. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 100 feet.

(C) Final plat contents. The final plat shall contain the following information:

(1) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the County Registry;

(2) The name of the subdivision owner or owners;

(3) The township, county and state where the subdivision is located;

(4) The name of the surveyor, surveyor's registration number and the date of survey;

(5) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

(6) 100-year floodplain areas shall be identified;

(7) All of the additional information required by G.S. § 47-30, G.S. § 39-32.3, and §§ 152.110 through 152.112; and

(8) All of the applicable certificates required in Appendix A.

(D) Administrator and town staff review. Upon receipt of the requisite copies of the proposed final plat, the Administrator shall distribute copies to the town staff for review of the plat. Following the town staff review, the Administrator shall forward the staffs findings and recommendations to the Town Council and to the applicant at least five days prior to the Town Council meeting. If the Administrator determines that the plat is incomplete, the Administrator shall notify the applicant of the deficiencies. Plats shall not be forwarded to the Town Council until all deficiencies have been corrected.

(E) Required improvements. No final plat shall be approved until all required improvements have been installed and approved or appropriate surety has been provided as set forth in §§ 152.065 through 152.080 and §§ 152.095 and 152.096.

(F) Town Council review and action. The Town Council shall review the final plat and the findings and recommendations of the Administrator and town staff, and any other reports or recommendations pertaining to the plat and shall approve, approve with conditions or disapprove the final plat.

(1) If approval is granted, a signed written certification to this effect shall be entered on the face of the plat in accordance with the requirements of Appendix A.

(2) If the Town Council conditionally approves the final plat, the conditions and reasons thereof shall be stated in writing.

(3) If the Town Council disapproves the final plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this chapter with which the plat does not comply. The applicant may make the recommended revisions and submit a revised final plat.

(Ord. passed 2- -2004, § 3-8)

§ 152.053 RECORDATION OF FINAL PLAT.

Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within 30 days after the approval date of the final plat. Failure to record the approved plat within the specified 30-day period shall render the plat null and void.

(Ord. passed 2- -2004, § 3-9)

§ 152.054 DEDICATION AND ACCEPTANCE.

(A) The approval and recordation of a final plat does constitute an offer to dedicate but does not constitute dedication to and acceptance for maintenance responsibility by the town or the public of any public road, alley or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities or sidewalks may, however, be accepted for maintenance by the State Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

(B) Land designed as public open space on a final plat shall be considered to be offered for dedication until

such offer is officially accepted by the town.

(1) The offer may be accepted by the town through:

(a) Express action by the Town Council;

(b) Express action by an administrative officer designated by the Town Council; or

(c) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the town at the time of final plat recordation.

(2) Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or by the owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

(C) The developer shall be responsible for the maintenance of all facilities and improvements until an offer of dedication is accepted.

(Ord. passed 2- -2004, § 3-10)

STANDARDS OF DESIGN

§ 152.065 GENERAL.

(A) Design. All proposed subdivisions shall comply with this subchapter, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the town. The design of all utility, stormwater, street, recreation and park improvements shall be reviewed and approved by the town staff, NCDOT or the applicable service provider.

(B) Development name. In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in the town unless the proposed development lies adjacent or in proximity to the existing development.

(C) Reasonable relationship. All required improvements, easements and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development. Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector road as designated by an officially adopted Town Thoroughfare Plan, that part of such proposed public right-of-way shall be dedicated as public right-of-way within the subdivision plat in the location and to the width recommended by the Thoroughfare Plan or this subchapter.

(Ord. passed 2- -2004, § 4-1)

§ 152.066 SUITABILITY OF THE LAND.

(A) Land which the Town Council has determined, either through its own investigations or the investigations of other public agencies, to be unsuitable for development because of flooding, poor drainage, steep slopes, poor soil conditions and other such physical features which may endanger health, life or property or necessitate the excessive expenditure of public funds for the provision and/or maintenance of public services shall not be

approved for subdivision unless methods are formulated by the developer for mitigating the problems created by the subdivision of such land. Any land within the 100-year floodplain or subject to the riparian buffer protection rules for the Tar-Pamlico River Basin shall be subdivided in accordance with the Conservation Subdivision regulations in § 152.074.

(B) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the County Health Department, a structural engineer, and a soils expert determine that the land is suitable for the type of construction proposed.

(C) All subdivisions shall be consistent with the provisions of the county flood damage prevention ordinance and the required public utilities and facilities in all subdivisions shall be installed so as to minimize flood damage. (Ord. passed 2- -2004, § 4-2)

§ 152.067 LOTS.

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following.

(A) Conformance to other regulations.

(1) Every lot shall have sufficient area, dimensions and street access to permit a principal building to be erected thereon in compliance with the applicable requirements of the town zoning ordinance (Chapter 153) and other requirements of this chapter. Lots not served by public water and/or sewer service shall comply with the specifications and standards of the County Health Department, but in no case shall the lot size be less than the minimum lot size required in the underlying zoning district.

(2) Lots within planned residential developments, townhouse developments or similar types of development shall comply with the applicable requirements of the zoning ordinance (Chapter 153).

(B) Lot line configuration. Side lines of lots should be at or near right angles or radial to street lines. No intersecting lot lines shall have an angle of less than 60 degrees.

(C) Lot lines and drainage. Lot boundaries shall coincide with natural and pre-existing human-made drainage ways to the extent practicable to avoid lots that can be built upon only by altering such drainage ways. (See also § 152.070(E).)

(D) Access requirements.

(1) General access requirements. All lots must have public street access and frontage meeting the requirements set forth in this chapter and in the town zoning ordinance. The following exceptions may be approved.

(a) Flag lots meeting the following requirements.

1. A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
2. The maximum flagpole length shall be 300 feet;

3. The minimum flagpole width shall be 25 feet;
4. The maximum lot size in areas with public sewer shall be one acre. The maximum lot size without public sewer shall be three acres. (Note: the flagpole portion of lot is not used to calculate area, width, depth, coverage and setbacks of the lot or to provide off-street parking);
5. The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 150 feet;
6. Where public water is available, any building on the flag lot must be within 500 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the farthest portion of the building location;
7. Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirements shall be noted on the plat; and
8. Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

(b) Lots and units located in developments with owners' associations or in group developments in which permanent access is guaranteed by means of approved private streets and/or drives designed in accordance with the requirements of the town zoning ordinance.

(2) Special access requirements for subdivisions on thoroughfares and for nonresidential subdivisions.

(a) Subdivisions shall not be approved that permit individual residential lots with direct vehicular access to major and minor thoroughfares, as shown on the adopted thoroughfare plan; unless the Town Council determines that no practicable alternative for access exists. If reverse frontage lots are required by the Town Council, vehicular access shall be permitted only to the subordinate internal subdivision street.

(b) In order to reduce traffic congestion, commercial and industrial subdivisions may be required to provide a frontage road along major thoroughfares, as shown on the adopted thoroughfare plan, unless the Town Council determines that no practicable alternative for access exists. Where a frontage road is required, intersections with public streets shall be spaced no closer than 800 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of the NCDOT or the town, as applicable.

(E) Water and sewage disposal. Every lot in a subdivision shall be served by a water supply system and a sewage disposal system that:

(1) Is adequate to accommodate the reasonable needs of the proposed use of the lot; and

(2) Complies with all applicable health regulations and/or the town's specifications and standards for water and sewer facilities.

(Ord. passed 2- -2004, § 4-3)

§ 152.068 STREETS.

(A) Conformance with thoroughfare plans. The location and design of streets shall be in conformance with

any applicable, adopted thoroughfare plan. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

(B) Conformance with adjoining road systems. The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

(C) Access to adjoining property.

(1) Where, upon the approval of the Town Council, it is desirable to provide for street access to adjoining property, proposed streets shall be extended, dedicated, and, where appropriate, constructed to the boundary of such property. It is the intention of this section to promote the orderly development of a local street system that provides interconnection between developed or developing properties.

(2) Factors that shall be evaluated when considering requiring the extension of streets or street rights-of-way to adjoining property include:

(a) The development potential of the adjoining land;

(b) The physiographical and human-made characteristics of the adjoining property; and

(c) The existing and proposed local street system and traffic flow of the entire area surrounding the subdivided tract and adjoining properties.

(3) Generally, stub streets shall be required:

(a) Where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision;

(b) Where there are no natural or human-made barriers that make the street extension impracticable;

(c) Where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided; and

(d) Where the street extension will promote the overall orderly development of the area.

(4) All stub streets shall be designed and, where required to be built, constructed in accordance with the appropriate standards as delineated in these subdivision regulations.

(D) Reserve strips. Reserve strips adjoining streets rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

(E) Street classification. The final determination of the classification of streets in a proposed subdivision shall be made by the town.

(F) Public street design standards. Public streets proposed to be dedicated to the town shall be designed in accordance with the street standards set forth by the town. Public streets proposed to be dedicated to the state shall be designed in accordance with standards and specifications of the State Department of Transportation (NCDOT). The following rights-of-way and pavement widths shall be considered minimum requirements for streets dedicated to the town.

- (1) Minimum street right-of-way widths shall not be less than the following:
 - (a) Major thoroughfare: as determined by the town and/or NCDOT;
 - (b) Minor thoroughfare: 80 feet;
 - (c) Collector/subcollector streets: 60 feet;
 - (d) Local residential streets: 50 feet;
 - (e) Marginal access streets: 50 feet; and
 - (f) Cul-de-sacs (tangent portion): 50 feet.
- (2) Pavement width edge-to-edge of pavement shall not be less than the following:
 - (a) Major thoroughfare: as determined by the town and/or NCDOT;
 - (b) Minor thoroughfare: 55 feet;
 - (c) Collector/subcollector streets: 27 feet;
 - (d) Local residential streets: 23 feet;
 - (e) Marginal access streets: 26 feet; and
 - (f) Cul-de-sacs (tangent portion): 23 feet.

(3) Where the town design standards specifies that streets be constructed without curb and gutter, pavement widths may vary according to the design standards. All pavement widths in excess of the minimum must be approved by the town.

(G) Private street design criteria.

- (1) Private streets may be permitted in developments where, in the judgment of the Town Council, the nature and location of the proposed subdivision justify the need for a privately maintained street.
- (2) The minimum design standards for all private streets will be equivalent to the minimum public street design standards delineated in division (F) above, as well as the town design standards.
- (3) An owners' association is required to own and maintain all private streets allowed under this chapter. All private streets will be indicated as such on the plat.
- (4) No through street in a residential area connecting two public streets can be designated as a private street, unless approved by the Town Council.
- (5) All private streets, connecting with state-maintained streets, require an approved driveway application from the NCDOT.
- (6) In the event sidewalks are constructed, the minimum width shall be four feet.

(7) A disclosure statement in accordance with G.S. § 136-102.6 shall be recorded simultaneously with the plat and referenced on the final plat. The disclosure statement must contain the provision(s) for construction and/or maintenance of the private street. (See Appendix A.)

(H) Intersecting street angle.

(1) All streets shall intersect at or as near to 90 degrees as possible within topographic limits, and no street shall intersect any other street at an angle less than 75 degrees.

(2) All streets crossing natural areas, wetlands or stream buffers must cross at or as near to 90 degrees as possible within topographic limits.

(I) Cul-de-sac. The maximum distance from an intersecting through street to the end of a cul-de-sac shall be 400 feet, except where, upon the approval of the Town Council, existing conditions warrant a modification of this requirement. The radius of the paved portion of a cul-de-sac turnaround shall be 35 feet or if an unpaved island is incorporated into the cul-de-sac the radius shall be 40 feet and the radius of the island shall be ten feet. The right-of-way portion of the turnaround shall have a minimum radius equal to the pavement radius plus 15 feet. Unpaved islands must be designed according to the specifications of the town.

(J) Minimum street offset.

(1) Where streets are offset, the centerlines shall be offset no less than 150 feet.

(2) Except where no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersecting street is a major thoroughfare, the distance between intersecting streets shall be at least 1,000 feet.

(K) Water drainage from streets.

(1) Swales and ditches shall be required in all subdivisions unless specified otherwise by the town Design Standards. Swales and ditches and, when required, curbs and gutters shall be constructed in conformance with the design criteria of the town design standards or the standards of the NCDOT whichever is more restrictive.

(2) As provided in G.S. § 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.

(L) Temporary turnarounds. Streets stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the street which will be sufficient to permit service vehicles to turnaround. The radius of the temporary turnaround shall be a minimum of 40 feet. Temporary turnarounds shall be paved or graveled in accordance with the town's specifications and standards.

(M) Grades and elevation.

(1) The maximum grade at any point on a street constructed without curb and gutter shall be 6%. On streets constructed with curb and gutter, the grade shall not exceed 6%, unless no other practicable alternative is available. In no case, however, may streets be constructed with grades that exceed 10%.

(2) The grade on stop streets approaching an intersection shall not exceed 5% for a distance of not less than 100 feet from the centerline of the intersection.

(3) All streets shall be constructed in such a manner that all elements of the street are one foot above the base flood elevation. If curb and gutter are used then the gutter line shall be one foot above the base flood elevation. If no curb and gutter are used, then the edge of pavement shall be one foot above the base flood elevation.

(N) Sight distance easements. Triangular sight distance easements shall be shown in dashed lines at all street intersections and so noted on the subdivision plat. These easements will remain free of all structures, trees, shrubbery and signs, except utility poles, fire hydrants and traffic control signs. The location and extent of sight distance easements will be determined by the town and by the NCDOT on all state-maintained streets.

(O) Street names and property addresses. Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in the town. Street suffixes and addresses shall conform to the standards established by the town.

(P) Street name and traffic control signs. Street name and traffic control signs which meet the town and NCDOT specifications shall be placed at all public and private street intersections. The town shall approve the location of all signs to be placed on town-maintained street rights-of-way prior to installation. The developer shall be responsible for installing all street name and traffic control signs. The maintenance of signs on private streets and drives shall be the responsibility of the owner or of an owners' association, as applicable.

(Q) Street construction plans. Construction plans for all streets that are proposed to be town-maintained shall be submitted to the town following preliminary plat approval. Construction plans for all subdivision streets that are proposed for state maintenance shall be submitted to the NCDOT following preliminary plat approval. No street improvements shall be constructed until street construction plans have been reviewed and approved by the either the town or the NCDOT, as applicable.

(R) Street inspection. Work performed pursuant to approved street construction plans shall be inspected and approved by either the town or the NCDOT, as applicable.

(S) Street lights. Street lights shall be provided in accordance with the town's policies, standards and specifications for street lighting.

(T) Bridges. All bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads that will not be publicly dedicated may be approved if designed by a registered, professional engineer.

(Ord. passed 2- -2004, § 4-4)

§ 152.069 BLOCKS.

(A) Block length. Intersecting streets shall be laid out at such intervals that block lengths are not more than 1,500 feet or less than 400 feet except where, upon the approval of the Town Council, existing conditions justify a modification of this requirement.

(B) Block width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or nonresidential uses.

(Ord. passed 2- -2004, § 4-5)

§ 152.070 UTILITIES AND STORMWATER MANAGEMENT.

(A) Utility construction plans. Construction plans for all water and sanitary sewer facilities shall be submitted to the town or other appropriate utility provider following preliminary plat approval. For each subdivision section, the utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section. No utility improvements shall be constructed until the utility construction plans have been reviewed and approved by the applicable utility provider.

(B) Utility improvements inspection. Work performed pursuant to approved utility construction plans shall be inspected and approved by the applicable utility provider.

(C) Public water and sewer construction requirements.

(1) Water and sewer lines, connections and equipment shall be constructed in accordance with state and local regulations and policies and to the specifications and standards of the applicable utility provider.

(2) In the interest of adequately providing service to adjacent properties, the town may require the installation of certain oversized utility improvements or the extension of utility improvements to adjacent properties. If the town requires the installation of utility improvements in excess of the standards and specifications required in this chapter as well as those adopted by reference, the town shall pay the cost of differential between the required oversized improvements and the standard improvements required by this chapter.

(3) As-built drawings shall be submitted to the Administrator within 30 days of the completion or installation of required utility, stormwater, street, park and recreational improvements. Final plat approval shall be withheld until all required as-built drawings are provided to the town.

(D) Water and sewer connection.

(1) Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within 200 feet of the nearest adequate lines of a public system, provided that no geographic or topographic factors would make such connection infeasible or that a specific waiver of this requirement is granted by the Town Council. Where public sewer is not available, lots shall be evaluated, at the developer's expense, in accordance with Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 15A N.C.A.C. 18A 1990. Approval of the County Health Department shall be obtained after preliminary plat approval. The final plat shall show lot(s) denied or not evaluated crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."

(2) Water and sewer lines shall be constructed in conformance with the design criteria of the town Water and Wastewater Improvements Standards and Specifications or to the standards and specifications of another water and sewer service provider if applicable.

(3) Water and/or sewer connections to subdivisions located within the town's ETJ shall be approved by the Town Council or other applicable utility provider prior to preliminary plat approval. Voluntary annexation of such subdivisions shall be a prerequisite to the provision of water and/or sewer service by the town.

(E) Utility and drainage easements.

(1) Easements shall be provided for electrical, telephone, natural gas, cable television, water, and sewer utilities where necessary to serve every platted lot. The developer and the utility provider(s) shall agree on the location and the width of the easements. Any easements for subsurface sewage disposal systems shall be delineated on the final plat and described by bearings and distances.

(2) The developer shall transfer to the applicable utility provider the necessary ownership or easement rights to enable the utility provider to operate and maintain the utility facilities. In addition, the developer shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments.

(3) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose of drainage. Parallel streets may be required in connection therewith.

(4) Lakes, ponds, creeks and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas must be reviewed and recommended by the Town Council before the Town Council will consider accepting it.

(F) Stormwater management.

(1) A surface water drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges and the like, shall be provided for the proper drainage of all surface water. The surface water drainage system plan shall be designed in accordance with the Sedimentation Pollution Control Act, the North Carolina Stormwater Runoff Regulations, the Handbook for the Design of Highway Surface Drainage Structures, and the specifications and standards of the town.

(2) The storm drainage system shall follow existing topography as nearly as practical, shall divert stormwater away from surface waters, and shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts. The banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.

(3) No surface water shall be channeled into a sanitary sewer.

(4) Storm drainage systems shall be above ground swales and ditches constructed to the specifications of the town, unless the town approves an alternative surface storm drainage system design.

(5) Where feasible, the subdivider shall connect the new subdivision's storm drainage system to an existing storm drainage system. Where an existing storm drainage system cannot feasibly be extended to the new subdivision, a drainage system shall be designed to protect the proposed development from water damage. Ten-year storm drainage data shall be used as a minimum standard for storm drainage system design.

(6) The property owner, when installing underground storm drains and/or extending existing storm drainage on private property will install piping in accordance with the town's specifications and approval. The pipe size, alignment, grade, length, discharge point, structural accessories (such as manholes, headwalls, catch basins, junction boxes) and other specifications shall be determined by the town. The town will not open, clean, or maintain storm channels, creeks or storm water piping beyond the street right-of-way.

(7) All detention/retention facilities shall be within storm drainage easements. All retention facilities shall be maintained by an approved and properly recorded property owners association. All detention facilities which are more than one acre in area or more than two feet deep shall be maintained by an approved and properly recorded property owner association. All detention facilities which are less than one acre and less than two feet deep shall be maintained by the property owner of record or property owner association.

(8) All new development shall adhere to the Riparian Buffer Protection Rules for the Tar-Pamlico River Basin as mandated by the State Division of Water Quality as well as any other federal or state law regulating stormwater requirements.

(G) Fire hydrants. Every subdivision served by a public water system shall include a system of fire hydrants located such that each structure or portion thereof will be within 500 feet of a hydrant. This determination shall be made via vehicle access routes (roadways, fire lanes and the like) and by hose placement from the firefighting equipment in lieu of linear measurements. This is meant to reflect the actual length of fire hose which would be laid by the fire department to reach the farthest point of the structure. Distances shall be measured beginning at the point of the structure farthest from the hydrant, thence along an unobstructed pathway to a point in the centerline of the street, thence along the centerline of the street to a point opposite the hydrant. UNOBSTRUCTED PATHWAY means a route which shall be, and remain, free of all obstacles to the passage of firefighters, hose and equipment for a width of ten feet and a minimum vertical distance of 13 feet six inches and shall not be through, under or over any portion of any structure, ditch or waterway. Fire hydrants shall be located at the right-of-way and the hydrant shall be located as not to exceed 600 feet between hydrants. When practical, hydrants shall be located at street intersections with intermediate hydrants between intersections and at entrance drives to the property. On cul-de-sacs, a fire hydrant shall be located at the intersection end of the cul-de-sac. Additional fire hydrants may be required along the cul-de-sac in order to meet the requirements of this chapter. For any structure that has a sprinkler system or standpipe system, a fire hydrant shall be located no more than 100 feet from the fire department connection. This hydrant shall be dedicated to the Fire Department connection and shall be in addition to the hydrants required above. When possible, fire hydrants shall be located a minimum of 50 feet from any structure. In proposed subdivisions, where all structures have not been constructed, hydrant spacing shall be measured along the street right-of-way with spacing provided as shown above. Dead-end water mains shall be provided with a fire hydrant. Water mains serving fire hydrants shall be a minimum of six inches in diameter.

(H) Electrical service and underground wiring. Every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of the uses anticipated within the subdivision. All utility lines for distribution of electric service and communication services shall be installed underground within all subdivisions. Such underground wiring shall be installed in accordance with the standards and specifications of the town or the applicable electric supplier and communications company.

(I) Telephone service. Every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of the uses anticipated within the subdivision.
(Ord. passed 2- -2004, § 4-6)

§ 152.071 SIDEWALKS.

(A) The Director of Public Works may require the construction of sidewalks adjacent to one side of new streets in subdivisions in which pedestrian traffic is projected to be heavy due to the proximity of schools, parks, open space, playgrounds or other community or private facilities that generate substantial amounts of pedestrian traffic. Within any subdivision located adjacent to a major thoroughfare, minor thoroughfare, or collector street, the Director of Public Works may require the construction of sidewalks adjacent to both sides of the street.

Sidewalks and their associated driveways shall be constructed within the street right-of-way and installed in accordance with the specifications and standards delineated by the town.

(B) As provided in G.S. § 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.

(C) Whenever the Director of Public Works concludes that a means of pedestrian access is necessary from a subdivision to schools, parks, playgrounds or other streets or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the subdivider may be required to reserve an unobstructed easement of at least ten feet in width to provide such access.

(Ord. passed 2- -2004, § 4-7)

§ 152.072 TOWNHOUSES.

Subdivisions designed to accommodate townhouse development shall comply with the additional applicable provisions of the town zoning ordinance (Chapter 153).

(Ord. passed 2- -2004, § 4-8)

§ 152.073 PLANNED UNIT DEVELOPMENTS.

(A) Coordination with zoning provisions. Planned unit developments shall comply with the applicable provisions of the zoning ordinance (Chapter 153). The review of applications and site plans for a PUD and the plat review process shall be conducted simultaneously.

(B) Conveyance and maintenance of common open space.

(1) (a) All common open space, shown on the final plat plan and recorded in the county office of the Register of Deeds, must be conveyed by the following method: by leasing or conveying title (including beneficial ownership to a corporation, association or other legal entity).

(b) The terms of such lease or other instrument of conveyance must include provisions suitable to the Town Council for guarantee:

1. The continued use of such land for the intended purposes;
2. Continuity of proper maintenance for the portions of the open space land requiring maintenance; and
3. When appropriate, the availability of funds required for such maintenance.

(2) Planned unit developments shall reserve not less than 20% of gross acreage as open space. Said open space shall be proportionally distributed throughout the total residential area as nearly as possible.

(3) A minimum of 25% of the required open space shall be developed for recreational purposes and said recreation space may be located in one or more sites within the total area occupied by the PUD. Recreation space herein defined may be natural or landscaped for the use of active or passive recreation and should be

located in a usable recreational area.

(4) In any event, the developer must file in the County Register of Deeds office, at the time the approved final subdivision map is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide a method for restricting the use of common space for the designated purposes. (Ord. passed 2- -2004, § 4-9)

§ 152.074 CONSERVATION SUBDIVISION.

(A) Purposes.

(1) The intent of the town is to protect its citizens and the town by protecting the capacity of the environment to absorb and convey stormwater in such a manner as to not adversely impact life or property and to protect the public health, safety and welfare of the citizens of the town and minimize the potential for future public maintenance expenditures often associated with development in flood-prone and drainage areas.

(2) Other purposes include:

- (a) To preserve the capacity of the natural drainage system to convey stormwaters effectively;
- (b) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams and woodlands;
- (c) To encourage clustering of houses on more suitable soils;
- (d) To encourage clustering in order to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; and
- (e) To reduce erosion and sedimentation by minimizing land disturbance and the removal of vegetation often associated with development.

(B) General regulations.

(1) Tracts of land or parcels containing acreage within the 100-year floodplain or land subject to the riparian buffer protection rules for the Tar-Pamlico River Basin shall be subdivided according to the following regulations.

(a) The portion of a proposed subdivision that lies within the 100-year floodplain shall not be subdivided into more than one lot; or, such land may be omitted from the proposed subdivision and retained by the property owner or platted as an open space tract and dedicated to a public or private legal entity that will ensure the conservation of the tract in perpetuity as open space. The determination of the 100-year floodplain shall be based upon information provided by the Federal Emergency Management Agency (FEMA) or produced under the cooperative technical state (CTS) agreement between the state and FEMA in its flood hazard boundary map (FHBM) or flood insurance study (FIS) and its accompanying flood maps such as the flood insurance rate map(s) (FIRM) and/or the flood boundary floodway map(s) (FBFM), for the county.

(b) Land subject to the riparian buffer protection rules for the Tar-Pamlico River Basin shall not be subdivided into individual building lots. Such land shall be omitted from the proposed subdivision and retained by the property owner or platted as stormwater buffer and dedicated to a public or private legal entity that will

ensure the conservation of the tract in perpetuity as an open space stormwater buffer. Land subject to the Riparian Buffer Protection Rules for the Tar-Pamlico River Basin shall be designated as a stormwater buffer area on the preliminary plat and the final plat.

(c) All 100-year floodplain areas and stormwater buffer areas shall be shown and identified on the sketch plan, preliminary plat, and the final plat by showing the boundaries, labeling and shading or hatching the areas.

(2) The open space or stormwater buffer shall be protected in perpetuity by a binding legal instrument that is recorded with a deed. The instrument shall be one of the following:

(a) A permanent conservation easement in favor of either:

1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions;

2. A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter; or

3. If the entity accepting the easement is not the town, then a third right of enforcement favoring the town shall be included in the easement.

(b) Ownership retained by a homeowners' association representing the residents of the conservation subdivision.

1. Membership in the homeowners' association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the homeowners' association.

2. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the town may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of the extended maintenance. The costs of such maintenance may be charged to the homeowners' association, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

(c) An equivalent legal tool that provides permanent protection, if the approved by the Town Council of the town.

(3) If the Town Council permits any development within any portion of the 100-year floodplain special measures must be taken to mitigate flood damages. The determination of the 100-year floodplain shall be based upon information provided by the Federal Emergency Management Agency (FEMA) or produced under the cooperative technical state (CTS) agreement between the state and FEMA in its flood hazard boundary map (FHBM) or flood insurance study (FIS) and its accompanying flood maps such as the flood insurance rate map(s) (FIRM) and/or the flood boundary floodway map(s) (FBFM), for the county. Tracts of land and lots within the 100-year floodplain shall be subdivided according to the following regulations.

(a) Driveway elevations shall be a minimum of one foot above the established base flood elevation.

(b) All mechanical and electrical equipment shall be located two feet above the base flood elevation; or, if the base flood elevation is unknown it shall be elevated two feet above the best known flood elevation.

(c) A 25-foot wide yard at or above the base flood elevation in all directions from the principal structure. If a smaller lot size does not allow a 25-foot wide yard in all directions from the principle structure, then any portion of the yard less than 25 feet must be at or above the base flood elevation.

(d) Front yard, excluding ditches and drainage easements, must be at or above the 100-year flood level.

(e) A minimum of 10,000 square feet of the lot, contiguous to the footprint of the structure, must be at or above the 100-year flood level and unencumbered by easements. If a lot size of 10,000 square feet or smaller is permitted, then the entire lot must be at or above the 100-year flood level and unencumbered by easements.

(f) No tract of land or lot located within the 100-year floodplain shall be considered a suitable residential building site without the following conditions.

1. Structures shall be elevated such that the lowest finished floor elevation is at least two feet above the 100-year flood elevation. This may be accomplished by use of engineered compacted fill or a request for alternate means may be considered by the town on a case-by-case basis dependent on merit.

2. Engineered compacted fill shall consist of material specified in the town's Design Standards Manual. The fill shall extend at least five feet horizontally beyond the outside building footprint perimeter and shall have side slopes no greater than three to one.

3. Adequate site drainage, as required to eliminate nuisance water ponding underneath and around the proposed structures, must be achieved and a minimum 0.5% positive drainage away from the structure on all sides shall be provided.

4. The town shall require hydraulic analysis by a qualified engineer demonstrating the 100-year floodplain elevation and demonstrating that any fills required for proper development under this section shall cause no more than a one foot rise in the current 100-year flood elevation. Where encroachments on existing watercourses are planned, a Hydraulic Engineering Circular #2 analysis or alternative hydraulic analysis acceptable to the town is required to establish conformance with this requirement.

5. Development within the 100-year floodplain shall be considered only on a case-by-case basis and any such development shall be submitted to the town with any lots or building sites requiring fill noted on the preliminary plat and final plat and accompanied with the above described required information.

6. Where the existing flood maps do not extend sufficiently upstream to determine the existing 100-year flood elevation, the developer shall utilize hydrologic and hydraulic techniques performed by experienced professionals to establish a 100-year flood elevation for the site.

(Ord. passed 2- -2004, § 4-10)

§ 152.075 BUFFER AREAS.

(A) In subdivisions located in residential zoning districts, a buffer strip at least 20 feet in depth, in addition to normal lot depth or width required, shall be provided adjacent to all major and minor thoroughfare highways, and industrial and commercial uses or zoning districts. This strip shall be a part of the platted lots and shall have the following notation lettered on the face of the plat: (This strip is reserved for the planting of trees or shrubs by the property owner; the building of structures herein is prohibited.)

(B) The buffer area specified in division (A) above shall not be required if the Town Council, at the time of plat approval, an adequate buffer area currently exists on the adjacent property.

(C) All new development shall adhere to the Riparian Buffer Protection Rules for the Tar-Pamlico River Basin as mandated by the North Carolina Division of Water Quality as well as § 152.074, and any other local, state or federal law regulating buffer requirements.

(Ord. passed 2- -2004, § 4-12)

§ 152.076 SITES FOR PUBLIC USES.

In subdividing property, due consideration shall be given by the developer to the reservation of suitable sites for school and other public uses in accordance with G.S. § 160A-372.

(Ord. passed 2- -2004, § 4-13)

§ 152.077 PLACEMENT OF MONUMENTS.

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing monuments.

(Ord. passed 2- -2004, § 4-14)

§ 152.078 COORDINATION WITH ZONING REQUIREMENTS AND OTHER OFFICIAL MUNICIPAL ORDINANCES AND PLANS.

Proposed subdivisions must comply in all respects with the requirements of the town zoning ordinance (Chapter 153) and with any ordinances and plans officially adopted by the town. Whenever there is a conflict between requirements, the more restrictive shall apply.

(Ord. passed 2- -2004, § 4-15)

§ 152.079 COORDINATION WITH STATE AND FEDERAL REQUIREMENTS.

All lots, structures, utilities, land disturbing activities and filling activities shall comply with any applicable state and federal regulations, including, but not limited to, the Coastal Area Management Act (CAMA) of 1974, being G.S. § 113A-100 et seq.; § 404 of the Clean Water Act, being 33 U.S.C. § 1344, Code of Federal Regulations; and the Sedimentation Pollution Control Act of 1973, being G.S. Ch. 113A, Art. 4. Whenever there is a conflict between requirements, the more restrictive shall apply.

(Ord. passed 2- -2004, § 4-16)

SURETIES AND IMPROVEMENTS GUARANTEES

§ 152.095 GENERALLY.

(A) Agreement and security.

(1) In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the town may enter into an agreement with the developer whereby the developer shall complete all required improvements.

(2) Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved if all other requirements of this chapter are met.

(3) To secure this agreement, the developer shall provide any or a combination of the following guarantees to cover the costs of the uncompleted improvements.

(a) Surety performance bond(s).

1. The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in the state.

2. The bond shall be payable to the town and shall be in an amount equal to 125% of the entire estimated cost, as approved by the town, of installing all uncompleted improvements.

3. The bond amount and term shall be as approved by the Town Council.

4. The town's attorney shall review the submitted bond and make a recommendation regarding its sufficiency to the Town Council.

(b) Cash or equivalent security.

1. The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval of the Town Council. The amount of deposit shall be equal to 125% of the entire estimated cost, as approved by the town, of installing all uncompleted improvements.

2. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the town an agreement between the financial institution and himself guaranteeing the following.

a. Said escrow account shall be held in trust until released by the town and may not be used or pledged by the developer in any other matter during the term of the escrow.

b. In case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the town, immediately pay the funds deemed necessary by the town to complete the improvements, up to the full balance of the escrow amount, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

c. All instruments shall be reviewed by the town's attorney and a recommendation

regarding their sufficiency made to the Town Council.

(B) Duration of financial guarantees.

(1) The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed one year.

(2) All developments whose improvements are not completed and accepted fourteen days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the town, if such extension takes place prior to default.

(C) Default.

(1) Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the town, pay all or any portion of the bond or escrow fund to the town up to the amount deemed necessary by the town to complete the improvements. Upon payment, the town shall expend such funds or portion thereof to complete all or any portion of the required improvements. The town shall return any funds not spent in completing the improvements. Default on a project does not release the developer from liability and responsibility for completion of the improvements.

(2) The town may release a portion or all of any security posted as the improvements are completed and approved by the town.
(Ord. passed 2- -2004, § 5-1)

§ 152.096 OWNERS' ASSOCIATIONS.

(A) Establishment of owners' association.

(1) Creation. An owners' association shall be established to fulfill the requirement of the North Carolina Condominium Act, being G.S. Ch. 47C, or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

(2) Conveyance. Where developments have common areas for facilities serving more than one dwelling unit, these areas shall be conveyed to the owners' association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the town, and lots shall be shown and designated as common areas. The fee simple title of the common area shall be conveyed by the subdivider or developer to the owners' association.

(3) Subdivision or conveyance of common area. Common areas shall not be subsequently subdivided or conveyed by the owners' association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

(4) Owners' association not required. Developments involving only two units attached by a party wall shall not be required to have common areas or an owners' association. Developments with only two units attached and not having an owners' association shall have an agreement between owners concerning maintenance of party walls.

(B) Submission of owners' association declaration.

(1) Prior or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed bylaws of the owners' association containing covenants and restraints governing the association, plats and common areas. The submitted documents shall be reviewed by the town attorney and a recommendation made to the Town Council as to their sufficiency.

(2) The restrictions shall include provisions for the following.

(a) Existence before any conveyance. The owners' association declaration shall be organized and in legal existence prior to the conveyance, lease-option or other long-term transfer of control of any unit or lot in the development.

(b) Membership. Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

(c) Owners' association declaration.

1. Responsibilities of owners' association. The owners' association declaration shall state that the association is responsible for:

- a. The payment of premiums for liability insurance and local taxes;
- b. Maintenance of recreational and/or other facilities located on the common areas; and
- c. Payment of assessments for public and private improvements made to or for the benefit of the common areas.

2. Default of owners' association. Upon default by the owners' association in the payment to the town of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a lot in the development shall become personally obligated to pay to the town a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the town by the total number of lots in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his or her heirs, devisees, personal representatives and assigns. The town may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

3. Powers of the Association. The owners' association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the owners' association for the items set forth in this section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

4. Easements. Easements over the common areas for access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

5. Maintenance and restoration. Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

(d) Declaration if condominium is nonresidential. If the condominium is a nonresidential

condominium, the declaration shall contain the following provision: parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this chapter for the use intended to be located therein. The owners’ association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Administrator at his or her request. The owners’ association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this chapter.

(Ord. passed 2- -2004, § 5-2)

INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS

§ 152.110 NUMBER OF REVIEW AND FILING COPIES TO BE SUBMITTED.

Type of Map or Plan	Review	Filing (After Approval)	
	No. of Prints	No. of Prints	No. of Mylars
Final plat, major subdivision	10	2	2
Minor subdivision plat	3	1	1
Preliminary plat, major subdivision	10	4	1
Sketch plan	3	1	
Street and utility construction plans and profiles	As required by the town, NCDOT, and the applicable utility provider		
Note: an electronic copy, in a format acceptable to the town, of all approved final major subdivision plats shall also be provided to the town			

(Ord. passed 2- -2004, § A-1-1)

§ 152.111 REQUIRED INFORMATION ON MINOR, SKETCH AND MAJOR SUBDIVISIONS.

(A) Submission of all plats or maps shall contain the following information before submission to the Administrator for review.

(B) An “X” indicates required information.

(C) Additional information may be required for approval of the plat.

(D) The Administrator may waive items required if it is judged that they are not necessary to complete the review.

Information	Minor, Sketch and Major Subdivisions			
	Minor Part	Sketch Plan	Preliminary Plat	Final Plat
Maps or plats submitted shall not exceed a maximum size of 24" by 36"			X	
Standard 18" by 24" sheet for plats to be recorded, minimum 1-1/2" border on the left side and a minimum 1/2" border on all other sides; or as required by the County Register of Deeds	X			X
Original drawn on material as required by the County Register of Deeds	X			X
Title block containing: Name of Subdivision	X	X	X	X
Name of the type of plat (minor plat, sketch plan, preliminary plat and the like)	X	X	X	X
Owner's name with address and daytime phone number	X	X	X	X
Location (including address, township, county and state)	X	X	X	X
Date(s) plat(s) prepared or revised	X	X	X	X
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 100'. If all lots are greater than 3 acres, a smaller scale may be used	X	X	X	X
Bar graph	X	X	X	X
Name, address, and telephone # of preparer of plat (licensed surveyor, engineer and the like)	X	X	X	X
Developer's name, address and daytime phone number (if different from owner's)	X	X	X	X
Zoning district(s) within the property and adjacent properties	X	X	X	X
Existing land use within the property and on adjacent properties	X	X	X	
Plat book or deed book reference	X	X	X	X
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)	X	X	X	X
Tax map, block and parcel(s) number	X	X	X	X

Information	Minor, Sketch and Major Subdivisions			
	Minor Part	Sketch Plan	Preliminary Plat	Final Plat
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale of 1" = 2,000'	X	X	X	X
Corporate limits, county lines and other jurisdiction lines, if any, on the tract	X	X	X	X
Registration and seal of land surveyor	X			X
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	X	X	X	X
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect or engineer			X	
Boundaries of the tract to be subdivided or developed: distinctly and accurately represented and showing all distances	X	X	X	X
tied to nearest street intersection (within 300') or USGS (within 2,000')	X		X	X
showing locations of intersecting boundary lines or adjoining properties	X		X	X
Location and descriptions of all monuments, markers and control corners	X			X
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines	X	X	X	X
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to the closest property lines	X			
The name and location of any property or building on the National Register of Historic Places or locally designated historic property	X	X	X	X
Railroad lines and rights-of-way	X	X	X	X
Water courses, ponds, lakes or streams	X	X	X	X
Marshes, swamp and other wetlands		X	X	
Areas to be dedicated or reserved for the public		X	X	X

Information	Minor, Sketch and Major Subdivisions			
	Minor Part	Sketch Plan	Preliminary Plat	Final Plat
Areas designated as common area or open space under control of an owners' association	X		X	X
Location of designated recreation areas and facilities			X	X
Location of floodway and 100-year floodplain from approved sources and cross-section elevations	X	X	X	X
Location of stormwater buffers	X	X	X	X
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level			X	
Proposed lot lines and dimensions	X	X	X	X
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size	X		X	X
Site calculations including: acreage in total tract	X	X	X	X
Acreage in public open space		X	X	X
Total number of lots proposed	X	X	X	X
Linear feet in streets			X	X
Area in newly dedicated rights-of-way			X	X
Lots sequenced or numbered consecutively	X		X	X
Street address as assigned by the town for each new lot	X			X
County Health Department information for subdivisions without public sewer available				
1) Each lot shall contain a statement concerning septic tank approval			X	X
2) Each lot that has been approved for an on-site subsurface sewage treatment and disposal system shall be shown. Denied lots or lots not evaluated shall be crosshatched and labeled (no improvement permit has been issued for this lot)	X			X
The following notes shall be shown:			X	X
1) There is no right to build upon or otherwise improve any of these lots until a valid written Improvement Permit has been obtained from the Health Department as required by state law. Contact the County Environmental Health Division concerning lot suitability for onsite subsurface sewage treatment and disposal systems.				

Information	Minor, Sketch and Major Subdivisions			
	Minor Part	Sketch Plan	Preliminary Plat	Final Plat
2) The location shown for designated septic system areas are approximate. Approval and designed area information for subsurface sanitary sewage systems is reproduced from information supplied by the County Department of Public Health and the Surveyor/Engineer makes no representation or warranty as to the accuracy of such information			X	
Street data illustrating: existing and proposed rights-of-way lines within and adjacent to property	X		X	X
Existing and proposed rights-of-way within and adjacent to property showing: total right-of-way width dimension	X		X	X
Right-of-way width dimension from centerline of existing public streets	X		X	X
Existing and proposed streets showing: pavement or curb lines			X	
Pavement width dimension (face-to-face)			X	
Cul-de-sac pavement radius			X	
Existing and proposed street names	X		X	X
Street profiles			X	
Location, dimension and type of all easements	X		X	X
Utility layout plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blow-offs, valves, manholes, catch basins, force mains and the like for the following types of utility lines: sanitary sewer			X	
Water distribution			X	
Natural gas, electric, cable TV and the like			X	
Documentation of submission of an erosion control plan, if disturbing greater than one acre			X	

Information	Minor, Sketch and Major Subdivisions			
	Minor Part	Sketch Plan	Preliminary Plat	Final Plat
Documentation of approval of an erosion control plan, if disturbing greater than one acre				X
Evidence of Notification to US Army Corps of Engineers of Earth-Disturbing Activities in Wetlands, if applicable	X		X	
Size of planting yard, walls, berms and fences			X	
Existing and proposed signs (location, height and area)			X	
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities			X	
Certificates and endorsements (See Appendix A for wording): certificate of survey accuracy signed by surveyor and attested by notary public	X			X
Certificate of ownership	X			
Certificate of ownership and dedication				X
Certificate of minor plat approval	X			
Certificate of preliminary plat approval			X	
Certificate of final plat approval				X
Certificate of approval by Division of Highways, State Department of Transportation				X
Certificate stating that no approval is required by Division of Highways, State Department of Transportation				X
Certificate of utilities approval				X
Certificate of Health Department approval	X			X
Certificate of purpose for plat as required by G.S. § 47-30	X			X
Private streets disclosure statement				X

(Ord. passed 2- -2004, § A-1-2)

§ 152.112 DOCUMENTS AND WRITTEN INFORMATION IN ADDITION TO MAPS AND PLANS.

In addition to the written application and the plats, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested at the time of plat submission:

Information	Minor and Major Subdivisions		
	Minor Plat	Preliminary Plat	Final Plat
Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person	X	X	
Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided		X	
Detailed descriptions of recreational facilities to be provided		X	
Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities			X
Bonds, letters of credit or other surety devices			X
A traffic impact study performed and prepared by a qualified transportation or traffic engineer or planner	X		
Time schedules for the completion of phases in staged development	X		
The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion		X	
If any street is proposed to intersect with a state-maintained street, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations			
Proposed deed restrictions or covenants to be imposed upon newly created lots		X	

(Ord. passed 2- -2004, § A-1-3)

APPENDIX A: CERTIFICATES

(A) Required certificates and statements.

Type of Certificate or Statement	Minor Plat	Major Plat
Certificate of Ownership (for use with minor plats only)	X	
Certificate of Ownership and Dedication (for use with major plats only)		X
Certificate of Minor Plat Approval	X	
Certificate of Preliminary Plat Approval		X
Certificate of Final Plat Approval	X	X
Certificate of Survey and Accuracy	X	X
Division of Highways District Engineer Certificate		X
Private Roads Disclosure Statement		X
Health Department Certificate	X	X
Utilities Certificate		X
Certificate of Purpose of Plat	X	X
Certificate of Exemption		
Unapproved lots		

(Ord. passed 2- -2004, § A-2-1)

(B) Wording for map certificates and statements.

(1) Certificate of Ownership (For Use with Minor Plats Only).

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Bethel, and that I (we) freely adopt this plan of subdivision.

 _____ Owner _____ Date
 _____ Owner _____ Date

(2) Certificate of Ownership and Dedication (For Use with Major Plats Only).

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Bethel, that I (We) hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized

by law when such other use is approved by the Town Council of the Town of Bethel in the public interest.

_____	Owner	_____	Date
_____	Owner	_____	Date
_____	(Notarized)	_____	Date

(3) Certificate of Minor Plat Approval.

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the Subdivision Ordinance of the Town of Bethel, and that therefore this plat has been approved by the Administrator, subject to its being recorded in the Pitt County Registry within 60 days of the date below.

_____ Administrator _____ Date

(4) Certificate of Preliminary Plat Approval.

I hereby certify that the Town Council of the Town of Bethel approved on the _____ day of _____, 20__ the preliminary plan of subdivision as shown on this plat. Preliminary approval is valid for a period of 12 months from the above date or as established under the vested rights procedures, if applicable.

_____ Administrator _____ Date

(5) Certificate of Final Approval.

I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Subdivision Ordinance of the Town of Bethel subject to its being recorded in the Office of Register of Deeds within 60 days of the date below.

_____ Town Manager _____ Date

I hereby certify that streets, utilities and other improvements have been installed in an acceptable manner and according to specifications of the Town of Bethel in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of \$_ has been posted with the Town of Bethel to assure completion of required improvements.

_____ Town Manager _____ Date

(6) Certificate of Survey and Accuracy.

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book_, page_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book_, page_; that the ratio of precision as calculated is 1:_; that this plat was prepared in accordance with G.S. § 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D., 20__.

Seal or Stamp of Surveyor

Surveyor

Registration Number

(7) Division of Highways District Engineer Certificate.

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation.

_____ District Engineer _____ Date

(8) Private Streets Disclosure Statement. The following statement shall be placed on all subdivision plats which include private streets:

“The maintenance of streets designated on this plat as ‘private’ shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon were not constructed to the minimum standards required to allow their inclusion, for maintenance purposes, on the North Carolina highway system nor on the Town of Bethel street system. Neither the Town of Bethel nor the North Carolina Department of Transportation will maintain a private street.”

(9) Health Department Certificate. The following statement shall be placed on all subdivision plats which include building lots that do not have public sewer service available to them:

“The Pitt County Environmental Health Section has performed a soil evaluation on each lot within this subdivision. Results of these evaluations are available for review in the offices of the Environmental Health Section during normal office hours. These soil evaluations should be reviewed prior to the purchase of any lot. An improvements permit for a ground absorption sewage disposal system and/or water supply permit will be required prior to obtaining a building or manufactured home permit.”

_____ Supervisor, _____ Date
Environmental Health
Section or Authorized
Representative

(10) Utilities Certificate.

I hereby certify that the _____ improvements have been installed in an acceptable manner and in accordance with the requirements of the Subdivision Ordinance of the Town of Bethel.

Signature of Authorized Agent _____ Date _____

(11) Certificate of Purpose of Plat. The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

a. This survey creates a subdivision of land within the jurisdictional area of the Town of Bethel and that the Town has an ordinance that regulates parcels of land;

b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

c. Any one of the following:

1. This survey is of an existing parcel or parcels of land and does not create a new road or change an existing street;

2. This survey is of an existing building or other structure, or natural feature, such as a water course;

3. This survey is a control survey;

d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or

e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in [subsection] (a) through (d) above.

Signed: _____ SEAL

Surveyor

Date: _____

(12) Certificate of Exemption. Plats deemed to be an exemption to the provision of this chapter shall contain the following statement prior to the owner's recording of such plats:

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book ____, Page ____, and that said property qualifies as an exemption to the provisions of the Subdivision Ordinance of the Town of Bethel.

_____	Owner	_____	Date
_____	Owner	_____	Date
_____	Administrator	_____	Date

(13) Acknowledgment of Recordation of Non-evaluated/Non-buildable Lot(s). The following statement may be utilized in those situations in which heir property is subdivided or whenever a property owner wishes to record property that is not to be sold, transferred, conveyed or represented as a buildable property:

I (We) the undersigned property owners do hereby acknowledge that the plat entitled _____ and dated _____ has _____ lot(s) that has (have) not been evaluated by the Pitt County Environmental Health Section and has (have) been determined to be NON-BUILDABLE by the Administrator.

I (We) further understand that this plat can be recorded; however, no structure can be permitted without further review and approval of the Pitt County Environmental Health Section and the Town of Bethel.

Signed by:

_____	Owner	_____	Date
_____	Owner	_____	Date

_____	Owner	_____	Date
_____	Owner	_____	Date

Witness:

_____	Administrator	_____	Date
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(Ord. passed 2- -2004, § A-2-2)

CHAPTER 153: ZONING CODE

Section

General Provisions

- 153.01 Purpose
- 153.02 Definitions
- 153.03 Zones and boundaries thereof

Zoning Districts

- 153.15 RA-20 Residential/Agricultural Zone
- 153.16 R-15 Residential Zone
- 153.17 R-75 Residential Zone
- 153.18 R-6 Residential Zone
- 153.19 MR Multi-Family Residential Zone
- 153.20 Manufactured Home Zone
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Miscellaneous Provisions

- 153.35 Height and area exceptions and supplements
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Cross-reference:

Planning, see Chapter 151

GENERAL PROVISIONS

§ 153.01 PURPOSE.

In order to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the corporate area, there is hereby adopted and established an official zoning plan of the town. This zoning plan is adopted pursuant to the authority vested in the town by its Charter and by state law. (Prior Code, § 62-1) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the words "used for" shall include the meaning "designed for"; the word "structure" shall include the word "building"; the word "lot" shall include the words "plot" and "tract" and the word "shall" is mandatory.

ACCESSORY BUILDING. A subordinate use building customarily incidental to and located upon the same lot occupied by the main use building. No ACCESSORY BUILDING shall be used for human habitation, exceed one story in height, or be erected closer than three feet to the property line when measured from the nearest line of the accessory building to the nearest property line of the lot.

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

AMUSEMENT CENTERS. Establishments that are designed for amusements, either indoor or outdoor, including but not limited to, amusements such as game rooms, bingo parlors, pool and billiard rooms, bowling, miniature golf, video games, skating rinks and similar uses.

ANIMAL FEEDER/BREEDER OPERATIONS. Establishments consisting of any lot, building, or combination of lots or buildings designed or used for the feeding, breeding, raising, or holding of hogs, chickens, or turkeys in a confined area; but excluding livestock raised for and used by the owner of said land for personal consumption.

APARTMENT. A room or suite of one or more rooms in a multiple dwelling intended for use as a residence by a single family.

APARTMENT HOUSE. See DWELLING, MULTIPLE FAMILY.

AUTOMOBILE REPAIR GARAGE. An establishment where the following services may be carried out: major repair, engine rebuilding, rebuilding and reconditioning of motor vehicles, collision service such as body, frame, or fender repairs, painting and undercoating of vehicles.

AUTOMOBILE SERVICE CENTER. An establishment where the retail sale of accessories and services

for automobiles are provided as a primary use, including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including space for facilities for major storage, repair, painting and refinishing.

AUTOMOBILE SERVICE STATION. An establishment where gasoline or other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are related directly to the public on the premises, including sale of minor accessories and services for automobiles, which are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, hand washing and polishing, replacement of light bulbs, windshield wiper blades and other small parts, but does not include steam cleaning, body repairs, chassis or engine repair, except as listed above.

BOARDINGHOUSE. A building other than a hotel or motel where meals are served for compensation and one or more rooms are rented for boarders.

BUILDING. See STRUCTURE.

BUILDING, HEIGHT OF. The vertical distance from the average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

CAMPING TRAILER. A partially folding or collapsible structure, mounted on wheels, and designed for use as a temporary dwelling for travel, recreational and vacation use.

CHURCH, CLUB, or PRIVATE LODGE OR CLUBS. An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreation, or like activities operated on a nonprofit basis for the primary benefit of its members.

COMMERCIAL ANTENNA. Any combination of antenna support, accessory structures and buildings, and antennas designed in whole or in part for the reception and/or transmission of radio frequency energy as a part of a licensed radio, TV or microwave facility employed for commercial use. **COMMERCIAL ANTENNAS** shall include such services as are employed by nonprofit or religious stations not licensed under the amateur or CB regulations of the Federal Communications Commission.

COMMUNICATION TOWER. A tower, pole, or similar structure, which supports a telecommunication antenna operated for governmental/commercial purposes, above ground, in a fixed location, free standing, guyed, or on a building.

CONDITIONAL USE. A use that would not be appropriate generally as a use by right without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, general welfare, morals, order, comfort, convenience, appearance or prosperity. **CONDITIONAL USES** that may be applied for shall be listed under each respective district. A **CONDITIONAL USE** may be permitted upon recommendation by the Planning Board, a public hearing and approval of the Town Council.

CONVENIENCE STORE. Any retail facility less than 3,500 square feet offering for sale prepackaged food products, household items, newspapers, sandwiches, and other freshly prepared foods, for off site consumption.

DEVELOPER. The legal or beneficial owners of a parcel or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, or any mining, excavation, landfill or land disturbance; and any use or extension of use of land.

DISTRIBUTION CENTER. A complex comprised of warehousing, office, maintenance, and security facilities, engaged in the receipt, storage, inventorying, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air or motor vehicle.

DUPLEX-TWO FAMILY. An individual freestanding building with two dwelling units to be occupied by not more than two families. The building has common walls between units, or zero-based lot line, and conforming parking. Each lot to contain one-half of the required minimum lot width. The building may be one or two stories and must meet or exceed North Carolina Building Code Standards. There shall be no detached accessory building permitted on these lots.

DWELLING, MULTIPLE FAMILY. A building or portion thereof used or designed as a residence for three or more families living independently of each other.

DWELLING, SINGLE-FAMILY. A building or portion thereof designed for living or sleeping purposes, occupied exclusively by one family, excluding manufactured homes.

DWELLING, TWO-FAMILY (DUPLEX). A building or portion thereof designed for living or sleeping purposes occupied by two families.

EXTRATERRITORIAL JURISDICTION (ETJ). Inclusive of “extraterritorial district,” “extraterritorial planning area,” and “extraterritorial planning district,” meaning the properties or land beyond the corporate limits of the town extending for a distance of one mile in all directions as delineated on the official zoning map for the town, adopted in accordance with the G.S. § 160A-360.

FAÇADE. The exterior walls of a building or structure visible to the public from adjoining streets, sidewalks or parking areas.

FAMILY. Any number of individuals living together as a single housekeeping unit.

FAST-FOOD RESTAURANT. A facility where rapidly prepared food and/or beverage are sold in a form ready for consumption, in disposable wrappers, containers, or plates where all or a significant portion of the consumption takes place outside of the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

FILLING STATION. See SERVICE STATION.

FRONTAGE. All the property abutting on one side of a street between two intersecting streets, measured along the street line.

GARAGE, PRIVATE. A building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

GARAGE, PUBLIC. Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

GARAGE, STORAGE. Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

GUEST HOUSE (TOURIST HOME). Any dwelling occupied by owner or operator in which rooms are rented for guests and for lodging or transients and travelers for compensation.

HOME OCCUPATION. Any profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises provided that no merchandise or commodity is sold on the premises and that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and provided further that not over 25% of the total floor area of any structure is used for home occupations or professional purposes.

HOTEL (MOTEL). A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests; and having or not having one or more dining rooms, restaurants, or cafes where meals or lunches are served to such transient or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.

INDUSTRIAL USE. Any parcel or parcels of land containing an industrial use or any building containing such use, as defined in this chapter.

INDUSTRY. Those fields of economic activity which include mining, construction, manufacturing, transportation, communication, electric, gas and sanitary service, and wholesale trade.

INDUSTRY, HEAVY. Manufacturing facility, which produces, refines or otherwise processes basic materials including but not limited to ores and metals, oil, petrol chemicals, plastics, cement and similar materials. It is the intent of this district to provide an environment for industries that is unaffected by nearby residential or commercial development.

INDUSTRY, LIGHT. Manufacturing facility, which assembles finished or partly finished products from materials or components prepared on-site or obtained from other facilities. Standards of this district are designed to minimize impacts on the environment and to assure reasonable compatibility with the surrounding area. It is the intent of this district to offer sites for those industries whose operations, exposure, location or traffic has minimal impact on adjacent properties.

JUNK. Any scrap, waste, reclaimable material, or debris, whether or not stored for sale, in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other disposition.

JUNKYARD. Any area, lot, land, tract, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk, including motor vehicles, and machinery not in running condition, waste paper, rags and scrap metal.

LOFT. A large, usually un-partitioned floor over a factory, warehouse, or other commercial or industrial space, which is converted into an apartment or artist studio.

LOT. A parcel of land in single ownership occupied or intended for occupancy by a building together with its accessory buildings including the open space required under this chapter. For the purposes of this chapter, the word LOT shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are to be erected.

LOT, CORNER. A lot abutting upon two or more streets at their intersection.

LOT, DEPTH. The depth of a lot, for the purpose of this chapter, is the distance measured in the mean direction of the side lines of the lot from the mid-point of the front lot line to the mid-point of the opposite main rear line of the lot.

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

LOT LINES. The lines bounding a lot.

LOT OF RECORD. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds or a lot described by meets and bounds, the description of which has been reported in the office of the County Register of Deeds.

LOT, THROUGH. An interior lot having frontage on two streets.

MANUFACTURED/MOBILE HOME. A residential dwelling unit built to the most recent standards of the U.S. Department of Housing and Urban Development as amended and supplemented, composed of one or more components, each of which was substantially assembled in a manufacturing plant not more than 15 years from the date of the town's issuance of a zoning compliance certificate, and designed to be transported to the home site on its own chassis. Travel trailers and campers shall not be classified as manufactured homes.

MANUFACTURED HOME PARK. Land used or intended to be used, leased or rented for occupancy by manufactured homes to be used for living or commercial quarters of any kind, designed and operated in accordance with applicable provisions of this chapter. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

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

- (1) Length of the manufactured home does not exceed the width by more than four times;
- (2) The manufactured home is at least 20 feet wide;
- (3) The pitch of the manufactured home's roof has a minimum vertical rise of two and two-tenths feet for each 12 feet of horizontal run (2.2 feet in 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (4) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity gloss of white paint), wood or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (5) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the manufactured home;
- (6) The tongue, axles, transporting lights, and removable towing apparatus are removed subsequent to final placement; and
- (7) The manufactured home is placed on land owned by the owner of the manufactured home, which

will be listed and taxed as real property.

MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the most recent construction standards promulgated by the U.S. Department of Housing and Urban Development but that does not satisfy one or more of the criteria necessary to qualify as a Class A manufactured home. A CLASS B MANUFACTURED HOME must meet the following minimum criteria:

(1) Skirting or a curtain wall, unpierced except for required ventilation and access, consisting of brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation is installed under the manufactured home; and

(2) Stairs, porches, entrance platforms, ramps or other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the NC Department of Insurance and are attached firmly to the primary structure and anchored securely to the ground.

MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definition of a Class A or Class B manufactured home.

MANUFACTURING FACILITY. Establishment engaged in the mechanical, chemical and/or physical transformation of a substance including creation of new products.

MINI-STORAGE/SELF STORAGE FACILITY. A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

MIXED-USE. A parcel, tract of land, building or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, manufacturing and retail.

MODULAR HOME. A factory-fabricated, transportable building constructed to meet North Carolina Building Code standards and designed to be used by itself or, in the case of a sectional home, to be joined with similar units into a modular whole, placed on a permanent foundation and used for residential purposes.

MOTORIZED HOME. A portable dwelling designed and constructed as an integral part of a self propelled vehicle modified for use as a dwelling.

MULTI-FAMILY DWELLING. A building containing three or more dwelling units including units that are located over each other, including apartments.

NONCONFORMING USE. A building or land occupied by a use that does not conform with the regulations of the use zone in which it is situated.

NONCONFORMING LOT. A tract of land that was lawfully established in accordance with all regulations in effect at the time of its establishment but which no longer complies with applicable lot area, lot width or frontage standards because of public acquisition of a portion of the lot, an amendment to the zoning map or other applicable standards.

PARKING LOT. An area or plot of land used for the storage or parking of vehicles.

PICK-UP COACH. A structure designed primarily to be mounted on a pick-up or truck or similar chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation use (see STRUCTURE).

PROCESSING FACILITY. Facility in which materials may be broken down, or aggregated for transportation, sale, or storage.

PUBLIC SERVICE FACILITY. The use of land, buildings or structures by a public utility, railroad or governmental agency, including water treatment plants or pumping stations, sewage treatment plants or pumping stations, non-nuclear power plants, transmission lines and transformer stations, telephone exchanges and other similar public service structures, but not including land, buildings or structures devoted solely to the storage and maintenance of equipment and materials.

RESTAURANT, TRADITIONAL. A facility where food and drink are prepared, served and consumed primarily within the principal building.

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

SHOPPING CENTER. Two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size and type of shops to the trade area served by the shopping center.

SIGN. Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboards or poster panels, designed to carry visual information.

SIGN, BUSINESS IDENTIFICATION. A sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered on the same property on which the sign is located.

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

SOLAR ENERGY SYSTEM FARM. A facility that uses photovoltaic solar energy systems to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption. Also referred to as a solar energy generation facility, solar power plant or solar photovoltaic farm.

STABLE, PRIVATE. A stable with a capacity of not more than one horse for each 3,500 square feet of lot area whereon such stable is located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire or sale.

STABLE, PUBLIC. A stable other than a private stable.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. In computing the height of building, the height of basement or cellar, if below grade, shall not be included.

STREET. A thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road and any other thoroughfare except an alley.

STREET LINE. The line between the street and abutting property.

STRUCTURAL ALTERATIONS. Any change, except for repair or replacement in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE. Anything constructed or erected, the use of which requires location on the land or attachment to something having a permanent location on the land.

TOURIST HOME. See GUEST HOUSE.

TOWN HOME, TOWNHOUSE. A single-family dwelling on its own individual lot, but connected on two sides, by means of a common wall for a length of at least ten feet to two other single-family dwellings or an end unit of a row of such dwellings. Each unit shall have its own front and rear access to the outside.

TOWNHOUSE TYPE DEVELOPMENT. The division of land containing attached units within one or several structures and may include the reservation of common area and which may be restricted to internal access through the original lot(s), common area(s) or shared easements.

TRAVEL TRAILER. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use, having a body width not exceeding eight feet, and a body length not exceeding 32 feet.

VARIANCE. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. In this chapter, a VARIANCE is authorized only for height, area, and size of structure or size of yards and open space. The establishment or expansion of the use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

WAREHOUSE FACILITY. Facility in which materials or products are stored for future transportation.

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps and unenclosed porches, but including covered porches.

YARD, REAR. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

YARD, SIDE. An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot where no rear yard is required.

ZONING ADMINISTRATOR. The person, officer, or official and his/her authorized representative who the town has designated as its agent for the administration of this chapter. The Administrator may provide for the enforcement of this chapter by means of withholding zoning compliance certificates/permits, and by instituting injunctions, mandamus, or other appropriate action or proceeding to prevent unlawful erection, improvement, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

ZONING COMPLIANCE CERTIFICATE. A certificate signed by the Zoning Administrator, or his/her designee, specifying zoning requirements and listing any other municipal regulations that may govern the use of the subject property.

(Prior Code, § 62-2) (Ord. passed 6-13-1972; Ord. passed 7-2-1980; Ord. 7, passed 6-4-1985; Ord. passed 10-4-1988; Ord. passed 12-5-1989; Ord. passed 2-21-1989; Ord. passed 8-4-2010; Ord. passed - -)

§ 153.03 ZONES AND BOUNDARIES THEREOF.

(A) In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to regulate and determine the areas of open spaces surrounding buildings; to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses of the town, the town is hereby divided into zones known as:

- (1) RA-20 Residential/Agricultural Zone;
- (2) R-15 Residential Zone;
- (3) R-75 Residential Zone;
- (4) R-6 Residential Zone;
- (5) MR Multi-family Residential Zone;
- (6) Manufactured Home Zone;
- (7) Neighborhood Business Zone;
- (8) Central Business Zone;
- (9) Highway Business Zone; and
- (10) Industrial Zone.

(B) The boundaries of the zones are shown upon the map accompanying this chapter and made a part hereof, entitled "Zoning Map Town of Bethel, North Carolina". The zoning map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this chapter the same as if such information set forth on the map were fully set out herein.

(C) (1) Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the zone regulations established by this chapter for the zone in which the building or land is located.

(2) The minimum yards and other open spaces including the intensity of use provisions contained in this chapter for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as yard or open space requirements or intensity of use requirements for any other building.

(3) Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one main building and the customary accessory buildings on the lot.

(4) Every lot to be built upon shall abut a public street or other public way and no dwelling shall be built upon a lot which does not abut upon a public street or other public way.
(Prior Code, § 62-3) (Ord. passed 6-13-1972; Ord. passed 10-4-1988; Ord. passed 8-4-2010)

ZONING DISTRICTS

§ 153.15 RA-20 RESIDENTIAL/AGRICULTURAL ZONE.

(A) This zone is established as a district in which the principal use of land is for low density residential and agricultural purposes.

(B) The regulations of this district are intended to protect the agricultural sections of the community from an influx of uses likely to render it undesirable for farms and future development, and to ensure that residential development not having access to public water supplies and/or public sewage disposal will occur at sufficiently low densities for a healthful environment.

(C) In this zone a building or land shall be used only for one or more of the purposes set forth in this section.

(1) Uses permitted.

(a) Single-family dwellings, stick built and modular homes on individual legal lots;

(b) Any form of agriculture or horticulture, including the sale of products at a retail stand on the property where produced, except animal feeder/breeder operations as defined. In the case of poultry and/or livestock farming operations, these facilities should be constructed in accordance with design standards as set forth by the Soil Conservation Service in Section IV of the U.S. Department of Agriculture's Technical Guide or by the design standards recommended by the Department of Biological and Agricultural Engineering, North Carolina State University, Raleigh, N.C.;

(c) Forestry;

(d) Municipally-owned parks, playgrounds and recreation centers;

(e) Rear yard storage of not more than two travel trailers, self-contained travel trailers, pick-up coaches, camping trailers or motorized homes;

(f) Accessory uses and buildings customarily or necessarily incident to any of the above specified uses, including a private garage or servants' quarters, private swimming pool, and noncommercial truck garden. An accessory use shall be situated on the same lot or premises as the primary use to which it is accessory;

(g) Home occupation as defined in section § 153.02;

(h) Existing private family cemeteries;

(i) Solar energy system farm;

(j) Conditional uses:

1. Commercial antennae;
2. Communication towers;
3. Public, primary, and secondary schools, and private schools having the same curriculum as ordinarily given in public schools;
4. Churches, and church bulletin board, lighted or unlighted, not exceeding four square feet in area;
5. Parks, playgrounds and recreation centers owned and operated by non-profit civic organizations;
6. Golf, swimming, tennis, and other private clubs not open to the general public and operated as a business for profit. Provided, however, that any swimming or tennis club is not located on a parcel of land not less than one acre in size;
7. Junkyard; and
8. Manufactured homes on individual lots where a manufactured home previously legally existed.

(2) Building height limit. No structure shall exceed 35 feet in height unless the depth of the front yard, rear yard, and width of each side yard required herein shall be increased five feet for each ten feet or fraction thereof of building height in excess of 35 feet.

(3) Building site area required, residences. The minimum building site area shall be one lot or parcel of land 20,000 square feet in area for each main building. Such parcel of land shall have an average width of at least 100 feet. When a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this chapter, said lot may be occupied by one family; provided, however, that the minimum side, front, and rear yard requirements set out in this section are conformed to.

(4) Front yard required. There shall be a front yard depth of not less than 50 feet measured from the front property line to the front line of the main building. Where lots comprising 25% or more of the frontage of the same street within the block are developed with buildings, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than 50 feet. When the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Zoning Board of Adjustment will establish a front yard depth suitable and practical for such lot. On through lots, the required front yard shall be provided on both streets.

(5) Side yard required. There shall be a side yard on each side of the main building having a width of not less than 12 feet and the minimum distance between main buildings on adjacent lots shall not be less than 24 feet. Provided, however, on corner lots the side yard adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such lots. No accessory building on a corner lot shall extend beyond the front yard line of the lots in rear thereof; provided, further that this regulation shall not be so interpreted as to reduce the building width of a corner lot as of record at the time of the passage of this chapter to less than 28 feet, not to prohibit the erection of an accessory building where this regulation cannot be complied with.

(6) Rear yard required. There shall be a rear yard of 25% of the depth of the lot with the rear yard having a depth of not less than 30 feet measured from the rear property line to the rear line of the main building.

(7) Signs. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use. The placing of one "for sale" or "for rent" sign not exceeding four feet in area shall, however, be permitted. One sign not exceeding one square foot in area shall be permitted in connection with a home occupation as defined in § 153.02.

(Prior Code, § 62-4) (Ord. passed 6-13-1972; Ord. 7, passed 6-4-1985; Ord. passed 10-4-1988; Ord. passed 8-4-2010; Ord. passed - -)

§ 153.16 R-15 RESIDENTIAL ZONE.

In this zone a building or land shall be used only for one or more of the purposes set forth in this section.

(A) Uses permitted.

(1) Single-family dwellings;

(2) Municipally owned parks, playgrounds and recreation centers;

(3) Rear yard storage of not more than one travel trailer, self-contained travel trailer, pick-up coach, camping trailer or motorized home;

(4) Accessory uses and buildings customarily or necessarily incident to any of the above specified uses, including a private garage or servants' quarters; private swimming pool, and noncommercial truck garden. An accessory use shall be situated on the same lot or premises as the primary use to which it is accessory;

(5) Home occupation as defined in § 153.02; and

(6) Conditional uses:

(a) Public primary and secondary schools, and private schools having the same curriculum as ordinarily given in the public schools;

(b) Churches, and church bulletin board, lighted or unlighted, not exceeding four square feet in area;

(c) Hospitals, except animal hospitals or hospitals operated for the treatment of chronic alcoholics, the insane, infectious diseases or narcotic patients;

(d) Parks, playgrounds and recreation centers; parks, playgrounds and recreation centers owned and operated by nonprofit civic organizations; and

(e) Golf, swimming, tennis and other private clubs not open to the general public and operated for the mutual recreation of members and not operated as a business for profit; provided, however, that any swimming or tennis club is located on a parcel of land not less than one acre in size.

(B) Building height limit. No structure shall exceed 35 feet in height unless the depth of the front yard, rear yard and width of each side yard required herein shall be increased five feet for each ten feet or fraction thereof

of building height in excess of 35 feet.

(C) Building site area required, residences. The minimum building site area shall be one lot or parcel of land 15,000 square feet in area for each main building. Such parcel of land shall have an average width of at least 100 feet when a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of the ordinance from which this chapter is derived, said lot may be occupied by one family; provided, however, that the minimum side, front and rear yard requirements set out in this section are conformed to.

(D) Front yard required. There shall be a front yard a depth of not less than 50 feet measured from the front property line to the front line of the main building. Where lots comprising 25% or more of the frontage of the same street within the block are developed with buildings, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than 50 feet. When the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Zoning Board of Adjustment will establish a front yard depth suitable and practical for such lot. On through lots, the required front yard shall be provided on both streets.

(E) Side yard required. There shall be a side yard on each side of the main building having a width of not less than 12 feet and the minimum distance between main buildings on adjacent lots shall not be less than 24 feet. Provided, however, on corner lots the side yard adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such corner lots. No accessory building on a corner lot shall extend beyond the front yard line of the lots in rear thereof; provided further that this regulation shall not be so interpreted as to reduce the building width of a corner lot as of record at the time of the passage of this chapter to less than 28 feet, nor to prohibit the erection of an accessory building where this regulation cannot be complied with.

(F) Rear yard required. There shall be a rear yard of 25% of the depth of the lot with the rear yard having a depth of not less than 30 feet measured from the rear property line to the rear line of the main building.

(G) Signs. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use. The placing of one "for sale" or "for rent" sign not exceeding four square feet in area shall, however, be permitted. One sign not exceeding one square foot in area shall be permitted in connection with a home occupation as defined in § 153.02.

(Prior Code, § 62-5) (Ord. passed 6-13-1972; Ord. 7, passed 6-4-1985; Ord. passed 8-4-2010)

§ 153.17 R-75 RESIDENTIAL ZONE.

In this zone a building or land shall be used only for one or more of the purposes set forth in this section.

(A) Uses permitted.

- (1) Any use permitted in the R-15 Residential Zone;
- (2) Duplex-two family;
- (3) Public and private cemeteries;
- (4) Accessory buildings and uses customarily incident to any of the above permitted uses; and

(5) Conditional uses:

- (a) Guest houses and boardinghouses; and
- (b) Nursing homes, convalescent homes and homes for the aged.

(B) Building height limit. Same as R-15 Residential Zone.

(C) Building site area required, residences. The minimum building site shall be one lot or parcel of land 7,500 square feet in area for each main building. Such parcel of land shall have an average width of at least 75 feet. When a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this chapter, said lot may be occupied by one family; provided, however, that the minimum side, front, and rear yard requirements set out in this section are conformed to. Provided, further, that duplexes or their multiple dwelling units shall, in addition to the above area requirements, increase the minimum building site area as follows: for each additional family unit in excess of the first family unit, 3,000 square feet per family in addition to the 7,500 square feet required above.

(D) Front yard required. There shall be a front yard having a depth of not less than 45 feet measured from the front property line to the front line of the main building. Where lots comprising 25% or more of the frontage on the same street within the block are developed with buildings no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than 45 feet. When the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Zoning Board of Adjustment will establish a front yard depth suitable and practical for such lot. On through lots, the required front yard shall be provided on both streets.

(E) Side yard required. There shall be a side yard on each side of the main building having a width of not less than ten feet and the minimum distance between main buildings on adjacent lots shall not be less than 20 feet. Provided, however, on corner lots the side yard adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such corner lots. No accessory building on a corner lot shall extend beyond the front yard line of the lots in rear thereof; provided, further, that this regulation shall not be so interpreted as to reduce the building width of a corner lot as of record at the time of the passage of this chapter to less than 28 feet, nor to prohibit the erection of an accessory building where this regulation cannot be complied with.

(F) Rear yard required. There shall be a rear yard of 10% of the depth of the lot with the rear yard having a depth of not less than ten feet measured from the rear property line to the rear line of the main building.

(G) Signs. Same as R-15 Residential Zone.

(Prior Code, § 62-6) (Ord. passed 6-13-1972; Ord. 7, passed 6-4-1985; Ord. passed 12-5-1989; Ord. passed 2-21-1989; Ord. passed 8-4-2010)

§ 153.18 R-6 RESIDENTIAL ZONE.

In this zone a building or land shall be used only for one or more of the purposes set forth in this section.

(A) Uses permitted.

- (1) Any uses permitted in the R-75 Residential Zone;

- (2) Duplex-two family;
- (3) Conditional uses: office buildings and exchanges for public utilities; and
- (4) Solar energy system farm.

(B) Building height limit. Same as R-75 Residential Zone.

(C) Building site area required for single- and multiple-family dwellings. The minimum building area shall be one lot or parcel of land 6,000 square feet in area for each main building. Such parcel of land shall have an average width of at least 60 feet at the front building line. When a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this chapter, said lot may be occupied by one family; provided, however that the minimum side and front yard requirements set out in this section are conformed to. Provided, further, that duplexes or other multiple dwelling units shall, in addition to the above area requirements, increase the minimum building site area as follows: for each additional family unit in excess of the first family unit, 3,000 square feet per family, in addition to the 6,000 square feet required above.

(D) Front yard required. There shall be a front yard having a depth of not less than 35 feet measured from the front property line to the front line of the main building. Where lots comprising 25% or more of the frontage on the same street within the block are developed with buildings, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than 35 feet. When the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Zoning Board of Adjustment will establish a front yard depth suitable and practical for such lot. On through lots, the required front yard shall be provided on both streets.

(E) Side yard required. There shall be a side yard on each side of the main building having a width of not less than eight feet and the minimum distance between main buildings on adjacent lots shall not be less than 16 feet. Provided, however, on corner lots the side yard adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such corner lots. No accessory building on a corner lot shall extend beyond the front yard line of the lots in rear thereof; provided, further, that this regulation shall not be so interpreted as to reduce the building width of a corner lot as of record at the time of the passage of this chapter to less than 28 feet, nor to prohibit the erection of an accessory building where this regulation cannot be complied with.

(F) Rear yard required. There shall be a rear yard of 10% of the depth of the lot with the rear yard having a depth of not less than ten feet measured from the rear property line to the rear line of the main building.

(G) Signs. Same as R-15 Residential Zone.

(H) Zone standards.

(1) Zoned R-6 Residential. For a property to be considered for placement of an individual single-family manufactured home, it must be zoned R-6 Residential.

(2) Minimum building site area required. Requirements are the same as the current R-6 Residential Zone.

(3) Front yard required. Requirements are the same as the current R-6 Residential Zone.

(4) Side yard required. Requirements are the same as the current R-6 Residential Zone.

(5) Rear yard required. Requirements are the same as the current R-6 Residential Zone.

(6) Signs. Same as R-15 Residential Zone, which also apply in R-6 Residential Zone.

(I) Manufactured home standards.

(1) Manufactured homes permitted within the R-6 Residential Zone shall be constructed after July 1, 1976, and meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

(2) Additionally, such manufactured homes shall meet the following requirements.

(a) The manufactured home shall be occupied only as a single-family dwelling.

(b) The manufactured home shall have a minimum width of 24 feet.

(c) The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part.

(d) The towing apparatus, wheels, axles and transporting lights shall be removed and shall not be included in length and width measurements.

(e) The longest axis of the manufactured home shall be oriented parallel or within a ten-degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.

(f) The manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the State Building Code, un-pierced, except for required ventilation and access, shall be installed under the perimeter of the manufactured home.

(g) The exterior siding shall consist of one or more of the following:

1. Vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint;

2. Cedar or other wood siding;

3. Wood grain, weather resistant press board siding;

4. Stucco siding; and/or

5. Brick or stone siding; which shall be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(h) The pitch of the roof shall have a minimum vertical rise of three and one-half feet for each 12 feet of horizontal run.

(i) The roof shall be finished with a Class A shingles, or better, roofing material that is commonly used in standard residential construction. Corrugated aluminum, corrugated fiberglass or metal roofs shall not be permitted.

(j) All roof structures shall provide an eaves projection of no less than six inches.

(k) The manufactured home shall be permanently connected to local utilities.

(l) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed in compliance with the standards of the State Building Code, attached firmly to the primary structure and be anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this section to prohibit the use of wood stairs only at any entrance to a manufactured home.

(Prior Code, § 62-7) (Ord. 7, passed 6-4-1985; Ord. passed 8-4-2010; Ord. passed - -)

§ 153.19 MR MULTI-FAMILY RESIDENTIAL ZONE.

(A) The purpose of this district is to provide for high density residential neighborhoods which are associated with the customary urban services.

(B) This district shall consist of single-family, two-family and multi-family dwellings and similar high density residential development and the activities related to neighborhood settings.

(C) This district will only be applied in areas with community water and sewer service.

(D) In this zone, a building or land shall be used only for one or more of the purposes set forth in this section.

(1) Uses permitted.

(a) Single-family dwelling;

(b) Duplex-two family;

(c) Multi-family dwelling;

(d) Town home, town house;

(e) Small professional or announcement signs;

(f) Real estate signs;

(g) Renting of one room provided no external evidence is created; and

(h) Uses and buildings customarily accessory to the above permitted uses.

(2) Conditional uses. The following are permitted when recommended by the Planning Board and authorized by the Town Council:

(a) Neighborhood stores with or without residence on second floor;

(b) Public utility distribution and transmission lines, poles and towers;

(c) Home occupations; and

(d) Single offices for doctors, lawyers, professional consultants or similar occupations.

(3) Building height limit. Same as R-15 Residential (maximum of 35 feet).

(4) Building site area required. The minimum building site area shall be one lot or parcel of land 7,500 square feet in area for each main building. The parcel of land shall have an average width of at least 75 feet at the front building line. When a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this chapter, the lot may be occupied by one family; provided, however that the minimum side and front yard requirements set out in this section are conformed to. Provided, further, that duplexes or other multiple dwelling units shall, in addition to the above area requirements, increase the minimum building site area as follows: For one additional family unit (a duplex) the minimum lot size shall be 12,000 square feet. Each additional family unit in excess of the first two shall require the addition of 4,000 square feet.

(5) Front yard required. Same as R-75 Residential (45 feet).

(6) Side yard required. Same as R-75 Residential (ten feet).

(7) Rear yard required. There shall be a rear yard of 20 feet measured from the rear of property line to the rear line of the main building.

(8) Maximum lot coverage. The coverage of the lot by structures (the footprint of the buildings) shall be not more than 40% of the area of the lot.

(9) Location of accessory buildings. The location of accessory buildings setback from the rear and side property lines shall be a minimum of five feet.

(10) Parking requirements. A minimum of one and one-half parking spaces on the same lot for each dwelling unit shall be required.

(11) Buffer required. A fence buffer shall be required on three sides of a lot or parcel where multi-family dwelling units are constructed unless the lot is adjacent to a vacant lot or the adjacent lot contains natural features, such as a stream, which would lend itself as a natural buffer. The fence shall be a seven-foot wooden fence constructed in a manner so as to make the fence opaque.

(12) Drainage requirements. Stormwater run-off shall be retained on site to the maximum extent feasible. Suggested methods for accomplishing this are through the use of porous asphalt or paving block for the parking lots, similar to "turf stone" or its equivalent. If impermeable asphalt or concrete is used for the parking lot surface, medians, perimeter strips or islands within the parking area must be used as collectors and reservoirs for stormwater run-off. No water shall drain onto or across public streets or sidewalks or into adjacent property except into a drainage easement. Vegetated buffer strips shall be created, or where practicable, retained in their natural state along the banks of all watercourses, waterbodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland run-off, provide access to the waterbody, and allow for periodic flooding without damage to structures.

(Prior Code, § 62-8) (Ord. passed 6-13-1972; Ord. 7, passed 6-4-1985; Ord. passed 12-5-1989; Ord. passed 2-21-1989; Ord. passed 8-4-2010)

§ 153.20 MANUFACTURED HOME ZONE.

In this zone, a building or land shall be used only for the following purposes.

(A) Uses permitted.

(1) Any use permitted in any Residential Zone, provided, however, any building erected in the Manufactured Home Zone for residential purposes shall comply with all requirements of the R-6 Residential Zone, except multi-family dwellings. Solar energy system farms shall not be allowed;

(2) Manufactured home parks; and

(3) Accessory buildings and uses customarily incident to any of the above permitted uses.

(B) Location of manufactured homes regulated. From and after the effective date of this chapter, it shall be unlawful for any person to place or maintain any manufactured home used for human habitation or to use any manufactured home for sleeping, living or business purposes on any premises within the corporate limits or that area subject to the extraterritorial jurisdiction of this town except upon premises located within a manufactured home park, a permit for which has been granted pursuant to the requirements of this chapter. If two or more manufactured homes are located on the same undivided lot or tract of land, they must meet the requirements of this section.

(C) Permit for manufactured home park required.

(1) It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the corporate limits for a manufactured home park until application has been made and a permit therefor has been issued by the Zoning Administrator. The Zoning Administrator (County Planning Department) shall, prior to issuing a permit, determine if all requirements of this chapter have been complied with. A manufactured home park permit may be revoked by the zoning administrator upon a finding of fact that a violation of the requirements of this chapter exists. Provided, the owner, lessee, or other responsible person is notified in writing of such violation and after the expiration of five days from the date of receipt of such written notice. It shall be unlawful for any person, firm, or corporation to continue to operate such manufactured home park after the permit therefore, as required herein, has been revoked by the Zoning Administrator.

(2) Application for a permit to develop, operate, alter or maintain a manufactured home park shall be made to the Zoning Administrator under the provision of this section. The application for a permit shall include the following:

(a) A plan for the general layout of the park containing the information required below:

1. The area to be used for the park showing property lines and adjacent zoning and land use;
2. Driveways, entrances, exits, roadways and walkways;
3. Location of manufactured home spaces and buildings;
4. Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility areas and utility rooms;
5. Method and plan of sewage disposal;

6. Location and quantity of refuse containers;
7. Plan of water supply; and
8. Plan of electric lighting.

(b) Plans and specifications for any building to be constructed on the site.

(c) Further information may be required by the Zoning Administrator or County Health Department to enable them to determine if the proposed park will comply with the regulations of this chapter and other applicable laws.

(d) Prior to the issuance of an occupancy permit the Zoning Administrator shall review the plan and inspect the site for compliance with any changes which had been proposed in the initial review process.

(D) Conflict with health department regulations. In the event the State or County Board of Health has adopted regulations governing manufactured homes or manufactured home parks, the requirements of this chapter or the requirements of the State or County Board of Health, whichever is more stringent, shall govern.

(E) Sanitary facilities, water supply, sewerage, refuse disposal and utilities required.

(1) In every park and related permanent building, all installation of plumbing and electrical wiring, and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas ordinances and codes and any other applicable regulations of the town.

(2) In addition, the following requirements must be met:

(a) Water supply. An adequate and safe supply of water shall be readily available at the manufactured home park site. Within the corporate limits of the town, every manufactured home park shall connect to the town water system. Within the extraterritorial jurisdiction, where the town water system is available it shall be used. If any independent water supply is used, it must be built in accordance with the County Health Department standards and must be capable of furnishing 450 gallons of water per day per available manufactured home space. The water supply for each manufactured home shall be obtained only from approved connections located on each manufactured home space or inside each manufactured home, certificated by the County Health Department.

(b) Sanitary sewer.

1. Each manufactured home park within the corporate limits of the town shall be required to have a connection with the town sanitary sewer system. Any extension of the municipal sanitary sewer system required to comply with this requirement shall be made in accordance with the utility extension ordinance or policies of the town then in effect.

2. All sewage wastes from each park, including wastes from toilets, and toilet rooms, showers, lavatories and washbasins and wastes from refrigerator drains, washing machines, sinks or faucets in manufactured homes or on manufactured home spaces, shall be piped into the park sewage disposal system. All sewage wastes from every trailer equipped with its own toilet facility shall be piped into the park sewage disposal system and under no circumstances shall such wastes be discharged on the ground or in streams. Within the extraterritorial jurisdiction, where the town sanitary sewer system is not available, the town would prefer park owners to connect to the municipal system. If connection to the municipal system is not possible, individual septic

systems may be used or a community system for the park may be used. The method of sewage disposal shall be approved by the County Health Department or the N.C. Department of Environment, Health and Natural Resources, Division of Environmental Management. Prior to the presentation of a plan to the town, owners and developers are urged to contact the County Health Department or the Zoning Administrator to assure future compliance with the appropriate regulations.

(c) Refuse disposal. All garbage and refuse in every park shall be stored in suitable receptacles in accordance with County Health Department requirements.

(d) Utilities. Each manufactured home space shall be equipped with plumbing and electrical connections; the electrical connections shall meet the County Electrical Code. In addition, electrical connection shall be at least 200 amp service. Each individual electrical service shall be within 15 feet of the point electricity enters the manufactured home.

(F) Registration.

(1) It shall be the duty of the operator of the park to keep an accurate register containing a record of all manufactured homes or trailers, owners and occupants of the park.

(2) The register shall contain the following information:

- (a) Name and address of the owner and each occupant;
- (b) License number and state of issue of each licensed vehicle;
- (c) Space number in which the manufactured home or trailers is parked;
- (d) Date of entering the park; and
- (e) Date of leaving the park.

(G) Site requirements.

(1) Manufactured home parks shall comply with the area, location and other dimensional requirements of this section. Prior to granting a permit for a manufactured home park, the Zoning Administrator shall require the owner or developer to submit a complete plan of the proposed park, as described in division (C) above.

(2) Site requirements for all manufactured home parks shall be as follows:

(a) The minimum size lot, tract or parcel of land to be used for a manufactured home park shall not be less than 20,000 square feet, and such lot, tract or parcel of land shall have an average width of not less than 100 feet.

(b) The amount of land for each individual manufactured home space shall be determined by the Zoning Administrator after an investigation of soil conditions, the proposed method of sewage disposal and proposed water system. However, in no case shall the size of a manufactured home space be less than 6,000 square feet or 60 feet by 100 feet, if municipal or community water and sewer is available. In the event individual septic tanks and wells are used the lot size shall be a minimum of 10,500 square feet, or 175 feet by 60 feet. Additional space requirements may be needed to meet setback or space requirements.

(c) Each manufactured home shall have a minimum five foot setback from the boundary of its individual manufactured home lot as established in division (G)(2)(b) above and each manufactured home must be at least 20 feet from any other manufactured home side-to-side, side-to-end or end-to-end. Setback requirements are measured from the outside edge of the exterior of entrance stoops, porches, steps, decks and the like.

(d) No individual manufactured home lot shall be located within 25 feet of any exterior street or any exterior boundary line of the manufactured home park site.

(e) All manufactured home spaces shall abut upon an interior street of no less than 20 feet in width, which shall have unobstructed access to a public street or highway. It is the intent of this section that each individual manufactured home space shall not access directly onto a public street or highway except through an interior street. Maintenance and repair of the streets shall be provided by the owner of the park. The streets shall be maintained so as to provide all-weather access to all manufactured home spaces at all times. The Zoning Administrator shall make the determination as to whether a manufactured home park is in compliance with this street maintenance. If a park has five or more manufactured home spaces, the interior streets shall be paved. When a park size is increased beyond four spaces the entire park shall have paved streets. If two adjacent parks are connected both parks, which are now one, shall have paved streets if total spaces exceed four. If a park has four or fewer spaces, numbers which do not require that the streets be paved, the streets shall be graded and maintained so that they are passable in all weather.

(f) Dead-end streets shall not exceed 600 feet in length. Any interior street designed to be permanently closed shall have a turnaround of at least 80 feet in diameter at the closed end.

(g) Interior streets shall intersect as nearly as possible at right angles, and no drive shall intersect at less than 75 degrees. Where a drive intersects at a public street or highway, the design standards of the state department of transportation shall apply.

(h) Suitable vehicular access for firefighting and emergency equipment, delivery of fuel, removal of refuse, parking and removal of manufactured homes and for other necessary services shall be provided.

(i) Each manufactured home park with five or more manufactured home spaces shall have one or more recreation areas with a minimum size of 2,500 square feet which shall be easily accessible to all park residents. Each addition of five manufactured home spaces shall require an additional 2,500 square feet of recreational space. Recreation areas shall be located to be free of traffic hazards and should, where topography permits, be centrally located.

(j) Parking space sufficient to accommodate at least two automobiles shall be located on each manufactured home space.

(k) No manufactured home park shall be located on ground that is subject to flooding. The park shall be graded so as to prevent any water from pending or accumulation on the premises. All ditch banks shall be sloped and seeded to prevent erosion or vegetated buffer strips shall be maintained in their natural state to prevent erosion.

(l) The manufactured home park shall have a fence buffer on three sides between the park and any adjacent residential uses other than manufactured homes unless the park is adjacent to a vacant lot or the adjacent lot contains natural features, such as a stream which would lend itself as a natural buffer. The fence shall be a seven-foot wooden fence constructed in a manner so as to make the fence opaque.

(m) The area of each individual manufactured home space shall be improved to provide an adequate foundation for the placement of the manufactured home as required by the State Building Code.

(n) Each manufactured home shall be securely anchored in accordance with the State Building Code standards.

(H) General sanitation. In each manufactured home park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities, and equipment in a clean, orderly, safe and sanitary condition.

(I) Park identification. Each manufactured home park shall have its park name on a sign clearly visible at the park entrance.

(1) Manufactured home park identification shall be limited to one sign per park entrance. No sign shall exceed 36 square feet in area.

(2) Each manufactured home lot shall be numbered and clearly marked so as to be clearly visible for emergency vehicle response.

(J) Existing manufactured home parks. Manufactured home parks existing at the time of the adoption of the ordinance from which this chapter is derived shall be allowed to continue, but shall not be allowed to expand or increase through (including but not limited to) acquisition of additional land or development of any manufactured home site or placement of any manufactured home in said manufactured home park, unless such expansion fully meets the requirements set forth in this chapter. If a manufactured home park existing before the adoption date of the ordinance from which this chapter is derived should lose its operating permit, then it shall be subject to the regulations and requirements of this chapter in the reapplication for an operating license.

(K) Manufactured home standards.

(1) Manufactured homes permitted within the Manufactured Home Zone shall be at a minimum Class B homes.

(2) Additionally, such manufactured homes shall meet the following requirements:

(a) The manufactured home shall be occupied only as a single-family dwelling.

(b) The manufactured home shall have a minimum width of 16 feet for a single wide home and twenty-four feet for a double wide home.

(c) The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part.

(d) The towing apparatus, wheels, axles, and transporting lights shall be removed and shall not be included in length and width measurements.

(e) The longest axis of the manufactured home shall be oriented parallel or within a ten degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.

(f) The manufactured home shall be set up in accordance with the standards established by the

North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina State Building Code, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.

(g) The exterior siding shall consist of one or more of the following:

1. Vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint;
2. Cedar or other wood siding;
3. Wood grain, weather resistant press board siding;
4. Stucco siding; or
5. Brick or stone siding; which shall be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(h) The pitch of the roof shall a minimum vertical rise of three and one-half feet for each 12 feet of horizontal run.

(i) The roof shall be finished with a Class A shingles, or better, roofing material that is commonly used in standard residential construction. Corrugated aluminum, corrugated fiberglass, or metal roofs shall not be permitted.

(j) All roof structures shall provide an eaves projection of no less than six inches.

(k) The manufactured home shall be permanently connected to local utilities.

(l) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed in compliance with the standards of the North Carolina State Building Code, attached firmly to the primary structure and be anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this subsection to prohibit the use of wood stairs only at any entrance to a manufactured home.

(Prior Code, § 62-9) (Ord. passed 6-13-1972; Ord. passed 12-5-1989; Ord. passed 8-4-2010; Ord. passed - -)
Penalty, see § 153.99

§ 153.21 NEIGHBORHOOD BUSINESS ZONE.

Within the Neighborhood Business Zone as indicated on the zoning map no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed for any other than one or more of the purposes specified in this section.

(A) Uses permitted.

(1) Any use permitted in any residential zone, except multi-family dwellings and solar energy system farms;

(2) Banks;

- (3) Barbershops;
 - (4) Beauty shops;
 - (5) Eating and drinking establishments with the exception of drive-in facilities;
 - (6) Florists;
 - (7) Laundries, laundromats and dry cleaning establishments;
 - (8) Offices, business and professional;
 - (9) Repair shops for jewelry, radios and television and other small household appliances;
 - (10) Signs constructed and placed in accordance with the ordinances with the town;
 - (11) Retailing establishments engaged in selling drugs, food and beverage, notions and hardware; and
 - (12) Accessory buildings and uses customarily and necessarily incident to the above specified uses.
- (B) Building height limit. No building shall exceed 35 feet in height.
- (C) Area regulations.

(1) Buildings erected in the Neighborhood Business Zone for dwelling purposes exclusively shall comply with the requirements of the R-6 Residential Zone.

(2) Where a building is erected for mixed use, namely for both dwelling and business purposes, such building shall be provided with two side yards, one on each side of the building, neither of which shall be less than eight feet in width; provided, however, that this regulation shall not apply to the side of a corner lot adjacent to the street.

(3) Where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than 20 feet in width.

(D) Front yard required. Same as R-6 Residential Zone.

(Prior Code, § 62-10) (Ord. passed 6-13-1972; Ord. passed 8-4-2010; Ord. passed - -)

§ 153.22 CENTRAL BUSINESS ZONE.

Within the Central Business Zone, as indicated on the zoning map, no lot, building or structure shall be used, and no building or structure shall be erected which is intended or designed for any other than one or more of the purposes set forth in this section.

(A) Uses permitted.

(1) Any use permitted in any residential zone and neighborhood business zone, except multi-family dwellings and solar energy system farms;

(2) Retail stores, shoe shops, barbershops, restaurants, offices, hotels, theaters, assembly halls, newsstands, service stations, public and private parking lots and garages, greenhouses and retail stores conducting incidental and secondary wholesale departments;

(3) Public utility storage or service yards;

(4) Signs constructed and placed in accordance with the ordinances of the town;

(5) Newspaper offices or printing plants;

(6) Dry cleaning, pressing plants and laundries;

(7) Freezer lockers, cold storage plants;

(8) Billiard or pool tables or rooms, bowling alleys, dance halls and other forms of public amusements;

(9) Motor freight terminal, wholesale and storage warehouses;

(10) Automobile sales, service and body repair garages;

(11) Accessory buildings and uses customarily and necessarily incident to the above specified uses;

(12) In general, business not creating or likely to create either smoke, odor, gas, dust, noise or vibration;

(13) Automobile service station; and

(14) Convenience store.

(b) Building height limit. In the Central Business Zone, every building hereafter erected or structurally altered to exceed 50 feet in height shall, above said height, be set back from the front lot line on the ratio of one foot for each two feet rise above said 50 feet in height.

(C) Area regulations.

(1) Buildings erected in the Central Business Zone for dwelling purposes exclusively shall comply with the requirements of the R-6 Residential Zone.

(2) Where a building is erected for mixed use, namely for both dwelling and business purposes, such building shall, if more than two rooms in depth, be provided with two side yards, one on each side of the building, neither of which shall be less than six feet in width; provided, however, that this regulation shall not apply to the side of a corner lot adjacent to the street.

(3) Where a lot abuts upon the side of a lot zoned residential there shall be a side of not less than 20 feet in width.

(Prior Code, § 62-11) (Ord. passed 6-13-1972; Ord. passed 8-4-2010; Ord. passed - -)

§ 153.23 HIGHWAY BUSINESS ZONE.

Within the Highway Business Zone, as indicated on the zoning map, no lot, building or structure shall be used, and no building or structure shall be erected, which is intended or designed of any other than one or more of the purposes specified in this section.

(A) Uses permitted.

(1) Any use permitted in any Residential Zone, Mobile Home Zone, Neighborhood Business Zone, and the Central Business Zone, except multi-family dwellings and solar energy system farms;

(2) Automobile washing establishments;

(3) Mobile home display lots, boat and marine sales;

(4) Building material storage and sales yards;

(5) Glass and mirror repair and sales;

(6) Animal hospitals, provided there shall be no open kennels, provided further no pens and kennel fences shall be located closer than 20 feet to any property line;

(7) Hatcheries;

(8) Commercial greenhouses;

(9) Drive-in restaurants, provided such drive-in restaurants are fenced on all sides which abut residential districts to a height of at least six feet;

(10) Motor freight terminals;

(11) Dairy bars, where the products are sold at retail on the premises only;

(12) Baseball and golf driving ranges;

(13) Golf courses, including miniature;

(14) Riding stables;

(15) Racetracks;

(16) Drive-in theaters;

(17) Coliseums;

(18) Automobile service stations; and

(19) Convenience stores.

(B) Area and yard regulations.

(1) Buildings erected in the Highway Business Zone for dwelling purposes exclusively shall comply

with the requirements of the R-6 Residential Zone.

(2) Where a building is erected for mixed use, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than two rooms in depth, be provided with two side yards, one on each side of the building, neither of which shall be less than six feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.

(3) Where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than 20 feet in width.

(Prior Code, § 62-12) (Ord. passed 6-13-1972; Ord. passed 8-4-2010; Ord. passed - -)

§ 153.24 INDUSTRIAL ZONE.

(A) In the Industrial Zone, any building or land may be used for any purpose not in conflict with any ordinance of the town, except that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the Zoning Board of Adjustment:

(1) Cement, lime, gypsum or plaster of Paris manufacture;

(2) Explosives, manufacture or storage;

(3) Fat rendering;

(4) Gas manufacture;

(5) Glue manufacture;

(6) Pulp manufacture; or

(7) Any other similar operation which may be declared objectionable by the Zoning Board of Adjustment.

(B) Area and yard regulations:

(1) Buildings erected in the Industrial Zone for dwelling purposes exclusively shall comply with the requirements of the R-6 Residential Zone;

(2) Where a building is erected for mixed use; namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than two rooms in depth, be provided with two side yards, one on each side of the building, neither of which shall be less than eight feet in width; provided, however, that this regulation shall not apply to the side of a corner lot adjacent to the street; and

(3) Where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than 20 feet in width.

(Prior Code, § 62-13) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

MISCELLANEOUS PROVISIONS

§ 153.35 HEIGHT AND AREA EXCEPTIONS AND SUPPLEMENTS.

The following requirements or regulations qualify or supplement, as the same may be, the zone regulations or requirements appearing elsewhere in this chapter.

(A) Public or semi-public buildings, hospitals, sanatoriums, schools and churches or temples, where permitted in a zone, may be erected to a height not exceeding 96 feet.

(B) Chimneys, water tanks or towers, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, or monuments, cupolas, domes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances.

(C) Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than 24 inches.

(D) Open or enclosed fire escapes, outside stairways, balconies and other necessary unenclosed projections may project into a minimum side yard not more than 50% of the required side yard and the ordinary projections of chimneys and flues may be permitted by the Building Inspector where same are so placed as not to obstruct the light and ventilation.

(E) Public use facilities may be located in any zoning district and are not subject to the building height limits, site area, or front, side or rear yards generally required in the zoning district in which the public use facility is located.

(Prior Code, § 62-14) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.36 TELECOMMUNICATIONS TOWERS.

(A) Telecommunications towers may be located in any zoning district as a conditional use subject to the requirements set forth in this section.

(1) As used herein, the term TELECOMMUNICATIONS TOWER shall mean any structure exceeding 35 feet in height which is used for the purpose of telecommunications, including, but not limited to, all "wireless communications facilities" as that term is defined in the Telecommunications Act of 1996, as amended.

(2) Telecommunications towers are subject to the following conditions.

(a) The applicant for a conditional use permit for a telecommunications tower must submit with the application such site plans, sworn statements or other documentation necessary to establish that the application meets the requirements of this section.

(b) The dimensional requirements for telecommunications towers in all districts shall be governed by this section. Telecommunications towers may be located on any undeveloped lot and as a second use on any developed lot, provided that the distance between the base of the tower and all adjoining property lines shall be one foot for every two feet of tower height.

(c) All telecommunication towers and any equipment located at the base of the tower must be enclosed by security fencing having a minimum height of eight feet. All guyed towers must also have eight-foot high security fencing around each guy anchor point.

(d) If a telecommunications tower is to be located in a zoning district in which this chapter imposes landscaping requirements, the area surrounding the fenced compound at the base of the tower must meet the landscaping requirements applicable to the zoning district. If compliance with these landscaping requirements is not practical for any reason, the applicant may propose an alternative means of compliance which will satisfy the requirements of this section so long as the base of the tower and the equipment located within the fenced compound is reasonably shielded from view from adjoining property lines.

(e) The applicant for a telecommunications tower must submit a sworn statement with the applications stating that: the tower will be designed, constructed, operated, and maintained in accordance with all applicable local, state, and federal laws, rules, and regulations, including the regulations of the Federal Communications Commission and the Federal Aviation Administration; that any tower exceeding 150 feet in height will be designed to accommodate the equipment of at least one additional telecommunications company; and that any tower which is not used for a continuous period of not less than 12 months shall be removed.

(f) No telecommunications tower shall have any signs located on the tower nor shall any tower facility be occupied as a dwelling.

(B) This section contains the regulations for placement of telecommunications towers and, to the extent that any other provisions of the zoning ordinance shall be deemed applicable to telecommunications towers, such provisions shall be construed so as to be consistent with the provisions of this section.

(C) No telecommunications tower shall be constructed except upon the issuance of a conditional use permit in accordance with the definition of "conditional use" in § 153.02. The Town Council shall have the right to modify any of the requirements contained in this section as a condition to the issuance of a conditional use permit, and shall have the right to place such additional conditions on the issuance of a conditional use permit for telecommunications tower as they deem necessary or appropriate.

(Prior Code, § 62-15) (Ord. passed 6-13-1972; Ord. 29, passed 11-9-1999; Ord. passed 8-4-2010)

§ 153.37 NONCONFORMING USES.

(A) The lawful use of a building existing at this time of the passage of this chapter shall not be affected by this chapter, although such use does not conform to the provisions of this chapter; and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building, are made therein but no such use shall be extended to occupy any land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period exceeding 120 days, every future use of such premises shall be in conformity with the provisions of this chapter.

(B) The lawful use of land existing at the time of the passage of this chapter, although such does not conform to the provisions of this chapter, shall not be affected by this chapter; provided however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of the ordinance from which this chapter is derived. If such nonconforming use is discontinued for a continuous period exceeding 120 days, any future use of said land shall be in conformity with the provisions of this chapter.

(C) A nonconforming use may be changed to a use of the same or higher classification according to the provisions of this chapter.

(1) When a zone shall hereafter be changed, any then existing nonconforming use in such changed zone may be continued or changed to a use of a similar or higher classification; provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a nonconforming use or to a lower classification.

(2) The order of classification of uses from the highest to lowest for the purposes of this section shall be as follows:

- (a) R-15 Residential uses;
- (b) R-75 Residential uses;
- (c) R-6 Residential uses;
- (d) Mobile Home uses;
- (e) Neighborhood Business uses;
- (f) Central Business uses;
- (g) Highway Business uses; and
- (h) Industrial uses.

(3) For the purposes of this section manufactured home uses shall be considered a use of lower classification than Neighborhood Business District uses; Central Business District uses and Highway Business District uses.

(D) (1) Nothing in this chapter shall be construed to prevent the restoration of a building destroyed to the extent of not more than 80% of its replacement value, exclusive of foundations, by fire, explosion, or other casualty, or act of God, or the public enemy, if such building is repaired or rebuilt within one year of the date of such damage but not thereafter. A building damaged more than 80% of its replacement value shall be rebuilt to conform to this chapter. This chapter shall not prevent this continued occupancy of use of such building or part thereof which existed at the time of such partial destruction.

(2) In residential zoning districts, a single-family detached dwelling may be erected on a nonconforming lot.

(Prior Code, § 62-16) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.38 ZONING BOARD OF ADJUSTMENT.

(A) A Zoning Board of Adjustment is hereby established. The word BOARD when used in this chapter shall be construed to mean the Zoning Board of Adjustment. Said Board shall consist of five members, appointed by the Town Council, each to be appointed for a term of three years. The original appointment shall be made in this manner: One member shall be appointed for a term of one year; two members shall be appointed for a term of

two years; and two members shall be appointed for a term of three years. At the expiration of the terms of all members first appointed all new or reappointments shall be made for a term of three years. All appointments to fill vacancies shall be for the unexpired term. The Board shall elect a chairman from its membership and such other officers as the Board deems best.

(B) The members of the Board shall receive no compensation for their services.

(1) All meetings of the Board shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact, and final disposition of appeals shall be by recorded resolution indicating the reasons of the Board therefore, all of which shall be a public record. No final action shall be taken on any matter unless a quorum be present.

(2) An appeal from the decision of the Building Inspector may be taken to the Board by any person aggrieved or any officer, department, board or bureau of the town affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board after the notice of appeal shall have been filed with him or her by reasons of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

(3) (a) The Board shall have the following powers:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Building Inspector. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector to decide in favor of the applicant any matter on which it is required to pass this chapter or to effect any variation in this chapter;

2. To permit a temporary building for business in the residential zone, which is incidental to the residential development, such permit to be issued for a period of not more than one year; and

3. To authorize upon appeal in specific cases variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in undue hardship, and so that the spirit of this chapter shall be observed and substantial justice done.

(b) In considering all proposed variations to this chapter, the Board shall, before making any finding in a specified case, first determine that the proposed variation will not constitute any change in the zones shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals and general welfare. In granting a variance the Board may attach hereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before a variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. A variance may be granted only

when the practical difficulty or undue hardship complained of is due to the particular characteristics of the property and not to the general conditions of the neighborhood which may reflect an undue stringency of this chapter itself. A hardship peculiar to the applicant, as distinguished from others affected by the general rule, must be shown. The fact that property may be utilized more profitably will not be considered adequate to justify the Board in granting a variance.

(4) Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the town may within 30 days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review as provided by law.

(Prior Code, § 62-17) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

Statutory reference:

Board of Adjustment, see G.S. § 160A-388

§ 153.39 ZONING COMPLIANCE CERTIFICATE.

(A) No building or other structure shall be erected, moved, extended, enlarged or structurally altered until a building permit for such work has been issued by the town.

(B) Each application for a building permit shall be accompanied by such building plans or other information as may be necessary to determine if the provisions of this chapter are being observed.

(C) This chapter shall be administered and enforced by the Zoning Administrator, or his/her designated representative, who shall be named by the Town Council and is hereby empowered to:

(1) Issue a zoning compliance certificate as a prerequisite to issuance of a building permit by the County Building Inspections Department;

(2) To collect the designated fees approved by the Town Council for requests for amendments, conditional use permits, variances, appeals and plat filings; and

(3) To make and keep all records necessary and appropriate to the office, including records of issuance and denial of all zoning compliance certificates, conditional use permits, variances, appeals, complaints and violations of this chapter and actions taken.

(D) Application for a zoning compliance certificate shall be made to the Zoning Administrator. Each application shall be accompanied by plans sufficient in detail to show the exact location of all structures, parking, utilities, streets and any other information the Zoning Administrator deems necessary to satisfy the requirements of this chapter, except that for residential accessory buildings, a simple plot plan showing location of buildings on the lot may be submitted.

(Prior Code, § 62-18) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.40 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

(A) No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the town stating that the building and/or the proposed use thereof complies with the provisions of this

chapter. A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use.

(B) A certificate of occupancy, either for the whole or part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alterations of such building or part shall have been completed in conformity with the provisions of this chapter. A record of all certificates shall be kept on file in the town office, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building erected.

(C) No permit for excavation for, or erection of, any building, or part of a building, or for repairs to, or alteration of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

(1) No building, sign or other structure shall be erected, added to, relocated or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Building Inspector or his/her designee issues a building permit in accordance with the requirements of this chapter.

(2) No building which has been erected, added to, relocated or structurally altered for which a permit has been issued shall be used or occupied, nor the use of any building or land changed, until a certificate of occupancy has been issued by the Building Inspector stating that the building or structure, or part thereof, complies with the provisions of this chapter. No previously unoccupied structure shall be occupied until the certificate of occupancy is issued.

(3) No temporary utilities shall be connected until a building permit is issued. No permanent utilities shall be connected until a certificate of occupancy is issued.

(4) The county provides building inspection services within the corporate limits and the extraterritorial jurisdiction of the town. Application for a building permit and certificate of occupancy shall be made with the County Building Inspections Department. A zoning compliance certificate must be obtained from the Zoning Administrator before application can be made for a building permit.

(5) No building permit shall be issued until the plans and specifications of said building comply with the State Building Code, the county inspections ordinance, the provisions of this chapter, municipal zoning and land use regulations and a zoning compliance certificate has been executed by the town.

(Prior Code, § 62-19) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.41 INTERPRETATION, PURPOSE, CONFLICT.

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

(Prior Code, § 62-20) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.42 CHANGES AND AMENDMENTS.

The Town Council may from time to time on its own motion or on petition after public notice and hearing

as provided by law amend, supplement, or change, modify, or repeal the boundaries or regulations herein or subsequently established. Provided, however, the Town Council may refer any proposed amendment to the zoning ordinance or map to the Planning Board for its recommendation and report. In case, however, of a protest against such change signed and acknowledged by the owners of 20% or more of the frontage proposed to be changed or of the areas of the lots on either side thereof, or of the frontage immediately in rear thereof, or directly opposite thereto, such amendment shall not be passed except by a three-fourths vote of all the members of the Town Council present and voting.

(Prior Code, § 62-21) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.43 ENFORCEMENT.

The Building Inspector or other person designated by the Town Council is hereby authorized, and it shall be his or her duty, to enforce the provisions of this chapter. Appeal from the decision of the Building Inspector or other designated enforcement officer may be made to the Zoning Board of Adjustment.

(Prior Code, § 62-22) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.44 BUILDING PERMITS PRIOR TO EFFECTIVE DATE.

No section of this chapter shall in any way prohibit, restrict, or affect in any manner or form any person, firm or corporation who has secured a building permit issued by the town prior to June 13, 1972.

(Prior Code, § 62-23) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

§ 153.45 EXTRATERRITORIAL JURISDICTION.

Pursuant to G.S. § 160A-360, the town shall exercise extraterritorial jurisdiction over the area hereinafter described which is contiguous to the limits of the town and not more than one mile distant at any point therefrom, to wit: beginning in the center of the intersection of U.S. Highway 13-N.C. Highway 11 and N.C. Highway 30 and running thence eastwardly along the centerline of N.C. Highway 30 to its intersection with N.C. Secondary Road 1508; thence northwardly in a straight line to the common juncture of the boundaries of Edgecombe, Martin and Pitt Counties; thence westwardly with the boundary line of Edgecombe County to its intersection with Crisp Branch Canal; thence southwardly in a straight line to the intersection of U.S. Highway 64 and N.C. Secondary Road 1431; and thence from that point a straight line to the intersection of U.S. Highway 13-N.C. Highway 11 and N.C. Highway 30, the point of beginning.

(Prior Code, § 62-24) (Ord. passed 7-2-1980; Ord. passed 8-4-2010)

Statutory reference:

Territorial jurisdiction, see G.S. § 160A-360

§ 153.99 PENALTY.

Any person, firm or corporation who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 or imprisoned not exceeding 30 days. Each day that violation continues to exist shall be considered a separate offense.

(Prior Code, § 62-24) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)