

ZONING ORDINANCE

TOWN OF GLEN ALPINE

NORTH CAROLINA

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Article I

INTRODUCTORY PROVISIONS

Section 32.00 Purpose and Authority.

For the purpose of promoting the health, safety, morals and the general welfare of the community, an ordinance regulating the uses of buildings, structures and land for trade, industry, commerce, residence, recreation, public activities or other purposes; the size of yards, courts and other open spaces; the location, height, bulk, number of stories and size of buildings and other structures, the density and distribution of populations; creating districts of said purposes, and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, amendment and enforcement; providing penalties for violations; providing for a Board of Adjustment and defining the duties and powers of said Board; repealing conflicting ordinances; and for other purposes pursuant to the authority granted by the General Statutes of North Carolina (160D-107; -109;-406;-702;-704;-705;-903;-908)

Section 32.01 Short Title.

This Ordinance shall be known as the "Zoning Ordinance of the Town of Glen Alpine, North Carolina" and may be referred to as the "Zoning Ordinance," and the map which identified by the title "Official Zoning Map, Glen Alpine, North Carolina," may be known as the "Zoning Map."

Section 32.02 Enactment Clause.

The Town Aldermen of the Town of Glen Alpine, in pursuance of the authority granted by the General Statutes of North Carolina, particularly Chapter 160D (160D-107; -109;-406;-702;-704;-705;-903;-908), hereby ordains and enacts into law the following Sections.

Section 32.03 Interpretation and Application.

- (A) Interpretation and Application. In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purposes of the Ordinance. Except as herein provided, this Ordinance shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of this Ordinance impose greater restrictions upon the use of the land or buildings or upon the height of buildings or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits or any easements, covenants or other agreements between parties, the provisions of this Ordinance shall govern, except as provided in Sections 32.71 of this Ordinance.
- (B) Compliance with Ordinance. No land, building, or structure shall be used, no buildings or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged or altered except in conformity with this Ordinance.
- (C) Zoning Jurisdiction. The provisions of this Ordinance shall be applicable to all property within the corporate limits of the Town of Glen Alpine.

Section 32.04 Provisions for Official Zoning Map.

- (A) Official Zoning Map. The districts established in Section 32.2 to 32.22 of this Ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Ordinance.
- (B) Identification of Official Zoning Map. The Official Zoning Map shall be identified by signature of the Mayor, and attested by the Town Clerk. Zoning map shall be posted in a public place and made available for viewing. The maps may be in paper or a digital format approved by the local government (G.S. 160D-105). The zoning map properly attested is posted at the Glen Alpine Town Hall and is available for inspection by the public.

Section 32.05 – Separability

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

Section 32.06– Relation to Other Ordinances

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

Section 32.07 – Definition of General Terms.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have meaning indicated when used in this Chapter.

- (A) Interpretation and Definition of Certain Terms and Words. For the purpose of interpreting this Ordinance, certain words or terms and herein defined. Unless otherwise stated, the following words shall for the purpose of this Ordinance have the meaning herein indicated.
- (B) Words used in the present tense include the future tense.

- (C) Words used in the singular tense include the plural and words used in the plural number include the singular.
- (D) The word "person" includes a firm association, organization, partnership, corporation, trust and company, as well as an individual.
- (E) The word "lot" includes the word "plot" or "parcel."
- (F) The word "building" includes the word "structure."
- (G) The word "shall" is mandatory, not directory.
- (H) The word "may" is permissive.
- (I) The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designated to be used" or "occupied."
- (J) The words "residential property" shall apply to land zoned for residential use and to other land occupied by residential structures.
- (K) The words "a map", "a zoning map", or "Glen Alpine Zoning Map" shall mean the Zoning Map of Glen Alpine, North Carolina
- (L) The words "article," "Zoning Ordinance," or "Glen Alpine Zoning Ordinance" shall mean the Zoning Ordinance of Glen Alpine, North Carolina.
- (M) The words "Glen Alpine planning area" or "planning area" shall mean the area within which Glen Alpine exercises zoning authority.

Section 32.08 - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All other words not defined below shall be defined by the North American Industry Classification System (NAICS). If the word cannot be found in the NAICS the standard edition of the Webster's Dictionary shall be used.

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this ordinance.

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

ACCESSORY APARTMENT. A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

ACCESSORY STRUCTURE. See Structure, Accessory.

ACCESSORY USE. See Use, Accessory.

ACCESS EASEMENT. The right of a dominant property owner to use the property of a servient owner for egress and ingress. For purposes of this Ordinance, all access easements shall include the right to install utilities.

ADULT USES. Any structure or use of land which meets the definition of an adult establishment as outlined in G.S.14-202.10. For the purposes of this zoning ordinance, lingerie modeling, exotic dancing and private dancing shall be considered as and subject to the same ordinances and regulations as those provided for adult uses. (Licensed health massage/body work therapists shall not be considered an adult massage business)

AGRICULTURAL LAND. Any parcel of land which is used in the raising of agricultural, dairy, or forest products, livestock, poultry, or fur-bearing animals. (See Bona Fide Farm)

AGRICULTURAL, CROP PRODUCTION. The use of land for the primary purpose of raising and harvesting row, field, or tree crops on a commercial basis on a bona fide farm. The growing and sale of agricultural crops on the premises shall not constitute agricultural crop production. (See Bona Fide Farm).

AGRICULTURAL, LIVESTOCK PRODUCTION. The use of land for the primary purpose of raising animals or producing animal products, such as eggs or dairy products, on a commercial basis on a bona fide farm, including grazing, ranching, and dairy farming. (See Bona Fide Farm).

AIRPORT, PRIVATE. A landing field for the private use of the property owner or lessee, including hangar area for aircraft used by the owner or lessee at the private airport.

AIRPORT, PUBLIC. Landing fields, aircraft parking or service facilities, passenger or baggage terminals, or related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of aircraft, operated by an airport authority or other corporation.

ALLEY. A vehicular way used for providing service access along rear or side property lines of lots.

AMMUNITION MANUFACTURING. The manufacture of small arms ammunition, comprising any activity classified under 2007 North American Industry Classification System (NAICS) code 332992.

AMORTIZATION. The process of providing for a timed extinction of a use, which is not in compliance with this Ordinance.

AMUSEMENT PARK. A commercially operated enterprise that offers rides, games, and other forms of entertainment. This does NOT relate to an Adult Establishment or Use.

ANIMAL HOSPITAL/VETERINARY CLINIC. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

AQUARIUM. An establishment where aquatic collections of living organisms are kept and exhibited.

APARTMENT. A room or suite of rooms which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation in each separate unit.

APPEAL. An action requesting reversal or modification of an interpretation or decision made by the Zoning Administrator in the application of these regulations.

ASPHALT PRODUCTS MANUFACTURING. A facility preparing asphalt and/or concrete mixtures for street, parking lot and driveway paving.

AUCTION HOUSE. A structure or enclosure where goods are sold by auction.

AUTOMATIC TELLER MACHINE. A machine that provides banking or financial services.

AUTOMOTIVE BODY REPAIR: An establishment where the following services may be rendered on a motor vehicle: body repair, straightening of automotive body parts, painting, welding, storage of automobiles not in operating condition.

AUTOMOTIVE REPAIR: A building or area used for the temporary storage, care, and repair of motor vehicles including both minor and major mechanical overhauling.

AUTOMOTIVE SERVICE STATION: A building used for the sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto. Fuel pumps shall be located at least twenty (20) feet from any property or right-of-way line. Facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building. Service Stations shall not include premises where

heavy automobile maintenance activities such as engine overhauls, automobile painting, and bodywork are conducted.

AUTOMOBILE SALVAGE/ WRECKING YARD. Any establishment which is maintained, used or operated for storing, keeping, buying and/or selling two or more wrecked, junked, scrapped, ruined, dismantled or inoperable motor vehicles, regardless of the length of time which individual motor vehicles are stored or kept at said establishment. Shall meet all requirements of the Glen Alpine Solid Waste Ordinance and requirements and specifications related to NCGS and NCDOT notification under the Junkyard Control Act (G.S. §§ 136-141—136-155).

AUTOMOBILE, TRUCK, AND MOTORCYCLE SALES. An establishment primarily engaged in the retail sale of new and used automobiles, trucks, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, golf carts, utility trailers, and similar items.

BANK: Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

BAR: A commercial enterprise devoted primarily to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. Bars include taverns, pubs, night clubs, and similar drinking establishments serving alcoholic beverages. (See BREW PUB BAR and CRAFT BOTTLE BEER TAPROOM).

BASE FLOOD. A flood having a one percent chance of being equaled or exceeded in any given year. (See Flood Damage Prevention Ordinance).

BASE FLOOD ELEVATION. The elevation of the reach of the one hundred-year flood waters. (See Flood Damage Prevention Ordinance).

BASEMENT. That portion of a building that is partly or completely below grade. A basement shall be termed a cellar when more than one-half of its height is below the average adjoining grade. A basement shall be termed a story if the vertical distance from the average adjoining grade to the ceiling is more than five feet (5').

BED AND BREAKFAST. An owner-occupied or manager-occupied residential facility providing no more than 12 rooms for overnight lodging, or lodging and meals.

BEST MANAGEMENT PRACTICES (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. (See STORMWATER CONTROLS)

BOARDING HOUSE/SHARED HOUSING. A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, where meals or lodging is provided for

three or more persons, but not to exceed five persons. The owner of the boarding house shall reside on the premises and be included into the five persons.

BONA FIDE FARM. Agriculture activities as set forth in GS 160D-9-3. Crop lands, timber lands, pasture lands, orchards, idle or other farm lands as well as any farm houses, barns, poultry houses, and tenant houses for workers, as long as such houses for workers shall be in the same ownership as the farm and located on the farm. (The above definition relates to zoning and should not be associated with tax or other definitions).

BREW PUB/BAR. A restaurant-pub that sell 25% of its own beer on site. The beer is brewed primarily for sale in the restaurant or pub (bar).

BREWERY (INDUSTRIAL): An industrial use that brews ales, beers, meads, and/or similar beverages on site in greater volume than that described in the definition for BREWEY (MICRO). The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

BREWERY (MICRO): A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

BUFFERS. The portion of a yard where special plantings or fences may be required by the Zoning Ordinance to separate and partially screen two adjacent land uses that are ordinarily incompatible. Buffers may include uniform walls, fences, hedges, landscaped areas, berms, additional setbacks or, at the discretion of the Zoning Administrator, combinations of the above.

BUFFER (WATERSHED). 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 waters and from the bank of each side of free-flowing streams, rivers, branches, etc.

BUILDABLE AREA. The area of a zoning lot remaining after the minimum setback requirements of this Ordinance have been satisfied.

BUILDING, (SEE STRUCTURE). Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

BUILDING, ACCESSORY. A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building, and located on the same lot there with. (See ACCESSORY STRUTURE, ACCESSORY USE)

BUILDING COVERAGE. See (LOT COVERAGE).

BUILDING, PRINCIPAL. The building in which the principal use of the zoning lot is conducted. . A structure, or where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

BUILDING HEIGHT. The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest adjacent grade to the building to the highest point on the building.

BUILDING, SETBACK. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost five feet (5') of any overhang, uncovered porches, steps, gutters, and similar fixtures, and the related front, rear, or side property or right-of-way line, whichever is closest to the building.

BUILT-UPON AREA. That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel, recreation facilities, etc., excluding wooden slatted decks and the water area of a swimming pool.

BUILDING MATERIALS, SALES. An establishment engaged in selling lumber and a general line of building materials and hardware to the public.

BUSINESS, GENERAL. Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community, including supermarkets, department stores, discount stores, variety stores, hardware and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, automotive supply stores, and appliance stores.

BUSINESS OFFICES. An establishment primarily engaged in providing: accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, charitable, philanthropic, religious, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS. A site intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes. All uses are to be supplied with public sewer and water where available or approved engineered systems can be used in lieu of public facilities.

CARPORT. A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

CAR WASH. An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles; a building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

CEMETERY, PUBLIC. Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium.

CEMETERY, PRIVATE. Land and facilities used for the burial of the dead, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.

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

CHILD CARE CENTER. A day care facility in which day care is provided for thirteen or more children when any child is preschool-age, or sixteen or more children when all children are school age. (See DAYCARE CENTER)

CHILD DAY CARE (SMALL HOME). A day care operation in which day care is provided for up to five preschool-age children, plus up to three additional school-age children.

CHILDREN'S HOME. A facility engaged in the care of children who have been abandoned or given up for adoption. Such home may include living quarters, dining areas, recreation areas, education facility, etc. (See Home Occupation)

CHURCH. A facility of a religious organization operated for worship and which may include religious training or study.

CLINIC. An organization of professional specialists such as physicians or dentists, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

CLUB OR LODGE. A building or land used for the activities of a non-profit membership organization for recreation or social purposes but not adjunct to or operated in connection with a drinking establishment (bar, nightclub, or tavern) or an Adult Use.

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential and multi-family developments. For the purpose

of this Ordinance, planned unit development and mixed use development are considered as cluster development.

CODE ENFORCEMENT DEPARTMENT. Glen Alpine Code Enforcement Department. (Inspections Department).

COMMON OPEN SPACE. Open space held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants.

COMMUNITY CENTER, PUBLIC. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

COMMUNITY CENTER, PRIVATE. An area or facility established to serve as a recreation and/or meeting area for the residents of a subdivision or development if the site is shown on the approved subdivision or development plans.

COMPREHENSIVE PLAN. A plan, or any portion thereof, adopted by the Glen Alpine Planning Board and Town Aldermen, establishing goals, objectives, and policies designed to manage the quantity, type, cost, location, timing, and quality of development and redevelopment in the Glen Alpine community.

SPECIAL USE PERMIT. A permit, granted by the Town Aldermen after the holding of a public hearing, which authorizes a use which would not generally be appropriate throughout a particular zoning district, but which, if controlled as to number, size, location, or relation to the neighborhood, would promote the public health, safety, and general welfare.

CONDOMINIUM. A dwelling unit owned as a single-family home within a multiple property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms such as attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units, and elevators.

CONSTRUCTION, START OF. After issuance of a building permit by the Inspections Department, the first placement of a structure, including a manufactured home, on a site, for which a building inspection is required. This shall include forming, and bracing for concrete placement; the subsequent installation and tying of steel reinforcements for footings, piles, or columns (if required), the pouring of slabs, or footings, or excavation or the placement of a manufactured home on a foundation.

CONTIGUOUS AREA. Any area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

CONVENIENCE CENTER. A lot or parcel of land established by a local government for the collection of recycling material and/or other solid waste.

CONVENIENCE STORE. A retail establishment where beverages, packaged food, tobacco products or similar convenient goods for customers are sold, and where, in addition gasoline and/or diesel fuel is supplied and dispensed.

CORNER LOT. See Lot, Corner.

CORRECTIONAL FACILITY. A facility providing housing and care for individuals confined by law, operated under the authority of local, State, or Federal government.

COTTAGE DEVELOPMENT. A cluster of small detached single-family residences constructed to specific design standards and arranged around common open space, generally at a higher density than the underlying zoning would allow for traditional detached single-family residential development.

COTTAGE HOME. A small detached single family residence constructed to specific design standards and arranged around common open space as part of a cottage development.

COUNTRY CLUB (PRIVATE). A private club that requires a paid membership that has an area designed for golf, including a Par 3 golf course, having at least nine holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

COUNTRY CLUB (PUBLIC). An area open to the public, designed for golf, including a Par 3 golf course, having at least nine holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

CRAFT BEER BOTTLE SHOP/TAPROOM. An establishment that offers various beers for sale on tap or for on-premise consumption and by the bottle, for off-premise consumption.

CRITICAL AREA (WATERSHED). The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as the area one-half mile upstream and draining to a water supply reservoir or water intake located in a stream or river; or to the ridge line of the watershed, whichever comes first.

CREMATORIUM. A location containing properly installed, certified apparatus intended for use in the act of cremation.

CROP PRODUCTION. SEE AGRICULTURAL CROP PRODUCTION.

DAY CARE HOME. A private residence where care, protection, and supervision are provided on a regular schedule, to no more than five (5) preschoolers and three (3) school age children at one time, including children of the adult provider.

DAY CARE CENTER. A building or structure where care, protection and supervision is provided on a regular schedule to at least five (5) or more children, including the children of the adult provider.

DENSITY. The ratio of dwelling units permitted on a zoning lot to the area of the zoning lot.

DEVELOPMENT. The use or occupancy of any land or structure, or the construction, erection, alteration, or moving of any structure; any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DIRECTOR OF PLANNING AND DEVELOPMENT. The Director of the Glen Alpine Planning and Development Department.

DISTILLERY. A facility or establishment engaged in the manufacture, production, distillation, packaging and distribution of spirituous liquor.

DOMESTIC PETS. Animals that are customarily kept for company, pleasure, or enjoyment within the home or yard such as domestic dogs, domestic cats, domestic tropical birds, domestic rodents, domestic rabbits, and domestic fish. Horses may be kept as pets only in the RA20 district provided that there is a minimum of three acres of property available for each animal's use and the property shall be completely enclosed by fence.

DRIVEWAY: A vehicular way, other than a street or alley that provides vehicular access from a street to or through off-street parking and/or loading areas.

DWELLING, DUPLEX. A building containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from the exterior wall to exterior wall, except from a common stairwell exterior to both dwelling units.

DWELLING, MODULAR. 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, having a permanent foundation and inspected as a site built home.

DWELLING, MODULAR (ON FRAME). See manufactured home.

DWELLING, SINGLE-FAMILY (Site-built). A residential building constructed completely on-site for occupancy by one single family.

DWELLING, MULTIPLE OR MULTIFAMILY. A building constructed on-site in compliance with the North Carolina State Building Code and designed for three or more dwelling units living independently of each other.

DWELLING UNIT. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and held ready for use as a permanent residence by a family. The term "dwelling unit" shall not be deemed to include a motel, hotel, tourist home, motor home, trailer, tent or other structure designed for transient residence.

EASEMENT. A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by the public, a utility or other persons.

EMS DEPARTMENT. Burke County Emergency Services Department.

ENGINEER. A person licensed to practice engineering in the State of North Carolina.

ENVIRONMENTAL HEALTH. Burke County Environmental Health Department.

EROSION. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

EROSION CONTROL ACT. The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments. (Regulated by NCDEQ)

EROSION, NATURAL. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions on property undisturbed by man.

ESSENTIAL SERVICES. Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet).

Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.

Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

EVENT. An event is an activity or gathering which meets any of the following criteria. An event means an activity or gathering in any calendar year which is conducted, organized and sponsored by non-profit organizations or for-profit organizations and is open to all participants on an equal basis. Includes both indoor and outdoor events. These events may need special use approval to determine the following impacts

1. Use of or impact/encroachment on any city street, sidewalk, alley or other right-of-way area (which includes any indirect impact that will affect the flow of typical vehicular or pedestrian traffic).
2. Is likely to draw a crowd to a venue not properly suited and has the potential to require special accommodations, regulations, traffic control devices, noise control, or public service personnel.
3. Presence or participation of any for-profit or non-profit vendor that intends to make a sale, advertise for sale, solicit sales, offer for sale, distribute business/organizational information, or provides a service or offer/advertise to provide a service and is not already properly licensed to do so by the Town of Glen Alpine Adopted.
4. May require the approval of two or more town departments for inspections, assistance or permits. Including noise that is generated from the event.

EXISTING DEVELOPMENT: Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (1) having expended substantial resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

FAMILY. One or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or a number of persons eighteen years or older, not exceeding four and their children or stepchildren under eighteen years of age, living together in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises. A family may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, sorority, social, honorary, or professional organization.

FAMILY CARE HOME. A housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter SSA, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse. This use shall include Family Care Homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C3-(11), and shall not include persons living together as a fraternal, sorority, social, honorary, or professional organization.

FARM TENANT HOUSING. A dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.

FARM BONA FIDE. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries. Bona fide farms are permitted under the NC Dept of Revenue licenses.

FARMERS MARKET. The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FINANCIAL INSTITUTION. A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

FEDERAL AVIATION ADMINISTRATION. FAA

FEDERAL COMMUNICATIONS COMMISSION. FCC

FEDERAL TELECOMMUNICATIONS ACT OF 1996. FTA.

FIREARMS MANUFACTURING. The manufacture of small firearms that are carried and fired by the individual, comprising rifles manufacturing and any activity classified under 2007 North American Industry Classification System (NAICS) code 332994.

FIRE MARSHALL. Burke County Fire Marshall's Office.

FIRING RANGE, INDOOR. An enclosed facility designed as business or commercial enterprise for public or private use and used for the discharge of firearms at targets.

FIRING RANGE, OUTDOOR. An outdoor facility designed as a business or commercial enterprise for public or private use and used for the discharge of firearms at targets.

FLAG LOT. Lots or parcels that are approved by the Town of Glen Alpine which have an access corridor providing a minimum of thirty-five (35') of frontage on an approved public street, with the bulk of the lot or parcel being otherwise landlocked by other property. Such access shall have a minimum width of 35 feet. The area of the access corridor shall be excluded in computing the lot area and width, and the length of said strip shall not exceed one hundred (100) feet.

FLEA MARKET. An occasional or periodic sales activity held within a structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

FLASHING SIGN. Any sign which contains a light source and maintains the same appearance or copy display for twenty-nine (29) seconds or less. Electronic message boards whose copy display or message does not change more frequently than every thirty (30) seconds shall not be considered flashing.

FLOODPLAIN. That area within the one-in-one hundred (100 year) regional flood contour elevation subject to periodic flooding as designated by the Zoning Enforcement Officer based upon United States Department of Housing and Urban Development FIA Flood Hazard Boundary Maps.

FLOOD BOUNDARY AND FLOODWAY MAP. An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said maps also contain cross sectional information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

FLOOR AREA, GROSS. The total number of square feet on all floors of a building, as measured from the outside faces of the building.

FOOD STORE. An establishment primarily engaged in selling food for home preparation and consumption, and other related items.

FOOD SERVICE TRUCK/TRAILER/CART. Food truck shall mean a vehicle propelled by an engine which has been specifically designed or used for mobile food vending. "Food truck industry" shall mean both food trucks and food trailers shall mean, for the purposes of a mobile food vending license, a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation.

FRONT LOT LINE. See Lot Line, Front.

FRONT YARD. See Yard, Front.

FRONTAGE. The property abutting on one side of a street measured along the street right-of-way line.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging funerals.

FURNITURE AND HOME FURNISHINGS STORE. An establishment primarily engaged in the retail sale of new or used household furniture, floor coverings, draperies, curtains, and upholstery materials, and miscellaneous home furnishings, such as bedding and linens, lamps and shades, mirrors, venetian blinds, and window shades.

GARAGE, PUBLIC. A building designed and used for the storage of automobiles and operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles

GOLF DRIVING RANGE. An open-air golf practice facility.

GOVERNMENT BUILDING. A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

GRADE. An average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

GRADING BUSINESS. A business that provides grading services and that does not store or manufacture asphalt, concrete, sand or other similar materials on site.

GREENHOUSES, PRIVATE. A small facility where plants are grown for personal use, not for retail or commercial sale.

GREENHOUSES AND NURSERIES, COMMERCIAL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public.

GREENWAY. A linear open space along a natural or constructed corridor which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, schools, or historic sites with each other and with populated areas.

GROUND COVER. Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

GROUP DEVELOPMENT. Development of multiple buildings and/or uses within single parcel or parcels such as a manufactured home park, multifamily development, shopping center, mini warehouses, or office complex.

GROUP CAMP. A camp providing camping facilities for ten (10) or more people. Include public water and sewer infrastructure or engineered water and waste disposal systems.

GROUP HOME. Any facility licensed by the North Carolina State Department of Human Resources, by whatever name it is called, other than a "family care home", as defined by this ordinance, with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than nine (9) resident persons. homeless persons and those recovering from drug or alcohol abuse. This use shall include Family Care Homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C3-(11), and shall not include persons living together as a fraternal, sorrel, social, honorary, or professional organization. Such group homes shall not be within a one-half mile radius of an existing family care or group home as measured from property line to property line.

HARDSCAPING. A paved area (concrete, paver blocks, stone, or other generally impervious surface) designed to serve as a public or private site amenity that includes benches or other street furniture, children's play areas, landscaped islands, and/or similar features that support its function as an amenity area.

HARDWARE STORE. An establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, paint, and housewares, lumber and other related items.

HATCHERIES. An establishment where the eggs of fish or chickens are incubated and raised for commercial purposes.

HAZARDOUS MATERIAL. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances; or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances).

HAZARDOUS SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101 (a) (105). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemicals which are carcinogens, toxins, corrosives, and irritants.

HELIPORT. A landing and takeoff place for a helicopter.

HILLSIDE SUBDIVISION. Land proposed to be subdivided which has a slope of sixteen per cent (16%) or greater. That is, an average difference in elevation of at least sixteen (16) feet in a horizontal distance of one hundred (100) feet. The average shall be obtained from at least fifteen (15) measurements, each twenty (20) feet from the next.

HOME OCCUPATION (Customary). A business, profession, occupation, or trade for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the lot. Any use conducted entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

HOSPICE AND PALLIATIVE CARE FACILITY. A freestanding licensed facility(s) which provides palliative and supportive medical and other health services to meet the holistic needs of terminally ill patients and their families in an inpatient or group residential setting.

HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, administration, and other related services.

HOTEL OR MOTEL. A building or group of buildings used principally to provide shelter, with or without meals, for not fewer than four paying guests.

INDUSTRIAL DEVELOPMENT. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product.

INOPERABLE VEHICLE. Any wrecked or non-operable automobile, truck, or other vehicle which does not bear a current license plate

JUNKYARD. Any open area which is maintained, operated, or used for storing, keeping, dismantling, disassembling, salvaging, buying or selling junk regardless of length of time that junk is stored or kept and shall meet the requirements of the Glen Alpine Solid Waste Ordinance and requirements and specifications related to NCGS and NCDOT notification under the Junkyard Control Act (G.S. §§ 136-141—136-155). The use of more than four hundred (400) square feet of any lot for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of inoperable motor vehicles and dismantling of such vehicles or machinery

total of three (3) dogs or cats or other small animals or a combination thereof (except litters of animals of not more than six months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats or other small animals for commercial purposes. Kennels may conduct other such incidental activities, such as the sale of animals, treatment of the animals, grooming or cleaning, and the sale of pet supplies. Domesticated animals, for the purpose of this ordinance, shall be defined as dogs, cats, and other generally accepted household pets.

KENNEL- NON-COMMERICAL. Any location where the boarding, caring for and keeping of more than three (3) but not more than five (5) dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) is carried on, not for commercial purposes, but as a hobby such the raising of show and hunting dogs.

LAKE OR NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or manmade.

LAND DISTURBING ACTIVITY. Any use of the land by any person that results in a change in the natural cover or topography that may cause or contribute to sedimentation. May require a permit from NCDEQ.

LANDFILL, CONSTRUCTION AND DEMOLITION. A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures. Such landfills shall meet criteria set by the State of North Carolina.

LANDFILL, SANITARY. A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances. Such landfills shall meet criteria set by the State of North Carolina.

LANDOWNER. Any owner of real property, including the heirs, successors, assigns and personal representative of such owner. The owner may allow a person holding a valid option to purchase,

to act as his agent or representative for purposes of submitting a proposed site-specific development plan in the manner allowed by this Ordinance.

LANDSCAPE ARCHITECT. A person licensed to use the title of landscape architect in the State of North Carolina.

LIBRARY, PUBLIC. A publicly operated facility housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

LIQUOR STORE. An establishment regulated by the Alcoholic Beverage Control Board selling alcoholic beverages.

LIVESTOCK PRODUCTION. SEE AGRICULTURAL LIVESTOCK PRODUCTION.

LIVESTOCK SALES. A commercial establishment wherein livestock is collected for sale or auctioning.

LOG HOME MANUFACTURING. A facility where all components of log homes are produced and shipped to work sites.

LOT. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax map) and which is recognized as a separate tract for purposes of transfer of title. For purposes of this Ordinance, the word "lot" shall mean having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

LOT, ADJACENT. Any lot or parcel, which has a common boundary, right-of-way, or easement with the subject lot.

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

LOT COVERAGE. The percentage of a lot which may be covered with buildings or structures (excluding walks, drives, and other similar uses) and recreational facilities which are accessory to a permitted use (such as swimming pools). Properties within the critical or protected areas as defined by the Water Supply Watershed Protection Act shall include walks, drives, and all other impervious and graveled surfaces in the total lot coverage.

LOT, DOUBLE FRONTAGE. A lot having frontage on two or more streets. A corner lot shall not be considered as having double frontage unless it has frontage on three or more streets.

LOT, INTERIOR. A lot other than a corner or double frontage lot.

LOT FRONT. That side of a lot, which fronts on a street regardless of the orientation of the house/building. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations by labeling the front and side-building lines as such on the final plat or plot plan.

LOT LINE. A line or series of connected line segments bounding a lot.

LOT LINE, FRONT. The line, which separates the lot from a street right-of-way, or access easement.

Regardless of the orientation of the house, the front lot line is that along the right-of-way or easement.

LOT LINE, REAR. That lot line, which is opposite and most distant from the front lot line. In cases where neither of these conditions is applicable, the Zoning Officer shall designate the rear lot line.

LOT LINE, SIDE. A lot line other than a front or rear lot line.

LOT, NONCONFORMING. A lot which does not meet all the dimensional requirements of the zoning district in which it is located, which exists by virtue of the fact that it lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.

LOT WIDTH. The horizontal distance between the side lot lines at the building front setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

LOT OF RECORD. A lot which is a part of a subdivision plat which has been recorded in the office of the register of deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

MALL. See “Shopping Center”.

MAJOR WATERSHED VARIANCE. A variance from the minimum statewide water supply watershed protection criteria that results in any one or more of the following:

- (1) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater system;
- (2) the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
- (3) the relaxation, by a factor greater than five (5) percent, of any buffer or built-upon area requirement under the high density option.

MANUFACTURED HOME. A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant after 1994 and designed to be

transported to the home site on its own chassis. For the purpose of this ordinance, an on frame modular is included in this definition since tie downs are required. (See mobile home). A dwelling unit constructed and designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of forty (40) feet or more in length and eight (8) feet or more in width. It shall also comply with the National Mobile Home Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. This term shall also include the term "Mobile Home".

Class A Manufactured Home (multi-section/double-wide). A manufactured home that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and is a multi-section unit.

Class B Manufactured Home (single-wide). Class B single-wide manufactured home that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and is a single-wide unit.

MANUFACTURED HOME PARK. (MOBILE HOME PARK) A track of land set up with two (2) or more mobile or manufactured home spaces for lease or rent.

MANUFACTURED AND ON FRAME MODULAR HOMES, AND RECREATIONAL VEHICLE SALES. An establishment primarily engaged in the retail sale of new and used manufactured homes, modular homes, recreational vehicles, and similar items.

MANUFACTURED HOME SPACE. The land in a manufactured home park allotted to or designed for the accommodation of one manufactured home.

MARINA. A facility for the storing, servicing, fueling, berthing, and launching and securing of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

MASSAGE THERAPY. The systematic and scientific manipulation and treatment of the soft tissues of the body for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting circulation and promoting health and physical well-being. The term includes, but is not limited to, the manipulation of muscular structure of the body, by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion and nonspecific stretching. Massage Therapy does not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

MEAT PACKING AND POULTRY PROCESSING PLANTS. An establishment primarily engaged in the slaughtering of cattle, chickens, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products.

MEDICAL AND DENTAL CLINICS. An establishment primarily engaged in furnishing medical and surgical services and licensed for such practice by the State.

MEDICAL OR DENTAL LABORATORIES. An establishment primarily engaged in providing professional analytic or diagnostic services; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances.

METAL FABRICATION PLANT. A large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of metal and similar materials.

METAL FABRICATION SHOP. A small-scale (3,000 square feet or less) facility which is engaged in the shaping of metal and similar materials.

MINING, QUARRYING, OR RESOURCE EXTRACTION. Any mining activity, as defined in State law, including:

- (A) the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter.
- (B) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from its original location.
- (C) The preparation, washing, cleaning, or other treatment of minerals, ores, or other Solid matter so as to make them suitable for commercial and other uses.

Mining shall not include plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land. Mining shall not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during such exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any such exploratory excavation does not exceed one acre in area.

MINI-WAREHOUSE. A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies, moving and/or storage services for household and business goods, including self- service storage facilities.

MINOR WATERSHED VARIANCE. A variance that does not qualify as a major variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor up to five (5) percent of any buffer, density, or built-upon requirements under the high density option;

or that results in a relaxation, by a factor up to ten (10) percent, of any management requirement under the low density option.

MIXED USE: The combination of both commercial and residential uses within a single building wherein at least 50% of the heated floor area contains residential dwelling unit(s).

MOBILE HOME PARK. See Manufactured Home Park.

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

MONUMENT SALES. An establishment where concrete or rock-based monuments, such as yard décor, tombstones, etc., are sold.

MOTEL : A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

MOTOR VEHICLE. Every vehicle, which is self-propelled, and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction but shall not include golf carts, ATVs and other similar recreational vehicles.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in bodywork, painting, or customizing of automobiles or other motor vehicles.

MOTORCROSS TRACK. A facility designed as a business or commercial enterprise for public use and used for the racing of two wheel motor cycles, bikes, four wheel all-terrain vehicles or similar motorized vehicles.

MOTOR VEHICLE REPAIR. An establishment engaged in providing mechanical automotive maintenance and repair. This use includes service stations but does not include bodywork or painting.

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural art and/or history. This does NOT relate to an Adult Establishment or Use.

MULTI-FAMILY BUILDING. See Dwelling, Multiple or Multi-family

NANO-BREWERIES. Sometimes referred to as pico breweries, or bucket breweries, distribute to a limited area and only make beer in very small quantities (typically three (3) barrels or less).

NCDEQ. North Carolina Department of Environment and Natural Resources.

NCDOT. North Carolina Department of Transportation.

N.C.G.S. or G.S. North Carolina General Statute

NEIGHBORHOOD RECREATION. Public or private neighborhood, tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

NONCONFORMING BUILDING Any building that does not meet the limitations on building size and/or location on a lot for the district in which such building is located, and for the use to which such building is being put.

NONCONFORMING LOT OF RECORD: A lot described by a plat or deed that was recorded prior to and lawfully existed prior to the adoption of this Ordinance, but which does not meet the limitations on size, depth, width, street frontage, or other development requirements of the statewide watershed protection rules for the district in which such lot is located.

NONCONFORMING USE: A lawful use of land that does not comply with the use regulation for its zoning district as defined by this Ordinance.

NON-RESIDENTIAL DEVELOPMENT: All development other than residential development, agriculture and silviculture.

NURSING, CONVALESCENT, ASSISTED LIVING FACILITY. A home for persons aged, ill (to include substance abuse rehabilitation), or handicapped in which two or more persons not of the immediate family of the owner or manager of said home is provided with food, shelter, and nursing care.

OFFICE. A building or portion thereof wherein services are performed involving predominantly administrative, professional, or clerical operations.

OIL AND GASOLINE BULK STORAGE. The storage on a zoning lot of two thousand five hundred gallons (2,500) or more of flammable liquid, or two thousand (2,000) gallons water capacity or more of flammable gas, excluding storage tanks, above ground as defined herein below.

OPAQUE BARRIER: A vertical structure constructed of masonry, concrete, metal, wooden material, or berm, which does not allow light to pass through.

OPEN SPACE. Any area, which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation.

OPEN SPACE, COMMON. Open space within a development not in individually owned lots, which is designed and intended for the common use or enjoyment of the occupants of the development.

OPEN STORAGE FACILITY. Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, motor vehicle dealers, or inspection stations as the principle use, but excluding temporary construction and related activities and closed bay docks. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OUTDOOR ADVENTURE OPERATIONS. A commercial, recreational, outdoor use that incorporates and/or mimics natural features and that does not incorporate directly into recreational activities any mechanized propulsion of patrons. Examples include zip lines, ropes courses, climbing towers, biking trails, paddle tours, and corn mazes.

OUTDOOR SEASONAL SALES. Outdoor seasonal sales are temporary uses, which include but are not limited to outdoor Christmas tree sales, pumpkin sales, plant sales, and similar uses. Outdoor seasonal sales are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts, or household goods.

OUTPARCEL SITE. A lot developed separately but linked functionally to a shopping center.

OVERLAY DISTRICT. A zoning district which overlays and combines with one of the principal zoning districts established by this Ordinance. In such case the property involved is subject to the requirements of both districts.

PARK. Any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING SPACE. A principal use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles. A storage space of not less than nine feet by eighteen feet (9' x 18') for one automobile, plus the necessary access space.

PARKING LOT. Any designated area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition, for a fee or as a service

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PET. See Domestic Pets.

PLANNED RESIDENTIAL DEVELOPMENT. A residentially zoned area, planned and developed as a unit, which is characterized by environmentally sensitive design through the use of flexible development standards.

PLANNED UNIT DEVELOPMENT (PUD). A form of development characterized by a unified site design for a number of buildings. The design is intended to provide for common open space and for a mix of building types and uses. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site plan must include two or more principal buildings. Such development shall be based on a plan that allows for flexibility of design most available under normal district requirements.

PLANNING BOARD. The Glen Alpine Planning Board.

PLANNING JURISDICTION. The area within which the Town of Glen Alpine is authorized to plan for and regulate development pursuant to the authority granted in Article 19, Chapter 160A, of the North Carolina General Statutes. The area within which the Town of Glen Alpine is authorized to plan for and regulate development pursuant to the authority granted in Article 19, Chapter 160A, of the North Carolina General Statutes.

PLANNING STAFF: The Zoning Administrator or appointed authorized official(s) in the Glen Alpine Planning and Zoning Department.

PLANTING AREA. An outdoor area, the surface of which may not be covered by impervious surface cover, such as asphalt, concrete or gravel, nor by structures, and must be devoted entirely to the planting and maintenance of trees, shrubs, and groundcovers, or construction of fences, walls, and/or earth berms.

PLAT. A surveyed map or plan or a parcel of land which is to be, or has been subdivided. A 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 the Subdivision Regulations which is presented for local government approval and subsequent recordation with the Register of Deeds.

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 the Subdivision Regulations which is presented for preliminary approval.

POOLS, SPAS. Includes all above ground, below ground, portable, non-portable, pools and spas. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes a spa in which all controls, water-heating and water-circulating equipment are an integral part of the product (Appendix G. Section AG101-108, 2012 North Carolina Residential Code).

PORTABLE SIGN. See Sign, Portable.

POST OFFICE. A facility or structure used for the collection, sorting, and distribution of mail and having retail services for the general public.

PREMISES. A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

PRINCIPAL BUILDING. See Building, Principal.

PRINCIPAL USE. See Use, Principal.

PRIVATE RECREATION CLUBS. A private facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, tennis courts, swimming pools, tot lots and similar uses. This does NOT relate to an Adult Establishment or Use.

PROPERTY. Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the Town.

PROTECTED AREA (PA). Area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles upstream of and draining to a water supply reservoir, or to the ridge line of the watershed, whichever comes first; or within ten miles of and draining to a water intake in a stream or river, or to the ridge line of the watershed, whichever comes first.

PUBLIC. Under the control or responsibility of the Elected Body on behalf of the general population, rather than individual or private control.

PUBLIC UTILITY FACILITY. Facilities of any agency which under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic signals,

or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

QUARRY. See Mining.

RADIO AND TELEVISION STUDIOS. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

RECREATION AREA, COMMON. An area which is required in certain types of developments for active, or passive recreational uses. This does NOT relate an Adult establishment or use.

RECREATIONAL GOODS RENTAL ESTABLISHMENT. An establishment that rents recreational goods, such as canoes, kayaks, jet skis, scuba gear, bicycles, and golf carts.

RECREATIONAL VEHICLE. A vehicular type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreation purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle, tent, or other individual camping unit on a temporary basis.

RECYCLING COLLECTION CENTER. An incidental use that serves as a community drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public or institutional areas, such as churches and schools.

RECYCLING PLANT. A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; and/or other products are recycled, and treated to return such products to a condition in which they may again be used for production.

RECYCLING FACILITY. A facility where inert debris, such as unpainted concrete, brick, concrete block, and uncontaminated soil, rock, and gravel; solid waste generated from land clearing activities, such as stumps, trees, limbs, brush, and untreated wood; and/or solid waste generated from construction and demolition operations, such as shingles, siding, insulation, treated wood, and painted wood, is sorted and otherwise processed into material to be reused or recycled and material to be disposed of. This does not include any landfill requiring a permit from the State of North Carolina.

REFINERIES. A facility which produces petroleum based products.

REHABILITATION FACILITY. A facility engaged in the treatment of substance abuse patients and or to restore (a handicapped person, for example) to useful life through education and therapy.

RENTAL OF VEHICLES. An establishment primarily engaged in furnishing motor vehicle rental, leasing, and parking services to the public.

RELIGIOUS INSTITUTION: A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

RESEARCH ACTIVITIES. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services.

RESIDENTIAL. See Dwelling Unit. Referring to permanent dwellings as defined herein.

RESIDENTIAL CARE FACILITY: A building or facility used primarily to provide residential, social and personal care for children, the aged or others who suffer some limit on the ability for self-care, but where medical care is not a major service, such as adult day care facilities, homes for the aged, rest homes and other like uses.

RESIDENTIAL DEVELOPMENT: Buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc

RESTAURANT (WALK-IN, DRIVE-THROUGH SERVICE). An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT (WALK-IN). An establishment which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tearooms, and outdoor cafes. And has no drive through service.

RETAIL STORE. An establishment primarily engaged in selling merchandise for personal or household consumption not classified elsewhere.

SANITARIUM AND MENTAL INSTITUTIONS. A health station, retreat, or a institution for the recuperation and treatment of persons suffering from physical or mental disorders.

SATELLITE DISH ANTENNA: An antenna, three feet (3') or more in diameter, designed to receive television, radio, and other communication signals primarily from orbiting satellites.

SCHOOL, ELEMENTARY, MIDDLE, HIGH. A structure used primarily by and for any age or grade levels and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law.

SCHOOL, PRIVATE. Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

SCREENING. The method by which sound or the view from one site to an adjacent site is shielded or hidden. Screening techniques include buffers, berms, opaque fences or walls, and certain vegetative screens.

SEDIMENTATION. Solid particulate matter, both mineral and organic, that has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

SEDIMENTATION AND EROSION CONTROL PLAN. Plan that shows the measures, structures, or devices which control the soil material within the land area under responsible control of the person conducting the land disturbing activity (Regulated by NCDEQ).

SEPTIC SERVICES. A service provider who collects and disposes of solid and liquid wastes from private sewage disposal systems.

SERVICES, BUSINESS.

A) An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. This does NOT relate to an Adult establishment or use.

B) An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings. This does NOT relate to an Adult establishment or use.

SERVICES, HEALTH. Kidney dialysis centers, blood banks, birth control clinics, drug treatment centers, and similar uses.

SETBACK LINES. The lines on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained according to the district regulations. The front setback shall be measured from the right-of-way or access easement which provides vehicular access to the property to the principal structure. In the case of a corner lot, the applicant shall designate on the plot plan the front and corner side irrespective of the location of the driveway.

SEWERAGE SYSTEM, PUBLIC. A system serving two or more connections. Plans for public and community sewer systems must be approved by the Division of Environmental Management, North Carolina Department of Natural Resources and Community Development.

SEWERAGE SYSTEM, INDIVIDUAL. An individual septic tank system of sewage disposal. Individual sewage disposal systems must be installed and maintained in accordance with the Division of Health Services, North Carolina Department of Human Services "Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business or Place of Public Assembly in North Carolina" and the regulations of the County Board of Health.

SHOPPING COMMERCIAL CENTER. A building or group of buildings either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of, merchandise or services to the public.

SIGNS. Any form of publicity, visible from any public highway directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks, or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, buildings, or other structures or supports.

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

SIGN, OFF-SITE. A sign which directs attention to a business, commodity, activity, service or product not necessarily conducted, sold or offered upon the premises where such sign is located. (See Sign, Billboard).

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

SIGN, BILLBOARD. An outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity service or other activity conducted, sold or offered elsewhere than on the premises on which said sign is located. Billboards are not permitted within the jurisdiction of this Ordinance.

SIGN, GROUND. A sign attached directly to the ground by means of one or more upright pillars, braces or posts placed upon or in the ground, and not attached to any part of the building.

SIGN, PORTABLE. A sign which rests on the ground or any other surface, and is not directly attached to such surface, and which is designed and/or constructed to be mobile or movable.

SIGN, ROOF. A sign erected, constructed, or maintained upon the roof of a building.

SIGN, WALL. A sign affixed to the surface of, and whose plane is parallel to the plane of the exterior wall of a building, or which forms an angle of less than 30 degrees with said wall.

SIGN FACE – The part of the sign that is or can be used to identify, advertise, or communicate information. The frames or structural members may be considered a part of the sign face if it is so designed with lighting or other ornamentation, which is incorporated in the sign design.

SIDE YARD. See Yard, Side.

SINGLE-FAMILY HOME: See Dwelling, Single-family.

SINGLE FAMILY RESIDENTIAL: Any development where: 1) no building contains more than one dwelling unit; 2) every dwelling unit is on a separate lot; and 3) where no lot contains more than one dwelling unit.

SITE-SPECIFIC DEVELOPMENT PLAN (for vested right). A plan which has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The contents of a site-specific development plan that is submitted in the interest of obtaining a vested right, shall meet the requirements of this ordinance.

SITE PLAN. A plan which has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

SOLAR ELECTRICITY SYSTEM, GROUND-MOUNTED. A ground-mounted system having the components and subsystems required to convert solar energy into electricity to be consumed principally at a different location and including all the land inside the perimeter of the system, which extends to any fencing.

SOLAR FARM: An installation or area of land in which a large number of solar panels are set up in order to generate electricity

SPECIAL USE PERMIT. A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of the zoning ordinance or as well as any additional requirements imposed by the Board of Adjustment.

STABLES (Private). A facility intended to house, board, handle, train or otherwise keep or care for horses belonging to the owner.

STABLES (Public). A facility intended to house, board, handle, train or otherwise keep or care for horses belonging to the owner or occupant of the property, customers, patrons and or others.

STICK BUILT. A single-family or multi-family dwelling constructed on site in accordance to the North Carolina State Building Code.

STORY: The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above. In computing the height of a building, the height of a basement or cellar shall not be included where more than one-half of the height of such basement or cellar is below the average adjoining grade.

STREAM BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the top of the bank defining the edge of the stream channel.

STREAM, PERENNIAL. A watercourse that flows year-round, including rivers, streams, lakes, and ponds, indicated as a solid blue line on the most recent version of USGS 7.5 minute (1:24,000 scale) topographic maps.

STREET. A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities, private access or pedestrians.

STREET, PRIVATE. Street, road, or right-of-way, which affords access to abutting properties, requires a subdivision streets (roads) disclosure statement in accordance with G.S. 136-102.6 and is not dedicated to or maintained by the public.

STREET RIGHT-OF-WAY. Street right-of-way shall mean any right-of-way set aside for public travel.

STRUCTURE. Anything constructed or erected which is above grade including a manufactured home and a storage trailer. For purposes of this Ordinance structure does not include landscape features, such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, recreational equipment, flagpoles, underground fallout shelters, air- conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, cemetery markers or monuments, bus shelters and parking lots. Structure. Anything constructed or erected, which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal and accessory buildings, pools and spas manufactured homes, signs, fences, walls, bridges, monuments, flagpoles, antennas, transmission poles, towers, and cables.

STRUCTURE, ACCESSORY. A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes freestanding satellite dishes, solar panels, any other devices which access satellites and amateur radio antennae. Items excluded include small doghouses, fences, and other minor personal property.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings, sheds, carports, swimming pools, shelters, decks, patios, fences, business signs, and billboards and similar structures.

STRUCTURAL ALTERATIONS: Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams, or girders.

SUBDIVISION. Refer to the Glen Alpine Subdivision Ordinance, as amended, for a definition of “subdivision.”

SUPERMARKET. Food markets or combination food markets and department stores with more than 3,000 square feet of floor area.

SURVEYOR. A person licensed to practice surveying in the State of North Carolina.

SWIMMING POOL, PRIVATE. A swimming pool intended for the private, noncommercial use by a property owner(s), homeowner's association, residential development, or club. (See also POOLS, SPAS and STRUCTURES)

SWINE FARM. Any tract or contiguous tract of land in Glen Alpine devoted to raising animals of the porcine species, served by animal waste management systems having a design capacity of 600,000 steady state live weight (SSLW) or greater regardless of the actual number of swine on the farm.

TAXI DISPATCH STAND. A business where taxicabs are temporarily parked during hours of operation and including a building which houses the office of the taxi company and the dispatching equipment and/or where taxicabs wait to pickup patrons. This includes Uber, Lyft and related companies

TAXIDERMY. A facility or establishment engaged in the practice of preparing, stuffing, and mounting the skin/pelt of a deceased animal. This may include the incidental processing of animal meat. (See Slaughterhouse)

TELEPHONE CALL CENTERS. An establishment primarily engaged in answering telephone calls and relaying messages to clients and/or in providing telemarketing services on a contract or fee basis for others, such as promoting clients' products or services by telephone; taking orders

for clients by telephone; and soliciting contributions or providing information for clients by telephone.

TEMPORARY STAGING AREA. A lot or portion thereof established by a contractor to store construction material, equipment and/or dumpsters related to construction activities in the immediate vicinity.

TEMPORARY PORTABLE BUILDING: A building intended for non-residential use for a limited time period, consisting of one or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.

TEMPORARY USES AND STRUCTURES, INCLUDING SEASONAL MARKETS: See Outdoor Seasonal Sales

TEMPORARY HEALTH CARE STRUCTURE (GRANNY PODS). A temporary health care structure, commonly referred to as a “Granny Pod” is defined as a “transportable residential structure, providing an environment facilitating a caregivers provision of care for a mentally or physically impaired person, that is (i) primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, or to that persons caregiver (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

THOROUGHFARE. Any street or street extension designated on an official transportation plan.

TOWNHOUSE. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having an exposed front and rear wall to be used for access, light, and ventilation.

TRAILER, TRAVEL. See Recreational Vehicle or recreational camper.

TRUCK/FREIGHT TERMINAL. Any facility for handling and/or transporting freight, with or without storage and maintenance facilities. For the purposes of this section only, a truck is any vehicle with more than two axles.

TWO-FAMILY DWELLING: See Dwelling, Two-family.

USE. The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this Ordinance.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use and which is located on the same zoning lot as the associated principal use. Accessory use

USE, NONCONFORMING. Any use not permitted in the zoning district in which it is located, which lawfully exists by virtue of the fact that it lawfully existed or lawfully existed as of the effective date of the Zoning Ordinance or subsequent amendments, and which has not been discontinued under the provisions of the Zoning Ordinance.

USE, PRINCIPAL. Those uses of land listed in Table of Uses in the Zoning Ordinance.

USE, TEMPORARY. A use which may be located in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.

USGS. United States Geological Survey.

VARIANCE. An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

VESTED RIGHT. A right pursuant to General Statute 153A-344(b) to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

VETERINARY CLINIC. SEE ANIMAL HOSPITAL/ VETERINARY CLINIC. A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals. The operator shall be licensed by and under the control of the North Carolina State Veterinary Medical Board.

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and/or farm products.

WATER DEPENDENT STRUCTURE: Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

WATER SYSTEM, PUBLIC. Water supply systems serving 10 or more connections are classified as a public water supply by State law. Plans and specifications must be approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

WATER SYSTEM, SEMIPUBLIC. Water supply systems serving from two (2) to nine (9) connections, inclusive. This system may be regulated by the County Board of Health, and plans should be approved by the Burke County Health Department.

WATER SYSTEM, INDIVIDUAL. A drilled or bored well or spring which serves a single connection. Individual water supply systems should be located, constructed and operated in accordance with the Division of Health Services, North Carolina Department of Human Resources.

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment and the water is then used principally as a source for a public water supply.

WATERSHED ADMINISTRATOR: An official designated by the Town of Glen Alpine responsible for administration and enforcement of the watershed protection ordinance. This term shall also include the term "Zoning Enforcement Officer".

WATERSHED VARIANCE: A permission to develop or use property granted by the Board of Adjustment or Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

WETLANDS. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas and fall under the jurisdiction of the State and/or the US Army Corps of Engineers.

WINERY. Farm Winery The use of land for producing agricultural products including grapes and other fruit used by the winery in the manufacture of unfortified wine owned by the winery and approved by the Alcohol Beverage Control Commission for sale in North Carolina upon obtaining the appropriate permit under G.S. 18B-1001. Farm Wineries meet the bona fide farm exemption of G.S. 153A-340(b2). These facilities may incorporate tasting rooms, tours, and/or other forms of agritourism. A facility which only provides tasting or retail sale of wine is not considered a farm winery.

WINE SHOP/WINE BAR. An establishment that offers various wines for sale by the glass, for on premise consumption and by the bottle, for off-premise consumption.

WOODWORKING PLANT. A large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of wood and similar materials.

WOODWORKING FABRICATION SHOP. A small-scale (3,000 square feet or less) facility, which is engaged in the shaping of wood and similar materials.

YARD. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT. The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this Ordinance.

YARD, INTERIOR SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this Ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

YARD, REAR. The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this Ordinance.

YARD, SIDE. The yard extending between the sideline of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

YARD, STREET SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement and between the side lot line and the side building setback line as required in this Ordinance.

ZERO LOT LINE. A common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

ZONING ADMINISTRATOR/OFFICER. Individual, or individuals, appointed by the Planning and Development Director, and charged with the administration and/or enforcement this Ordinance to the general public.

ZONING LOT. A lot, or portion thereof, within a single zoning district shall be considered and treated as one zoning lot.

ZONING PERMIT. A permit issued by the Zoning Officer or designee which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance

ARTICLE 2:

APPLICABILITY OF ORDINANCES

Section 32.1 – Applicability

The provisions of this Article shall apply to all development regulations and programs adopted pursuant to the Chapter or applicable or related local acts. To the extent there are contrary provisions in local charters or acts, G.S. 160D-1-11 is applicable unless this Chapter expressly provides otherwise. The provisions of the Article also apply to any other local ordinance that substantially affects land use and development.

- (a) The provisions of this Article are supplemental to specific provisions included in other Articles of this Chapter. To the extent there are conflicts between the provisions of this Article and the provisions of other Articles of this Chapter, the more specific provisions shall control.
- (b) Local governments may also apply any of the definitions and procedures authorized by this Chapter to any ordinance that does not substantially affect land use and development adopted under the general police power of cities, Article 19 of Chapter 160D-102 respectively, and Chapter to any or all aspects of those ordinances.
- (c) This chapter does not expand, diminish, or alter the scope of authority for planning and development regulations authorized by other Chapters of the General Statutes.
- (d) Permit Choice 160D-108(b)

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

Section 32.11– Exceptions to Applicability

- a. These regulations shall not apply to bona fide farms, as defined in Article 1, except that non-farm uses on farms shall be regulated herein, and land within the Watershed Overlay District shall comply with the regulations of **Section 7.4.**
- b. These regulations shall not apply to horse farms on three or more acres, as defined in Article 1, except that uses on the premises not accessory to horse farms shall be regulated herein, and land within the Watershed Overlay District shall comply with the regulations of **Section 7.4.**

Section 32.12 – Vested Development Rights

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

- a. For which a building permit has been issued prior to the effective date of the

ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. 160D-403(c) and the building permit has not been revoked pursuant to G.S. 160D-403(f); or

- b. For which a vested right has been established pursuant to Section 32.13 and such vested right remains valid and unexpired pursuant to Section 32.13.

Section 32.13 – Procedures for Establishing Vested Rights

Pursuant to G.S. 160D-102, a vested right to commence the development and use of property according to a site specific development plan is established upon approval of any one of the plans listed in a) through e) below. The vested right thus established is subject to the terms and conditions of the site plan; it shall remain in force for three years from date of approval (unless otherwise specified).

- a. A special use permit;
- b. Any overlay district for which a site specific development plan is required under the provisions of this ordinance;
- c. A conditional zoning district; or
- d. A subdivision sketch plan or a preliminary plan when required by the subdivision ordinance
- e. A final plat when no sketch plan or preliminary plan is required.

The plans and conditions set out in a) through e) above, as approved by the Town of Glen Alpine, constitute site specific development plans for purposes of G.S. 160D-102. Plans legally vested according to Town ordinance standards, shall be honored for the vesting period specified by the Town. A right which has been vested by the Town of Glen Alpine shall remain vested for a period of three years from date of approval. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the Town Board when it approves the modification or amendment. A vested right obtained under this sub-section is not a personal right, but shall attach to and run with the subject property. A right which has been vested under the provisions of this sub-section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued. When a vested development plan has been partially, but not wholly built to completion by the end of the vesting period, the project as a whole may be completed in conformance with the development standards in effect at the time of approval, however individual sites within the development shall individually conform to the sign regulations in effect at the time of sign permitting.

Section 32.14 – Voluntary Annexation

A petition for annexation filed with the town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. 160D-102, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

Section 32.15 – Right to complete subdivisions

Subject to the provisions of 32.13, subdivisions not subject to a site specific development plan as defined in Article 1 above, shall be built to completion according to the zoning and subdivision regulations in force at the time and in the jurisdiction of approval unless a revised subdivision plan is subsequently submitted and approved according to the standards of these regulations.

Section 32.16 – Plats

Any subdivision having been given sketch plan approval which has not obtained preliminary plat approval for one or more sections and made improvements costing more than 5% of the total project costs shall be deemed void except as provided by law (vested rights) after three years from date of approval.

Section 32.17 - Expansion/Redevelopment of Existing Structures and Projects

- a. Appeal of the Planning Director's administrative decisions regarding expansion or redevelopment as relates to (b) and (c) of this section shall be to the Town of Glen Alpine Board of Adjustment following the procedures of Section 32.67.2.
- b. Existing Multi-Building Development projects, such as shopping centers, apartment complexes, and business parks, which become non-conforming as to building and site layout as of the effective date of these regulations, are eligible for partial redevelopment, which may include expansion, upon a finding by the Planning Director that:
 - i. The redevelopment or expansion meets the requirements of these regulations to the extent possible, given the shape and topography of the tract and the location of existing buildings; and
 - ii. The development site taken as a whole, including parking, sidewalks, screening, landscaping and signage, will be brought into conformance with these regulations to the extent practicable.
- c. Individual Structures which become non-conforming as of the effective date of these regulations may be expanded upon a finding by the Planning Director that:

- i. The proposed expansion meets the requirements of these regulations to the extent practicable, given the shape and topography of the tract and the location of existing buildings and site improvements; and
- ii. The proposed expansion does not cause the structure to exceed maximum building size for the district; and
- iii. The development site taken as a whole, including parking, sidewalks, screening, landscaping and signage, will be brought into conformance with these regulations to the extent practicable.

Article 3
ESTABLISHMENT OF DISTRICTS

Section 32.2 – Zoning Districts Established

Section 32.21 – General Districts

The General Zoning Districts are established below. Reclassification of property to any general zoning district is considered under the procedures of Section 32.7

Zoning Classification	Zoning District Title
R-20	Residential Low Density District
RA-20	Residential Low Density District (ETJ)
R-12	Residential High Density District
CB	Central Business District
GB	General Business
GM	General Manufacturing

Section 32.22 – Overlay Zoning Districts

An Overlay District is a zoning district which is applied only in conjunction with another zoning district. It may grant additional uses, restrict permitted uses, or impose development requirements which differ from those of the underlying district. The underlying district and the overlay district, taken together, will control development. The Overlay Districts are established below.

District Classification	District Title
CRB	Catawba River Buffer
GA- HOD	Historic Overlay District
WS-IV PA	Catawba Watershed 4 Protected Area
FP	Flood Plain Damage Protection

Section 32.23 – Governing Boundaries and Application

Where uncertainty as to the boundaries of any aforesaid districts as shown on the zoning map, the following rules shall apply (such uncertainty shall be determined by the Board of Adjustment):

- a. Where district boundaries are indicated as approximately following the centerline of streets or highways, railroad right-of-way lines or such lines extended, such centerlines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- b. Where district boundaries are so indicated that approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- c. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimension shall be determined by use of the scale shown on said map.
- d. Where a district boundary line divides a lot in single ownership, the owner will decide which of the district requirements are deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five (35) feet beyond the district boundary line.

Section 32.24 – Use Determination

The Zoning Enforcement Administrator is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Zoning Enforcement Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Zoning Enforcement Administrator will consider the following criteria:

1. The actual or projected characteristics of the proposed use
2. The relative amount of site area or floor area and equipment devoted to the proposed use
3. Relative amounts of sales
4. The customer type
5. The relative number of employees
6. Hours of operation
7. Building and site arrangement
8. Types of vehicles used and their parking requirements
9. The number of vehicle trips generated

10. Signs
11. How the proposed use is advertised
12. The likely impact on surrounding properties and
13. Whether the activity is likely to be found independent of the other activities on the site.

Section 32.25 Uses Not Specifically Listed

A use not specifically listed is prohibited unless the Zoning Enforcement Administrator determines the use to be part of a use category as described in Sec. 32.24.

Section 32.26 – General District Classifications

Within the districts indicated on the zoning map, no building or land shall be used, and no building shall be erected or altered which is intended or designed to be used in whole or in part, for any use other than those permitted for that district in this chapter or unless said use has been approved by the Zoning Officer as per Sections 32.24 and 32.25. Reference Section 32.5, Chart of Permitted Uses.

Section 3.26.1 – R-20 Residential Low Density District

This district is composed of certain quiet, low density residential sections of the community, plus certain open areas where similar residential development appears likely to occur, as indicated by the *Comprehensive Land Use Plan*. The regulations of this district are intended to discourage any use which, because of its character, would substantially interfere with the development of single family residences in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

Section 3.26.2 – RA-20 Residential Medium Density District

This district is composed of medium density residential development and of open areas which are used for farmland and woodland. The RA-20 district shall consist of single-family dwellings, manufactured and modular homes on individual lots and related uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where either or both public water or sewer facilities are available.

Section 3.26.3 – R-12 Residential Medium Density District

This density is intended to be a quiet, medium to high density residential neighborhood, consisting of single-family, two-family and multiple-family dwellings along with limited home occupations and limited private and public community uses. This district will accommodate dwellings with access to both public water and sewerage.

Section 3.26.4 – CB - Central Business District

Intent: The purpose of Central Business District is to accommodate and encourage further expansion and renewal in the historic/business core of Glen Alpine. A variety of business, retail, professional, financial, cultural, and other related services are encouraged in an effort to provide the mix of activities necessary to shoppers.

Section 3.26.5 – GB - General Business District.

The G-B General Business Districts are located on major thoroughfares and collector streets in the Town of Glen Alpine Planning Area. They are intended to provide for offices, personal services, and the retailing of durable and convenience goods for the community. Because these commercial uses are subject to public view and are important to the economy of the community, they should have ample parking, controlled traffic movement and suitable landscaping.

Section 3.26.6 GM – General Manufacturing.

This district provides a place for the location of industrial and other uses which would be incompatible with highway business, office and institutional, or residential districts. It is intended to permit in this district any use which is not inherently obnoxious to urban areas because of noise, odor, smoke, light, dust or the use of dangerous materials.

Section 32.27 – Overlay Districts

Within the overlay districts indicated on the zoning map the general district zoning applies, unless explicitly stated otherwise in the overlay districts specified below.

Section 3.27.1 – Catawba River Buffer Overlay (CRB)

Purpose: The Catawba River and its banks, lakes, creeks, tributaries, etc. are the most obvious, important and valuable natural resources in Burke County. The river corridor must be maintained for the use, benefit and enjoyment of present and future residents of Glen alpine and visitors to the Town. The river is the source of water for the people, farmers, and manufacturers of the County. The river corridor contributes to the Town's economy and general welfare through increased property values, aesthetic enrichment, and recreational opportunities. The river is the habitat for fish and wildlife and native plants. The Catawba River corridor, consisting of the river and its banks as it runs through the Town's jurisdiction, must be protected from pollution caused by erosion and sedimentation, agricultural and industrial runoff, and natural and manmade obstruction. This stewardship is essential for the preservation of the public health, safety, and welfare.

- a. Boundaries. The Catawba River Corridor Overlay District shall extend landward a distance of 500 feet from the high water elevation of the Catawba River mainstream.

- b. Consistency with other regulations. Development within the first 50 feet landward shall meet the requirements of the State's Catawba River Basin Riparian Buffer Rules (15A NCAC 2B.0243), as enforced by the NCDNR.
- c. Minimum lot size requirement. The minimum lot size in the Catawba River Corridor Overlay District shall be 40,000 square feet (R-40) on the Catawba River mainstream. Cluster developments are encouraged.
- d. Minimum lot width requirement. The minimum lot width requirement for waterfront lots in the Catawba River Corridor Overlay District is 100 feet as measured along the waterfront. For non-waterfront lots, the lot width requirement for the underlying zoning district shall apply.
- e. Flag lot allowance. A maximum of 3 flag lots are allowed along a state maintained road or a new subdivision road provided that a minimum of 45 feet of road frontage is provided. The creation of more than 3 cumulative lots will require a road built to NCDOT standards and be subject to the major subdivision requirements in Article V. Flag lots must meet the following dimensional criteria: (1) The length of the pole cannot exceed 5 times the frontage width; and (2) The square footage of the land area within the flag pole may be used in the calculation of the minimum lot size requirement.
- f. Non-residential and multi-family development stormwater design requirements. Low impact development (LID) techniques shall be incorporated into the design of all non-residential and multi-family development within the Catawba River Corridor Overlay District. LID stormwater practices shall be designed based on the current best available practices and standards such as those provided by the Low Impact Development Center at www.lowimpactdevelopment.org. The town planner shall review all stormwater plans.
- g. Accessory structure setback. Accessory structures must be setback 30 feet from the rear property line at the lake or river front as measured from the high water elevation.

Section 3.27.2 – Historical Overlay Central Business (GA-HOD)

The regulations of this district are intended to accommodate and preserve the historical architecture of Downtown Glen Alpine. The Historical Overlay Central Business GA-HOD is designed to create an aesthetically pleasing along the corridors along in keeping with the town's policy of preserving our safe, family-friendly, attractive, predominately residential environment while attracting quality commercial activities. This district is intended to protect from architecture that is not preserving the historical character that represents Glen Alpine. This is accomplished by ensuring that building modifications to historical properties are within the spirit and intent of the existing and future properties. This is accomplished by additional zoning requirements such as lighting, signage, color

scheme, landscaping within the district. The GA-HOD does not affect land use regulations or development standards of the underlying zoning districts except as specified in this section. The specific purposes of the GA-HOD are:

- a. To ensure compatibility with any plans of the railroad;
- b. To encourage appropriate residential and commercial development;
- c. To preserve, enhance and improve the visual quality, function, safety and enjoyment of the GA-HOD;
- d. To promote orderly development and safe and efficient movement of traffic;
- e. To preserve and enhance the streetscape along portions of Pitts Street, Davis Street, Mill Street, London Street, Main Street, Linville Street, Catawba Street; and
- f. To preserve, enhance and improve the GA-HOD through a predominately residential area.

Section 32.27.3 – Catawba Watershed IV Protected Area Overlay (WS IV-PA)

Most of the Town of Glen Alpine is in a Watershed Level IV for the Catawba River. Details on protections and regulations governing a Class IV Watershed are in **Section 7.38**.

Section 32.27.4 – Flood Damage Protection Overlay (FP)

Portions of the Town of Glen Alpine border the Catawba River. Certain areas along the river are in a Flood Damage Protection zone. For details on protections and regulations governing this flood plain area, see **Section 7.39**.

Section 32.28 – Dimensional Requirements for General Zoning Districts, unless dictated differently due to property being within an overlay area.

Zoning District	R-20	RA-20	R-12	CB	GB	GM
	Residential low density	Residential medium density	Residential medium to high density	Downtown	Commercial	Manufacturing and Industrial
Lot dimensions						
minimum lot width (standard lot)	100'	100'	70'	50'	100'	200'
minimum lot width (cul-de-sac lot)	45'	45'	45'			

minimum lot width (multi-family)			125'	70'		
minimum lot area (excluding PUD)	21,780 sq. ft. (1/2 acre)	21,780 sq. ft. (1/2 acre)	12,000 sq. ft. (1/4 acre)	n/a	n/a	n/a
Minimum lot area (PUD-R)	Average no less than average of underlying district	Average no less than average of underlying district	Average no less than average of underlying district			
Primary structure Setbacks						
Front (from ROW)	35'	35'	25'	8'	50' ⁽²⁾	50'
rear	35'	35'	25'	10'	30' ⁽³⁾	30' ⁽³⁾
side	10'	15'	8'	8'	15'	30'
street side (corner lot)	20'	25'	18'	15'	20'	30'
Accessory Structure setbacks						
rear	10'	10'	10'	10'	10'	10'
side	10'	10'	10'	10'	10'	10'
from primary structure	10'	10'	10'	10'	10'	10'
Building height						
Primary	35'	35'	35' ⁽⁴⁾	50' ⁽⁴⁾	35' ⁽⁴⁾	50' ⁽⁴⁾
Maximum % of lot coverage. See Section 7.38 for lot coverage requirements in protected and critical watershed areas.						
with curb and gutter	24%	24%	24%	24%	24%	24%
with ditch	36%	36%	36%	36%	36%	36%

⁽¹⁾ plus 25' for each additional unit

⁽²⁾ can include off-street parking 10' from ROW/property line

⁽³⁾ plus 15' if abuts residential district

⁽⁴⁾ plus 1' for each additional 2' of extra front setback

Section 32.29 – Permitted Uses Chart

Permitted Uses Chart							
Use Types	Zoning						
ACCESSORY	R-20	RA-20	R-12	CB	GB	GM	REF
Accessory buildings	A	A	A	A	A	A	
Accessory use	A	A	A	A	A	A	
Accessory dwelling	PWC	PWC	PWC				7.2
Drive thru windows as an accessory use				A	A	A	7.14
AGRICULTURE	R-20	RA-20	R-12	CB	GB	GM	NOTES
Bona fide farms		P				P	2.1
Greenhouses and nurseries		P			P	P	7.33
Agricultural industry		SUP					7.6
RESIDENTIAL	R-20	RA-20	R-12	CB	GB	GM	NOTES
Condominiums		P	P				
Group Housing developments	P	P	P				3.4.3
Halfway house	SUP	SUP	SUP				7.3.6
Home Occupations	A	A	A				7.17, 4.2.3
Manufactured home, double		PWC					
Manufactured home, single		PWC					
Modular homes	P	P	P				
Multifamily and Duplex		P	P	P	P		
Planned Unit Development Residential (PUD-R)	SUP	SUP	SUP				7.1.1
Room and boarding houses			P				
Single family	P	P	P				
Townhouses		P	P				
Two-family		P	P	P	P		
RECREATIONAL/ENTERTAINMENT	R-20	RA-20	R-12	CB	GB	GM	NOTES
Amusement Facilities (Outdoor)				P	P		7.7
Billiard or pool halls				P	P		
Clubs and lodges		P	P	P	P		
Community centers	P	P	P	P	P		
Electronic gaming establishments					PWC		
Golf courses	P	P	P	P	P		
Firing Range					SUP		
Parks	P	P	P	P	P		
Playgrounds	P	P	P	P	P		
Riding Academies and Commercial Stables	PWC	PWC					7.28
Swimming pools	P	P	P	P	P		6.20 (f)
Bowling alleys				P	P		
INSTITUTION/UTILITIES	R-20	RA-20	R-12	CB	GB	GM	NOTES

Art galleries			P	P	P		
Cemeteries	P	P	P	P	P		7.90
Churches/Religious Institutions	PWC	PW C	PWC	PWC	PWC		
Day cares	PWC	PW C	PWC	PWC	PWC		
Elementary schools	P	P	P				7.29
Essential Services 1 and 2	PWC	PW C	PWC	PWC	PWC	PW C	7.15
Essential Services 3	SUP	SU P	SUP	SUP	SUP	SU P	7.16
Family care home	P	P	P				
Fire and police stations	P	P	P	P	P		
Hospitals			P				
Museums			P				
Nursing/rest homes	P	P	P				
Public libraries			P				
Public works facilities	P	P	P	P	P	P	
Secondary schools	P	P	P				7.29
AUTOMOBILE ORIENTED	R-20	RA- 20	R-12	CB	GB	GM	NOTES
Automatic teller machines (ATMs)				P	P		
Automobile parking lots (principal use)				P	P	P	7.25
Automobile parts and supplies				P	P		
Automobile repairs garages				P	P	P	
Automobile sales, new and used				P	P		
Car Wash					PW C	PW C	7.80
Gas Stations/Convenience Stores				p	p	p	7.22
RETAIL/COMMERCIAL	R-20	RA- 20	R-12	CB	GB	GM	NOTES
Adult Establishments					PWC		7.50
Alcoholic beverages, packaged, retail sales				P	P		
Art schools				P	P		
Antique store				P	P		
Appliance sales				P	P		
Art sales				P	P		
Bakeries				P	P		
Banks and financial institutions				P	P		
Banquet Facility	SUP	SU P		SUP	SUP		7.37
Barber and beauty schools				P	P		
Barber and beauty shop				P	P		
Bicycle sales and repair shop				P	P		
Billboards				P	P	P	Article 5
Book and stationery sales				P	P		
Boutique				P	P		
Building supply and material sales				P	P		
Bus terminals and railroad stations				P	P		
Business colleges				P	P		
Camera supplies				P	P		
Clothing stores				P	P		
Commercial use in a detached house	PWC	PW C	PWC				7.34
Commercial Kennel (Outdoor)					PWC		7.12

Dairy bars and ice cream manufacturing				P	P		
Dental clinics				P	P		
Drug store				P	P		
Dry cleaning and laundering				P	P		
Electrical appliance and equipment, sales and repair				P	P		
Fabric store				P	P		
Fabricating shop				P	P		
Feed, seed and fertilizer sales, retail				P	P		
Florist shop				P	P		
Food stores, retail only				P	P		
Funeral homes and mortuaries				P	P		
Furniture sales				P	P		
Hardware store				P	P		
Hobby shop				P	P		
Hotels and motels				P	P		
Jewelry store				P	P		
Laundromats				P	P		
Locksmiths				P	P		
Medical clinics				P	P		
Mini warehouses				P	P	P	
Music and dance studios				P	P		
Music store				P	P		
Newspaper office				P	P		
News stands				P	P		
Offices, business and professional				P	P		
Office equipment and supplies				P	P		
Opticians and optical goods				P	P		
Pawn shop				P	P		
Petroleum Storage Facilities						PW C	7.27
Planned Unit Development Business (PUD-B)				SUP	SUP		
Photographic shop				P	P		
Printing, publishing, and reproducing				P	P		
Produce stands and markets				P	P		
Radio and television repair shop				P	P		
Radio and television stations, studios and offices				P	P		
Restaurants				P	P		
Retails sales				P	P		
Shoe store				P	P		
Sporting goods				P	P		
Tailors and dressmaking shop				P	P		
Taxi stands				P	P		
Telephone offices				P	P		
Temporary uses and structures	PWC	PW C	PWC	PWC	PWC	PW C	7.30
Theatres, indoor				P	P		
Toy store				P	P		
Variety store				P	P		
Veterinary clinics				P	P		
MANUFACTURING	R-20	RA- 20	R-12	CB -	GB	GM	NOTES
						-	
Automobile wrecking yards						P	
Bakeries						P	
Bedding, carpet and pillow						P	
Billboards				P	P	P	
Boat works and sales						P	

Bottling plants						P	
Brick, tile and pottery yards						P	
Bus repair						P	
Cabinet and woodworking shop						P	
Circuses, carnivals, fairs, etc.						P	
Clothing manufacturing						P	
Concrete plants and storage yards						P	
Dairy products processing						P	
Environmentally sensitive uses not expressly permitted				SUP	SUP	SU P	7.21
Electrical appliances manufacturing						P	
Farm machinery assembly or repair						P	
Feed mills and grain elevators						P	
Food processing						P	
Furniture manufacturing						P	
Glass products manufacturing						P	
Hatcheries						P	
Ice plants and cold storage lockers						P	
Industrial equipment sales and repairs						P	
Leather products and luggage manufacturing						P	
Lumber yards, building materials, storage and sales						P	
Machines and welding shop						P	
Machine tool manufacturing						P	
Metal fabrication plants						P	
Mini warehouses				P	P	P	
Monument works and sales						P	
Offices pertaining to any permitted use						P	
Outdoor Storage	A	A		PWC	PWC	PW C	7.23
Outdoor Storage, of construction equipment					PWC	PW C	7.24
Paint and household chemical manufacturing						P	
Paper goods manufacturing						P	
Pharmaceutical manufacturing						P	
Planned Unit Development Manufacturing (PUD-M)						SU P	7.1.3
Plastic and rubber goods manufacturing						P	
Plumbing, heating and refrigeration shop and storage						P	
Precision instrument manufacturing						P	
Printing, publishing, reproducing establishments						P	
Quarries						P	
Radio and television stations				P	P	P	
Radio, television and telecommunication towers	SUP	SU P			P	P	
Railroad freight and classification yards						P	
Sawmills						P	
Sheet metal and roofing shop						P	
Sign painting and fabricating shop						P	
Solar energy systems	SUP	SU P				PW C	
Textile manufacturing						P	
Tire recapping and retreading shop						P	
Tobacco processing and storage						P	
Transfer Station for organic/inorganic waste						SU P	
Trucking terminals, transfer companies						P	
Upholstery shop						P	

Wholesale and warehouse establishments						P	
Wholesale storage of gasoline and oil						P	
P=Permitted Use SUP= Special Use Permit A=Accessory Use PWC=Permitted with Conditions (Reference Article 6: Limited Use Regulations)							

Article 4

GENERAL PROVISIONS

Section 32.30 160D-1-1. Application.

- (a) The provisions of this Article shall apply to all development regulations and programs adopted pursuant to the Chapter or applicable or related local acts. To the extent there are contrary provisions in local charters or acts, G.S. 160D-1-11 is applicable unless this Chapter expressly provides otherwise. The provisions of the Article also apply to any other local ordinance that substantially affects land use and development.
- (b) The provisions of this Article are supplemental to specific provisions included in other Articles of this Chapter. To the extent there are conflicts between the provisions of this Article and the provisions of other Articles of this Chapter, the more specific provisions shall control.
- (c) Local governments may also apply any of the definitions and procedures authorized by this Chapter to any ordinance that does not substantially affect land use and development adopted under the general police power of cities, Article 8 of Chapter 160A and Article 6 respectively, and Chapter to any or all aspects of those ordinances.
- (d) This chapter does not expand, diminish, or alter the scope of authority for planning and development regulations authorized by other Chapters of the General Statutes.

Section 32.31 Reduction of Lot and Yard Areas Prohibited.

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

Section 32.32 Relationship of Building to Lot.

Every building hereafter erected, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one principal building and its customary accessory buildings on any lot of record, except:

- (1) in the case of a specially designed complex of institutional, residential, or commercial buildings in an appropriate zoning district, i.e. school campus, cluster house, shopping center, and so forth

Section 32.33 Nonconforming Uses.

Any use of buildings, structures, or land not in use as defined in Section 32.29 is considered nonconforming. Nonconforming uses may be continued provided they conform to the provisions of Section 32.33

- (A) **Continuing the Use of Nonconforming Land.** The regulations set forth below provide the conditions under which the nonconforming use of land shall be continued.

- (1) Extensions of Use. Nonconforming uses of land shall not hereafter be enlarged or extended in any way.
- (2) Change of Use. Any nonconforming uses of land may be changed to a conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in this district.

- (B) **Continuing the Use of Nonconforming Buildings.** The conditions under which the nonconforming building shall be continued:

- (1) Extension of Use. Nonconforming buildings and nonconforming uses of buildings may be enlarged upon the existing lot or tract which was, at the time of passage of this Ordinance, part of a business or industrial lot or tract and intended for such use where, if in the opinion of the Board of Adjustment, such extension would not substantially increase traffic volumes, air pollution, water pollution, noise pollution, provision of services and utilities or in some other way adversely affect the health, safety or welfare of the residents of the area. In permitting such extension, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

- (2) Change of Use. Any nonconforming building or use of buildings may be changed with the approval of the Board of Adjustment to any use more in character with uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- (3) Cessation of Use. If active operations are discontinued for a continuous period of three hundred sixty (360) days with respect to a nonconforming use of building, such nonconforming use shall thereafter be occupied and used only for a conforming use.

(C) Rebuilding Nonconforming Uses after Damage or Destruction.

- (1) Nonconforming site-built single-family residences or site-built two family Residences, which are partially or fully destroyed, may be rebuilt to no larger than its previous size, or repaired as a matter of right provided that all other requirements of this Ordinance are complied with, as it applies to the construction of single-family and two-family residences. Nothing in this chapter shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building structure declared unsafe or unlawful by the administrative officer, the fire chief or any other duly authorized town official.
- (2) Nonconforming manufactured homes, which are partially or fully destroyed, may be repaired or replaced with the same or larger size as a matter of right, provided that the following requirements are adhered to:
 - (i) The home must meet the setup requirements of Section 32.49.16;
 - (ii) The home is replaced within one-hundred and twenty (120) days of its destruction or removal from the site;
 - (iii) The dimensional requirements for the appropriate zoning district are adhered to;
 - (iv) In manufactured home parks, the requirements of Section 32.49.15 are adhered to;
- (3) Nonconforming commercial, industrial and multi-family (three or more dwelling units) structures, which are partially or fully destroyed, may be rebuilt or repaired as a matter of right provided that the Board of Adjustment can make the following findings:
 - (i) That the use will not adversely affect traffic;

- (ii) That the use will not adversely affect the physical environment pertaining to water pollution, air pollution and noise pollution;
- (iii) That the use will not adversely affect the provisions of services and utilities;
- (iv) That the use will not create a health or safety hazard;
- (v) That the use will not adversely affect other property values;
- (vi) That the use will not impair the public safety and welfare of the surrounding neighborhood and that substantial justice would be done in carrying out the request.

In permitting such reconstruction, the Board of Adjustment may require appropriate conditions and safeguards to protect the purpose and intent of this Ordinance.

- (4) In meeting to decide on the issuance of a permit under Section 32.33(3) the Board of Adjustment must hold a public hearing. Notice of this hearing shall be posted on the property under consideration and advertised in legal notice in a local newspaper for at least ten (10) days prior to the hearing. The legal notice shall describe the request and appear at least once weekly for two (2) consecutive weeks.

(D) Continuing the Use of Non-Conforming of Manufactured Home Parks.

Non-conforming manufactured home parks existing on the date of the adoption of this amendment (9/12/94) shall conform to the provisions of Section 32.34 and shall not be allowed to expand or increase until these provisions are adhered to.

Section 32.34 Non-Conforming Manufactured Home Park Improvement Provisions.

- (A) Manufactured homes because of their use, transportability, manufacture and manner of construction, location and susceptibility for use in high-density concentration both as units and persons tend to place inhabitants of manufactured homes in an unfavorable position to obtain services necessary for a safe and healthful living environment. It is the purpose of this Section to provide protection for the public against unwise and hazardous existing manufactured home parks and provide a reasonably safe and sound environment for manufactured home inhabitants and to:
 - (1) *Promote public health, safety welfare and orderly residential*

development;

- (2) *Ensure that every individual manufactured home lot (stand) has safe and efficient vehicular access for residents of the home, emergency vehicles, utility and service vehicles and others needing access to the park.*
- (3) *Provide adequate buffering and screening to ensure privacy and protection for both the residents in the park and adjacent property owners.*
- (4) *Provide sufficient open space for outdoor uses essential to the manufactured home;*
- (5) *Ensure the furnishing of adequate water supply and sewage disposal systems; and*
- (6) *Provide an acceptable environment for small communities of manufactured homes.*
- (7) *Provide a process by which existing manufactured home parks will be improved to meet the minimum level of safety, sanitation, comfort and privacy.*

Therefore, all persons operating a manufactured home park that **existed at the time of adoption of this amendment (9/12/94)**, must submit an improvement proposal for the park (as provided for herein) to be reviewed by the Planning Board and approved by the Town Aldermen. Upon approval of the improvement proposal by the Town Aldermen, necessary alterations to the park may begin. If the improvement proposal submitted cannot meet the development standards contained in Section 32.34 (C) of this ordinance because practical difficulties or unnecessary hardships prevent the carrying out the strict letter of Section 32.34 (C), the specific improvement provision shall be submitted to the Board of Adjustment for approval in the form of a variance in accordance with Section 32.34 (F).

- (A) **Phased Schedule for Improvements.** The improvement proposal shall conform to the improvement requirements listed herein within the following phased time schedule:
 - (1) *Within **six (6)** months of notification, the property owner shall submit, and have approved, an improvement proposal, including schematic plans, for upgrading the park.*
 - (2) *Within **one (1)** year of approval of an improvement proposal, all roads in the park shall be stabilized with packed gravel.*

- (3) *Within **three (3) years** of approval of an improvement proposal, all other requirements listed herein shall be complied with, excluding the paving requirements.*
 - (4) *Within **five (5) years** of approval of an improvement proposal, all roads in the park shall be paved.*
- (B) Contents of the Improvement Proposal. Application to improve and upgrade a manufactured home park shall be made to the Zoning Enforcement Officer. The application shall consist of schematic plans and documentation which include at least the following:
 - (1) *Name of manufactured home park, name and address of owner and operator.*
 - (2) *A manufactured home park design drawn onto a plat at a scale that can be reasonably interpreted by the Town.*
 - (3) *Date, north arrow and scale.*
 - (4) *Boundaries of manufactured home park property to include intersections and adjacent property with the boundaries of the manufactured home park property and the names and address of all adjoining property owners.*
 - (5) *The location of the following utilities: sanitary sewers, storms sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for continued water supply and/or sewage disposal must be accompanied by letters of approval by appropriate town, county, and state authorities.*
 - (6) *Existing streets on adjoining properties and in the park, right-of-way and proposed pavement widths. If any street is proposed to intersect with a state maintained road, the plat shall be accompanied by an application for driveway approval as required by the North Carolina Department of Transportation, Division of Highway's Manual on Driveway Regulations.*
 - (7) *Outline of all existing spaces and buildings within the manufactured home park property with lot numbers indicated.*
 - (8) *Location of parking bays, patios, walkways, service and accessory buildings, utilities easements, utility poles, and buffer and screening areas.*

- (9) *Method of sewage disposal in accordance with existing town, county, and state regulations.*
 - (10) *Method of water supply in accordance with existing town, county, and state regulations.*
 - (11) *Plan of electric lighting.*
 - (12) *Development Standards.*
- (C) Two-way access street within the site proposed shall have a pavement width of at least twenty (20) feet. One-way access streets shall have a pavement width of no less than eighteen (18) feet. Permanent dead-end streets or cul-de-sacs shall not exceed six hundred (600) feet in length unless necessitated by topography and shall be provided with a turnaround of at least eighty (80) feet in diameter. All manufactured home spaces shall have access to a street and there shall be no less than two (2) off-street parking spaces per manufactured home space, which shall be accommodated in parking bays. Each parking space shall be provided by the owner or operator of the park. Additional access entrances may be required if the Town Aldermen feel such measures would improve traffic circulation or accessibility for emergency vehicles.
- (a) All manufactured homes shall be properly underpinned and tied down in accordance with the provisions of Section 32.49.15 of this Ordinance and the North Carolina Uniform Residential Building Code.
 - (b) Every manufactured home park shall be located on ground that is above any probable flooding from any natural watercourse and shall be graded so as to prevent the accumulation or ponding of water on the premises.
 - (c) All manufactured home lots shall abut upon a paved street.
 - (d) At least ten (10) percent of the gross land area of the manufactured home park shall be preserved as unobstructed open space. These areas shall be located so as to be free of traffic hazards and easily accessible to the park residents.
 - (e) A densely planted buffer strip consisting of trees, shrubs, other planting, or screen fence, at least ten (10) feet in height shall be provided along the rear and side lines of the manufactured home park, or park property. No such buffer shall, however, be upon or extend into a street right-of-way.
 - (f) The site proposed shall provide area lighting adequate to provide for a safe and efficient living environment and shall meet the requirements of

the Burke County electrical department.

- (g) In every manufactured home park and related building, all installations of plumbing, electrical wiring, and all gas and oil appliances shall comply with the provisions of the state building code and any other applicable regulation of the Town of Glen Alpine. In addition the following must be met:
 - 1. *Each manufactured home lot shall be provided with plumbing and electrical connections.*
 - 2. *The water supply for each manufactured home shall be obtained only from faucets located inside each mobile home.*
- (h) No parking bay shall be located with direct access to a public street or road.
- (i) At the discretion of the Town Aldermen, the park shall have an office either as a separate structure or in connection with the dwelling quarters of the owner or operator.
- (j) The water system shall be in conformance with applicable state, county, and town regulations.
- (k) Sewage disposal shall be in conformance with applicable state, county, and town regulations.

(D) Provisions for Individual Homes. All manufactured homes placed or replaced in manufactured home parks shall adhere to the appearance and setup requirements of Section 32.49.16. The replacement of an existing or damaged manufactured home shall only be permitted if the non-conforming park property meets (or is meeting) all of the requirements established in this Section in accordance with the phased improvement schedule. The Town may withhold zoning permits after any phase to enforce these requirements.

(E) Enforcement. If after five (5) years from the notification of the improvement requirements listed herein, no progress in adhering to the requirements has been made, the Town may use any and all remedies listed in Article 8 to enforce these regulations.

(F) Variances. It is not the intention of this Section to eliminate or reduce the number of existing manufactured homes or spaces. Nor is it the intention of this Section to create undo hardships on individual property owners or their tenants. Therefore, because the required improvements contained herein may, in unique circumstances, pose certain hardships on the property owner, relief from one or more of these requirements may be requested from the Board of Adjustment.

Section 32.35 – Provisions for Site-Built Single Family Homes

The purpose of these regulations is to promote sound neighborhood development and appearance, protect community property values, and to preserve the integrity and character of neighborhoods. Site-built homes are permitted on individual lots in the R-20, RA-20 and R-12 Districts, subject to the following:

- a. The lot must be recorded as an individual lot in the Burke County Register of Deeds.
- b. If municipal utilities are not available, the well and/or septic tank must be approved by the Burke County Health Department.
- c. All yard dimensional requirements for the respective district must be met.
- d. The lot must front on a public street or approved private street and said street frontage will be considered the front of the lot. In cases where a private street is proposed to be used, the zoning enforcement officer may require that a recorded right-of-way exist to serve the property and the street is paved or graveled in a manner that will facilitate safe and efficient vehicular traffic.
- e. The home must meet or exceed the construction standards established by the North Carolina State Building Code.
- f. At least two standard nine (9) by eighteen (18) feet off-street parking spaces shall be provided. The spaces shall not be closer than fifteen (15) feet from the road or right-of-way in order to protect sight distances of the driving public. A driveway of at least 10 feet

wide shall be paved or graveled with not less than four (4) inches of crushed stone on a well compacted sub-base.

- g. All areas not used for parking, the home, accessory buildings or required decks shall be grassed or otherwise suitably landscaped to prevent erosion. Except for agriculture, no exposed soils shall remain after one (1) year from the date the zoning permit is issued.
- h. All homes shall be placed on the lot in harmony with the neighboring structures. Where there are no neighboring structures for comparison, it shall be sited with the front running parallel to the lot frontage. For other odd lots, the home shall be located as determined by the Zoning Enforcement Officer in harmony with surrounding structures.
- i. Each of the requirements in this Section shall be completed within thirty (30) days after final inspection by the Burke County Building Inspections Department. An extension of up to sixty (60) days may be granted by the Town Aldermen if a personal or financial hardship is shown to exist. If no extension is requested or the extension expires with no progress in completing the requirements of this Section, the Town may use any and all remedies listed in Article 8 to enforce the requirements.

Section 32.36 Lot of Record.

Where the owner of a lot of official record in any residential district at the time of the adoption of this Ordinance or his successor in title does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this Ordinance, such a lot may be used as a residential building site provided, however, that the requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two or more adjoining vacant lots of records are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this Ordinance for district in which such lots are located.

(A) *Every lot to be built upon shall abut by at least 45 feet a public street or an approved private street, and no dwelling shall be placed or built upon a lot which does not abut upon a public street or an approved private street by the same distance.*

Section 32.37 Front Yard for Dwellings.

The front yard requirements of this Ordinance for dwellings shall not apply to any

lot where the average setback of existing buildings located wholly or in part within 100 feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than three required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of 10 feet from the street right-of-way, whichever is greater.

Section 32.38 Height Limitation for roof structure, towers and other structures.

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, steeples, flagpoles, chimneys, wireless masts, water tanks, silos or similar structures may be erected above the height limits herein specified, but no penthouses or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential use.

Building and zoning permits are required for towers, satellite dishes, and antennas which must meet the following regulations:

- (A) All towers, satellite dishes, and antennas shall have setbacks equal to or greater than the height of the proposed structure.
- (B) Distance of any guy anchorage or similar device shall be at least ten (10) feet from any property line.
- (C) Suitable protective anti-climb fencing and a landscape planting screen may be required and maintained around the structure and accessory attachments.
- (D) The applicant shall present documentation of the possession of any required license by any federal, state or local agency.
- (E) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line which serves more than one (1) dwelling or place of business, less five (5) feet.
- (F) Only one (1) such structure exceeding the distance height limitations shall exist at any one (1) time on any residentially zoned and used lot or parcel.
- (G) Application for the permit must include construction drawings showing proposed method of installation, structural engineering analysis, and site plan depicting structures and plantings on the property and all adjacent properties. At the request of administrative authority, documentation of a maintenance program may be required.
- (H) If any modifications are made to the structure, the Zoning Enforcement

Officer shall have the authority to require proof that said addition, change or modification is in conformity with the zoning permit and the County Building Code.

- (I) The owner of such a structure shall assume complete liability in case of personal property damage.

Section 32.39 Visibility of Intersections.

On a corner lot in any residential district, no planting, structure, sign, fence, wall or obstruction to vision more than three feet in height measured from the center line of the street or road right-of-way lines and a straight line connecting points on said street or road right-of-way line each of which is 35 feet distance from the point of intersection.

Section 32.39.01 – Street Frontage Required

Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street with the following exceptions:

- a. Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement. A lot of one (1) acre or more in area created through a division of land not subject to the subdivision ordinance shall be eligible for issuance of a permit to establish a single-family detached house, provided the lot is served by a private and exclusive recorded easement or fee-simple projection of the building lot at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on said easement or lot projection. Lots created under these provisions shall be known as “easement-access lots” and “flag lots”, respectively.
- b. Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
- c. A site specific development plan may be considered for approval as a PUD where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, private alleyway with courtyard, or pedestrian way, where adequate access by emergency vehicles is maintained by way of a street or alley.

- d. To access a lot or lots in the General Business or General Manufacturing District, where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private drive may be substituted for the interior street which cannot be connected to the public network.

Section 39.29.2 – One Principle Building on a Lot; Exceptions

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations.

Section 39.29.3 – Lot Size

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the required dimensions cannot be met, or the performance standards for spacing of structures, building mass and scale, and street frontage relationships cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

Section 39.29.4 – Yard Designation

On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

Section 39.29.5 – Through Lots

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

Section 39.29.6 – Structures and Uses Limited in Yards

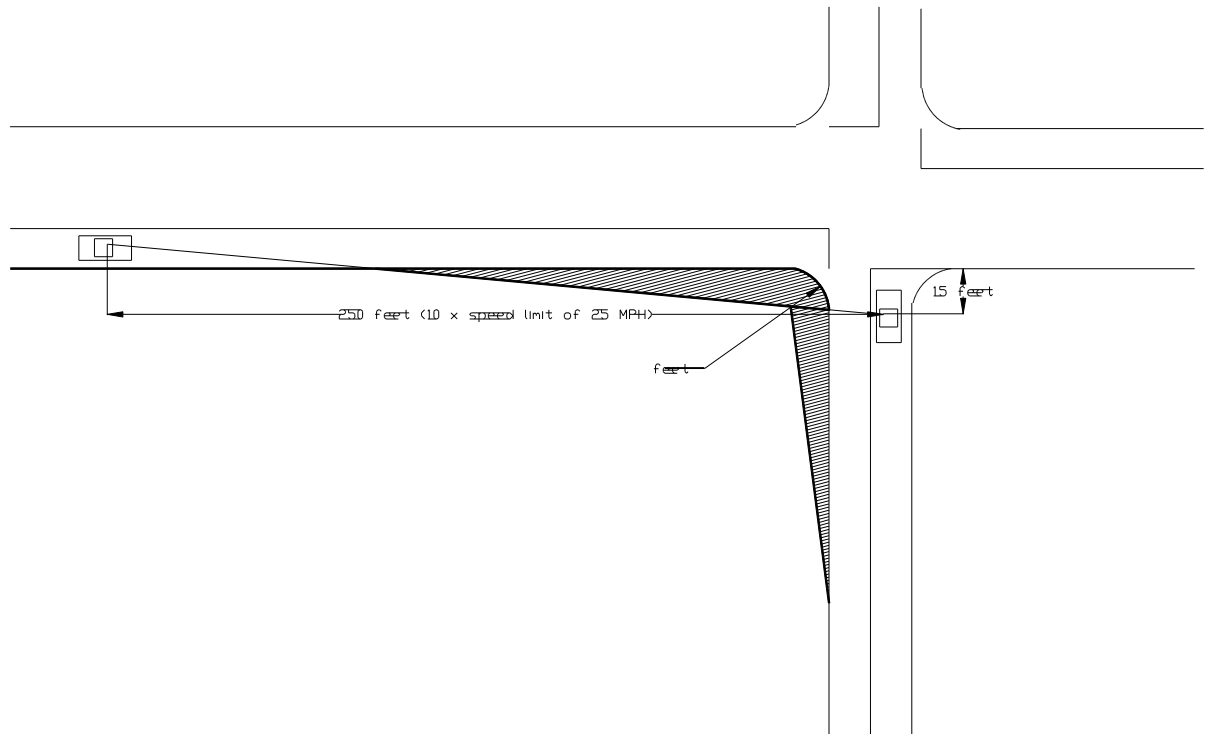
- a. No principal building or structure shall be located within any required setback or yard, forward of the build-to line for a principle structure, within any setback or yard established by a recorded plat, nor in any required buffer or screen.
- b. Except as otherwise provided in this section, no accessory structure shall be located within an established setback or required side yard, nor within 10 feet of a side or rear lot line. Where permitted, accessory dwellings may be located no closer than 10 feet to the right-of-way or easement of an abutting mid-block alley, nor closer than 10 feet to an abutting rear property line. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on

lots, which abut a body of water. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of Section 39.29.7. If the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard and be at least 10 feet from the rear lot line.

- c. Fences may be located in any yard, established or required, according to the standards of Sections 39.29.7 and 39.29.9.
- d. Signs may be located in an established front setback or a side yard abutting a public street as permitted by the provisions of Article 5, Signs.
- e. No outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.
- f. Notwithstanding other provisions of this section, architectural features such as cornices, eaves, bays, awnings, steps, gutters, and fire escapes may project up to 3 feet into an established or required yard.
- g. Above ground backflow preventers and water meters shall be surrounded, on all sides visible from public streets and abutting properties, by a landscaped opaque screen according to Section 32.29.22

Section 39.29.7 – Clear Sight Triangle at Street Intersection

- a. In most circumstances, a clear view at each corner of an intersection shall be maintained by establishing an unobstructed “sight triangle”. The extent of the required sight triangle varies according to the speed limit of streets forming the intersection. For streets signed 35 MPH or greater, the area to be clear of view obstructions at non signalized intersections is generally to be the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection. For intersecting streets signed for less than 35 MPH, the shaded area in the figure below illustrates the area which must, in most instances, be clear of obstructions to driver visibility at non signalized intersections. As indicated, the clear sight triangle will vary according to speed limit for traffic on approaching street.



- b. No planting, structure, sign, fence, wall, man-made berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 72 inches above the level of the center of the street intersection.
- c. The limitations of this section may be modified in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:
 - i. existing natural grades;
 - ii. trees trimmed such that no limbs or foliage extend into the area between 30 and 72 inches above the level of the adjacent intersection;
 - iii. fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;
 - iv. buildings located in the Central Business District;
 - v. the approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, neck-downs, intersection diverters, and curb bulbs.

Section 39.29.8 – Building Separation

All detached principal structures in all districts shall preserve a minimum building separation of 10 feet. The requirement of the district to conform to an existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards. All detached accessory structures in all districts shall maintain a minimum building separation of 5 feet, as measured from the overhang.

Section 39.29.9 – Permitted Accessory Uses in all Districts

- a. Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot.
- b. Fences and walls.
 - i. In a residential, mixed use, or commercial district, a fence or wall in the established front yard of a building shall be a minimum of 2 feet in height and a maximum of 5 feet in height. Chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood or vinyl fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability.
 - ii. No fences within rear or side yards shall exceed 8 feet.
- c. In a commercial district, a fence or wall shall not exceed 8 feet within the first 15 feet of an established side or rear yard abutting a street or alley. Fences of chain link or similar material are permitted in the first 15 feet of an established yard abutting a street or alley only if placed on the interior side of a masonry wall or solid wood fence and planted with a semi-opaque vegetative screen between wall or fence and street or alley. Beyond the first 15 feet abutting a street or alley, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2½ feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level.
 - i. In a commercial district, fences of chain link or similar material placed in an established yard which abuts a residential or mixed use district shall provide a screen on the exterior side of the fence.
 - ii. For parking lots as principal or accessory uses, the standards of Article 7 will control.
- d. Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- e. Temporary buildings and storage of materials, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.

- f. Swimming pools located on any site, including single family residential sites, shall be:
 - i. Located in a side or rear yard only;
 - ii. Located a minimum of fifteen feet from any property line;
 - iii. Completely enclosed by a fence or wall no less than four feet but no more than eight feet in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.

Section 32.29.10 Provisions for Satellite Dish Antennas.

Satellite Dish Antennas shall be considered an accessory structure and shall require a zoning permit. They may be located in any district subject to the following conditions:

- (A) No designs or advertising shall be painted on the Satellite Dish Antenna except the manufacturer's name, logo, or trademark provided it is a reasonable size that has been applied by the manufacturer.
- (B) Satellite Dish Antennas shall not locate or encroach upon existing rights-of-way or required setbacks.
- (C) On corner lots, Satellite Dish Antennas shall not be located within the "Sight Triangle."

(D) For residential use, Satellite Dish Antennas shall be permitted in the side and rear yards of the lot provided the location of the Satellite Dish Antenna is in compliance with the dimensional requirements for the use districts as outlined in Section 32.29 of this Ordinance.

(E) For residential use, Satellite Dish Antennas may be located in the front yard or on the roof of the main structure if the following conditions are met:

- (1) *The property owner petitions the Board of Adjustment for a variance;*
- (2) *The petitioner must prove that he cannot get clear reception by locating the Satellite Dish Antenna in the rear or side yards of his lot;*
- (3) *That the location of the Satellite Dish Antenna will be in compliance with Sections 32.29.10 (A-C) of this Article.*

Section 32.29.11 – Standards for Construction; Developer Responsibility

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this document or in the subdivision regulations of the Town of Glen Alpine, town standards shall control. In the absence of a specified town standard, construction shall be in conformance with the then most recent version of the State standards manual.

Section 32.29.12 – Regulation of Nuisances

- a. Noise. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential, research, or office-institutional district, as detected in that district without instruments, that is louder than the noise which could be generally expected from uses permitted in that district.
- b. Fumes and Odors. No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.
- c. Vibration. No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line without instruments.

Section 32.29.13 – General Standards for Driveway Permitting

- a. No driveway or other point of access to a public street shall be constructed, relocated, or altered unless a driveway permit is obtained from the Town of Glen Alpine or the State of North Carolina, whichever jurisdiction applies. The applicant

shall comply with the most restrictive standards.

- b. For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets.
- c. In a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each building permit is issued. Individual driveway permits are not required on a lot-by-lot basis.
- d. Determination of the location and design of access to the public street system shall be made by professional reviewers based on a contextual examination of the site, surrounding development, potential traffic generated on the site, current and future surface transportation system needs, special policies which might exist for the corridor being accessed, and state of the practice principles for access management as promulgated.

Section 32.29.14 – Standards for Residential Alley Fed Lots

- a. Except detached house types and two-unit attached house with no alley shall be required to have a lot width 60' feet in width or greater. Lots have alley access providing rear on-site parking or on-street parking for detached house types and two-unit attached house types may have lots 60' in width or less.
- b. Alley access for on-site parking is strongly encouraged for three-unit or more attached house types.
- c. For lots 60 feet wide or less, driveways shall be no more than 14 feet wide as measured along the public street right-of-way for a detached house and two-unit attached house type. For lots wider than 60 feet, driveways shall be no more than 20 feet wide as measured along the public street right-of-way for a detached house, two or more unit attached house type.
- d. Driveways shall extend at least twenty (20) feet from the private alley, a public right-of-way and public sidewalk easement to prevent on-site residential parking from encroaching and preventing vehicle passage.
- e. On-street parking at lot front, when specifically provided, may be counted toward all or part of the parking requirement of a dwelling unit.
- f. Detached garages may only be placed in the established rear yard. Garages for more than two cars must be detached and located in the established rear yard or be attached side or rear loading.
- g. Lots in subdivisions approved prior to the effective date of this ordinance are exempt from the limitations of (a) through (b) above.

Section 32.29.15 – Flags

- a. In non-residential districts, vertical flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 54 feet, whichever is less.
- b. In residential districts, vertical flagpoles shall not exceed 25 feet in height, or the height of the primary structure on the parcel, whichever is less.
- c. The hoist side of the flag shall not exceed 20% of the height of a vertical flagpole or the length of a mast-arm flagpole. Mast-arm flagpoles shall not exceed 25 feet in length and therefore would have a maximum hoist of 5 feet.
- d. Flags displaying a logo, message, statement, or expression relating to commercial interests and banners not meeting the definition of a flag contained herein shall conform to all applicable ordinances pertaining to signs.
- e. This section shall not be construed to restrict the right to display eligible flags as banners or signage as provided elsewhere in the ordinance.
- f. Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags that are torn or frayed shall not be displayed.

Section 32.29.16 – Site Lighting

The purpose of the site lighting regulations is to ensure public safety and welfare and to protect the night sky. External lighting shall meet the following standards unless otherwise permitted or restricted by this ordinance.

Section 32.29.17 - General Requirements

- a. The base/mounting fixture, the maximum height for lighting (pole mounted and wall mounted) shall be 40 feet except for sports complex lighting as addressed in Section 32.29.16 of this ordinance.
- b. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cut-off. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on fixtures. No source of glare shall be visible from any adjacent property or street.
- c. Light trespass shall be prevented by employing lighting shields, hoods, walls, or fences which control light projection.
- d. Security lighting (floodlights, where permitted, wall packs, and etc.) shall be shielded and directed at a downward angle no higher than 45 degrees above straight down (half-way between straight down and straight to the side) measured perpendicular from the pole or mounting wall.
- e. Outdoor lighting not necessary for security purposes shall be turned off during non-

operating hours.

Section 32.29.18 - Prohibited Lighting and Fixtures

- a. Drop lenses and similar lighting fixtures are prohibited.
- b. Floodlights are not permitted for illumination in non-residential districts except in loading areas of light and heavy manufacturing uses. Floodlights, when permitted in loading areas, shall:
 - i. be fully shielded; be aimed at no higher than a 45 degree angle (halfway between the horizontal plane and straight down) unless a sight line graphic is submitted demonstrating that no off site glare will be created from any portion of the lighting fixture due to screening by existing topography, accessory buildings, landscaping, etc.
 - ii. be focused toward the primary building or the loading area only;
 - iii. not be aimed toward an adjoining residential zone or conforming residential land use;
 - iv. not emit glare or light trespass onto adjacent streets or properties.
- c. Canopies and awnings used for building accents shall not be internally illuminated.
- d. Flashing, colored or obtrusive lighting is prohibited.
- e. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- f. The operation of searchlights for advertising purposes is prohibited.
- g. Black lights and neon lights (including argon and similar rare gas fixtures), except for signage, are prohibited.

Section 32.29.19 - Exemptions to these requirements.

1. The following shall be exempt from the lighting requirements of this ordinance:
 - a. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt for as long as the emergency exists.
 - b. Underwater lighting used for the illumination of swimming pools and fountains.
 - c. Lighting used for nighttime street construction and repair.

- d. The lighting of official governmental flags and public civic monuments.
- e. Seasonal decorations.

Section 32.29.20 - Maintenance Requirements

- a. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as required.
- b. Any damaged, broken or malfunctioning light fixture or pole which results in failure to meet any part of this ordinance shall be repaired or replaced immediately.

Section 32.29.21 - Buffer Yard Standards.

Grading and Development within the Buffer Yard Area. No grading, clearing, or land disturbing activities shall occur within the required buffer yard area. Areas completely devoid of existing trees may be graded with slopes no greater than 3:1 as long as the future grades do not change the functionality of the required buffer yard. Grading shall not create a new drainage pattern that is harmful to existing vegetation.

- a. Alternate Buffer Yard Plan. In the event of unusual topography or elevation of a development site, soil or other sub-surface condition on the site, or the presence of existing vegetation, the Zoning Administrator may alter the buffer yard requirements as long as the existing features of the development site comply with the spirit and intent of this Article. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Plan Reviewer showing existing site features that would buffer the proposed use and any additional buffer yard materials the property owner will plant or construct to buffer the proposed use.

In situations where the required buffer yard width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.) the planting requirements of this Ordinance shall be met outside of the easement area. This area shall be identified as a buffer yard on all site, grading, erosion control, and landscape plans.

- b. All buffer yards shall remain undisturbed except for the following:
 - i. Utility easements may cross a buffer yard, but may not be planted laterally in a buffer yard. To the extent possible, the path cleared shall be replaced with plant materials which are consistent with those that existed prior to the easement.
 - ii. Driveways and street crossings may cross a buffer yard but may not be installed laterally in a buffer yard.
 - iii. Sidewalks and other pedestrian or bicycle paths may cross a buffer yard or be placed within it if such avoid disturbing existing vegetation

Landscaping installation, maintenance, and replacement shall be exempt.

c. Section 32.29.22- Screening

The purpose of a screen is to provide a visual barrier between an unsightly or out of scale development feature and the view from public streets and abutting properties. It is required for uses specified below:

- a. Dumpster or trash handling areas
- b. Mechanical and utility equipment at ground level or rooftop equipment
- c. Service entrances or utility facilities for building operation:
- d. Loading docks or spaces:
- e. Above ground backflow preventer
- f. All other uses for which screening is specifically required under these regulations (see Article 6, Limited Uses Regulations).
- g. A screen may be composed of:
 1. a wall
 2. wood fence
 3. planted vegetation
 4. existing vegetation
 5. a combination of these elements which will meet the purpose of the requirement
- j. The width of the screen is that which is necessary to accommodate the screening materials
- h. Location - To provide maximum sight line obstruction, a screen shall be placed immediately adjacent to the structure or use to be screened except as otherwise approved by staff.
- i. Maintenance Required.
 1. Maintenance of street trees, shrubs and plantings, including regular trimming and replacement if necessary, is required along buffer zones.
 2. The town may enforce these maintenance requirements through any and all procedures stipulated in Article 8 of this Ordinance.

Article 5

SIGNS

Section 32.30 – Purpose

The purpose of this section is:

- a. To maintain public safety and traffic safety by ensuring that signs are properly designed, constructed, installed, and maintained;
- b. To minimize the distractions and obstruction of view that contribute to traffic hazards and endanger public safety;
- c. To protect existing development and promote high standards of quality in new development by encouraging appropriately designed, placed, and sized signage.
- d. To provide an effective guide for communicating identification through signage while preventing signs from dominating the visual appearance of the areas in which they are located.

Section 32.31 – Applicability

Except as otherwise provided in this ordinance, it shall be unlawful to construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Burke County Building Department or designated permitting agency. In addition, a certificate of occupancy for the change in the use of property shall require compliance with this Article.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance. A legal non-conforming off-premise advertising sign that changes from utilizing external illumination to internal illumination or self-luminous or from a static copy to changeable message copy shall be considered a change of nature and is in violation of this ordinance.

Section 32.32 – General Provisions

- a. Measurements
 - i. Height. Figure 2 shows the method for calculating sign height. Where topography, neighboring buildings, or existing landscaping would obscure a sign from the adjoining street, the applicant may request a variance. The height of a sign shall be measured from the top of highest attached component of the sign, to the higher of:

1. The average grade of the ground excluding berms, filling, mounding or excavations, at the base of the sign, or
 2. The average grade level of the adjacent street or highway centerline for signs located within twenty-five (25) feet of the right-of-way, whichever is higher.
- ii. Sign Face Area. On-premise signs shall be calculated by measuring from the extreme boundaries of the each sign face, as illustrated in Figure 3. The message area shall include any emblem, logo, trademark, representation or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but shall not include the supporting framework, bracing, poles, apron, supports, structural members, decorative fence or wall that is clearly incidental to the sign and not a part of the message. Billboards and off-premise sign area calculations shall include the border and trim.
- b. Cabinet Signs: The sign area is determined by multiplying the width by the height. The sign area of round cabinet signs shall be calculated based on the formula: $3.14 \times \text{radius} \times \text{radius}$.
 - c. Back-to-Back Signs: The sign area of back-to-back signs shall be calculated by measuring only one (1) sign face. If there is a separation of more than three (3) feet between faces or an angle greater than fifteen (15) degrees, then each sign face shall be calculated.
 - d. Multiple Signs: The sign area for multiple signs shall be calculated by taking the sum of the sign area for each individual sign.
 - e. Sign Setbacks. Signs located within the required front yard or side street of a principal structure shall be located a minimum of five (5) feet from the property line of road right-of-way. The location of signs shall not interfere with the site visibility triangle.
 - f. Freestanding Signs. Only one (1) freestanding sign may be erected per parcel except
 - i. As otherwise allowed for properties with more than five hundred (500) feet of frontage; or
 - ii. For parcels that are one (1) acre or more in size that have frontage on two (2) public collector or arterial streets, a second freestanding sign may be authorized.

Section 32.33- Permitted Sign Standards

- a. Construction Standards; All Signs
 - i. Building code compliance: All signs shall be constructed and maintained in accordance with the provisions of the adopted building code.
 - ii. Materials required: All signs for which a permit is required by this Section,

except temporary signs, shall be constructed of non-combustible material.

- iii. Wall signs placed against the exterior walls of buildings shall not exceed more than six (6) inches outside of a building's wall surface, and shall not exceed 50 square feet in area for any one premises, and shall not exceed 20 feet in height above the natural ground line.
 - iv. Ground signs shall be monument style not exceeding one per lot shall not exceed 10 feet in height above the natural ground line, shall meet all yard and height requirements for this district and shall not exceed 40 square feet on one side, nor 80 square feet on all sides for any one premises. Monument signs shall be constructed in natural (stone, wood, metal) earth tone materials
 - v. Window signs shall be places on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.
 - vi. Reflectors: Reflectors and lights shall be permitted on ground signs, roof signs, and wall signs; provided, however, that the reflectors and lights shall be provided with proper glass lenses so that no light therefrom creates a hazardous or dangerous condition.
 - vii. Internal illumination: The illumination of internally illuminated signs, which are authorized only in the business zoning districts, shall not exceed twenty (20) foot-candles of incandescent light measured at a distance of ten (10) feet from such structure.
 - viii. External illumination: Externally illuminated signs shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians or onto a residential structure.
- b. Special Limitations. In addition to the limitations set forth in the other sections of this article, the following limitations shall apply to these specific types of signs:
- i. Wall signs: No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
 - ii. Awning signs:
 - 1. Awning signs must be painted or installed directly on the valances of the awning.
 - 2. No awning sign may be internally illuminated.
 - iii. Entrance sign: All entrance signs shall be placed on private property and may not be placed in the right-of-way, except in a center median based on the following criteria:
 - 1. the sign has two (2) faces;
 - 2. the location has been approved in writing by the Town Planner and

3. applicant agrees to be responsible for maintenance and repair of the entrance sign and ensures that the existence of the entrance sign is documented on the final plat for the development.

iv. Banners in Town parks:

1. Town sponsored or operated events shall be exempt from sign regulations.
2. Banners shall be considered temporary signs.
3. In addition to the special limitations of this Section, banners placed in the Town parks shall be further regulated as follows:
4. Banners in the Town's parks can be displayed for no more than seventy-two (72) hours;
5. No person shall be permitted to display more than one (1) banner on the premises, and only one (1) banner shall be displayed on the premises at any given time;
6. Each person is responsible for erecting and removing its banner;
7. No banner shall be any larger than sixty (60) square feet;
8. No banner shall at any time be attached to trees within the park.

- v. Sign Separation. A ground-mounted sign (e.g., pole and monument signs) shall not be located closer to another ground mounted sign than fifty (50) feet, measured parallel to the right-of-way. In circumstances where existing signs would preclude the installation of a sign in conformance with these spacing standards on a lot or parcel legally existing on the date of the adoption of these regulations, one freestanding sign shall be authorized for the parcel.

Section 32.34 - Prohibited Signs

The following signs shall not be permitted in any district:

- a. Signs with flashing, moving, rotating, pulsating or glaring parts, including LED signs not specifically authorized by this Code except for time and temperature (see Section S. for exceptions for Houses of Worship, Schools and Daycare Centers);
- b. Signs which resemble traffic control signs or devices or use the words "stop", "slow", "danger", "caution" or the like which may confuse motorists and cause traffic hazards;
- c. Strings of lights, pennants, strings and loops of strings or ribbons, garlands, search lights, beacons, paper posters applied directly to a wall, pole, fence or building surface, and banners and streamers, are prohibited, except as allowed as a temporary sign in and for vehicle sales lots where ninety-five percent (95%) of the inventory is located outdoors, subject to issuance of a temporary use permit and

payment of applicable fees.

- d. Abandoned signs or signs advertising a business, service or product no longer offered on the premises;
- e. Signs containing obscene messages, scenes or graphics, or false or misleading advertising or information;
- f. Portable or temporary signs other than those specifically permitted herein;
- g. Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, utility poles, fences, or placed on any public property or public right-of-way, except as authorized by the Town;
- h. Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying said sign;
- i. Signs placed on or extending over public right-of-way, except as otherwise allowed by this section;
- j. Any sign on which the illuminating or lighting device is so placed as to reflect or shine directly into the adjacent highways or streets in such a manner as to hamper the vision of a motor vehicle operator thereon;
- k. Roof signs
- l. Mobile billboards or street blimps parked in any zoning district for more than one (1) hour in a twenty-four (24) hour period;
- m. Obstruction to doors, windows, or fire escapes: No sign shall be erected, relocated, or maintained so as to prevent free ingress to, or egress from, any door, window, or fire escape; nor shall any sign be attached to any stand pipe or fire escape;
- n. New billboards.

Figure 1: Common Sign Types

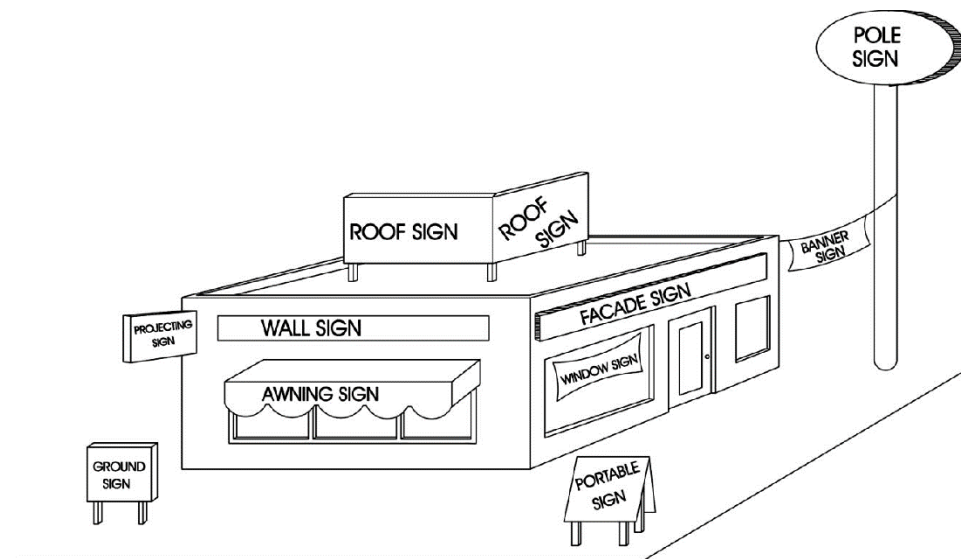


Figure 2: Sign Height

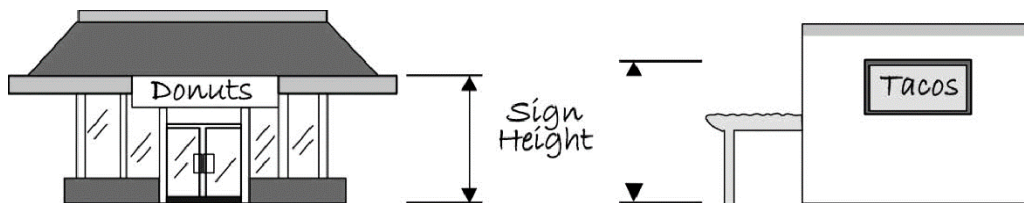
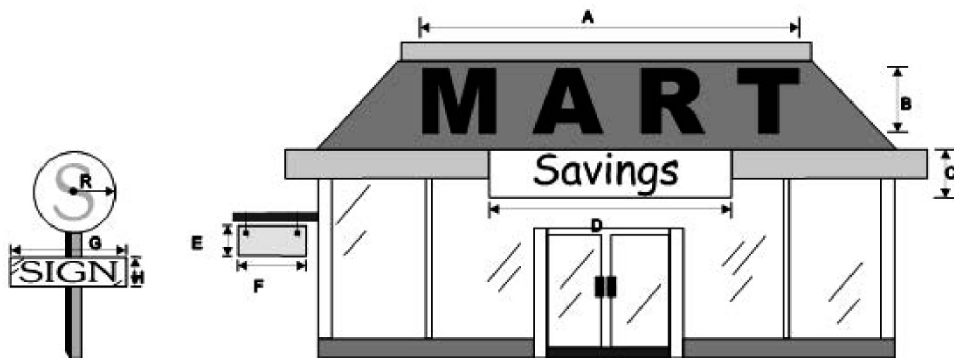


Figure 3: Calculating Sign Area



Section 32.35- Nonconforming Signs

Nonconforming signs will be allowed to remain in good repair, for a period of two years after the adoption of this Ordinance, after which time all signs must conform to the regulations of this Article.

Section 32.36 – Exemptions

The following signs are exempt from regulation under this section:

Non-illuminated signs not exceeding six square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as

- i. Signs giving property identification names or numbers of occupants,
- ii. Signs or mailboxes or newspaper tubes
- iii. Signs posted on private property relating to private parking or warning the public against trespassing or danger from animals, and
- iv. Church directional signs.

All political and or yard/garage sale signs after ten days from an election day must be removed or be subject to a fine to be determined by the Article 8 of the Glen Alpine's Zoning Ordinance.

Section 32.36 – Application and Issuance of Sign Permits

Section 32.36.1 - Application

Applications for permits shall contain or have attached the following information:

- i. The street name and street number of the building, structure or lot on which a sign is to be placed.
- ii. Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign.
- iii. If the applicant is not the owner or lessee of the lot on which the sign will be located, written permission from the property owner or a designated representative stating agreement that the sign may be erected on the parcel for which the permit has been applied shall be required.
- iv. A site or plat plan of the property involved, showing accurate placement of the proposed sign, intended use(s) of the property, and zoning district designation.
- v. Blueprints or scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and size of existing wall signs shall be included.
- vi. Other information as the Zoning Administrator may require to

determine full compliance with this and other applicable codes.

Section 32.36.2 - Issuance of Permit

Upon the filing of an application for a sign permit, the Zoning Administrator shall examine the plans and specifications, and, as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this ordinance and other applicable codes, a permit will be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly commenced within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

Section 32.36.3 - Fees

To obtain a sign permit, all fees, in accordance with the requirements of the permitting agency, shall be paid.

Section 32.36.4 - Construction Inspection

The permit holder shall notify the Building Standards Department upon completion of construction and installation of any sign for which a permit is required.

Section 32.37 – Enforcement

Section 32.37.1 - Inspections and Investigations

- a. The Zoning Administrator or other agents of the Town of Glen Alpine will periodically inspect signs in order to determine whether there are violations of this Ordinance.
- b. The Town of Glen Alpine or the Zoning Administrator, acting on behalf of the town, shall have the power to conduct such investigations as may reasonably be deemed necessary to carry out enforcement duties prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of the town or of the Zoning Administrator who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- c. The Zoning Administrator or other authorized agent of the town may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

Section 32.37.2 - Enforcement Methods

A violation of this article is a violation of the Zoning Ordinance, and is subject to the enforcement procedures and penalties of Article 8 of these regulations.

Section 32.37.3 - Removal and Disposal of Signs in the Right of Way

The Zoning Administrator or other agents of the Town of Glen Alpine may remove any illegal sign placed on public property or within any right-of-way of any public or private street.

Article 6

LIMITED AND CONDITIONAL USE REGULATIONS

Section 32.4 – Planned Unit Development

The planned unit development (PUD) concept offers developers the possibility of more efficient and flexible methods for developing property with respect to the appropriate permitted and special uses of a district.

Section 32.41 - Planned Unit Development, Residential (PUD-R)

The purpose of the planned unit development, residential is to provide a means by which multifamily dwellings may be developed on a site under unified control, which is planned and developed as a whole or in stages, in areas which is planned and developed as a whole or in stages, in areas which be unsuitable for conventionally developed multifamily use. By requiring site plan, maximum control of development can be achieved.

For any lot for which a special permit for PUD-R is to be issued, the following regulations shall apply:

- a. Permitted uses. Multi-family dwellings, and any use permitted in the R-20, R-12 residential district, provided they are developed on a tract of land of a least two (2) acres in accordance with the regulations of PUD-R.
- b. Development requirements within the PUD-R shall be as specified below:
 - i. Notwithstanding other regulations set forth herein regarding dimensional requirements, lots in PUD-Rs shall be subject to the following standards:
 - a. Minimum required mean lot width: **60 feet**; lots less than 60 feet in width shall be accessed by alley
 - b. Minimum front yard setback: **10 feet**
 - c. Minimum side yard setback: **7.5 feet**
Street yard setback: **10 feet**
 - d. Minimum back yard setback: **20 feet**

- e. Location of accessory buildings: No accessory building shall be located in any front yard or within ten (10) feet of any street line or non-street side lot line, and provided that in case of a corner lot with reversed frontage, no accessory building shall extend beyond the front yard line of the lots in the rear
- ii. The minimum area requirement shall be twenty one thousand seven hundred and eighty **(21,780)** square feet per dwelling unit in the project.
- iii. The average of all lots shall be no less than the minimum lot size in the underlying zoning district.
- iv. In RA and RA-20 districts, single family units shall not exceed a maximum of two (2) dwelling units per acre. Maximum permissible lot coverage is determined through overall Planned Unit Development impervious percentages, not to exceed 36% of the total subdivision.
- v. Every building shall be separated on every side from any other building within the group by a distance of at least ten (10) feet, with the sides of the buildings being at least five (5) feet from the shared lot lines.
- vi. No dwelling shall exceed two and one-half (**2 1/2**) stories or thirty-five (**35**) feet in height. No other building shall exceed thirty-five (**35**) feet in height unless minimum side and rear yards at exterior property lines shall be increased over the required minimum by five (**5**) feet for every five (**5**) feet, or fraction thereof, of height over thirty-five (**35**) feet. Individual stacked second story apartment units are not permitted. Any building greater than one story shall be designed as townhouses where each individual dwelling unit occupies all stories above the ground story.
- vii. The minimum unobstructed open space shall be forty (**40**) percent of the total site area.
- viii. At least ten (**10**) percent of the minimum unobstructed open space shall be usable open space. Usable open space shall be defined as an open area designed and developed for use by the occupants of the development or others for recreation, courts, gardens, or household service activities, such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible. The term shall not include space devoted to streets and parking.
- ix. Open space may be owned or administered by one or a combination of the following methods: fee simple ownership by a unit of government or private non-profit land conservancy; by a homeowners' association; or by an individual private ownership such as a farmer, developer or other private entity that maintains the space. Convents and restrictions are to be recorded by the Register of Deeds.

- x. Off-street parking shall be provided by all uses as required in Article 7.
 - xi. All schools, churches, community centers and other public meeting places shall be designed, arranged and maintained so that all loading of vehicles can take place off the public right-of-way and street.
 - xii. Parking of motor vehicles shall not be permitted within the required setback.
- c. An application for a special use permit to allow PUD-R development shall be accompanied by schematic plans showing:
- i. Proposed locations of building and their general exterior dimensions.
 - ii. Proposed use of all land within the area requested for PUD-R.
 - iii. Dimensions between all buildings and from buildings to property lines.
 - iv. Traffic, parking and circulation plan, showing proposed locations and arrangement of parking spaces and ingress and egress to and from adjacent streets.
 - v. Proposed location and material of any screening walls, fences, or plantings.
 - vi. Proposed exterior design of buildings.
 - vii. Schedule of number and size of apartments within the project.
 - viii. Proposed time schedule and staging, if any, for construction of the project.
- d. In approving an application for PUD-R, the Town Aldermen shall find that the proposed development will be compatible with neighborhood development plans, will not place an excessive traffic load on local streets, that the site can be developed according to a site plan that will be compatible with existing neighborhood development, and that the site can be provided with adequate utility services.
- e. Site development within the PUD-R shall conform to the schematic plan and associated requirements by the Town Aldermen. Modification of the development plan and associated requirements may be made by the Aldermen subsequent to the initial approval upon application by the owner of the property.
- f. Following Aldermen approval of a PUD-R special use permit, the property for which approval was granted shall be labeled "PUD-R" on the zoning map.

Section 32.42 - Planned Unit Development, Business (PUD-B)

The purpose of the special use permit for PUD-B is to provide a means by which a group of businesses occupying a group of principal buildings may be developed on a site under

unified control, which planned and developed as a whole or in stages. The type of development allowed under PUD-B is also referred to as the planned shopping center. A PUD-B development is intended to provide a variety of goods and services in stores and offices conveniently arranged with respect to each other and to off-street parking facilities provided with safe access from and to the appropriate public streets.

For any site for which a special use permit for PUD-B is to issued, the following regulations shall apply:

- f. Permitted uses. Any use permitted in the business district where the site is located, provided the uses are developed on the site of a least two (2) acres, and two (2) principal buildings, in accordance with the regulations of PUD-B.
- g. Development requirements with a PUD-B shall be as specified below:
 - i. Yards with a minimum depth of twenty-five **(25)** feet shall be provided around the entire perimeter of the PUD-B, and additional depth may be required where necessary to protect adjacent property in portions of the perimeter. No internal yards need be provided, but where buildings on the site are separated, the distance between them shall be at least fifteen **(15)** feet.
 - ii. Along minor public streets, and adjacent to any required residential front or side yard line, a yard twenty-five **(25)** feet in least dimension shall be landscaped and maintained in a manner appropriate to a residential neighborhood. No such landscaped yard shall be used for off-street parking or loading, but such required yards may be used for walkways, and portions not within twenty-five **(25)** feet of residential lots may be used for drives other than the principal entrances or exists.
 - iii. Along thoroughfares, yards may be used for off-street parking, drives, and walkways, provided, however, that a yard twenty-five **(25)** feet in least dimension shall be landscaped and maintained in a manner appropriate to a residential neighborhood where the lot adjoins any required residential front or side yard line, with uses limited as provided above. A fence to contain wind-blown trash within the development shall also be erected within this yard.
 - iv. No landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exists, no off-street parking, landscaping, or other material impediment to visibility between the heights of three **(3)** feet and eight **(8)** feet shall be permitted within triangle areas defined by lines connecting points described as follows: Beginning at a point where the mid line of the entrance or exist intersects the public right-of-way in the direction of approaching traffic, thence to a point twenty-five **(25)** feet toward the interior of the lot along the mid line of the entrance or

exit, and thence to point of beginning.

- v. Along thoroughfares, turnout lanes and merging lanes may be required to be constructed on the lot, with length and width as appropriate to flow of traffic, and traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required or provided voluntary, such turnout and merging lanes may be included as part of the required yard adjacent to the thoroughfare, except that no such lane, and no entrance or exit, shall run through any part of any required landscaped yard adjacent to a required residential front or side yard.
- vi. No building shall exceed thirty-five **(35)** feet in height unless any required perimeter yards abutting the building are increased over the required minimum by five **(5)** feet for every five **(5)** feet, or fraction thereof, additional height over thirty-five **(35)** feet.
- vii. Off-street parking spaces shall be provided for PUD-B as required in Article 7.
- viii. Off-street loading and unloading spaces shall be provided for PUD-B as required in Section 32.63.
- ix. Signs erected in PUD-B shall be regulated by the requirements of the provisions of Section 32.44.
- x. It is specifically provided that garbage and trash, unless kept in the principal buildings, shall be kept in containers in accessory structures, and that neither the containers nor loose garbage or trash shall be visible from residential areas, from portions of the premises customarily open to customer parking, or customer pedestrian or automotive traffic, or from public ways.
- xi. An application for a special use permit for PUD-B for a site shall be accompanied by schematic plans showing:
 - 1. Proposed location of buildings and their general exterior dimensions.
 - 2. Proposed use of all land within the area requested for PUD-B.
 - 3. Dimensions between all buildings and from buildings to property lines.
 - 4. Traffic, parking, loading and circulation plan, showing proposed locations and arrangement of parking and loading spaces, and ingress and egress to and from adjacent streets.
 - 5. Proposed location and material of any accessory buildings or structures, screening walls, fences or plantings.
 - 6. Proposed exterior design of buildings.

7. Proposed time schedule and staging, if any, for construction of project.

- xii. If appropriate in view of location of the site, the plan shall also show the manner of improving and maintaining in open use portions of the tract subject to periodic inundation, and shall demonstrate that hazards or damage to other property will not be created by any channeling, cutting, filling, bulk heading, or other treatment of water flow from or past the site, by erosion from increased rate, volume, or reduction of flow, by deposition of debris or other flood-borne materials from the site or as a result of its development, by excessive slopes remaining at the edge of cut or fills, by damaging increases in the ground water level of surrounding property, or by other actions in developing the tract and its ancillary facilities. If potential hazard or damage might reasonably be expected from any of these causes, the plan shall show how it is to be averted.
- c. In approving an application for PUD-B, the Town Aldermen shall find that the proposed development will be compatible with neighborhood development plans, will not place an excessive traffic load on local streets, that the site can be developed according to a site plan that will be compatible with existing neighborhood development, and that the site can be provided with adequate utility services.
- d. Site development within the PUD-B shall conform to the schematic plan and associated requirements by the Town Aldermen. Modification of the development plan and associated requirements may be made by the Aldermen subsequent to the initial approval upon application by the owner of the property.
- e. Following Aldermen approval of a PUD-B special use permit, the property for which approval was granted shall be labeled "PUD-B" on the zoning map.

Section 32.43 - Planned Unit Development, Manufacturing, (PUD-M)

The purpose of the planned unit development, manufacturing is to provide a means by which to develop manufacturing and related use under unified control, which is planned and developed as a whole or in stages.

For any site for which a special use permit for PUD-M is to issued, the following regulations shall apply:

- a. Permitted uses. Any use permitted in the business district where the site is located, provided the uses are developed on the site of a least two (2) acres and two (2) principal buildings in accordance with the regulations of PUD-M.
- b. Development requirements with a PUD-M shall be as specified below:
 - i. Yards with a minimum depth of twenty-five (25) feet shall be provided around the entire perimeter of the PUD-M, and additional depth may be required where necessary to protect adjacent property in portions of the perimeter. No internal yards need be provided, but where buildings on the

site are separated, the distance between them shall be at least fifteen **(15)** feet.

- ii. Along minor public streets, and adjacent to any required residential front or side yard line, a yard twenty-five **(25)** feet in least dimension shall be landscaped and maintained in a manner appropriate to a residential neighborhood. No such landscaped yard shall be used for off-street parking or loading, but such required yards may be used for walkways, and portions not within twenty-five **(25)** feet of residential lots may be used for drives other than the principal entrances or exists.
- iii. Along thoroughfares, yards may be used for off-street parking, drives, and walkways, provided, however, that a yard twenty-five **(25)** feet in least dimension shall be landscaped and maintained in a manner appropriate to a residential neighborhood where the lot adjoins any required residential front or side yard line, with uses limited as provided above. A fence to contain wind-blown trash within the development shall also be erected within this yard.
- iv. No landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exists, no off-street parking, landscaping, or other material impediment to visibility between the heights of three **(3)** feet and eight **(8)** feet shall be permitted within triangle areas defined by lines connecting points described as follows: Beginning at a point where the mid line of the entrance or exist intersects the public right-of-way in the direction of approaching traffic, thence to a point twenty-five **(25)** feet toward the interior of the lot along the mid line of the entrance or exit, and thence to point of beginning.
- v. Along thoroughfares, turnout lanes and merging lanes may be required to be constructed on the lot, with length and width as appropriate to flow of traffic, and traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required or provided voluntary, such turnout and merging lanes may be included as part of the required yard adjacent to the thoroughfare, except that no such lane, and no entrance or exit, shall run through any part of any required landscaped yard adjacent to a required residential front or side yard.
- vi. No building shall exceed thirty-five **(35)** feet in height unless any required perimeter yards abutting the building are increased over the required minimum by five **(5)** feet for every five **(5)** feet, or fraction thereof, additional height over thirty-five **(35)** feet.
- vii. Off-street parking spaces shall be provided for PUD-M as required in Article 7.

- viii. Off-street loading and unloading spaces shall be provided for PUD-M as required in Section 32.63.
 - ix. Signs erected in PUD-M shall be regulated by the requirements of Article 5.
 - x. It is specifically provided that garbage and trash, unless kept in the principal buildings, shall be kept in containers in accessory structures, and that neither the containers nor loose garbage or trash shall be visible from residential areas, from portions of the premises customarily open to customer parking, or customer pedestrian or automotive traffic, or from public ways.
- c. An application for a special use permit for PUD-M for a site shall be accompanied by schematic plans showing:
- i. Proposed location of buildings and their general exterior dimensions.
 - ii. Proposed use of all land within the area requested for PUD-M.
 - iii. Dimensions between all buildings and from buildings to property lines.
 - iv. Traffic, parking, loading and circulation plan, showing proposed locations and arrangement of parking and loading spaces, and ingress and egress to and from adjacent streets.
 - v. Proposed location and material of any accessory buildings or structures, screening walls, fences or plantings.
 - vi. Proposed exterior design of buildings.
 - vii. Proposed time schedule and staging, if any, for construction of project.
 - viii. If appropriate in view of location of the site, the plan shall also show the manner of improving and maintaining in open use portions of the tract subject to periodic inundation, and shall demonstrate that hazards or damage to other property will not be created by any channeling, cutting, filling, bulk heading, or other treatment of water flow from or past the site, by erosion from increased rate, volume, or reduction of flow, by deposition of debris or other flood-borne materials from the site or as a result of its development, by excessive slopes remaining at the edge of cut or fills, by damaging increases in the ground water level of surrounding property, or by other actions in developing the tract and its ancillary facilities. If potential hazard or damage might reasonably be expected from any of these causes, the plan shall show how it is to be averted.
- d. In approving an application for PUD-M, the Town Aldermen shall find that the proposed development will be compatible with the Town's Land Development Plan, will not place an excessive traffic load on local streets, that the site can be developed according to a site plan that will be compatible with existing

neighborhood development, and that the site can be provided with adequate utility services.

- e. Site development within the PUD-M shall conform to the schematic plan and associated requirements by the Town Aldermen. Modification of the development plan and associated requirements may be made by the Aldermen subsequent to the initial approval upon application by the owner of the property.
- f. Following Town Aldermen approval of a PUD-M special use permit, the property for which approval was granted shall be labeled "PUD-M" on the zoning map.

Section 32.44 – Accessory Dwelling

- a. An accessory dwelling may be attached, within, or separate from the principal dwelling.
- b. The principal use of the lot shall be a detached or attached single-family dwelling, built to the standards of the North Carolina Housing Code.
- c. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
- d. The accessory dwelling shall be owned by the same person as the principal dwelling.
- e. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- f. A detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint) or 50% of the first floor area of the principal dwelling, whichever is greater; the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.
- g. A detached accessory dwelling shall be located in the established rear yard and meet the standards for the applicable building and lot type, as well as the limitations on rear yard use of Article 6.
- h. An accessory dwelling must be registered with the Planning Director at the time a certificate of occupancy is obtained.

Section 32.45 – Solar Energy System, Utility Scale (Solar Farms)

Section 32.45.1 - Solar Farm

An installation or area of land in which a large number of solar panels are set up in order to generate electricity (See 32.45.3).

Section 32.45.2 - Solar Panel Residential see Accessory Use

A photovoltaic (PV) module is a packaged, connect assembly of typically 6x10 photovoltaic solar cells. Photovoltaic modules constitute the photovoltaic array of a photovoltaic system that generates and supplies solar electricity in commercial and residential applications.

Section 32.45.3 – Solar Uses in R-20, R-12, RA-20

Utility-scale solar energy systems are deemed as a special use in the RA-20 Residential Agriculture, R-20 Zoning District, Zoning District, and a permitted use the GM- General Manufacturing district provided:

1. Property is no less than 30 acres and no greater than 100 acres in the RA-20 District, R-20, RA-20 and no less than 10 acres in the GM District
2. Must conform to Section 32.43 PUD-M or this section which every is stricter
3. A solar farm approved under the provisions of this section may have a one-time expansion up to 20% of its approved use upon submittal of a new site plan for general review by the Planning Board and meet all the requirements as provided in the initial approved site plan, provided the proposed expansion is contiguous to the existing site
4. Emergency number contact signage no less than 24" x 36" inches with site information and 24-hour contact shall be placed every 300 linear feet of fence area
5. Utility Scale Solar Energy Systems in GM district shall meet all setback, parking, and buffer requirements for that district
6. Utility Scale Solar Energy Systems located in RA-20, R-20, districts shall meet the buffer requirements of a GM use abutting residential district including standardized metal fencing to ensure security
7. Utility Scale Solar Energy Systems located in RA-20, R-20 districts must meet the setback requirements of GM district
8. Ground mounted solar power collection and electrical generation structures shall not exceed 25 feet in height
9. All equipment shall be located and situated so glare is not to interfere with traffic on public streets, highways, air traffic, environmental or wildlife factors or the reasonable use of residential property
10. All components of a Utility-Scale Solar Energy System must meet all applicable Building, Electrical, and Safety codes
11. Utility Scale Solar Energy Systems shall be designed to blend into the architecture of the neighboring buildings and landscape or be screened from view
12. Power inverters and other sound producing equipment shall be no less than 150' from any dwelling unit at the time of construction/installation

13. A copy of the solar companies liability insurance will be placed with the special use file
14. The extent of the project is to be a minimum of five (5) years
15. Contact NCDOT for driveway approval and submit the approved permit as part of the final inspection
16. Road access requirements
17. Solar Energy Systems that exceed the 10kw threshold but will be used in conjunction with an existing, lawful use on the same property, are allowed, provided that:
 - a) They are located and situated so glare is not to interfere with traffic on public streets or highways or the reasonable use of neighboring property;
 - b) Roof mounted systems shall not extend more than 10 feet from the top of the roof;
 - c) The total height of the building including the solar collection and power generation devices shall comply with the District height regulations;
 - d) Ground-mounted systems shall not be located in any required front yard and shall be screened from view from neighboring property or public streets;
18. A Decommissioning Plan shall be submitted to the Town Planner as part of the special use process and recorded with the Register of Deeds. The Decommissioning Plan shall include the following provisions and requirements:
 1. Defined conditions upon which the decommissioning will be initiated (i.e., end of lease, conditions of potential public safety hazard, etc.)
 2. A copy of the solar company's liability insurance will be placed with the special use file.
 3. The extent of the project is to be a minimum of five (5) years
 4. Removal of all non-utility owned equipment conduits, structures, fencing, roads, and foundations; and restoration of property to condition prior to development of the solar farm
 5. A written waiver signed by the property owner is required in order to release any portion of this provision
 6. The timeframe for completion of removal and decommissioning activities. If the site is damaged, the solar farm operator shall have twelve (12) months to bring the project back to its operational capacity. If for any reason the solar farm is not generating electricity after six (6) months, the

operator shall have six (6) months to complete decommissioning of the solar farm bringing it into compliance

7. In the event of bankruptcy or similar financial default of the solar farm, the property owner of the project site shall bear the decommissioning costs.
8. Signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility

Upon failure to adhere to the Decommissioning Plan, the Town shall deem the special use permit invalid and shall impose a fine of up to \$50.00 per day for first 30 days the site is closed. A fine of up to \$200.00 per day may be assessed each day, after the 30 days period is over, that the site is not restored beyond the approved deadline for final removal.

Section 32.46– Adult Establishments

Studies have shown that adult establishments tend to have serious deleterious effects upon nearby residential areas and uses where juveniles congregate, specifically schools, religious institutions, child care centers, parks and playgrounds. Further, studies have shown that lowered property values and increased crime tend to accompany geographic concentrations of adult establishments. It is the intent of this section to establish regulations to prevent the concentration of adult establishments and to separate adult establishments from residential areas, schools, religious institutions, child care centers, parks and playgrounds.

Adult establishments are permitted in the General Business District subject to the requirements below:

- a. Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 1000 feet from any residential or mixed use zoning district and from the following principal or accessory uses, defined as protected uses for purposes of this section: dwelling units, elementary and secondary schools, religious institutions, child care centers, parks and playgrounds.
- b. Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 1000 feet from any other adult establishment.
- c. The distance of separation from residential and mixed use zoning districts and from the protected uses listed in a), above, shall be measured from the closest point of the lot occupied by an adult establishment to the nearest residential or mixed use zoning district or the property line of a protected use. The distance of separation between adult establishments shall be measured from the closest points of the lots occupied by adult establishments.
- d. No more than one adult establishment may be located within the same structure or on the same lot.

- e. In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.

Section 32.47 – Agricultural Industry

The Town Board shall issue a Special Use Permit for the production of commercial poultry or small livestock in enclosed buildings in the RA-20 district if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- a. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- b. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
- c. That no part of the proposed use will be located or operated so as to emit dust, noise, fumes, or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties; and
- d. That there will be a separation of no less than 250 feet between structures housing the agricultural industry and any property located in a residential district or developed for residential or mixed use purposes; and
- e. That the proposed use shall be located on a lot of no less than ten acres.

Section 32.48– Amusement Facilities (Outdoor)

- a. Outdoor amusement facilities will be separated by an opaque screen from any abutting property located in a residential or mixed use district;
- b. No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of any abutting property located in a residential district;
- c. Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight

Section 32.49 – Car Wash

The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking, Article 7.

Section 32.49.01 – Cemeteries

- a. Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property.
- b. Buildings for maintenance, management, rent and /or sale of cemetery lots must conform to a building type permitted in the zoning district.

Section 32.49.02 – Religious Institutions

The scale and activity level of religious institutions is a function of size and the range of accessory uses associated with the institution; very high activity levels have the potential to be disruptive to residential and small scale mixed use areas. To diminish disruptive impacts by ensuring appropriate locational and design standards, the development and expansion of religious institutions and accessory uses shall meet the following standards:

- a. Religious institutions shall meet the standards for civic building and lot type.
- b. Development Standards.
 - i. Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.
 - ii. Accessory dwelling units for persons associated with or employed by the religious institution may be provided at a ratio of 1 unit for each 3 acres of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.
- c. Accessory uses such as religious institution offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, cemeteries and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever religious institutions are permitted and shall meet the civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such. Tombstones, crypts, monuments and mausoleums in accessory cemeteries shall be located at least 25 feet from any street right-of-way line or abutting property.
- d. Religious institution accessory uses which are **not** permitted as principal uses in a district shall adhere to the following restrictions:
 - i. no merchandise or merchandise display shall be visible from outside the building;
 - ii. no business or identification sign pertaining to the accessory uses shall be visible from outside the building;
- e. Except as noted in (c), above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
- f. Application for a building permit shall include a comprehensive site plan which

addresses the required standards and conditions for the main site and all abutting holdings.

- g. The maximum number of members shall be set in accordance with the fire code.
- h. Parking shall be internal to the site. Unless the adjacent public street is specifically designed to accommodate on-street parking, no on-street parking is allowed.

Section 32.49.03 – Firing Range

(a) Compliance. All new shooting facilities shall be designed, constructed and operated in strict compliance with National Rifle Association (herein referred to as the N.R.A.) standards, specifically "The Range Manual, A Guide to Planning and Construction," Section 1: Chapters 1 through 7, Section 2: Chapters 1 through 18, Section 3: Chapters 1 through 12; and Section 4. In addition, construction standards shall comply with all appurtenant North Carolina Building and Fire Codes.

(b) Setbacks. All outdoor shooting stations on a range facility shall be located a minimum of 150 feet from any property line.

(c) Warning signs. Warning signs meeting N.R.A. guidelines for shooting ranges shall be posted at 100-foot intervals along the entire perimeter of the shooting range facility.

(d) Distance from occupied dwelling. All outdoor shooting range stations shall be located at least 1000 feet from any occupied dwelling, excluding those dwellings occupied by the range owner and staff of the range. A shooting range lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a residence within 1000 feet of the shooting station..

(e) Hours of operation. Outdoor shooting ranges shall be allowed to operate between 8 a.m. and sunset, except that the hours may be extended after sunset for purposes of subdued lighting certification of law enforcement officers, or may be extended for other purposes by notification to the county sheriff's department.

(f) Liability insurance. The permittee shall be required to carry a minimum of \$500,000.00 of liability insurance. Such insurance shall name the town as an additional insured party and shall save and hold the town, its elected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives.

(g). Permit application. An application for a permit to establish and operate a

shooting range facility shall be submitted by the legal property owner(s) or owner's agent to the planning department. Required information. The applicant shall provide sufficient information as required by these provisions in order to properly evaluate the permit application. In addition, copies of any written agreements from adjoining property owners and a letter from the insurance company to provide liability insurance shall accompany the permit application. Documentation required includes:

1. Site plan. A site plan prepared by a professional engineer and/or a registered land surveyor for the entire range facility which shows the following applicable information drawn to an appropriate scale, shall accompany the permit application:
2. Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date and ownership information for the site;
3. Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, when necessary;
4. Projected noise contours;
5. Existing and proposed structures; occupied dwellings within 500 feet; roads, streets or other access areas; buffer areas; and parking areas for the range facility; and
6. Any other appropriate information related to the specific type of range(s) being proposed.

Section 32.49.04 – Commercial Communications Tower

Commercial Communication tower shall meet the following standards:

- a. To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas, and must file a letter of intent with the town to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another. To encourage co-location of commercial communication antenna and facilities and to reduce the need for new commercial communication towers, co-location of such antennae and facilities shall be permitted on any commercial communication tower or tower for radio communication for business or governmental purposes of which the tower was in existence on July 20, 2009, regardless of when it was constructed, the underlying zoning district, or any condition of approval for the existing tower other than a condition which was imposed or accepted by the Board of Commissioners..
- b. No new commercial communication tower may be established if there is a

technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.

- c. The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.
- d. Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.
- e. All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.
- f. No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
- g. Towers shall not be artificially lighted except to insure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.
- h. An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent possible.
- i. No more than one communication tower shall be constructed on a single tract of land.
- j. If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district's.
- k. To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside religious institution steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Department for approval. The affirmative decision of the Planning Department shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public; or if placed upon a utility transmission line tower, that the additional equipment would not further diminish the quality of the view from surrounding properties and public streets, nor would additional light(s) intrude upon the private interior or exterior living areas of existing dwellings.
- l. Commercial Communication Towers may be allowed in the Rural (R) district only if they meet the following criteria and are subject to a Special Use

Permit, according to the procedures of Article 8:

- i. The height of the commercial communication tower may not exceed 199 feet above ground level;
- ii. The commercial communication tower may only be placed on properties in eight and a half (8.5) acres on a tract that existed as an eight and a half (8.5) acre tract or greater on February 6, 2012;
- iii. The commercial communication tower must be set back a distance of at least 500 feet from any public right-of-way and 200 feet from any property line;
- iv. The commercial communication tower may only be placed on a property where it will not require artificial illumination;
- v. The commercial communication tower must provide technically-suitable space for at least four (4) users;
- vi. The commercial communication tower must be set back a distance of at least the tower's fall zone, as certified by a North Carolina Professional Engineer, from any occupied structure.
- vii. All commercial communication towers in the rural district shall be constructed using a monopole design.
- viii. A new communication tower cannot be placed within a one mile radius of an existing tower.

Section 32.49.05 – Commercial Kennel (Outdoor)

The outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed use district.

Section 32.49.06 – Day Care Centers and Small Day Care Homes

Section 32.49.06.1 Child Daycare Center

- a. A center must meet a permitted building and lot type for the district in which it is to be located. Centers cannot be located in a residential home.
- b. Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.
- c. Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.

- d. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.

Section 32.49.06.2 - Child Daycare (home, small, accessory)

- a. The day care operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.
- b. A Child Day Care home shall meet the following standards:
 - i. Child Day Care Homes must be licensed by the North Carolina Department of Health and Human Services.
 - ii. Play space must be provided in accordance with the regulations of the North Carolina Department of Health and Human Services.
 - iii. Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.
 - iv. Chain link and similar fencing materials shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation, or be obscured by a comparable screening treatment.
 - v. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
 - vi. There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play shall be permitted after sun down.

Section 32.49.07 - Adult Daycare Center

- a. A center must meet a permitted building and lot type for the district in which it is to be located.
- b. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.
- c. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.

Section 32.49.08 - Adult Day Care Home, small

- a. An Adult Day Care home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than 6 adults

who do not reside in the dwelling.

- b. An Adult Day Care home shall meet the following standards:
 - i. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
 - ii. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

Section 32.49.09 – Drive-Through Windows as an Accessory Use

- a. Drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street;
- b. Drive-through service windows, stacking lanes, and circulation are treated as components of on-site parking for the purposes of screening.
- c. The length of on-site stacking lane(s), taken together, shall be a minimum of 200 feet if window access is provided directly from a major or minor thoroughfare; a minimum of 100 feet if window access is provided directly from a street of lesser capacity.
- d. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provided for passage around and escape from the outermost drive-through service lane.
- e. Screening is not required for walk-up service accessories such as depositories and ATM's.

Section 32.49.10 – Essential Services 1 and 2

- a. Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, should be installed underground, unless subsurface conditions make underground installation not possible or practical.
- b. Facilities used for the operation of essential services should, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
- c. Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall be provided an opaque screen to shield the view from all public rights-of-way and from abutting properties.

Section 32.49.11 – Essential Services 3

The Town board shall issue a Special Use Permit for the subject facility if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- a. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
- b. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- c. That the proposed use will not constitute a nuisance to properties located in residential districts or developed for residential or institutional purposes with respect to noise, dust, odors, light, vibration, or traffic; and
- d. That area of active use will be enclosed by a fence, not easily climbable, at least six feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines; and
- e. That a minimum separation of 100 feet, fully vegetated, will be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
- f. That the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

Section 32.49.12 - Group Housing Developments

The purpose of the group housing development concept is to use land efficiently by developing dwelling units on individual lots, but to allow such units to be connected along one or more property lines, thereby permitting outdoor spaces to be grouped and utilized to maximum benefit. Group housing developments shall comply with all requirements of the R-20, R-12 or R-8 District, except as modified below:

- a. Use. Buildings constructed, erected, or altered in connection with a group housing or townhouse development shall be used solely for single family dwelling purposes, including customary accessory uses.
- b. Dimensional requirements. The yard and dimensional requirements set forth in the zoning district in which the property is located are applicable, except:
 - i. A front setback of not less than thirty-five (35) feet along any major or collector street and twenty-five feet along any local or interior street of cul-de-sac shall be required.

- ii. On connecting sides of units, a side yard setback shall not be required. On non-connecting sides a side yard setback of ten (10) feet shall be required except on corner lots, a side yard of at least fifteen (15) feet shall be maintained along the side street line
 - iii. A rear setback of at least twenty (20) feet shall be maintained.
 - iv. The minimum plot of overall project area shall be one (1) acre with a minimum width of at least two hundred (200) feet. Individual lots within the project shall not have a minimum width.
 - v. No more that thirteen (13) units may be developed or erected per acre.
 - vi. The spacing of buildings within the interior of the development shall be as approved by the zoning board of adjustment after due consideration of a design plan which must show an appropriate spacing of the various buildings constituting the group housing development, but in no event shall any building be located within ten (10) feet to another building.
 - vii. The height of any building shall not exceed thirty-five (35) feet unless all setbacks are increased at least one additional foot for each foot the building exceeds thirty-five (35) feet in height.
- c. Connecting wall. Each dwelling unit shall be connected to one or more adjacent dwelling units by a load-bearing common wall, at least ten (10) feet in depth. Carports, trellises, and other similar structures shall not be used as connecting elements.
 - d. Common area. A minimum of ten (10) percent of the project area, excluding swimming pool and all related facilities, shall be designated and developed as a recreation or play area in common ownership.
 - e. Public streets. All interior streets to be dedicated as publicly maintained streets shall comply with the subdivision regulations of this Ordinance unless varied otherwise by the town engineer and approved by the town manager.
 - f. Plat. A preliminary design layout shall be submitted to the board of adjustment for review and for its approval and recommendation. A final corrected design shall then be prepared and approved by the board of adjustment before a building permit may be issued.

Section 32.49.13 – Home Occupation

A home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

- a. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.

- b. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
- c. The use shall employ no more than one person who is not a resident of the dwelling.
- d. A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
- e. There shall be no visible outside display of stock in trade which is sold on the premises.
- f. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
- g. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
- h. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
- i. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
- j. Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis.
- k. Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.
- l. No business identification or advertising signs are permitted.

Section 32.49.14 – Junk Yards/Auto Salvage Yard

- a. The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
- b. A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- c. The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid wooden fence, planted on the exterior side with a semi-opaque vegetative

screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is used, it shall be placed on the interior side of the vegetation and wall or fence.

- d. Any such junkyard or auto salvage yard shall meet the requirements of the Glen Alpine Solid Waste Ordinance and requirements and specifications related to NCGS and NCDOT notification under the Junkyard Control Act (G.S. §§ 136-141—136-155).

Section 32.49.15 - Provisions for New and Existing Manufactured home parks

Manufactured home parks may only be developed in the R-20 District and are subject to the following regulations and all other ordinances or regulations which may be applicable:

- a. General provisions. Manufactured homes because of their use, transportability, manufacture and manner of construction, location and susceptibility for use in high density concentration both as units and persons tend to place inhabitants of manufactured home in an unfavorable position to obtain services necessary for a safe and healthful living environment. It is the purpose of this subsection to provide protection to the public against unwise and hazardous manufactured home development and provide a reasonable safe and sound environment for manufactured home inhabitant and to:
 - i. Promote public health, safety and orderly residential development;
 - ii. Prevent overcrowding of the land;
 - iii. Provide adequate open space to ensure privacy, natural light and ventilation for each manufactured home;
 - iv. Provide sufficient open space for outdoor uses essential to manufactured homes;
 - v. Ensure the furnishing of adequate water supply and sewage disposal systems; and
 - vi. To provide an acceptable environment for small communities of manufactured homes.

Manufactured home parks are, therefore, strictly regulated with respect to their location, installations, and provisions for services, privacy and additional specific regulations contained herein.

- b. Permits and procedures. No person may construct, maintain, occupy or operate a manufactured home park unless a preliminary plat for such park has been reviewed by the planning and zoning board and approved by the Board of Aldermen. Upon approval by the board, a building permit may be issued by the

building inspector, and construction of the park began. In connection with its review of the proposed manufactured home park, the board may specify certain conditions which must be met in order to bring the proposed park layout in conformity with this Ordinance. Prior to occupancy, a final plat of the manufactured home park must be reviewed by the planning board and approved by the board. Once the final plat is recorded at the register of deeds, a certificate of occupancy may then be issued by Burke County for the park. In the case of extreme hardship owing to special conditions not generally applicable to other such developments an applicant may request a variance from the Glen Alpine Board of Adjustment.

- c. Contents of preliminary and final plats. Applications to construct, develop, operate, alter or maintain a manufactured home park shall be made to the town manager. The application shall consist of preliminary and final plats which include at least the following:
 - i. Name of Manufactured Home Park, name and address of owner, name and address of the registered engineer or land surveyor responsible for preparation of the plat.
 - ii. A manufactured home park design drawn onto a plat at a scale of one (1) inch equals fifty (50) feet.
 - iii. Date, north arrow and scale.
 - iv. Boundaries of manufactured home park property to include intersections of adjacent property with the boundaries of the manufactured home park property and names and addresses of all adjoining property owners.
 - v. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by appropriate town, county, and state authorities. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves, and shall include profiles based upon mean sea level datum for sanitary sewers and storm sewers.
 - vi. Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, approximate grades, design engineering data for all corners and curves, and typical street cross sections. If any street is proposed to intersect with a state maintained road, the plat shall be accompanied by driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on Driveway Regulations.
 - vii. Outline of all existing and proposed buildings within the manufactured home park property with appropriate setbacks.

- viii. Location of parking spaces, patios, walkways, service and accessory buildings, utilities easements, utility poles, and buffer and screening areas.
 - ix. The location of outlets for utilities connection to manufactured homes.
 - x. Indications of how future expansions will be made, if applicable.
 - xi. Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility areas, and utility rooms.
 - xii. Method and plan of sewage disposal in accordance with existing town, city, county, and state regulations.
 - xiii. Location and quantity of refuse containers.
 - xiv. Plan of water supply in accordance with existing town, city, county, and state regulations.
 - xv. Plan of electric lighting.
 - xvi. In the case of land with irregular topographic features, show finished contours, and (by separate map or otherwise) existing contours.
- d. Development standards.
- i. Any site, tract of land, or lot to be developed as a manufactured home park shall be not less than two (2) acres in area, excluding street right-of-way, but including utility easements, and it shall have not less than seven (7) manufactured home spaces completed at first occupancy.
 - ii. Two-way access streets within the site proposed shall have a pavement width of at least twenty (20) feet. One-way access streets shall have a pavement width of no less than eighteen (18) feet. Permanent dead-end streets or cul-de-sacs shall not exceed six hundred (600) feet in length unless necessitated by topography and shall be provided with a turnaround of at least eighty (80) feet in diameter. Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than sixty (60) degrees. Where a street intersects a highway, the design standards of the North Carolina Department of Transportation shall apply. Street jogs of less than one hundred fifty (150) feet shall not be allowed. All manufactured home spaces shall have access to a street and there shall be no less than two (2) off-street parking spaces, which shall be accommodated in parking bays. Each parking space shall be provided by the owner or operator of the park.
 - iii. All manufactured homes shall be properly tied down in accordance with the provision of the North Carolina Uniform Residential Building Code.
 - iv. The manufactured home park shall be divided into lots, the limits of which

shall be clearly marked on the ground by permanent flush states or markers. No manufactured homes lot shall be occupied or partially occupied by any structure, park driveway or common area of facility, other than:

- a. The manufactured home
 - b. Its related automobile parking spaces and
 - c. Utility storage
- v. Every manufactured home park shall be located on ground that is above any probable flooding from any natural watercourse and shall be graded so as to prevent the accumulation or ponding of water on the premises.
 - vi. The minimum area of manufactured home lot shall be eight thousand (8,000) square feet and shall not have a width of less than forty (40) feet or a length of less than eighty (80) feet at the narrowest point of the width or length.
 - vii. No manufactured home or other structures within a manufactured home park shall be closer to each than twenty (20) feet except that storage of other auxiliary structure for the exclusive use of the manufactured home may be closer to the manufactured home than twenty (20) feet.
 - viii. No manufactured home or other structure shall be located closer than thirty (30) feet to an exterior boundary of the park or a bounding street right-of-way.
 - ix. All manufactured home lots shall abut upon a paved street.
 - x. At least ten (10) percent of the gross land area of the manufactured home park shall be designed and developed as a recreation area. Recreation areas shall be located so as to be free of traffic hazards and easily accessible to the park residents.
 - xi. A densely planted buffer strip consisting of trees, shrubs, other planting, or screen fence, at least ten (10) feet in height shall be provided along the rear and side line of the manufactured home park or the park property. No such buffer shall however, be upon or extend into the street right-of-way.
 - xii. Utility storage structures shall be provided for each manufactured home and shall not be less than one hundred (100) square feet in size.
 - xiii. The site proposed shall provide covered racks or holders for all refuse containers at each manufactured home space. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. There shall be one (10) rack or holder to each manufactured home space of a sufficient size to accommodate a refuse container of thirty

(30) gallons capacity. The site proposed shall also provide rack or holder for large commercial type refuse container racks or holders shall be designed to facilitate cleaning around them and shall be located not more than one hundred fifty (150) feet from the manufactured home space served.

- xiv. The site proposed will have safe outdoor lighting provide by the owner of the park.
 - xv. In every Manufactured Home Park and related building, all installations of plumbing, electrical wiring, and all gas and oil appliances shall comply with the provisions of the state building code and any other applicable regulations of the Town of Glen Alpine. In additions the following requirements must be met:
 - a. Each manufactured home lot shall be provided with plumbing and electrical connections
 - b. The water supply for each manufactured home shall be obtained only from faucets located inside each manufactured home.
 - xvi. A manufactured home park shall have direct access to a dedicated street or road.
 - xvii. No parking bay shall be located with direct access to a public street or road.
 - xviii. Water system shall be in conformance with applicable state, county and town regulations.
 - xix. Sewage disposal shall be in conformance with applicable state, county and town regulations.
 - xx. Individual homes within the park must comply with Section 32.49.16.
- e. Extension of Use. Nonconforming manufactured home parks existing at the time of the adoption of this Ordinance shall be allowed to continue in their present existence. Existing mobile home parks shall not hereafter be enlarged or extended in any way, unless the entire development is in compliance with the above Section.
- f. Replacement of Manufactured Homes in Existing Manufactured Home Parks. Manufactured home parks that are operating as existing parks as of the effective date of this Ordinance may continue to operate. The replacement of nonconforming manufactured homes in manufactured home parks is allowed and must have the same dimensions as the original and must meet all other criteria of of this Ordinance. Replacement units must be placed within six (6) months of the removal of the original.

Section 32.49.16 – Manufactured Homes on Individual Lots

The purpose of these regulations is to promote sound neighborhood development and appearance, protect community property values, and to preserve the integrity and character of neighborhoods. Class B manufactured homes (as defined in Article 1) are permitted on individual lots in the RA-20 and R-20 Districts subject to the following conditions:

- a. The lot must be recorded as an individual lot in the Burke County Register of Deeds.
- b. Municipal utilities shall be used. If not available, the well and/or septic tank must be approved by the Burke County Health Department.
- c. All yard dimensional requirements for the respective district must be met.
- d. The lot must front on a public street or approved private street and said street frontage will be considered the front of the lot. In cases where a private street is proposed to be used, the zoning enforcement officer may require that a recorded right-of-way exist to the serve the property and the street is paved or graveled in a manner that will facilitate safe and efficient vehicular traffic.
- e. The manufactured home must meet or exceed the construction standards established by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction. These standards became effective on July 15, 1976.
- f. All Class B manufactured homes (as defined in Article 1) shall be multi-sectional, not single-wide. Class B manufactured homes shall be at least twenty (20) feet wide. Class C manufactured homes are permitted on individual lots only. Class D manufactured homes (as defined in Article 1) are not permitted on individual lots.
- g. The length-width ratio the manufactured home shall not have a length exceeding three and one-half (3.5) times the width.
- h. All homes must measure at least 1,150 square feet of enclosed and heated living space.
- i. The pitch of the main roof of the building shall have a minimum rise of one (1) foot for every four (4) feet of horizontal run.
- j. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- k. All roof structures shall provide an eave protection of no less than six inches which may include a gutter.

- l. The exterior siding shall consist predominately of vinyl or aluminum siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding used in standard residential site-built construction.
- m. A continuous foundation enclosure, unpierced except for required ventilation and access shall be installed in accordance with State Building Codes. The enclosure shall consist of brick, concrete or block. If any masonry other than brick is used, it must be painted in color similar to that of brick. All materials necessary to complete the enclosure shall be located on the site at the time of final inspection by the Burke County Building Inspections Department.
- n. Permanent steps shall be constructed at all entrances to the manufactured home. A permanent deck, porch or entrance patio measuring at least eight (8) feet by ten (10) feet shall be constructed at the front entrance and a similar structure measuring at least six (6) feet by ten (10) feet at the rear entrance. All stairs, porches, decks, patios and other entrances shall be attached securely to the home, anchored firmly to the ground, and shall be constructed in accordance with the N.C. State Building Code. Steps constructed from loose stacked materials shall not be construed as properly installed. All decks, porches, patios and stairs shall be constructed using treated wood, masonry or brick.
- o. The running lights, the moving hitch and undercarriage chassis shall be removed upon final placement of the unit.
- p. At least two standard nine (9) by eighteen (18) feet off-street parking spaces shall be provided. The spaces shall not be closer than fifteen (15) feet from the road or right-of-way in order to protect site distances of the driving public. A driveway of at least 10 feet wide shall be paved or graveled with not less than four (4) inches of crushed stone on a well compacted sub-base.
- q. All areas not used for parking, the manufactured home, accessory buildings or required decks shall be grassed or otherwise suitably landscaped to prevent erosion. Except for agriculture, no exposed soils shall remain after one (1) year from the date the zoning permit is issued.
- r. All manufactured homes shall be placed on the lot in harmony with the neighboring site-built structures. Where there are no neighboring site-built homes for comparison, it shall be sited with the front running parallel to the lot frontage. For other odd lots, the home shall be located as determined by the Zoning Enforcement Officer in harmony with surrounding structures.
- s. Each of the setup requirements in this Section shall be completed within thirty (30) days after final inspection by the Burke County Building Inspections Department. An extension of up to sixty (60) days may be granted by the Town Aldermen if a personal or financial hardship is shown to exist. If no extension is requested or the extension expires with no progress in completing the requirements of this Section, the Town may use any and all remedies listed in Article 8 to enforce the requirements.

Section 32.49.17 – Neighborhood and Outdoor Recreation

- a. Buildings constructed in association with neighborhood recreation or outdoor recreation shall meet one of the building types permitted in the zoning district.
- b. Permanent parking lots shall meet the standards of Article 7, Off-Street Parking.
- c. Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
- d. Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation.
- e. Outdoor lighting associated with outdoor recreational facilities shall be designed as follows:
 - i. Facilities shall use fully shielded lighting fixtures except where luminaries are:
 - a. Provided with internal and/or external glare control louvers and installed so as to minimize up light and offsite light trespass, and;
 - b. Installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.
 - ii. Lighting plans shall limit light trespass to the maximum extent possible. A maximum of .5 foot-candles at any location on any non-residential property, and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device, shall be met.
 - iii. Lighting shall be extinguished after 11:00 p.m. Illumination of the sports facility shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
- f. Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:00 p.m.

Section 32.49.18 – Neighborhood and Highway Commercial Gasoline Stations; Convenience Stores

- a. Neighborhood Gasoline Stations, by definition, permit retail sale of gasoline and convenience products and the minor service and repair of motor vehicles; they have no more than two gasoline service islands. Highway Commercial gasoline stations permit major service and repair of motor vehicles and are unlimited as to gasoline service islands.
- b. Gasoline pumps, canopies, and associated service areas are prohibited in any established yard abutting a street.

Section 32.49.19 – Environmentally Sensitive Uses Not Expressly Permitted

Uses not expressly named in this ordinance, but which may constitute a greater than average impact on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances, are permitted in the SP District subject to a Special Use Permit.

The Town Board shall issue a Special Use Permit for the subject facility if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- a. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
- b. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- c. That a comprehensive site plan addresses the development standards below:
 - i. Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;
 - ii. Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with non-climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening,
 - iii. Vehicular access to the proposed use will be provided by way of a road sufficiently sized to absorb the generated trips and accommodate the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood nor from a residential neighborhood street.

Section 32.49.20 – Outdoor Display of Vehicles and Boats for Sale, Lease, and Cleaning

The following requirements shall apply to the outdoor display of vehicles and boats associated with sales, rental, cleaning, mechanical repair, body repair, and similar services.

- a. Vehicles and boats for sale shall not be displayed in an established front yard or in an established side yard abutting a street.
- b. Vehicles and boats for sale may be displayed in a side yard which does not abut directly on a street, so long as:
 - i. the display is placed behind the established front setback line of the building, extended to the side lot lines;
 - ii. the display area meets the standards for a parking lot (Article 7);

- iii. the display area is screened from abutting properties by an opaque screen (Section 32.29.22).

Nothing in this section shall prohibit a break in a planted screen or wall for the crossing of a driveway which provides access to on-site parking from the fronting street or a rear alley, or access between the parking lots of abutting businesses.

Section 32.49.21 – Outdoor Storage

- a. Outdoor storage defined:
 - i. includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot; (to be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day);
 - ii. includes up to two storage trailers placed on a single lot or in conjunction with a single principal use;
 - iii. includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as “parts” vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
 - iv. includes vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
 - v. does not include construction equipment; where permitted, outdoor storage of construction equipment is regulated by Section 32.49.22.
- b. Outdoor storage, where expressly permitted, may be established on a lot according to the following standards:
 - i. where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
 - ii. where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
 - iii. all areas established for outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen (Section 32.29.22); wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

Section 32.49.22 – Outdoor Storage of Construction Equipment

Outdoor storage of construction equipment, where expressly permitted, may be established on a lot according to the following standards:

- a. Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
- b. Where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
- c. The area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen (Section 32.29.22); wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

Section 32.49.23 – Parking Lot as a Principal Use

Parking lots not associated with a building shall adhere to the standards of Article 7, Off-Street Parking, except that parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing established setback applies for both the fronting street and any abutting side street.

Section 32.49.24– Parks (Including Greenways)

- a. Buildings constructed in association with a park or greenway shall meet one of the building types permitted in the zoning district.
- b. Permanent parking lots associated with parks and greenways shall meet the standards of Article 7, Off- Street Parking.
- c. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas, if maintained in a natural condition, need not conform to Article 7.
- d. Service areas shall be separated by an opaque screen from view from any street and from abutting properties (Section 32.29.22).
- e. Outdoor lighting associated with active outdoor recreation shall not shine directly into yards associated with a residential use nor into the windows of a residential structure.
- f. Hours of operation of outdoor recreation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

Section 32.49.25 – Petroleum Storage Facilities

- a. The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association;
- b. All storage tanks and loading facilities will be located at least 100 feet from any

exterior property line;

- c. Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or a commercial street directly intersecting a thoroughfare.

Section 32.49.26 – Riding Academies and Commercial Stables

Riding academies are permitted in the residential low density districts if the following standards are met:

- a. All buildings and structures related to the care of animals and to the conduct of the academy must be located at least 100 feet from property boundaries.
- b. Maximum number of horses is 2 per acre
- c. Off-street parking, service areas, and buildings which are not used for residential purposes, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from abutting properties.
- d. Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial 50 feet of the driveway from the public roadway connection shall be paved with concrete or asphalt.

Section 32.49.27 – Schools

- a. Schools shall conform principal buildings to the standards of Civic Buildings and lots. Accessory and incidental buildings may be placed within a street fronting yard if they conform to a building and lot type permitted in the zoning district. Buildings which do not so conform shall be placed within established rear and side yards which do not abut a street.
- b. Permanent parking lots associated with schools shall meet the standards of Article 7, Off-Street Parking. However, areas designated for temporary bus parking that also serves as a recreational area shall not be subject to interior parking lot landscaping requirements.
- c. Notwithstanding (a) and (b), above, where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as streets abutting parking and circulation areas are, to the extent practicable, detailed as plazas. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way. Stacking on Town streets may be allowed if all of the following are met:
 - i. Maximum enrollment shall not exceed 360 kindergarten to 8th grade students;

- ii. Two way traffic maintained on Town streets along the entire pick up/drop-off zone;
 - iii. Pick-up/drop-off zone shall have a minimum width of eight (8) feet exclusive of the two-way traffic lanes.
 - iv. The school shall provide at a minimum an 11.5 foot wide hardscaped area behind the back of curb. Street trees with grates are allowable, but bushes/shrubs in the area are not allowed.
 - v. A traffic impact analysis, including a mandatory circulation plan and queuing analysis, must be submitted to the town planner prior to plan approval. The analysis shall show that sufficient design measures have been taken to limit congestion and circulation conflict at the site.
- d. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform to Article 7 if they are maintained in a natural condition (for example, as a grassed field).
 - e. Service areas shall be separated by an opaque screen from the view from any street and from abutting properties (Section 32.29.22).
 - f. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
 - g. Outdoor lighting associated with active outdoor recreational facilities shall be designed as follows:
 - i. Facilities shall use fully shielded lighting fixtures except where luminaries are:
 - 1. Provided with internal and/or external glare control louvers and installed so as to minimize up light and offsite light trespass, and;
 - 2. Installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.
 - ii. Lighting plans shall limit light trespass to the maximum extent possible. A maximum of .5 foot-candles at any location on any non-residential property, and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device, shall be met.
 - iii. Lighting shall be extinguished after 11:00 p.m. Illumination of the sports facility shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances

- h. When permitting temporary classroom units, the entire site shall be reviewed for compliance with applicable codes (i.e. sidewalks, landscaping, turn-lanes). Applicants are encouraged to bring the site into compliance where deficiencies are identified relative to the intensification of use proposed.
- i. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
- j. New schools are encouraged to integrate multimodal transportation options such as walking and biking routes into their site plans to reduce traffic and improve community health.

Section 32.49.28 – Temporary Uses and Structures (Including Seasonal Markets)

- a. The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months per site and calendar year upon the issuance of a temporary use permit by the Zoning Administrator. The following conditions apply:
 - i. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
 - ii. On-site parking may be provided on a dust-free, pervious surface area and need not comply with Article 7.
 - iii. Signs on the premises of a temporary use shall meet the same standards as the correlative building and lot type permitted in the district.
- b. The establishment of temporary mobile food sales are permitted as an accessory use upon issuance of a temporary use permit by the Zoning Administrator. The following conditions apply:
 - i. Trailers, carts and related storage shall be removed by the close of each business day.
 - ii. The use may only be located on a lot occupied by a non-residential use.
 - iii. The use shall be located a minimum of 15' behind existing road right-of-way, shall not impede the flow of pedestrian traffic, nor shall be located in any required parking space, loading space, or vehicle maneuvering area.
 - iv. Off-street parking may be provided in existing parking spaces, as long as they are not part of the required number of spaces for the principal use.
 - v. All applicable local and state regulations, including, but not limited to, Health Department, Environmental Health, and Environmental Protection, shall be met.
 - vi. All discharge, waste and trash shall be properly disposed of in accordance with the applicable regulations by the close of each day.

- vii. A temporary use permit shall be required and is valid for one year and may be renewed annually.
- c. Temporary accessory structures, including but not limited to, school mobile classrooms and temporary offices placed on development sites during construction and sale of buildings, are permitted for up to a maximum of two years, renewable thereafter in one year increments, upon the issuance of a temporary use permit by the Zoning Administrator. Such structures shall meet the standards for building and lot type to the extent practicable, given the location of existing buildings and improvements on the site and location of permitted construction areas. Temporary structures associated with construction projects shall be removed upon completion of construction.
- d. Temporary Storage Containers are permitted as temporary accessory use for residences, when not associated with new construction, subject to the following:
 - i. Temporary storage containers shall be removed within sixty days of being placed on a lot and shall not be replaced for six months from the date of removal. Temporary storage containers may be placed on a property twice during a twelve-month period.
 - ii. The temporary storage container cannot be located in a street right of way.
 - iii. The temporary storage container shall not be placed in required parking spaces.

Section 32.49.29 – Transfer Station for Organic and Inorganic Waste Products

The Town board shall issue a Special Use Permit for the subject facility in if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- a. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby the property; and
- b. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- c. That the comprehensive site plan addresses the development standards below:
 - i. The active use areas of the site shall be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from all public streets; and
 - ii. That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen; and
 - iii. No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use; and

- iv. Vehicular access to the proposed use will not be provided by a residential collector or a town street, and access roads to the site will connect directly to a designated thoroughfare.

Section 32.49.30 – Special Requirements for Facilities Located on or Adjacent to the Catawba River and its Impoundments

The purpose of this Section is to provide supplemental restrictions to protect and enhance water quality, safety, and public recreational opportunities on the Catawba River and its impoundments. These requirements shall apply to the surface waters of the Catawba River and its impoundments and all land areas within 1,000 feet of their shorelines. The shoreline shall be the mean high water mark. The restrictions of this section shall be supplemental to any other standards established in these regulations.

- a. All water-related structures shall be approved by Duke Energy Lake Services prior to any construction. After the issuance of a zoning compliance for a building permit, the applicant must obtain and submit the required authorization from Duke Energy Lake Services or any other pertinent outside agency.
- b. Individual Private Facilities (residential piers) are permitted on lots currently in single-family residential use.
- c. Piers and other shoreline projections must be located and constructed within the area described by and in accordance with the standards below:
 - i. A projection over the water may be established at each of the two property corners. Each projection shall bisect the angle between two points where a 10 foot radius from a common property corner intersects the property lines defining the shoreline, as illustrated in Figure 4. If there is no common property corner, the center of the radius shall be the point on the side property line closest to the water, as illustrated in Figure 5). A line is then drawn from the new center of the radius parallel to the property line defining the shoreline for the adjacent property and the projection is created from that center of radius as illustrated in Figure 6.

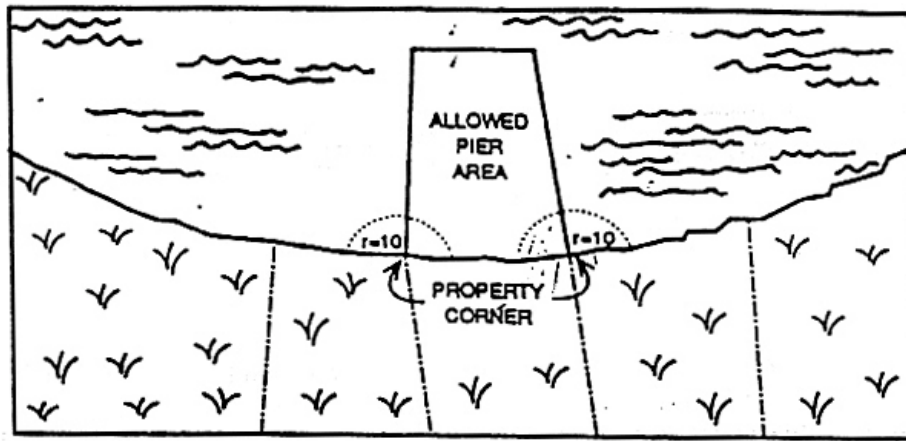


Figure 4

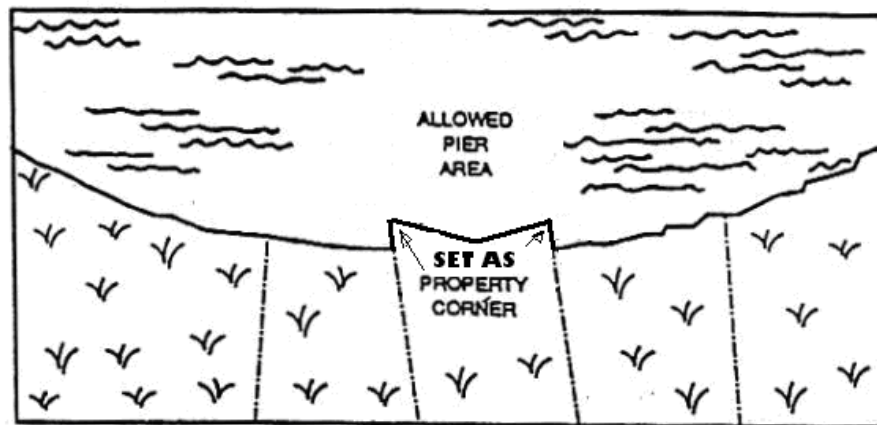


Figure 5

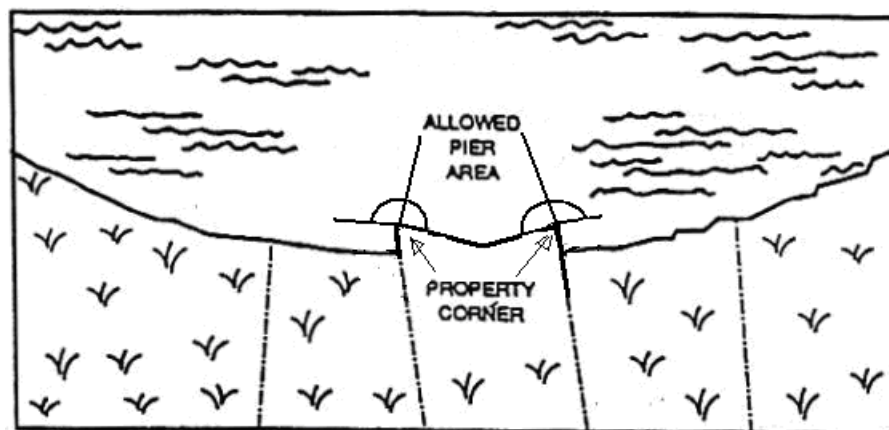


Figure 6

Section 32.49.31 – Greenhouse and Nurseries

Plant nurseries as defined in Article 1 are permitted in business, low density residential and manufacturing districts according to the following standards:

- a. No part of the proposed use will be located or operated so as to emit dust, noise, fumes or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties.
- b. There shall be a separation of no less than 250 feet between structures located on the tract and any property located in a residential district or developed for residential or mixed use purposes. The total square footage of all structures located on the tract shall not be greater than five percent (5%) of the total area within the tract. No structures on the tract shall be predominantly metal. Greenhouses are permitted but each greenhouse structure shall not be greater than 36 feet wide, 200 feet long or 14 feet high.
- c. The proposed use shall be located on a tract of not less than 30 acres. Up to 50% of the tract may be impervious with gravel and up to 12% may be impervious with structures and paved areas.
- d. Any nonorganic goods or materials available for sale which are positioned in such a way as to be visible from any public right-of-way shall either be returned to an enclosed building each night or screened from view from all public rights-of-way,
- e. The proposed use shall be accessed by a major thoroughfare. The number of ingress and egress points shall be limited to the total road frontage for the tract divided by 300. Each point of ingress and egress shall be paved for the first 40 feet from the thoroughfare right-of-way.
- f. The proposed use shall be open to the public only between the hours of 7:00 a.m. and 9:00 p.m.

Section 32.49.32– Commercial Use in a Detached House Building Type

- a. All outdoor display of goods shall be located immediately adjacent to the storefront on the front porch during the hours of operation only; display goods shall not block building access. No other outdoor display is permitted.
- b. The hours of operation shall be compatible with the residential area. The hours of operation shall be between 8AM and 9PM. The following activities are prohibited outside of business hours: loading and unloading of materials, exterior maintenance, refuse removal, and other activities that create a nuisance.
- c. Site lighting shall meet the requirements of Section 32.29.16, Site Lighting.

Section 32.49.33 – Halfway Houses

The Town Board shall issue a Special Use Permit for a halfway house in a residential district if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- a. The following shall be prohibited:
 - i. Persons dangerous to others
 - ii. Sex offenders
 - iii. Active (but not recovering) substance abusers
- b. A Halfway house must meet a permitted building and lot type for the district in which it is to be located.
- c. No Halfway house may be located within a one-half (1/2) mile radius of any other halfway house or any schools (public or private), parks, playgrounds, day care centers, public and private youth centers.
 - i. Applicant must include in their submittal an area plan showing zoning classifications and land uses of all properties within a one half mile radius of the site of the proposed halfway house.
- d. Applicant must provide:
 - i. Copy of arrest/release records for all occupants.
 - ii. Copy of any contracts or policies for the operation of the facility.
 - iii. Copy of the rules for the residents of the halfway house.
 - iv. Documentation stating that a supervisor will be on duty at all times.

Section 32.49.34 – Banquet Facility

The Town Board shall issue a Special Use Permit for the subject facility if, but not unless, the evidence presented at the Special Use Permit Hearing establishes:

- a. That the hours of operation, including set-up and break-down, for events will be no earlier than 8:00 am and no later than midnight (12:00 am).
- b. That events must comply with the noise restrictions identified in the Town of Glen Alpine Noise Ordinance whether or not the property is located within the Town's corporate limits; and
- c. That the use will be located on a lot of at least 10 acres in size with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
- d. One residence (single-family detached house) may be located on the site.

- e. New buildings shall maintain a rural character and be compatible with surrounding area.
- f. Events may take place inside a building, tent or outdoors. Catered activities and receptions may take place in tents or buildings
- g. Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well Maintained and kept free of potholes, weeds, etc. The initial 50 feet of driveway from the public roadway connection shall be paved with concrete or asphalt.
- b. That there will be a separation of no less than:
 - i. Parking areas shall be located one hundred (100) feet from arterial roads and thoroughfares, and fifty (50) feet from adjacent properties. Parking areas will be visually buffered from arterial roads, thoroughfares and adjoining properties.
 - ii. Event areas shall be visually buffered and located sixty (60) feet from any property boundary located in a residential district or developed for residential or mixed use purposes.
 - iii. Any newly constructed accessory structure such as barns, gazebos and Agriculture or Farm related structures shall be located at a minimum of sixty (60) feet from any property boundary located in a residential district or developed for residential or mixed use purposes.
 - iv. As each property is unique, the Town Board may modify the buffers for a Banquet Facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for event areas and/or reduction in buffer area may be appropriate for farming or pasture areas.
- c. Applicant shall have adequate off-street parking to accommodate the maximum number of attendees.
- d. The method for providing potable water and a system of sanitary sewage collection and disposal for the maximum number of attendees shall be provided.

Article 7

STREETS, PARKING AND LOADING

Section 32.5 – Streets

Section 32.5.1 – Summary

The layout of streets should provide structure to the neighborhoods. The formality of the street plan will vary depending upon site conditions and topography. Unique site conditions should be used to create special neighborhood qualities.

In summary, streets shall:

- a. Interconnect within a development and with adjoining development. Cul-de-sac shall be allowed only where topographical and/or lot line configurations offer no practical alternatives for connections or through traffic. Street stubs shall be provided within development adjacent to open land to provide for future connections. The Land Development Map should be reviewed to locate potential connections in new neighborhoods.
- b. Be bordered by a sidewalk or sidewalks, with the exception of rural roads, lanes, and alleys.
- c. Be public. Private streets are not permitted within any new development. Alleys will be classified as public or private depending on function, according to the street acceptance policy.

Section 32.5.2 – Design

Designs should permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds, and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the relationship of the street to the overall town street network. The following specifications apply to street design:

- a. Sidewalks shall at a minimum be 5' in width unless otherwise provided. On Commercial Town Streets, sidewalks should be a minimum of 7' in width. A 10' minimum width sidewalk having tree grates or cut-outs is encouraged on Commercial Town Streets. Generally, canopy trees shall be planted at a spacing not to exceed 40' on center. Where overhead utility lines preclude the use of canopy trees, small maturing trees may be substituted, planted 30' on center.
- b. On-street parking is recommended. An on-street parking lane, either parallel or angled, on at least one side of the street is recommended on streets serving apartments, attached houses, and detached houses with lots 60' or less in width. On-street parking must also be provided on one side of any street adjacent to a public open space. Parallel on-street parking width is 7' to 8'.
- c. Design speeds should not exceed 30 miles per hour on any town streets, unless otherwise posted.
- d. Traffic control plans showing signage and pavement markings shall be prepared. The developer is responsible for the initial installation of the devices or markings and the maintenance thereof until the public accepts the street for maintenance.

Section 32.51 – Parking

Section 32.51.1 – Off-Street Parking Requirements

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this Section such parking space may be provided in a parking garage or properly graded open space. The following off-street parking requirements are as follows:

- a. To the extent practicable, adjoining parking lots serving non-residential buildings shall be interconnected.
- b. All commercial driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, peak parking, and non-commercial agricultural uses. Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement or brick pavers.
- c. Dumpsters shall be set on a concrete bed and shall be hidden by an opaque fence or wall of sufficient height to screen the bin and any appurtenances, but not less than 6' in height. Wooden shadow box fences are recommended. Trash containers such as dumpsters shall not be located abutting residential property.
- d. Wherever used, fences and walls should be constructed to match the architectural detail of the main building(s).
- e. All mechanical equipment shall be screened from view with an opaque screen.

Section 32.51.2 Certification of Minimum Parking Requirements

Each application for a zoning permit submitted to the Zoning Enforcement Officer as provided for in this Ordinance shall include information as to the means of entrance and exit to such space. This information shall be in sufficient detail to enable the zoning enforcement officer to determine whether or not the requirements of this section are met.

Section 32.51.3 Minimum Off-Street Parking, Loading and Unloading Required Spaces

While it is expected that on-street parking will contribute to every day parking needs within some zoning districts, sufficient off-street parking must also be provided to serve the particular uses within buildings. The following minimum requirements apply:

Residential and Related Uses	Required Off-Street Parking
Any residential use consisting of one or more dwelling units	Two parking spaces for each dwelling unit

Manufactured Homes	Two spaces for each manufactured home
Room/Boarding homes	One space for each two guest rooms, plus two additional spaces for the owner or manager
Customary home occupations	In addition to residential requirements, one parking spaces per 200 square feet devoted to the home occupation
Institutional, Public and Semi-public Uses	Required Off-Street Parking
Churches and funeral homes	One space for every four seat in the main chapel
Schools	1.75 spaces per classroom in elementary schools; 1 space per 100 square feet of gross floor area for trade or vocational schools; 1 space per 150 square feet of gross floor area for colleges, universities, and community colleges
Hospitals	Two spaces per bed or one space per 150 square feet of gross floor area, whichever is greater
Libraries	One space for every four seats provided for patron use
Medical offices and clinics	One space per 150 sq. ft. of gross floor area.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, pool halls, stadiums, gymnasiums, amusement parks, community centers, and all similar places of public assembly.	One space for each four fixed seats provided for patron use, plus one space for each 100 square feet of ground area used for amusement or assembly not including fixed seats.
Sanitariums, rest and convalescent homes, homes for the aged, and similar institutions.	One space for each six patient beds, plus one space for each staff, or visiting doctor plus one space for each four employees.
Apartment complex for the elderly	One space for each apartment
Business Uses	Required Off-Street Parking
Hotels	One space for each two rooms plus one additional space for each five employees
Motels, tourist homes, and inns	One space for each accommodation plus four additional space for employees
Offices, including banks	One space for each 200 square feet of gross floor area
Restaurants	One space for each three seating accommodations, plus one space for each two employees of the shift of largest employment.
Restaurant – Drive In	One space for each 100 square feet of gross floor area
Retail business	One space for each 200 square feet of gross floor area
Service Stations	One space per 200 square feet of gross floor area of building devoted primarily to gas sales operation
Shopping Centers	One space for each 200 square feet of gross floor area

Wholesale and Industrial	One space for each two employees at Operations maximum employment on a single shift.
Off-street Loading and Unloading Space	
*Retail operations	One loading space for each 5,000 square feet of gross floor area or fraction thereof
*Wholesale/Industrial Operation	One loading space for each 10,000 square feet of gross floor area or fraction thereof
*Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley, or if there is no alley available, then to a street. For the purpose of this section, an off-street loading space shall have a minimum dimension of 12 feet by 40 feet and overhead clearance of 14 feet in height above the alley or street grade.	

Article 8

ADMINISTRATION AND ENFORCEMENT

Section 32.60 – Zoning Enforcement Officer

It shall be the duty of the Zoning Enforcement Officer to enforce and administer the provisions of this Ordinance. The assistance of other persons may be provided as the Town Aldermen may direct.

If the Zoning Enforcement Officer finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal use of land, buildings or structures; removal of illegal buildings or structures or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. No zoning permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Adjustments.

If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

The Zoning Enforcement Officer or other staff member shall not make a final decision on an administrative decision required by this chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship (G.S. 160D-109).

The Zoning Enforcement Officer may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the town local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured (G.S. 160D-403(e)).

Section 32.61 – Zoning Permit Required

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot of record for the construction of any building be commenced until the Zoning Enforcement Officer has issued a zoning permit for such work. Every person obtaining a zoning permit here under shall pay a fee as provided in a schedule of zoning permit fees to be adopted by the governing body.

Written notice of such determination refusal and reason therefore shall be given to the applicant and property owner (G.S. 160D-403(b)), the Zoning Enforcement Officer may provide their determination in print or electronic form; if electronic form is used then it must be protected from further editing (G.S. 160D-403(a)).

Section 32.62 – Application for Zoning Permit

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

- a. The actual dimensions of the lot to be built upon,
- b. The size of the building to be erected,
- c. The location of the building on the lot,
- d. The location of existing structures on the lot, if any,
- e. The number of dwelling units the building is designed to accommodate,
- f. The approximate setback lines of buildings on adjoining lots,
- g. The intended use of the property,
- h. The Burke County Tax Map identification number of the property and a copy of the metes and bounds description of the lot of record,
- i. Such other information as may be essential for determining whether the provisions of this Ordinance are being observed.

Section 32.63 - Vesting.

Zoning permits expire one year after issuance unless work has substantially commenced. Expiration of a local development approval does not affect the duration of a vested right established as a site specific vesting plan, a multiphase development plan, a development agreement, or vested rights established under common law. A site specific plan or planned unit development shall remain vested for a period exceeding two years, but not exceeding five years. A multi-phase development shall remain vested for a period of seven years from the time a site plan is approved. For the purposes of this chapter, a multi-phase development must contain 100 acres or more and is submitted for site plan approval for construction to occur in more than one phase and is a master plan that includes a requirement to offer land for public use (G.S. 160D-108(d)).

Section 32.64 – Revocation of development approvals.

Development approvals may be revoked by the local government issuing the development approval by notifying the permit holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the permit approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed to the board of adjustment pursuant to G.S. 160D-4-5. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-4-5(e) regarding stays shall be applicable (G.S. 160D-403(f)).

Section 32.65 – Certificate of Occupancy Required

A Certificate of Occupancy issued by the Zoning Enforcement Officer is required in advance of:

- a. Occupancy or use of a (industrial or commercial) building hereafter erected, altered or moved.
- b. Change of use of any building or land.
- c. A Certificate of Occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a zoning permit and shall be issued within ten (10) days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this Ordinance. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. If a Certificate of Occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be

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

- d. In addition, a Certificate of Occupancy shall be required for each non-conforming use created by the passage and subsequent amendments to this Ordinance. The owner of such non-conforming use shall obtain a Certificate of Occupancy within thirty (30) days of the date of said passage or amendments.

Section 32.66 – Violation of Ordinance

- a. Complaints Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Town Clerk. The Zoning Enforcement Officer shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.
- b. Violation. In addition to those remedies provided in N.C. General Status 14-4, and 160-175, as amended and otherwise as law provided, whenever, by the provisions of this Ordinance, the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land and water, or on the erection or removal or alteration of a structure, a failure to comply with such provision shall constitute a violation of this Ordinance.
- c. Liability. The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance shall be held responsible for the violation and be subject to the penalties and remedies herein.
- d. Procedures upon Discovery of Violation. Upon the determination that any provision of this Ordinance is being violated, the Zoning Enforcement Officer shall send, within five (5) working days, a written notice by registered mail to the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Zoning Enforcement Officer's discretion. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud (160D-404(a)).

- e. The final written notice, which may also be the initial notice, shall state the action the Zoning Enforcement Officer intends to take, if the violation is not corrected, and shall advise that the Zoning Enforcement Officer may seek enforcement without prior written notice by invoking any of the remedies and penalties contained in this Section.
- f. Civil Penalties. Violation of any provision of this Ordinance shall subject the offender to a civil penalty in the amount of fifty (\$50.00) Dollars, to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a period of seventy-two hours after being cited. Citation shall be in writing, signed by the Zoning Enforcement Officer, and shall be delivered or mailed to the offender either at his residence or at his place of business or at the place where the violation occurred.
- g. Town Attorney May Prevent Violation. If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any structure or land is used in violation of this Ordinance, the Zoning Enforcement Officer shall inform the Town Attorney. In addition to other remedies, the Town Attorney may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such structure or land or to prevent any illegal act, conduct, business or use in about such premises.

Section 32.67 – Establishment of Planning Board and Board of Adjustment

Section 32.67.1 - Planning Board

A Planning Board is hereby established as provided in Section 106D-301 of the General Statutes of North Carolina. Said Board shall consist of five (5) regular members and two (2) alternate members and shall have proportional representation from within the corporate limits and the Extraterritorial Jurisdiction (ETJ) of the Town of Glen Alpine. The population estimates for this calculation shall be updates no less frequently than after each decennial census (G.S. 160D -307). Three (3) regular members and one (1) alternate member shall reside inside Town limits and be appointed by the Town of Glen Alpine. Two (2) regular members and one (1) alternate member shall reside outside Town limits but inside the Town's ETJ and be appointed by the Burke County Board of Commissioners. Members shall serve overlapping terms of three (3) years. Initially the Board of Aldermen and County Commissioners shall appoint one (1) regular member for a three (3) year term, one (1) regular member for a two (2) year term and one (1) alternate member for a one (1) year term. Board of Aldermen will appoint the remaining member to a one (1) year term. The alternate member of the Planning Board shall be called on to attend only those meetings and hearings at which one or more regular members are absent or are unable to participate in hearing a case (considering a text or zoning amendment) because of an impermissible conflict of interest as set out in NCGS 160D-1-9(d). Except at the election of officers, at no time shall more than five (5) members participate officially in any meeting or hearing. Should population in either the Town or

Extraterritorial Jurisdiction change enough to require an additional member to the Planning Board or the Zoning Board of Adjustment then numbers appointed by the Board of Aldermen and the Burke County Board of Commissioners will be changed accordingly.

The Planning Board shall keep minutes of its proceedings (G.S. 160D-308). Additionally, all Planning Board members, before entering their duties, must take an oath of office (G.S. 160D-309).

Members of the Planning Board shall not vote on advisory or legislative decisions regarding a development regulation where the outcome of the matter being considered is likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship (G.S. 160D-109(d), (e), (f)).

Section 32.67.2 - Board of Adjustment

A Board of Adjustment is hereby established as provided in Section 160D-302 of the General Statutes of North Carolina. The Planning Board shall function as the Board of Adjustment as provided in Section 160D-301 of the General Statutes of North Carolina.

Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, and certificates of appropriateness, variances, or any other quasi-judicial decision (G.S. 160D-406).

Members of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.¹² (G.S. 160D-109(d), (e), (f)).

Section 32.68– Decisions of the Board of Adjustment

The concurring vote of four-fifths (4/5) of the members of the Board of Adjustment – four (4) of the five (5) voting members – shall be necessary to approve any variance of the Ordinance. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Enforcement Officer of the Town of Glen Alpine. In accordance with NCGS 160D-1-9(d) no member of the Board of Adjustment shall participate or vote in any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an

impartial decision maker. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. Vacant positions and members who are disqualified from voting are not calculated for the concurring four-fifths vote or simple majority vote. Alternate members may serve temporarily (including voting) in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a regular member. Alternate members shall be eligible for appointment by the Town Board of Aldermen as a regular member of the Board of Adjustment.

On all appeals, applications and other matters brought before the zoning board of adjustment, said board shall inform in writing all parties involved of its decision and the reasons therefore.

Section 32.69 – Proceedings of the Board of Adjustment

The Board of Adjustment shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The board shall appoint a secretary, who may be a municipal officer, an employee of the town or a member of the planning and zoning board. The board shall adopt rules and by-laws in accordance with the provisions of this chapter and of N.C.G.S. 160D-302, of the General Statutes of North Carolina. Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. The Chairman shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this Section, the Board of Adjustment or the person seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed pursuant to N.C.G.S. 160D-406(g). All meetings of the board shall be open to the public.

Section 32.69.01 – Appeals, Hearings and Notice

Appeals to the zoning board of adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the Town of Glen Alpine, affected by any decision of the administrative officer or other town official based on this chapter. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice pursuant to G.S. 160D-4-3(b) given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service (G.S. 160D-405(d)). All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the zoning board of adjustment.

The zoning board of adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice thereof to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appeal in person, or by agent or by attorney.

Section 32.69.02 – Stay of Proceedings

An appeal stays in all legal proceedings in furtherance of the action appealed from unless the zoning enforcement officer certifies to the Board of Adjustment after the notices of appeal has been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record an application, on notice to the zoning enforcement officer and on due cause shown.

Section 32.69.03 – Powers and Duties of the Board of Adjustment

- a. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning enforcement officer in the enforcement of this Ordinance.
- b. Special Uses; Conditions Governing Application. To grant in particular cases and subject to appropriate conditions and safeguards, permits for special uses under the various use districts, The Board shall not grant a special use permit unless and until:
 - i. A written application for a special use permit is submitted indicating the section of this Ordinance under which the special use permit is sought.
 - ii. A public hearing is held. Notice of this hearing shall be advertised in all local newspapers of general circulation in the area a reasonable amount of time prior to the public hearing. This legal notice shall describe the request and appear at least once weekly for two consecutive weeks. All property owners within 100 feet of the property in question shall be notified of this hearing by first class mail.
 - iii. The Board of Adjustment finds that in the particular case in adjustment the use for which the special use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. In granting such a permit, the Board of Adjustment may designate such conditions in connection therewith as will conform to the requirements and spirit of this Ordinance.
 - iv. Compliance with Other Codes. Granting a special use permit does not exempt the applicant from complying with all of the requirements of building codes or other ordinances.
 - v. Revocation. If at any time after a special use permit has been issued, the Board of Adjustment finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated and the operation of such use discontinued. If a special use permit is terminated for any reason, it may be

reinstated only after a public hearing is held.

- vi. Expiration. In any case where a special use permit has not been exercised within the time limit set by the Board of Adjustment, or within one year if no specific time limit has been set, then without further action the permit shall be null and void.
- vii. "Exercised" as set forth in this subsection shall mean that binding contracts for the construction of the main building shall have been let; or in the absence of contracts, that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit.
- viii. Careful record. A careful record of such application and plat, together with a record of the action taken thereon, shall be kept in the office of the zoning enforcement officer.
- c. Variances. Any application for a variance shall be filed with the Town Clerk at least thirty (30) days prior to the date on which it is to be introduced to the Board of Adjustment. The Town Clerk or designated staff member shall be responsible for presenting the application to the Board of Adjustment. Each variance application shall be accompanied by a fee of two hundred fifty-dollars (\$250.00) to help defray the costs of advertising the public hearing required by this Section.
- d. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating:
 - i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district.
 - ii. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - iii. That said circumstances do not result from the action of the applicant.
 - iv. That granting the variance requested will not confer upon the applicant any special privileges that are denied by this Ordinance to other lands, structures, or buildings in the same district.
 - v. That no nonconforming use of neighboring land, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts will be considered grounds for the issuance of a variance.

- e. Notice of a public hearing shall be given as set forth in this Section. At the public hearing, any party may appear in person or by agent or attorney.
- f. The Board of Adjustment shall make findings that the requirements of Section 9.11 shall have been met for a variance.
- g. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance in the minimum one that will make possible the reasonable use of the land, building or structure.
- h. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- i. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 8 of this Ordinance.
- j. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 32.69.04 – Decision of the Board of Adjustment

In exercising the above-mentioned powers, the Board of Adjustment may reverse or reaffirm, wholly or in part, or may modify any order, requirements, decision or determination and to that end shall have the powers of the administrative official from whom the appeal is taken.

Section 32.69.05 –Duties of the Zoning Enforcement Officer, Board of Adjustment, Courts and Town Aldermen on Matters of Appeal

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented to the zoning enforcement officer and that such questions shall be presented to the Board of Adjustment only on appeal from the zoning enforcement officer and that from the decision of the Board of Adjustment recourse shall be had to courts as prescribed by law. It is further the intention of this Ordinance that the duties of the Glen Alpine Town Aldermen in connection with the Ordinance shall not include the hearing and passing upon disputed question that may arise in connection with the enforcement thereof. The duties of the Town Aldermen in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendments or repeal of this Ordinance.

Article 9

AMENDMENTS AND CHANGES AND LEGAL PROVISIONS

Section 32.7 – Procedure for Amendments

A petition for an amendment to this Ordinance and to the Official Zoning Map may be initiated by the Town of Glen Alpine, the Planning Board, any department or agency of the Town of Glen Alpine, the owner of any property within the Town, or any interested citizen who can show just cause for an amendment. Applications submitted by individual property owners or interested citizens who are not acting in an official capacity for the Town of Glen Alpine shall comply with the following procedural requirements.

- a. **Application Submission.** Any person for an amendment to the Zoning Ordinance shall be filed with the Town Clerk at least forty-five (45) days prior to the date on which it is to be introduced to the Planning Board. Each petition for an amendment shall be accompanied by a fee set forth in the annual fee schedule set by the Town Aldermen, to help defray the costs of advertising the public hearing required by this Chapter of the North Carolina General Statutes.
- b. **Change to Zoning Map.** Each application involving a change to the Official Zoning Map shall be signed, be in duplicate, and shall contain at least the following information:
 - i. The applicant's name in full, applicant's address, address or description of the property to be rezoned, including the tax map number;
 - ii. The applicant's interest in the property and the type of rezoning requested.
 - iii. If the proposed change would require a change in the Zoning Map, an accurate diagram of the property proposed for rezoning, showing:
 1. All property lines with dimensions, including north arrow;
 2. Adjoining streets with rights-of-way and paving widths;
 3. The location of all structures, existing and proposed, and the use of the land;
 4. Zoning classification of all abutting property owners;
 5. Names and addresses of all adjoining property owners.
 - iv. A statement regarding the changing conditions, if any, in the area of in the Town generally that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
- c. **Planning Board Consideration.** All proposed amendments to the Zoning

Ordinance shall be submitted to the Glen Alpine Planning Board for review and recommendation. At the discretion of the Planning Board, a public hearing may be conducted to consider the proposed amendment. The Planning Board shall have a reasonable period of time days from the time the proposed amendment was first considered by the Planning Board to submit its report. Every proposed amendment, supplement, change, modification or repeal to this chapter shall be referred to the planning and zoning commission for its recommendation and report (G.S. 160D-604(c),

- d. Town Aldermen Consideration. Before adopting or amending this Ordinance, the Glen Alpine Town Aldermen shall hold a public hearing on it. The owner of affected parcels of land, and the owners of all parcels of land abutting that parcel of land, shall be mailed a notice of the hearing on a proposed zoning map amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor. Additionally, the town shall prominently post a notice of the public hearing on the site proposed for rezoning the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within twenty-five days prior to the hearing until 10 days prior to the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons (G.S. 160D-602).
- e. The board of aldermen shall consider changes and amendments to this chapter as often as necessary, provided, however, that should the board of aldermen deny a petition or request by the property owner to have his or her property rezoned or to otherwise have the zoning boundaries changed, the board shall not thereafter accept any other application for the same change of zoning district affecting the same property or any portion thereof until the expiration of one year from the date of such previous denial.
- f. Before approving any rezoning request or adopting any ordinance which amends, supplements, changes modifies or repeals this chapter or any section thereof, the board of aldermen shall first hold a public hearing on such proposed changes. Notice of the public hearing shall be given a week for two (2) successive calendar weeks in a newspaper having general circulation in the Town of Glen Alpine. The notice shall be published the first time not less than ten (10) days not more than twenty-five (25) days before the date fixed for such hearing.
- g. Plan consistency. When adopting or rejecting any zoning text or map amendment, the Board of Aldermen shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Aldermen, that at the time of action on the amendment, the Board of Aldermen was aware of and considered the planning board’s recommendations and any relevant portions of an adopted comprehensive plan. If the amendment is adopted and the action was deemed

inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. 160D-6-2(b), the Board of Aldermen statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

- h. Amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforce- able without the consent of the owner with regard to buildings and uses for which either (1) building permits have been issued pursuant to G.S. 160D-403 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160D-403(f) or (2) a vested right has been established pursuant to G.S. 160D-102 and such vested right remains valid and unexpired.

Section 32.71 – Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern, provided that nothing in the Ordinance shall be construed to amend or repeal any other existing Ordinance of the Town.

Section 32.72 – Reenactment and Repeal of Existing Zoning Ordinance

This Ordinance in part carries forward by reenactment some of the provisions of the Zoning Ordinance of Glen Alpine, adopted by the Board of Aldermen on **November 10, 1997**, as amended, and it is not the intention to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the Town of Glen Alpine enacted on _____, as amended, which are not reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Zoning Ordinance heretofore in effect, which are pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of the existing Zoning Ordinance, prosecutions for which have not yet been instituted may be hereafter filed and prosecuted, and nothing in this Ordinance shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

Section 32.73 Validity.

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

Adopted this the ____ day of _____, 19 ____.

Mayor

ATTEST:

Town Administrator

Town Attorney

SEAL

**NOTE: THE ORIGINAL SIGNED & SEALED COPY OF THIS DOCUMENT
(ADOPTED ON JULY 16, 1990) IS ON FILE AT THE GLEN
ALPINE TOWN HALL.**