

# **ZONING ORDINANCE**

## **TOWN OF GRIMESLAND NORTH CAROLINA**

*Adopted: May 11, 1999*  
*Amended: September 10, 2019*

**ZONING ORDINANCE**  
**OF THE**  
**TOWN OF GRIMESLAND**  
**NORTH CAROLINA**

Edward Earl Aldridge, Mayor  
Dorothy Sullivan, Town Clerk/Finance Officer  
Robert Sutton, Public Works Director

**TOWN BOARD OF ALDERMEN**

Edward Earl Aldridge, Mayor  
Thomas J. Dixon  
John Farr  
Danny Strickland, Jr.  
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**TOWN OF GRIMESLAND  
ZONING ORDINANCE**

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**ZONING ORDINANCE**  
**OF THE**  
**TOWN OF GRIMESLAND, NORTH CAROLINA**

**ENACTMENT:**

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF GRIMESLAND, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES 160A, ARTICLE 19 PART 3 (160A-381).

**PREAMBLE:**

WHEREAS, the General Statutes of North Carolina empowers the Town of Grimesland to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Board of Aldermen deems it necessary for the purpose of promoting the health, safety, morals, or general welfare of the town to enact such an ordinance, and

WHEREAS, the Board of Aldermen has appointed a Planning Board to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Board has divided the town into districts and has prepared regulations pertaining to such districts in accordance with the town's land use plan designed to lessen congestion throughout the town; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Planning Board has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town, and

WHEREAS, the Board of Aldermen has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings, and

WHEREAS, all requirements of the General Statutes of North Carolina with regard to the preparation of the report of the Planning Board and subsequent action of Board of Aldermen has been met;

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF GRIMESLAND,  
NORTH CAROLINA, AS FOLLOWS:

## ARTICLE 1.

## AUTHORITY AND ENACTMENT

### 1.1 Authority

This ordinance is adopted under the authority granted by Chapter 160A, Article 19, Part 3 of the North Carolina General Statutes and Amendments thereto. The Board of Aldermen of the Town of Grimesland, North Carolina, does ordain as follows:

### 1.2 Title

This ordinance shall be known as, referred to, and cited as the "ZONING ORDINANCE, TOWN OF GRIMESLAND, NORTH CAROLINA" and hereinafter referred to as the "ordinance".

### 1.3 Purpose

The purpose of this ordinance is to promote the health, safety, morals, and general welfare of the Town of Grimesland, North Carolina.

### 1.4 Intent

It is the general intent of this ordinance to:

1. Regulate and restrict the use of all structures and lands within the town limits of the Town of Grimesland.
2. Regulate and restrict lot coverage, population density and distribution, and the location and size of all structures within the town limits of the Town of Grimesland.
3. Regulate development so as to accomplish the following:
  - a) Secure Safety from fire, flooding, panic and other dangers;
  - b) Provide Adequate light, air, sanitation, drainage;
  - c) Further the Appropriate use of land, and conservation of natural resources;
  - d) Obtain the Wise Use, conservation, development, and protection of the town's water, soil, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses;
  - e) Prevent Overcrowding, and avoid undue population concentration and urban sprawl;



- f) Stabilize and Protect the natural beauty and property values.
- g) Lessen Congestion in and promote the safety and efficiency of the streets and highways.
- h) Facilitate the Adequate provision of public facilities and utilities;
- j) Preserve Natural Growth and Cover and promote the natural beauty of the community.

#### 1.5 Interpretation

In interpreting and applying the provisions of this ordinance, those provisions 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. Likewise, where other ordinances, easements, covenants or other agreements impose additional or greater restrictions than those regulations set forth herein, the more restrictive regulations shall have precedence.

## ARTICLE 2.

## GENERAL PROVISIONS

### 2.1 Introduction

The proper regulation of the use of certain structures, lands and water, only through the use of the zoning districts contained within this ordinance, is neither feasible nor adequate. Therefore, the following restrictions and regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this ordinance.

### 2.2 Jurisdiction

1. This chapter shall be effective throughout the town's planning jurisdiction. The town's planning jurisdiction comprises the area within the corporate boundaries of the town as well as the area described in that ordinance adopted by the Board of Aldermen on May 11, 1999, entitled an "Ordinance Establishing Extraterritorial Jurisdiction," which ordinance is recorded in the Pitt County Registry. Such planning jurisdiction may be modified from time to time in accordance with Section 160A-385 of the North Carolina State Law.
2. In addition to other locations required by law, a copy of a map showing the boundaries of the town's planning jurisdiction shall be available for public inspection in the planning department.

### 2.3 Application of District Regulations

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
  - a) to exceed the height or bulk;
  - b) to accommodate or house a greater number of families;
  - c) to occupy a greater percentage of lot area;
  - d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner be contrary to the provisions of this ordinance.
3. No part of a yard, or other open space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, or open space similarly required for any other building.

4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

#### 2.4 Provision for Official Zoning Map

Official Zoning Map - The Town of Grimesland is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning Map shall be identified by the signature of the Mayor of the Town of Grimesland, attested by the Town Clerk, and bearing the seal of the Town. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map located in the Town of Grimesland Town Clerk's Office shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town.

#### 2.5 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Aldermen may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor of the Town of Grimesland, attested by the Town Clerk, and bearing the seal of the Town of Grimesland. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

#### 2.6 Relationship to Land Use Plan

It is the intention of the Board of Aldermen that this chapter implement the planning policies adopted by the board for the town and its extraterritorial planning area, as reflected in the land use plan and other planning documents. While the Board of Aldermen reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the board hereby expresses its intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

2.7 No Use or Sale of Land or Buildings Except in Conformity With Chapter Provisions

1. Subject to Article 13 of this ordinance (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this chapter.
2. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

2.8 Fees

1. 

Zoning Permits	\$25.00
Rezoning Application	\$250.00
	(add \$20.00/acre for every acre over 2.0)
Special Use Permit Application	\$250.00
2. Fees established above must be paid upon submission of a signed application or notice of appeal. This ordinance is administered by the Pitt County Planning Department, therefore all fees should be submitted to the Planning Department and made payable to the County of Pitt.

2.9 Severability

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrase of ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

2.10 Computation of Time

1. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

## ARTICLE 3.

## DEFINITION OF TERMS

### 3.1 General

For the purpose of interpreting this ordinance, certain words and terms used are defined in this section. Except as defined in this section, all other words used in this ordinance shall have their standard dictionary definition. For general interpretation, the following shall apply in all uses and cases in this ordinance:

1. The present tense includes the future tense, and the future tense includes the present tense.
2. The singular number includes the plural number, and the plural number includes the singular number.
3. The word "may" is permissive, and the word "shall" is mandatory.
4. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
5. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
6. Words in parting the masculine gender include the feminine and neuter.

### 3.2 Word and Term Definitions

*(Amended and Adopted January 13, 2004, by the Town Board of Aldermen.)*

Accessory Use or Structure - A use or a structure on the same lot with, but of a nature customarily incidental and subordinate to, the principal use or structure.

Addressing Service - A service that prepares mailings, which may include applying mailing labels, applying postage and performing the mailing service for compensation.

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

Alter - To make any structural changes in the supporting or load-bearing members of a building, such as walls, columns, beams, girders or floor joists.

Ambulatory Health Care Clinic - A Health Care Facility, affiliated with a hospital, where patients are admitted for examination and/or treatment on an out-patient basis by one (1) or more physicians, dentists, or other medical personnel, psychologists, or social workers, and where patients are not lodged overnight.

Assembly - A joining together of completely fabricated parts to create a finished product.

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

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

Board of Aldermen - The Board of Aldermen of the Town of Grimesland.

Board of Adjustment - A semi-judicial body, composed of representatives from the Town of Grimesland, which is given certain powers under and relative to this ordinance.

Boarding House - A rooming house or a structure which contains four (4) or more rooms, each of which has no kitchen facilities, and is designed or intended to be used for residential occupancy on a rental basis.

Bona Fide Farm - Any tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in NCGS 105-277.1 et. seq. shall be considered a bona fide farm. Any tract of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the building inspection upon consideration of agricultural productivity and improvements, and any other necessary or available information. Under no circumstances will any parcel smaller than five (5) acres be considered either an agricultural tract or a bona fide farm. Bona Fide farms do not include intensive livestock operations.

Buffer Strip/Buffer Zone - A device of material, evergreen plantings, and/or other plantings (vegetative matter), and space used to provide sight and sound screening from adjoining properties. The required height and width of the buffer strip and the materials and/or other plantings (vegetative matter) used in its construction vary according to use. Where a buffer strip is required under the provisions of this ordinance, it shall meet the requirements of the Zoning Administrator.

Building - Any building, structure, edifice or improvements as commonly defined.

Building, Commercial - Any building used for business purposes.

Building, Detached - A building having no party or common wall with another building except an accessory building.

Building Groups, Planned - More than one building on a single lot or tract developed in accordance with the provisions of Article 9.

Building, Height of - The vertical distance from the average sidewalk or street grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.

Building, Line - A line located a minimum horizontal distance from the right-of-way line of a street or road parallel thereto, between which and the right-of-way line no building or parts of buildings may be erected, altered, or maintained except as otherwise provided herein.

Building, Main - A building in which the principal use of the lot on which the building is situated is conducted.

Car Wash - A commercial establishment, which washes automobile or other motor vehicles, whether or not in conjunction with other goods or services provided to customers.

Cemetery - Property used for the interring of the dead.

Certificate of Occupancy/Compliance - A statement, signed by an administrative officer authorized by the Grimesland Board of Aldermen, setting forth that the building, structure or use complies with the zoning ordinance, and that the same may be used for the purpose stated herein.

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

Clinic Services, Medical & Dental - A health care facility providing primary health services and medical or surgical care to persons, primarily outpatients, and including, as an integral part of the facility, related medial offices and laboratories.

Contractor, General - One who is engaged in all or more aspects of building construction and/or land development through a legal agreement.

Contractor, Trades - One who accomplishes work or provides facilities under contract with another and specifically engages in a specialized trade, such as plumbing, heating, wiring, sheet metal and roofing work, etc.

Convenience Store - Any retail facility less than 3500 sq. ft offering for sale prepackaged food products, household items, newspapers, sandwiches, and other freshly prepared foods, for off site consumption.



Day Care Center - Inclusive of kindergarten, a facility for the care and/or education of pre-school age children.

Drive-in (eating or drinking facility) - An establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverage from a vehicle.

Dwelling, Multiple Family - A building used for or designed as a residence for more than two families living independently of each other.

Dwelling, Single-Family - A detached residential dwelling unit, other than a manufactured home, designed for and occupied by one family only.

Dwelling, Two Family (Duplex) - A detached building used for or designed as a residence for two families living independently of each other.

Dwelling Unit - A residential structure or that portion of a residential structure used or designed as a residence for one family.

Erect - Build, construct, rebuild, or reconstruct, as the same are commonly defined.

Extraterritorial Jurisdiction - The area beyond the corporate limits within which the planning and zoning regulations of the town apply in accordance with state law. Such area is delineated on the official zoning map for the Town of Grimesland.

Family - One or more persons related by blood, adoption or marriage, or a group of not more than five (5) persons not related by blood, adoption or marriage living together as a single housekeeping group in a dwelling unit.

Family Care Home – A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or less resident handicapped persons, pursuant to NCGS 168-21.

Fertilizer Facility – An establishment which sells and/or stores fertilizer for agricultural purposes.

Flea Market - An event, transaction, or occurrence at which an owner or sponsor makes space available to persons who sell new, consigned and/or used merchandise at retail or wholesale to the public on a daily, weekend, occasional, temporary or permanent basis.

Frontage - All property abutting on one side of a street measured along the street line.

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

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

Home Care Unit – A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, to include homes for the aged. *See “Nursing Home” in Table of Permitted Uses.*

Home Occupation - Certain occupations customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly subordinate to the use of the dwelling for residential purposes. Limitations are prescribed in this ordinance to ensure against the growth of a home occupation into a commercial enterprise.

Improvements - The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.

Junk - Pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete, making them unusable in their existing condition, but are subject to being dismantled and salvaged.

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

Lot - Land area of defined boundaries in single ownership, set aside for separate use or occupancy, and recorded as such in the office of the Pitt County Registrar of Deeds.

Lot, Area of - The parcel of land enclosed within the boundaries formed by the property lines.

Lot, Corner - A lot abutting upon two streets or road (including platted but unopened streets or roads), thus having two (2) front lines.

Lot, Depth - The depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.

Lot Line - Any boundary of a parcel of land.

Lot Line, Front - Any boundary line of a lot running along a street right-of-way line. If a lot abuts two right-of-way lines, the front lot line shall be the shorter of the two. If a lot abuts more than two right-of-way lines, the front lot line shall be determined by the Board of Adjustment.

Lot Line, Rear - The lot line opposite the front lot line.

Lot Line, Side - Any lot line which is not a front or rear lot line.

Lot of Record - A lot, a plat or a map which has been recorded in the office of the Registrar of Deeds of Pitt County, or a lot described by metes and bounds, the description of which has been recorded in the aforementioned office.

Lot Width - The distance between the side lot lines as measured along the front building line as specified by the applicable front yard setback in this ordinance.

Manufactured Home - A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 900 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1984, 42 U.S.C. §5401, et seq.

For manufactured homes built prior to June 15, 1998, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. *(Amended and Adopted by the Town Board of Aldermen on January 13, 2004.)*

Manufactured Home Park - Any single parcel of land upon which three or more manufactured homes or travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Mini-Storage/Self Storage Facility - A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

Mobile Home Sales - An establishment that sells Manufactured Homes to the public.

Modular Home - A factory-fabricated, transportable building constructed to meet North Carolina Building Code standards and designed to be used by itself or, in

the case of a sectional home, to be joined with similar units into a modular whole, placed on a permanent foundation and used for residential purposes.

Nonconforming Use - A use of building or land that does not conform with the regulations of the district in which such building or land is situated but was lawful before adoption of this ordinance.

Nursing Home - A convalescent facility having over five (5) beds meeting all the requirements of the State of North Carolina for the boarding and care of persons who cannot care for themselves.

Permitted Structural Use - A structure/use meeting all of the requirements of this ordinance for the zone district in which it is located.

Pet Grooming – The caring for the appearance of dogs and cats including bathing and dipping with boarding of clients as needed. (*Amended and Adopted September 11, 2001, by the Town Board of Aldermen.*)

Planned Building Group - A group of two or more buildings or two or more manufactured homes located on a single parcel of land.

Planning Board - A commission appointed by the Board of Aldermen for the following purposes: (a) to develop and recommend long-range development plans and policies; (b) to advise the Board of Aldermen in matters pertaining to current physical development and zoning for the town's planning jurisdiction.

Public Facility - any land, property, buildings, or any combination thereof, owned or maintained by the city for the purposes of providing non-recreational services to the general public.

Public Utility - A business that furnishes an everyday necessity to the public at large. Public utilities provide water, electricity, natural gas, telephone service, and other essentials. Utilities may be publicly or privately owned. Solar and/or Wind energy production of any kind, whether public or private in nature, for production and use of energy for profit or sale to another governmental or private entity is prohibited within the Town's jurisdiction and is not to be considered such a public utility

Public Utility Facility - Any building, structure, or fixture or part thereof which is owned by a public utility. Solar and/or Wind energy production of any kind, whether public or private in nature, for production and use of energy for profit or sale to another governmental or private entity is prohibited within the Town's jurisdiction and is not to be considered such a public utility facility.

Recreation or Amusement Enterprise, Inside – A facility, primarily indoors, operated as a business and open to the public for a fee.

Recreation or Amusement Enterprise, Outside – A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and souvenir sales, and open to the public for a fee.

Retail - Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

Salvage Operation - The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purposes of resale, processing, distribution or deposition. This does not include the purchase or storage of used furniture, used cars in operable condition, and used or salvaged materials as part of manufacturing operations.

Sexually-Oriented Business - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, massage parlor, adult motion picture theater, adult theater, escort agency, sexual encounter studio, or any combination of the foregoing.

School - Public, primary, and secondary schools, and private schools having the same curriculum as ordinarily given in public schools.

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

Sign - Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trademarks by which anything is made known, such as the designation of an individual, firm, association, profession, business commodity or product, which are visible from any public way and used to attract attention.

Sign, Area of - Sign area shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof which will encompass the entire sign including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one (1) side of a double face sign structure shall be considered.

Sign, Business Identification - Any sign which advertises an establishment, service, commodity or activity conducted upon the premises where such sign is located.

Sign, Outdoor Advertising - Any sign which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located.

Special Use - A use that would not be generally appropriate without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, conveniences, appearance or prosperity. Such uses may be permitted in such zoning district as special exceptions if specific provision for such special exceptions is made in this zoning ordinance. These uses are allowed only after written approval by the Grimesland

Board of Adjustment. *(Amended and Adopted November 13, 2001, by the Town Board of Aldermen.)*

Stable/Horse Facility - An establishment wherein any person, boards, breeds, grooms, lets for hire, or trains domesticated horses.

Storage - A depository for commodities or items for the purpose of future use or safekeeping.

Street - A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Pitt County Registrar of Deeds.

Structure - See Building.

Subdivision - All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

- (1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein;
- (2) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (3) the public acquisition by purchase of strips of land for the widening or openings of streets;
- (4) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved.

Tourist Home - Any building occupied by owner or operator in which rooms are rented for lodging of transients and travelers for compensation.

Travel Trailer - Any structure which:

- (a) consists of a single unit completely assembled at the factory; and
- (b) is designed so that the total structure can be transported on its own chassis; and
- (c) is not over 32 feet in length and 8 feet in width; and
- (d) may be used as a dwelling unit.

Such structures shall be considered travel trailers regardless of other titles that may also be applicable such as camper, mini-mobile home, etc.

Use - The purpose for which land or structure thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Use, Accessory - A use incidental to and customarily associated with the use-by-right and located on the same lot with the use-by-right, and operated and maintained under the same ownership with the operation of the use-by-right.

Use By Right - A use which is listed as an unconditionally permitted activity in this ordinance.

Use, Nonconforming - A use of building or land that does not conform with the regulations of the district in which the building or land is situated.

Use, Non-Farm - Any use of property which is not encompassed by the definition of a farm as so defined in this ordinance.

Use, Special - A use permitted in a zone only after specific findings by the Board of Adjustment or Board of Aldermen.

Variance - A modification or alteration of any of the requirements of this ordinance.

Warehouse - A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.

Wholesale - Sale of a commodity for resale to the public for direct consumption.

Yard - Any open space on the same lot with a building and unoccupied from the ground upward except by trees, shrubbery, or fences.

Yard, Front - A yard across the full width of the lot, extending from the front line of the building to the front lot line.

Yard, Rear - A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.

Yard, Side - A yard between the building and side lot line, extending from the front building line to the rear building line.

Zoning Administrator - That person(s) designated by the Town of Grimesland to be in charge of the administration and/or enforcement of the Land Use Regulations, Zoning Ordinance, Subdivision Ordinance, and other applicable municipal ordinances of the Town of Grimesland.

Zoning Certificate - A certification by the Board of Aldermen or its authorized agents that a course of action to use or occupy a tract of land or a building, or to erect, install or alter a structure, building or sign situated in the extraterritorial jurisdiction of the town, fully meets the requirements of this ordinance.





## **ARTICLE 4.**

## **LOCATIONS AND BOUNDARIES OF DISTRICTS**

The locations and boundaries of each of the zoning districts shall be shown on the map accompanying this ordinance and made a part hereof entitled "Town of Grimesland Official Zoning Map" dated May 11, 1999, and adopted by the Board of Aldermen. The zoning map and all the notations, references and amendments thereto and other information shown, are hereby made a part of this ordinance. The zoning map shall be kept on file in the office of the Town of Grimesland Town Clerk and shall be available for inspection by the public.

The boundaries of such districts as are shown upon the map attached to this ordinance are hereby adopted. The provisions of this ordinance governing within each type of district the use of land and buildings, height of buildings, building site areas, sizes of yards around buildings and other matters as are hereinafter set forth are hereby established and declared to be in effect upon all land included within the boundaries of each and every district as shown upon said map.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

Where district boundaries are indicated as approximately following street lines, alley lines, lot lines or such lines extended, these lines shall be construed to be such boundaries.

Where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions on the zoning map, shall be one hundred fifty (150) feet from the nearest street which it parallels.

In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the zoning map as to the location of the district boundaries.

## ARTICLE 5.

## ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this ordinance, the Town of Grimesland and its extraterritorial jurisdiction is divided into the following classes of zones:

A-1	Agricultural District
R-6	Residential District
R-10	Residential District
R-12	Residential District
MF	Multi-Family District
MFM	Multi-Family Manufactured Homes
B-1	Business District
I-1	Industrial District

### 5.1 Agricultural District

This district is defined as large open land areas customarily situated in the town's extraterritorial jurisdiction. The regulations of this district are designed to retain the open characteristics of the land. For that reason, the permitted uses are limited in number.

### 5.2 R-6 Residential District

This district is defined as low density residential areas and additional open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

### 5.3 R-10 Residential District

This district is defined as medium density residential areas and additional open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

### 5.4 R-12 Residential District

This district is defined as medium density residential areas and additional open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

#### 5.5 MF Multi-Family District

This district is defined as a high density residential area where multi-family dwellings are co-mingled with certain open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

#### 5.6 MFM Multi-Family Manufactured Homes

This district is defined as a high density residential area where multi-family dwellings and manufactured home parks are co-mingled with certain open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

#### 5.7 B-1 Business District

This district is defined as certain land and structures that provide personal services, retailing and business services of all kinds to supply the needs of transients and the residents, business and industry of the entire urban area. The area is located in the nucleus of the town.

#### 5.8 I-1 Industrial District

This district is defined as an area where manufacturing establishments may be developed. This district is customarily located in proximity to railroad sidings and/or major thoroughfares. The purpose of this district is to permit the normal operations of almost all industries except those that would be detrimental to adjoining properties. Excluded from this district are those industries which deal primarily in hazardous products such as explosives.

## ARTICLE 6.

## APPLICATION OF GENERAL REGULATIONS

### 6.1 Use

No building or land hereafter shall be used or occupied and no building or part thereof shall be erected, moved or structurally altered except in conformity with the uses and dimensional regulations of this ordinance, or amendments thereto, for the district in which it is located.

### 6.2 Only One Main Building, One Main Use on Lot, and Orientation of a Building

In all districts, every main building hereafter erected or altered shall be located on a separate lot, as defined in this ordinance, and in no case shall there be more than one main building and permitted accessory building on the lot nor more than one main use (e.g., commercial, industrial or residential) per building and lot; provided that this requirement shall not apply to manufactured homes or manufactured home parks where permitted, permitted accessory uses, nor to unified developments of planned building groups approved by the Board of Aldermen, nor to a bona fide farm use. No principal building or structure shall be erected on any lot without facing either a public street/right-of-way, or private street/right-of-way, and is recorded as such with the Pitt County Registrar of Deeds. *(Amended and Adopted May 13, 2003, by the Town Board of Aldermen.)*

### 6.3 Minimum Yards

The minimum yards or other open spaces required by this ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

### 6.4 Lot Subdivision

No lot shall hereafter be so reduced in area as to cause any open space required by this ordinance to be less in any dimension than is herein required by the minimum yard requirements of the zone in which the lot in question is situated.

### 6.5 Certificate of Occupancy

No final certificate of occupancy/compliance for a commercial, residential or manufactured home park will be issued until all required site improvements have been completed.

## 6.6 Improvements Bond

No final certificate of occupancy/compliance for a commercial, residential, or mobile home park planned building group will be issued until all required site improvements have been completed. In lieu of completion of required site improvements, the developer of the planned group may enter into a contract with the Town of Grimesland providing for the installation of town improvements within a designated period of time. Performance of said contract shall be secured by a cash or surety bond, which will cover the total estimated cost of the improvements as determined by the Zoning Administrator; provided, however, that said bond may be waived by the Board of Aldermen within its discretion.

## 6.7 Fences and Walls

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, within the corporate limits of the Town, no wall or fence shall exceed:

- Four (4) feet in height within a front yard or six (6) feet six (6) inches in height within a side or rear yard.

Or, within the Extraterritorial Jurisdiction of the Town, no wall or fence shall exceed:

- Six (6) feet six (6) inches in height within a front yard or eight (8) feet in height within a side or rear yard.

Fences and walls may project into or may enclose any front yard; however, no fence may be constructed on or in a public street right-of-way. In no case in a residential zone shall a fence or wall be extended closer to the street right-of-way line than the front corner of the main building situated on the lot or 30 feet from said street right-of-way, whichever is greater. In the I-1 district, a solid or open fence or wall may be erected to a maximum height of ten feet.

## 6.8 Special Purpose Lots

Requirements of this zoning ordinance with respect to road frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for water towers, sewer lift stations, pump stations, and cluster mailbox kiosks. Public electrical utility stations and substations shall adhere to the minimum lot area set forth in Article 10.3 of this ordinance.

The special purpose lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use.

If the special purpose lot does not have direct access to a public road, an easement with a minimum width of ten (10) feet shall be provided for ingress and egress.

**ARTICLE 7.**

**DISTRICT REGULATIONS**

*(Amended and Adopted January 13, 2004, by the Town Board of Aldermen.)*

For the purpose of this ordinance, the Town of Grimesland and its Extraterritorial Jurisdiction are divided into the following classes of zones:

- A-1 Agricultural District
- R-6 Residential District
- R-12 Residential District
- MF Multi-Family District
- MFM Multi-Family Manufactured Homes
- B-1 Business District
- I-1 Industrial District

7.1 A-1 Agricultural District

A. Intent

This District is defined as large open land areas customarily situated in the town's Extraterritorial Jurisdiction. The regulations of this district are designed to retain the open characteristics of the land. For that reason, the permitted uses are limited in number and scope.

B. Permitted Uses

The following uses shall be permitted by right:

1. Accessory Building.
2. Accessory Uses and Structures (incidental to any Permitted Use) – No permanent residential occupancy shall be allowed as an accessory use in the B-1 or I-1 districts. An accessory use in R-6, R-12, or MF districts shall not include the residential occupancy of an accessory building except by domestic employees employed on the premises and the immediate family of such employees. Swimming pools as an accessory use in R-6, R-12, or MF districts shall be enclosed by protective fencing not less than five (5) feet in height.
3. Automobile Off-street Parking (commercial lots).
4. Blacksmith Services.
5. Bona Fide Farms.
6. Dwelling, Single Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met
7. Fairground Activities.

8. Family Care Home – In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.
9. Fill (Earth Elevation).
10. Fire Stations and other Public Buildings or Governmental Facilities.
11. Game Farm.
12. Hatchery Operations.
13. Home Occupations are permitted only as an incidental use and are limited to the following:
  - a. The office or studio of a physician, dentist, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance broker/agent, lawyer, real estate broker, teacher or other like professional person residing on the premises, provided no chattels or goods, wares or merchandise are commercially created, displayed, exchanged or sold;
  - b. Workshops not conducted for profit;
  - c. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring conducted by a person residing on the premises;
  - d. Rooming and/or board of not more than three (3) persons; for which a rent/remuneration is charged;
  - e. Single operator beauty shop or barber shop; and
  - f. Provided, furthermore, the home occupations listed above shall be permitted subject to the following limitations:
    - (1) No display of products;
    - (2) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause pollution, noises or other interference in radio and television reception;
    - (3) No accessory buildings or outside storage shall be used in connection with the home occupation;
    - (4) Not over Twenty-Five (25) Percent of the total floor area or Five Hundred (500) Square Feet, whichever is less, shall be used for a home occupation;
    - (5) Only residents of the dwelling may be engaged in the home occupation except any physician or dentist licensed by the State of North Carolina shall be allowed to have one (1) nurse or assistant who is not a resident of the dwelling.
14. Library.

15. Manufactured/Mobile Home, Permanent Residential Occupancy – Individual Manufactured/Mobile Homes for permanent occupancy which are located in the A-1 Agricultural District must be either a Manufactured Home Class “A” or “B”, and comply with the following:

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

- a. The pitch of the mobile home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- b. The exterior siding consists of wood, hardboard, aluminum or vinyl (that does not exceed the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly use in standard residential construction;
- c. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
- d. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, masonry, vinyl (or other Town approved product) curtain wall underpinning installed under the perimeter of the manufactured home. Skirting shall be installed underneath all manufactured homes for the purpose of enclosing the space from the bottom of the manufactured home to grade and shall consist of a weather-resistant material. Skirting shall also provide for required ventilation and access as required by Section 4.7.7 of the State of North Carolina Regulations for Manufactured/Mobile Homes, Pitt County Building Code. Skirting shall be installed in accordance with this section within 60 days after the approval for occupancy and the electrical permit is issued by Pitt County Building Inspections. This provision shall not apply to manufactured homes required to be elevated six (6) feet or more above the highest adjacent grade;
- e. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and
- f. The moving hitch, wheels and axles, and transporting lights have been removed.



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

Manufactured or mobile homes which were located on legal individual lots on the date of the adoption of this ordinance may be replaced with a Manufactured Home Class “A” or “B”.

All manufactured homes placed within the Zoning Jurisdiction of the Town of Grimesland after the effective date of ordinance shall have a masonry, vinyl (or other Town approved product) curtain wall underpinning. Skirting shall be installed underneath all manufactured homes for the purpose of enclosing the space from the bottom of the manufactured home to grade and shall consist of a weather-resistant material. Skirting shall also provide for required ventilation and access as required by Section 4.7.7 of the State of North Carolina Regulations for Manufactured/Mobile Homes, Pitt County Building Code. Skirting shall be installed in accordance with this section within 60 days after the approval for occupancy and the electrical permit is issued by Pitt County Building Inspections. This provision shall not apply to manufactured homes required to be elevated six (6) feet or more above the highest adjacent grade.

The owner of each manufactured home placed within the Zoning Jurisdiction of the Town of Grimesland is required to obtain all necessary inspection certificates and permits from the Town of Grimesland and Pitt County. Fees may be charged for this service. Appropriate information as to owner, location, lot size, road frontage and other information may be required to process necessary permits.

All manufactured homes set up within the Zoning Jurisdiction of the Town of Grimesland after the effective date of this ordinance shall meet all requirements of the Town of Grimesland applicable ordinances, as amended and supplemented. Utility services shall not be authorized without proof that all such requirements have been met.

16. Nursery Operations (Plant).
17. Public Recreation (such as community center buildings, parks, museums, playground, tourism facilities, and similar facilities operated on a nonprofit basis).
18. Riding Academy.
19. Satellite Dishes/Antennas – No satellite dish/antenna or other dish/antenna may be constructed or placed on any lot or structure without first obtaining a permit from the zoning administrator. A reasonable fee for the processing of an application for placement of a dish/antenna may be charged by the town.

a. Location.

- (1) No conventional or satellite television or radio dish/antenna may be placed in the front yard, beyond the front of the principal structure, of any lot in the Town's zoning jurisdiction.
- (2) A ground-mounted conventional television or radio dish/antenna may be placed on a legal lot only in the rear yard.
- (3) A satellite television dish/antenna may be placed on a legal lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the zoning administrator may permit the dish/antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the zoning administrator may permit the dish/antenna to be located on the roof of any main or legal accessory building on the lot.
- (4) All ground-mounted television and radio receiving dishes/antennas and satellite television dishes/antennas shall be located no less than five (5) feet from any lot line.
- (5) No ground-mounted receiving dish/antenna or satellite television dish/antenna may be erected on a public easement.

b. Dish/Antenna Size and Number.

- (1) No ground-mounted satellite television dish/antenna may exceed ten (10) feet in height, as measured from the ground to the highest point of the dish/antenna, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained within the ten (10) foot height limitation, the zoning administrator may permit the dish/antenna to be constructed at a height not to exceed Eighteen (18) Feet.
- (2) A roof-mounted satellite television dish/antenna may extend above the roof line no more than Three Feet, unless it is to be installed on multi-story buildings of four or more stories, in which case the dish/antenna may not exceed Ten (10) Feet in height above the level of the roof upon which it is placed.
- (3) The diameter of satellite television dishes/antennas shall not exceed Twelve (12) feet.
- (4) No lot shall have, at any one time, more than one satellite television dish/antenna.

c. Miscellaneous

- (1) The color of any satellite television dish/antenna shall be dark brown, black, forest green, or beige and shall be of solid color and unadorned.
- (2) A ground-mounted conventional television, radio, or satellite television dish/antenna shall be effectively screened year round from view at ground level from any adjacent lot, public or private street, right-of-way, or easement to a minimum height of six (6) feet above grade. Said screening is not required to be so complete that it interferes with the reception of the dish/antenna. If an antenna or dish should exceed ten (10) feet in height, said screening shall be a minimum of fifty percent (50%) of the height of the structure.

Screening shall be provided by one or more of the following: the dwelling of the lot where the dish/antenna is located; garages, storage buildings, or other provisions that meet zoning requirements; a solid wood or masonry fence or wall; or, natural plants or trees so planted as to provide year round screening.

If a landscape treatment is used, all plant materials must be medium to fine texture evergreen and at least three (3) feet in height when planted, and spaced in such a manner that when mature will be complete opaque to the required minimum height of six (6) feet. If an antenna or dish should exceed ten (10) feet in height the screening plants shall be twenty-five percent (25%) of the height of the structure when planted and spaced in such a manner that when mature will be completely opaque to the required minimum height of fifty percent (50%) of the height of the structure.

- (3) All roof-mounted satellite television dishes/antennas extending more than three (3) feet above the roofline shall be concealed from ground level view either by a parapet wall or by exterior architectural material.
- (4) All television and radio dishes/antennas shall be grounded against direct lightning strike.
- (5) All television and radio dishes/antennas shall be erected in a secure, wind-resistant manner as prescribed by the North Carolina Building Code.
- (6) All wiring necessary for the use of the dish/antenna between any ground-mounted dish/antenna and a building, or between the building, on which the dish/antenna is located, and any other building on the lot shall be buried underground.

20. Schools, Public and Private – elementary or secondary.

21. Shoreline Access (including boat ramps).
22. Sign, Outdoor Advertising.
23. Temporary Construction Building.

C. Special uses Permitted

The following uses are permitted subject to the requirements of this District and additional regulations and requirements imposed by the Board of Adjustment as provided in this Ordinance.

1. Cemeteries.
2. Churches/Houses of Worship
3. Day Care Center (Kindergarten, Adolescent).
4. Manufactured Home, Temporary Residential Occupancy.
5. Nursing Home, incl. Home Care Unit and Home for the Aged - Home care units shall be situated on at least a 20,000 square foot lot and provide approved facilities to adequately accommodate 1,000 gallons of waste water per day if not connected to a central sewerage system.
6. Private Recreation Club or Swimming Club Activities Not Operated as a Business for Profit.
7. Public Electrical Utility Station or Substation.
8. Radio or Television Transmitting (Commercial).
9. Telecommunication Towers. **(Height Maximum not to exceed applicable Federal Aviation Administration Regulations.)**
10. Telephone Exchange Operations.
11. Sports/Ball Field for Public or Private Use

D. Dimensional Requirements for Agricultural Districts

- |    |   |   |
|----|---|---|
| 1. | Minimum lot size:   | 20,000 square feet, without water and sewer<br>15,000 square feet, with either water or sewer |
| 2. | Minimum Square Feet<br>per Dwelling Unit                                      | 20,000 square feet, without water and sewer<br>15,000 square feet with either water or sewer  |
| 3. | Minimum lot width:  | 100 feet (measured at the building setback line.)   |
| 4. | Minimum frontage in feet:   | 100 feet  |
| 5. | Minimum front yard:   | 50 feet   |
| 6. | Minimum side yard:  | 15 feet   |
| 7. | Minimum rear yard:  | 40 feet   |
| 8. | Maximum allowable lot coverage by principal use and all accessory structures: | 30%   |

9. Height limitation: 35 feet

**Note 1. Reserved for Future Use.** (*Amended and Adopted November 13, 2001, by the Town Board of Aldermen.*)

**Note 2. Reserved for Future Use.**

**Note 3. a) Corner Lots.** On a corner lot, a side yard setback will be calculated the same as the front yard setback from the road right-of-way.

**b) Miscellaneous Exceptions.** Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four feet and an unenclosed porch may project into the required front or rear yard not more than ten feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.

**c) Open Storage.** Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

**d) Accessory Buildings.** Detached garages and accessory buildings to residential uses may be constructed in the rear yard provided they are located no closer than 5 feet to any adjoining lot line, except on the street side yard of a corner lot the setback shall be calculated the same as the front yard setback from the road right-of-way.

**Note 4. Height Restrictions/Modifications.** Any building over three (3) floors in height shall have sprinkler systems installed. In addition to the height restrictions, no building shall exceed five (5) stories in height.

**Note 5. B-1 Side Yard.** In the B-1 district, a zero (0) side yard may be allowed if adjacent/tangent buildings share a common fire wall which satisfies North Carolina State Building Code requirements.

**Note 6. Corner Lot Sight Clearance.** On a corner lot which abuts a state or town maintained right-of-way, no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said lines of which is eleven (11) feet distance from the point of intersection.

**Note 7. Triangular Lots.** Triangular lots must be able to contain a rectangular building in accordance with other code requirements with no side less than sixteen (16) feet.

## 7.2 R-6 Residential District

### A. Intent

This District is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

### B. Permitted Uses

The following uses shall be permitted by right:

1. Accessory Building
2. Accessory Uses and Structures (incidental to any Permitted Use) – No permanent residential occupancy shall be allowed as an accessory use in the B-1 or I-1 districts. An accessory use in R-6, R-12, or MF districts shall not include the residential occupancy of an accessory building except by domestic employees employed on the premises and the immediate family of such employees. Swimming pools as an accessory use in R-6, R-12, or MF districts shall be enclosed by protective fencing not less than five (5) feet in height.
3. Dwelling, Single Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met
4. Dwelling, Two-Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met
5. Family Care Home – In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.
6. Fill (Earth Elevation).
7. Fire Stations and other Public Buildings or Governmental Facilities.
8. Home occupations are permitted only as an incidental use and are limited to the following:

- a. The office or studio of a physician, dentist, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance broker/agent, lawyer, real estate broker, teacher or other like professional person residing on the premises, provided no chattels or goods, wares or merchandise are commercially created, displayed, exchanged or sold;
  - b. Workshops not conducted for profit;
  - c. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring conducted by a person residing on the premises;
  - d. Rooming and/or board of not more than three (3) persons; for which a rent/remuneration is charged;
  - e. Single operator beauty shop or barber shop; and
  - f. Provided, furthermore, the home occupations listed above shall be permitted subject to the following limitations:
    - (1) No display of products;
    - (2) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause pollution, noises or other interference in radio and television reception;
    - (3) No accessory buildings or outside storage shall be used in connection with the home occupation;
    - (4) Not over Twenty-Five (25) Percent of the total floor area or Five Hundred (500) Square Feet, whichever is less, shall be used for a home occupation;
    - (5) Only residents of the dwelling may be engaged in the home occupation except any physician or dentist licensed by the State of North Carolina shall be allowed to have one (1) nurse or assistant who is not a resident of the dwelling.
9. Public Recreation (such as community center buildings, parks, museums, playground, tourism facilities, and similar facilities operated on a nonprofit basis).
10. Satellite Dishes/Antennas – No satellite dish/antenna or other dish/antenna may be constructed or placed on any lot or structure without first obtaining a permit from the zoning administrator. A reasonable fee for the processing of an application for placement of a dish/antenna may be charged by the town.
- a. Location.

- (1) No conventional or satellite television or radio dish/antenna may be placed in the front yard, beyond the front of the principal structure, of any lot in the Town's zoning jurisdiction.
- (2) A ground-mounted conventional television or radio dish/antenna may be placed on a legal lot only in the rear yard.
- (3) A satellite television dish/antenna may be placed on a legal lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the zoning administrator may permit the dish/antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the zoning administrator may permit the dish/antenna to be located on the roof of any main or legal accessory building on the lot.
- (4) All ground-mounted television and radio receiving dishes/antennas and satellite television dishes/antennas shall be located no less than five (5) feet from any lot line.
- (5) No ground-mounted receiving dish/antenna or satellite television dish/antenna may be erected on a public easement.

b. Dish/Antenna Size and Number.

- (1) No ground-mounted satellite television dish/antenna may exceed ten (10) feet in height, as measured from the ground to the highest point of the dish/antenna, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained within the ten (10) foot height limitation, the zoning administrator may permit the dish/antenna to be constructed at a height not to exceed Eighteen (18) Feet.
- (2) A roof-mounted satellite television dish/antenna may extend above the roof line no more than Three Feet, unless it is to be installed on multi-story buildings of four or more stories, in which case the dish/antenna may not exceed Ten (10) Feet in height above the level of the roof upon which it is placed.
- (3) The diameter of satellite television dishes/antennas shall not exceed Twelve (12) feet.
- (4) No lot shall have, at any one time, more than one satellite television dish/antenna.



c. Miscellaneous

- (1) The color of any satellite television dish/antenna shall be dark brown, black, forest green, or beige and shall be of solid color and unadorned.
- (2) A ground-mounted conventional television, radio, or satellite television dish/antenna shall be effectively screened year round from view at ground level from any adjacent lot, public or private street, right-of-way, or easement to a minimum height of six (6) feet above grade. Said screening is not required to be so complete that it interferes with the reception of the dish/antenna. If an antenna or dish should exceed ten (10) feet in height, said screening shall be a minimum of fifty percent (50%) of the height of the structure.

Screening shall be provided by one or more of the following: the dwelling of the lot where the dish/antenna is located; garages, storage buildings, or other provisions that meet zoning requirements; a solid wood or masonry fence or wall; or, natural plants or trees so planted as to provide year round screening.

If a landscape treatment is used, all plant materials must be medium to fine texture evergreen and at least three (3) feet in height when planted, and spaced in such a manner that when mature will be complete opaque to the required minimum height of six (6) feet. If an antenna or dish should exceed ten (10) feet in height the screening plants shall be twenty-five percent (25%) of the height of the structure when planted and spaced in such a manner that when mature will be completely opaque to the required minimum height of fifty percent (50%) of the height of the structure.

- (3) All roof-mounted satellite television dishes/antennas extending more than three (3) feet above the roofline shall be concealed from ground level view either by a parapet wall or by exterior architectural material.
- (4) All television and radio dishes/antennas shall be grounded against direct lightning strike.
- (5) All television and radio dishes/antennas shall be erected in a secure, wind-resistant manner as prescribed by the North Carolina Building Code.
- (6) All wiring necessary for the use of the dish/antenna between any ground-mounted dish/antenna and a building, or between the building, on which the dish/antenna is located, and any other building on the lot shall be buried underground.

11. Schools, Public and Private – elementary or secondary.

12. Shoreline Access (including boat ramps).
13. Temporary Construction Building.

C. Special uses Permitted

The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Adjustment as provided in this Ordinance.

1. Cemeteries.
2. Churches/Houses of Worship
3. Day Care Center (Kindergarten, Adolescent).
4. Manufactured Home, Temporary Residential Occupancy.
5. Pet Grooming. *(Amended and Adopted September 11, 2001 by the Town Board of Aldermen.)*
6. Private Recreation Club or Swimming Club Activities Not Operated as a Business for Profit.
7. Public Electrical Utility Station or Substation.
8. Radio or Television Transmitting (Commercial).
9. Telephone Exchange Operations.

D. Dimensional Requirements for R-6 Residential Districts

1. Minimum lot size: 6,000 square feet
2. Minimum Square Feet per Dwelling Unit 6,000 square feet
3. Minimum lot width: 60 feet (measured at the building setback line.)
4. Minimum frontage in feet: 60 feet
5. Minimum front yard: 16 feet
6. Minimum side yard: 8 feet
7. Minimum rear yard: 20 feet
8. Maximum allowable lot coverage by principal use and all accessory structures: 50%
9. Height limitation: 35 feet

**Note 1. Reserved for Future Use.** *(Amended and Adopted November 13, 2001, by the Town Board of Aldermen.)*

**Note 2. Reserved for Future Use.**

**Note 3. a) Corner Lots.** On a corner lot, a side yard setback will be calculated the same as the front yard setback from the road right-of-way.

**b) Miscellaneous Exceptions.** Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four feet and an unenclosed porch may project into the required front or rear yard not more than ten feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.

**c) Open Storage.** Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

**d) Accessory Buildings.** Detached garages and accessory buildings to residential uses may be constructed in the rear yard provided they are located no closer than 5 feet to any adjoining lot line, except on the street side yard of a corner lot the setback shall be calculated the same as the front yard setback from the road right-of-way.

**Note 4. Height Restrictions/Modifications.** Any building over three (3) floors in height shall have sprinkler systems installed. In addition to the height restrictions, no building shall exceed five (5) stories in height.

**Note 5. B-1 Side Yard.** In the B-1 district, a zero (0) side yard may be allowed if adjacent/tangent buildings share a common fire wall which satisfies North Carolina State Building Code requirements.

**Note 6: Corner Lot Sight Clearance.** On a corner lot which abuts a state or town maintained right-of-way, no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said lines of which is eleven (11) feet distance from the point of intersection.

**Note 7. Triangular Lots.** Triangular lots must be able to contain a rectangular building in accordance with other code requirements with no side less than sixteen (16) feet.

### 7.3 R-10 Residential District

#### A. Intent

This district is defined as medium density residential areas and additional open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

#### B. Permitted Uses

The following uses shall be permitted by right:

1. Accessory Building
2. Accessory Uses and Structures (incidental to any Permitted Use) – No permanent residential occupancy shall be allowed as an accessory use in the B-1 or I-1 districts. An accessory use in R-6, R-10, R-12, or MF districts shall not include the residential occupancy of an accessory building except by domestic employees employed on the premises and the immediate family of such employees. Swimming pools as an accessory use in R-6, R-10, R-12, or MF districts shall be enclosed by protective fencing not less than five (5) feet in height.
3. Ambulatory Health Care Clinic.
4. Automobile Off-street Parking (commercial lots).
5. Dwelling, Single Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met
6. Family Care Home – In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.
7. Fill (Earth Elevation).
8. Fire Stations and other Public Buildings or Governmental Facilities.
9. Home Occupations are permitted only as an incidental use and are limited to the following:
  - a. The office or studio of a physician, dentist, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance broker/agent, lawyer, real estate broker, teacher or other like professional person residing on the premises, provided no chattels or goods, wares or merchandise are commercially created, displayed, exchanged or sold;
  - b. Workshops not conducted for profit;

- c. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring conducted by a person residing on the premises;
  - d. Rooming and/or board of not more than three (3) persons; for which a rent/remuneration is charged;
  - e. Single operator beauty shop or barber shop; and
  - f. Provided, furthermore, the home occupations listed above shall be permitted subject to the following limitations:
    - (1) No display of products;
    - (2) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause pollution, noises or other interference in radio and television reception;
    - (3) No accessory buildings or outside storage shall be used in connection with the home occupation;
    - (4) Not over Twenty-Five (25) Percent of the total floor area or Five Hundred (500) Square Feet, whichever is less, shall be used for a home occupation;
    - (5) Only residents of the dwelling may be engaged in the home occupation except any physician or dentist licensed by the State of North Carolina shall be allowed to have one (1) nurse or assistant who is not a resident of the dwelling.
10. Public Recreation (such as community center buildings, parks, museums, playground, tourism facilities, and similar facilities operated on a nonprofit basis).
11. Satellite Dishes/Antennas – No satellite dish/antenna or other dish/antenna may be constructed or placed on any lot or structure without first obtaining a permit from the zoning administrator. A reasonable fee for the processing of an application for placement of a dish/antenna may be charged by the town.
- a. Location.
    - (1) No conventional or satellite television or radio dish/antenna may be placed in the front yard, beyond the front of the principal structure, of any lot in the Town’s zoning jurisdiction.
    - (2) A ground-mounted conventional television or radio dish/antenna may be placed on a legal lot only in the rear yard.

- (3) A satellite television dish/antenna may be placed on a legal lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the zoning administrator may permit the dish/antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the zoning administrator may permit the dish/antenna to be located on the roof of any main or legal accessory building on the lot.
- (4) All ground-mounted television and radio receiving dishes/antennas and satellite television dishes/antennas shall be located no less than five (5) feet from any lot line.
- (5) No ground-mounted receiving dish/antenna or satellite television dish/antenna may be erected on a public easement.

b. Antenna Size and Number.

- (1) No ground-mounted satellite television dish/antenna may exceed ten (10) feet in height, as measured from the ground to the highest point of the dish/antenna, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained within the ten (10) foot height limitation, the zoning administrator may permit the dish/antenna to be constructed at a height not to exceed Eighteen (18) Feet.
- (2) A roof-mounted satellite television dish/antenna may extend above the roof line no more than Three Feet, unless it is to be installed on multi-story buildings of four or more stories, in which case the dish/antenna may not exceed Ten (10) Feet in height above the level of the roof upon which it is placed.
- (3) The diameter of satellite television dishes/antennas shall not exceed Twelve (12) feet.
- (4) No lot shall have, at any one time, more than one satellite television dish/antenna.

c. Miscellaneous

- (1) The color of any satellite television dish/antenna shall be dark brown, black, forest green, or beige and shall be of solid color and unadorned.
- (2) A ground-mounted conventional television, radio, or satellite television dish/antenna shall be effectively screened year round from view at ground level from any adjacent lot, public or private street, right-of-way, or easement to a minimum height of six (6) feet above grade.

Said screening is not required to be so complete that it interferes with the reception of the dish/antenna. If an antenna or dish should exceed ten (10) feet in height, said screening shall be a minimum of fifty percent (50%) of the height of the structure.

Screening shall be provided by one or more of the following: the dwelling of the lot where the dish/antenna is located; garages, storage buildings, or other provisions that meet zoning requirements; a solid wood or masonry fence or wall; or, natural plants or trees so planted as to provide year round screening.

If a landscape treatment is used, all plant materials must be medium to fine texture evergreen and at least three (3) feet in height when planted, and spaced in such a manner that when mature will be complete opaque to the required minimum height of six (6) feet. If an antenna or dish should exceed ten (10) feet in height the screening plants shall be twenty-five percent (25%) of the height of the structure when planted and spaced in such a manner that when mature will be completely opaque to the required minimum height of fifty percent (50%) of the height of the structure.

- (3) All roof-mounted satellite television dishes/antennas extending more than three (3) feet above the roofline shall be concealed from ground level view either by a parapet wall or by exterior architectural material.
- (4) All television and radio dishes/antennas shall be grounded against direct lightning strike.
- (5) All television and radio dishes/antennas shall be erected in a secure, wind-resistant manner as prescribed by the North Carolina Building Code.
- (6) All wiring necessary for the use of the dish/antenna between any ground-mounted dish/antenna and a building, or between the building, on which the dish/antenna is located, and any other building on the lot shall be buried underground.

12. Schools, Public and Private – elementary or secondary.
13. Shoreline Access (including boat ramps).
14. Temporary Construction Building.

C. Special uses Permitted

The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Adjustment as provided in this Ordinance.

1. Cemeteries.
2. Churches/Houses of Worship
3. Daycare Centers.
4. Manufactured Home, Temporary Residential Occupancy.
5. Private Recreation Club or Swimming Club Activities Not Operated as a Business for Profit.
6. Public Electrical Utility Station or Substation.
7. Telephone Exchange Operations.

D. Dimensional Requirements for R-10 Residential Districts

1. Minimum lot size: 10,000 square feet
2. Minimum Square Feet per Dwelling Unit: 10,000 square feet
3. Minimum lot width: 70 feet (measured at the building setback line.)
4. Minimum frontage in feet: 40 feet
5. Minimum front yard: 25 feet
6. Minimum side yard: 10 feet
7. Minimum rear yard: 20 feet
8. Maximum allowable lot coverage by principal use and all accessory structures: 50%
9. Height limitation: 35 feet

**Note 1. Reserved for Future Use.** *(Amended and Adopted November 13, 2001, by the Town Board of Aldermen.)*

**Note 2. Reserved for Future Use.**

**Note 3. a) Corner Lots.** On a corner lot, a side yard setback will be 20 feet setback from the road right-of-way.

**b) Miscellaneous Exceptions.** Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four feet and an unenclosed porch may project into the required front or rear yard not more than ten feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.



c) **Open Storage.** Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

d) **Accessory Buildings.** Detached garages and accessory buildings to residential uses may be constructed in the rear yard provided they are located no closer than 5 feet to any adjoining lot line, except on the street side yard of a corner lot the setback shall be calculated the same as the front yard setback from the road right-of-way.

**Note 4. Height Restrictions/Modifications.** Any building over three (3) floors in height shall have sprinkler systems installed. In addition to the height restrictions, no building shall exceed five (5) stories in height.

**Note 5. B-1 Side Yard.** In the B-1 district, a zero (0) side yard may be allowed if adjacent/tangent buildings share a common fire wall which satisfies North Carolina State Building Code requirements.

**Note 6. Corner Lot Sight Clearance.** On a corner lot which abuts a state or town maintained right-of-way, no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said lines of which is eleven (11) feet distance from the point of intersection.

**Note 7. Triangular Lots.** Triangular lots must be able to contain a rectangular building in accordance with other code requirements with no side less than sixteen (16) feet.

7.4 R-12 Residential District

A. Intent

This district is defined as medium density residential areas and additional open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

B. Permitted Uses

The following uses shall be permitted by right:

15. Accessory Building
16. Accessory Uses and Structures (incidental to any Permitted Use) – No permanent residential occupancy shall be allowed as an accessory use in the B-1 or I-1 districts. An accessory use in R-6, R-12, or MF districts shall not include the residential occupancy of an accessory building except by domestic employees employed on the premises and the immediate family of such employees. Swimming pools as an accessory use in R-6, R-12, or MF districts shall be enclosed by protective fencing not less than five (5) feet in height.
17. Ambulatory Health Care Clinic.
18. Automobile Off-street Parking (commercial lots).
19. Dwelling, Single Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met
20. Family Care Home – In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.
21. Fill (Earth Elevation).
22. Fire Stations and other Public Buildings or Governmental Facilities.
23. Home Occupations are permitted only as an incidental use and are limited to the following:
  - g. The office or studio of a physician, dentist, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance broker/agent, lawyer, real estate broker, teacher or other like professional person residing on the premises, provided no chattels or goods, wares or merchandise are commercially created, displayed, exchanged or sold;
  - h. Workshops not conducted for profit;
  - i. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring conducted by a person residing on the premises;
  - j. Rooming and/or board of not more than three (3) persons; for which a rent/remuneration is charged;
  - k. Single operator beauty shop or barber shop; and
  - l. Provided, furthermore, the home occupations listed above shall be permitted subject to the following limitations:

- (1) No display of products;
  - (2) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause pollution, noises or other interference in radio and television reception;
  - (3) No accessory buildings or outside storage shall be used in connection with the home occupation;
  - (4) Not over Twenty-Five (25) Percent of the total floor area or Five Hundred (500) Square Feet, whichever is less, shall be used for a home occupation;
  - (5) Only residents of the dwelling may be engaged in the home occupation except any physician or dentist licensed by the State of North Carolina shall be allowed to have one (1) nurse or assistant who is not a resident of the dwelling.
24. Public Recreation (such as community center buildings, parks, museums, playground, tourism facilities, and similar facilities operated on a nonprofit basis).
25. Satellite Dishes/Antennas – No satellite dish/antenna or other dish/antenna may be constructed or placed on any lot or structure without first obtaining a permit from the zoning administrator. A reasonable fee for the processing of an application for placement of a dish/antenna may be charged by the town.
- a. Location.
- (1) No conventional or satellite television or radio dish/antenna may be placed in the front yard, beyond the front of the principal structure, of any lot in the Town’s zoning jurisdiction.
  - (2) A ground-mounted conventional television or radio dish/antenna may be placed on a legal lot only in the rear yard.
  - (3) A satellite television dish/antenna may be placed on a legal lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the zoning administrator may permit the dish/antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the zoning administrator may permit the dish/antenna to be located on the roof of any main or legal accessory building on the lot.
  - (4) All ground-mounted television and radio receiving dishes/antennas and satellite television dishes/antennas shall be located no less than five (5) feet from any lot line.
  - (5) No ground-mounted receiving dish/antenna or satellite television dish/antenna may be erected on a public easement.

b. Antenna Size and Number.

- (1) No ground-mounted satellite television dish/antenna may exceed ten (10) feet in height, as measured from the ground to the highest point of the dish/antenna, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained within the ten (10) foot height limitation, the zoning administrator may permit the dish/antenna to be constructed at a height not to exceed Eighteen (18) Feet.
- (2) A roof-mounted satellite television dish/antenna may extend above the roof line no more than Three Feet, unless it is to be installed on multi-story buildings of four or more stories, in which case the dish/antenna may not exceed Ten (10) Feet in height above the level of the roof upon which it is placed.
- (3) The diameter of satellite television dishes/antennas shall not exceed Twelve (12) feet.
- (4) No lot shall have, at any one time, more than one satellite television dish/antenna.

c. Miscellaneous

- (7) The color of any satellite television dish/antenna shall be dark brown, black, forest green, or beige and shall be of solid color and unadorned.
- (8) A ground-mounted conventional television, radio, or satellite television dish/antenna shall be effectively screened year round from view at ground level from any adjacent lot, public or private street, right-of-way, or easement to a minimum height of six (6) feet above grade. Said screening is not required to be so complete that it interferes with the reception of the dish/antenna. If an antenna or dish should exceed ten (10) feet in height, said screening shall be a minimum of fifty percent (50%) of the height of the structure.

Screening shall be provided by one or more of the following: the dwelling of the lot where the dish/antenna is located; garages, storage buildings, or other provisions that meet zoning requirements; a solid wood or masonry fence or wall; or, natural plants or trees so planted as to provide year round screening.

If a landscape treatment is used, all plant materials must be medium to fine texture evergreen and at least three (3) feet in height when planted, and spaced in such a manner that when mature will be complete opaque

to the required minimum height of six (6) feet. If an antenna or dish should exceed ten (10) feet in height the screening plants shall be twenty-five percent (25%) of the height of the structure when planted and spaced in such a manner that when mature will be completely opaque to the required minimum height of fifty percent (50%) of the height of the structure.

- (9) All roof-mounted satellite television dishes/antennas extending more than three (3) feet above the roofline shall be concealed from ground level view either by a parapet wall or by exterior architectural material.
- (10) All television and radio dishes/antennas shall be grounded against direct lightning strike.
- (11) All television and radio dishes/antennas shall be erected in a secure, wind-resistant manner as prescribed by the North Carolina Building Code.
- (12) All wiring necessary for the use of the dish/antenna between any ground-mounted dish/antenna and a building, or between the building, on which the dish/antenna is located, and any other building on the lot shall be buried underground.

- 26. Schools, Public and Private – elementary or secondary.
- 27. Shoreline Access (including boat ramps).
- 28. Temporary Construction Building.

C. Special uses Permitted

The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Adjustment as provided in this Ordinance.

- 8. Cemeteries.
- 9. Churches/Houses of Worship
- 10. Daycare Centers.
- 11. Manufactured Home, Temporary Residential Occupancy.
- 12. Private Recreation Club or Swimming Club Activities Not Operated as a Business for Profit.
- 13. Public Electrical Utility Station or Substation.
- 14. Telephone Exchange Operations.

D. Dimensional Requirements for R-12 Residential Districts

- 10. Minimum lot size: 12,000 square feet

- |     |   |  |
|-----|---|--|
| 11. | Minimum Square Feet<br>per Dwelling Unit:                                     | 12,000 square feet                               |
| 12. | Minimum lot width:  | 75 feet (measured at the building setback line.) |
| 13. | Minimum frontage in feet:   | 75 feet  |
| 14. | Minimum front yard:   | 30 feet  |
| 15. | Minimum side yard:  | 12 feet  |
| 16. | Minimum rear yard:  | 30 feet  |
| 17. | Maximum allowable lot coverage by principal use and all accessory structures: | 50%  |
| 18. | Height limitation:  | 35 feet  |

**Note 1. Reserved for Future Use.** (*Amended and Adopted November 13, 2001, by the Town Board of Aldermen.*)

**Note 2. Reserved for Future Use.**

**Note 3. a) Corner Lots.** On a corner lot, a side yard setback will be calculated the same as the front yard setback from the road right-of-way.

**b) Miscellaneous Exceptions.** Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four feet and an unenclosed porch may project into the required front or rear yard not more than ten feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.

**c) Open Storage.** Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

**d) Accessory Buildings.** Detached garages and accessory buildings to residential uses may be constructed in the rear yard provided they are located no closer than 5 feet to any adjoining lot line, except on the street side yard of a corner lot the setback shall be calculated the same as the front yard setback from the road right-of-way.

**Note 4. Height Restrictions/Modifications.** Any building over three (3) floors in height shall have sprinkler systems installed. In addition to the height restrictions, no building shall exceed five (5) stories in height.

**Note 5. B-1 Side Yard.** In the B-1 district, a zero (0) side yard may be allowed if adjacent/tangent buildings share a common fire wall which satisfies North Carolina State Building Code requirements.

**Note 6. Corner Lot Sight Clearance.** On a corner lot which abuts a state or town maintained right-of-way, no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said lines of which is eleven (11) feet distance from the point of intersection.

**Note 7. Triangular Lots.** Triangular lots must be able to contain a rectangular building in accordance with other code requirements with no side less than sixteen (16) feet.

## 7.5 MF Multi-Family District

### A. Intent

This district is defined as a high-density residential area where multi-family dwellings are co-mingled with certain open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

### B. Permitted Uses

The following uses shall be permitted by right:

1. Accessory Building
2. Accessory Uses and Structures (incidental to any Permitted Use) – No permanent residential occupancy shall be allowed as an accessory use in the B-1 or I-1 districts. An accessory use in R-6, R-12, or MF districts shall not include the residential occupancy of an accessory building except by domestic employees employed on the premises and the immediate family of such employees. Swimming pools as an accessory use in R-6, R-12, or MF districts shall be enclosed by protective fencing not less than five (5) feet in height.
3. Boarding House Operation – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved

- product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met
4. Dwelling, Single Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met.
  5. Dwelling, Two Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met..
  6. Dwelling, Multi-Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met..
  7. Family Care Home – In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.
  8. Fill (Earth Elevation).
  9. Fire Stations and other Public Buildings or Governmental Facilities.
  10. Public Recreation (such as community center buildings, parks, museums, playground, tourism facilities, and similar facilities operated on a nonprofit basis).
  11. Satellite Dishes/Antennas – No satellite dish/antenna or other dish/antenna may be constructed or placed on any lot or structure without first obtaining a permit from the zoning administrator. A reasonable fee for the processing of an application for placement of a dish/antenna may be charged by the town.

a. Location.

- (1) No conventional or satellite television or radio dish/antenna may be placed in the front yard, beyond the front of the principal structure, of any lot in the Town's zoning jurisdiction.
- (2) A ground-mounted conventional television or radio dish/antenna may be placed on a legal lot only in the rear yard.
- (3) A satellite television dish/antenna may be placed on a legal lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the zoning administrator may permit the dish/antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the zoning administrator may permit the dish/antenna to be located on the roof of any main or legal accessory building on the lot.



- (4) All ground-mounted television and radio receiving dishes/antennas and satellite television dishes/antennas shall be located no less than five (5) feet from any lot line.
- (5) No ground-mounted receiving dish/antenna or satellite television dish/antenna may be erected on a public easement.

b. Antenna Size and Number.

- (1) No ground-mounted satellite television dish/antenna may exceed ten (10) feet in height, as measured from the ground to the highest point of the dish/antenna, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained within the ten (10) foot height limitation, the zoning administrator may permit the dish/antenna to be constructed at a height not to exceed Eighteen (18) Feet.
- (2) A roof-mounted satellite television dish/antenna may extend above the roof line no more than Three Feet, unless it is to be installed on multi-story buildings of four or more stories, in which case the dish/antenna may not exceed Ten (10) Feet in height above the level of the roof upon which it is placed.
- (3) The diameter of satellite television dishes/antennas shall not exceed Twelve (12) feet.
- (4) No lot shall have, at any one time, more than one satellite television dish/antenna.

c. Miscellaneous

- (1) The color of any satellite television dish/antenna shall be dark brown, black, forest green, or beige and shall be of solid color and unadorned.
- (2) A ground-mounted conventional television, radio, or satellite television dish/antenna shall be effectively screened year round from view at ground level from any adjacent lot, public or private street, right-of-way, or easement to a minimum height of six (6) feet above grade. Said screening is not required to be so complete that it interferes with the reception of the dish/antenna. If an antenna or dish should exceed ten (10) feet in height, said screening shall be a minimum of fifty percent (50%) of the height of the structure.

Screening shall be provided by one or more of the following: the dwelling of the lot where the dish/antenna is located; garages, storage buildings, or other provisions that meet zoning requirements; a solid

wood or masonry fence or wall; or, natural plants or trees so planted as to provide year round screening.

If a landscape treatment is used, all plant materials must be medium to fine texture evergreen and at least three (3) feet in height when planted, and spaced in such a manner that when mature will be complete opaque to the required minimum height of six (6) feet. If an antenna or dish should exceed ten (10) feet in height the screening plants shall be twenty-five percent (25%) of the height of the structure when planted and spaced in such a manner that when mature will be completely opaque to the required minimum height of fifty percent (50%) of the height of the structure.

- (3) All roof-mounted satellite television dishes/antennas extending more than three (3) feet above the roofline shall be concealed from ground level view either by a parapet wall or by exterior architectural material.
- (4) All television and radio dishes/antennas shall be grounded against direct lightning strike.
- (5) All television and radio dishes/antennas shall be erected in a secure, wind-resistant manner as prescribed by the North Carolina Building Code.
- (6) All wiring necessary for the use of the dish/antenna between any ground-mounted dish/antenna and a building, or between the building, on which the dish/antenna is located, and any other building on the lot shall be buried underground.

12. Schools, Public and Private – elementary or secondary.
13. Shoreline Access (including boat ramps).
14. Temporary Construction Building.
15. Travel Trailers - Travel trailers occupied for home habitation must be located in an approved manufactured home park. Travel trailers which are not occupied may be stored at any location, provided that such storage is not relating to mobile home sales, and further provided that such storage is not upon the right-of-way of any public street or public land.

C. Special uses Permitted

The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Adjustment as provided in this Ordinance.

1. Cemeteries.
2. Churches/Houses of Worship

3. Daycare Center (Kindergarten).
4. Nursing Home, incl. Home Care Unit and Home for the Aged - Home care units shall be situated on at least a 20,000 square foot lot and provide approved facilities to adequately accommodate 1,000 gallons of waste water per day if not connected to a central sewerage system.
5. Private Recreation Club or Swimming Club Activities Not Operated as a Business for Profit.
6. Public Electrical Utility Station or Substation.
7. Telephone Exchange Operations.

D. Dimensional Requirements for MF Multi-Family Districts\*

\*Manufactured home parks shall adhere to the manufactured home park regulations set forth in Article 9.2 of this zoning ordinance.

- |    |  |  |  |
|----|--|--|--|
| 1. | Minimum lot size:  | Two Family<br>Multi-Family                       | 7,500 square feet<br>7,500 square feet for the first two dwelling units and 2,5000 for each additional dwelling unit |
| 2. | Minimum Square Feet per Dwelling Unit:   | 3,750 square feet                                |  |
| 3. | Minimum lot width:   | 60 feet (measured at the building setback line.) |  |
| 4. | Minimum frontage in feet:  | Two Family<br>Multi-Family                       | 60 feet<br>60 feet   |
| 5. | Minimum front yard:  | Two Family<br>Multi-Family                       | 16 feet<br>25 feet   |
| 6. | Minimum side yard:   | Two Family<br>Multi-Family                       | 10 feet<br>8 feet  |
| 7. | Minimum rear yard:   | Two Family<br>Multi-Family                       | 20 feet<br>20 feet   |
| 8. | Maximum allowable lot coverage by principal use and all accessory structures:<br>30% |  |  |
| 9. | Height limitation:   | Two Family<br>Multi-Family                       | 35 feet<br>56 feet   |

**Note 1. Reserved for Future Use.** (Amended and Adopted November 13, 2001, by the Town Board of Aldermen.)

**Note 2. Reserved for Future Use.**

**Note 3. a) Corner Lots.** On a corner lot, a side yard setback will be calculated the same as the front yard setback from the road right-of-way.

**b) Miscellaneous Exceptions.** Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four feet and an unenclosed porch may project into the required front or rear yard not more than ten feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.

**c) Open Storage.** Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

**d) Accessory Buildings.** Detached garages and accessory buildings to residential uses may be constructed in the rear yard provided they are located no closer than 5 feet to any adjoining lot line, except on the street side yard of a corner lot the setback shall be calculated the same as the front yard setback from the road right-of-way.

**Note 4. Height Restrictions/Modifications.** Any building over three (3) floors in height shall have sprinkler systems installed. In addition to the height restrictions, no building shall exceed five (5) stories in height.

**Note 5. B-1 Side Yard.** In the B-1 district, a zero (0) side yard may be allowed if adjacent/tangent buildings share a common fire wall which satisfies North Carolina State Building Code requirements.

**Note 6. Corner Lot Sight Clearance.** On a corner lot which abuts a state or town maintained right-of-way, no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said lines of which is eleven (11) feet distance from the point of intersection.

**Note 7. Triangular Lots.** Triangular lots must be able to contain a rectangular building in accordance with other code requirements with no side less than sixteen (16) feet.

## 7.6 MFM Multi-Family Manufactured Homes

### A. Intent

This district is defined as a high-density residential area where multi-family dwellings and manufactured home parks are co-mingled with certain open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

### B. Permitted Uses

1. Dwelling, Multi-Family – All modular and site built construction placed within the jurisdiction of the Town of Grimesland after the effective date of this ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation unpierced except for ventilation and access. There shall be no authorization for utility hookups until this condition is met.
2. Family Care Home – In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.
3. Fill (Earth Elevation).
4. Fire Stations and other Public Buildings or Governmental Facilities.
5. Manufactured/Mobile Home, Permanent Residential Occupancy – Individual Manufactured/Mobile Homes for permanent occupancy which are located on a legal lot in the MFM residential zone must be either a Manufactured Home Class “A” or “B” and comply with the following:

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

- a. The pitch of the mobile home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- b. The exterior siding consists of wood, hardboard, aluminum or vinyl (that does not exceed the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly use in standard residential construction;
- c. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;

- d. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry (or other Town approved product) curtain wall or foundation, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home. Skirting shall be installed underneath all manufactured homes for the purpose of enclosing the space from the bottom of the manufactured home to grade and shall consist of a weather-resistant material. Skirting shall also provide for required ventilation and access as required by Section 4.7.7 of the State of North Carolina Regulations for Manufactured/Mobile Homes, Pitt County Building Code. Skirting shall be installed in accordance with this section within 60 days after the approval for occupancy and the electrical permit is issued by Pitt County Building Inspections. This provision shall not apply to manufactured homes required to be elevated six (6) feet or more above the highest adjacent grade;
- e. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and
- f. The moving hitch, wheels and axles, and transporting lights have been removed.

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

Manufactured or mobile homes which were located on legal individual lots on the date of the adoption of this ordinance may be replaced with a Manufactured Home Class “A” or “B”.

All manufactured homes placed within the Zoning Jurisdiction of the Town of Grimesland after the effective date of ordinance shall have a permanent masonry (or other Town approved product) curtain wall or foundation, unpierced except for ventilation and access. Skirting shall be installed underneath all manufactured homes for the purpose of enclosing the space from the bottom of the manufactured home to grade and shall consist of a weather-resistant material. Skirting shall also provide for required ventilation and access as required by Section 4.7.7 of the State of North Carolina Regulations for Manufactured/Mobile Homes, Pitt County Building Code. Skirting shall be installed in accordance with this section within 60 days after the approval for occupancy and the electrical permit is issued by Pitt County

Building Inspections. This provision shall not apply to manufactured homes required to be elevated six (6) feet or more above the highest adjacent grade.

The owner of each manufactured home placed within the Zoning Jurisdiction of the Town of Grimesland is required to obtain all necessary inspection certificates and permits from the Town of Grimesland and Pitt County. Fees may be charged for this service. Appropriate information as to owner, location, lot size, road frontage and other information may be required to process necessary permits.

All manufactured homes set up within the Zoning Jurisdiction of the Town of Grimesland after the effective date of this ordinance shall meet all requirements of the Town of Grimesland applicable ordinances, as amended and supplemented. Utility services shall not be authorized without proof that all such requirements have been met.

6. Manufactured Home Park, but excluding any manufactured home sales.
7. Satellite Dishes/Antennas – No satellite dish/antenna or other dish/antenna may be constructed or placed on any lot or structure without first obtaining a permit from the zoning administrator. A reasonable fee for the processing of an application for placement of a dish/antenna may be charged by the town.
  - a. Location.
    - (1) No conventional or satellite television or radio dish/antenna may be placed in the front yard, beyond the front of the principal structure, of any lot in the Town’s zoning jurisdiction.
    - (2) A ground-mounted conventional television or radio dish/antenna may be placed on a legal lot only in the rear yard.
    - (3) A satellite television dish/antenna may be placed on a legal lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the zoning administrator may permit the dish/antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the zoning administrator may permit the dish/antenna to be located on the roof of any main or legal accessory building on the lot.
    - (4) All ground-mounted television and radio receiving dishes/antennas and satellite television dishes/antennas shall be located no less than five (5) feet from any lot line.
    - (5) No ground-mounted receiving dish/antenna or satellite television dish/antenna may be erected on a public easement.

b. Antenna Size and Number.

- (1) No ground-mounted satellite television dish/antenna may exceed ten (10) feet in height, as measured from the ground to the highest point of the dish/antenna, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained within the ten (10) foot height limitation, the zoning administrator may permit the dish/antenna to be constructed at a height not to exceed Eighteen (18) Feet.
- (2) A roof-mounted satellite television dish/antenna may extend above the roof line no more than Three Feet, unless it is to be installed on multi-story buildings of four or more stories, in which case the dish/antenna may not exceed Ten (10) Feet in height above the level of the roof upon which it is placed.
- (3) The diameter of satellite television dishes/antennas shall not exceed Twelve (12) feet.
- (4) No lot shall have, at any one time, more than one satellite television dish/antenna.

c. Miscellaneous

- (1) The color of any satellite television dish/antenna shall be dark brown, black, forest green, or beige and shall be of solid color and unadorned.
- (2) A ground-mounted conventional television, radio, or satellite television dish/antenna shall be effectively screened year round from view at ground level from any adjacent lot, public or private street, right-of-way, or easement to a minimum height of six (6) feet above grade. Said screening is not required to be so complete that it interferes with the reception of the dish/antenna. If an antenna or dish should exceed ten (10) feet in height, said screening shall be a minimum of fifty percent (50%) of the height of the structure.

Screening shall be provided by one or more of the following: the dwelling of the lot where the dish/antenna is located; garages, storage buildings, or other provisions that meet zoning requirements; a solid wood or masonry fence or wall; or, natural plants or trees so planted as to provide year round screening.

If a landscape treatment is used, all plant materials must be medium to fine texture evergreen and at least three (3) feet in height when planted, and spaced in such a manner that when mature will be complete opaque to the required minimum height of six (6) feet. If an antenna or dish should exceed ten (10) feet in height the screening plants shall be



twenty-five percent (25%) of the height of the structure when planted and spaced in such a manner that when mature will be completely opaque to the required minimum height of fifty percent (50%) of the height of the structure.

- (3) All roof-mounted satellite television dishes/antennas extending more than three (3) feet above the roofline shall be concealed from ground level view either by a parapet wall or by exterior architectural material.
- (4) All television and radio dishes/antennas shall be grounded against direct lightning strike.
- (5) All television and radio dishes/antennas shall be erected in a secure, wind-resistant manner as prescribed by the North Carolina Building Code.
- (6) All wiring necessary for the use of the dish/antenna between any ground-mounted dish/antenna and a building, or between the building, on which the dish/antenna is located, and any other building on the lot shall be buried underground.

- 8. Schools, Public and Private – elementary or secondary.
- 9. Shoreline Access (including boat ramps).
- 10. Temporary Construction Building.

C. Special uses Permitted

The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Adjustment as provided in this Ordinance.

- 1. Manufactured Home, Temporary Residential Occupancy, located on a legal lot, must be either a Manufactured Home Class “A” or “B”.
- 2. Public Electrical Utility Station or Substation.
- 3. Telephone Exchange Operations.

D. Dimensional Requirements for MFM Multi-Family Manufactured Homes\*

\*Manufactured home parks shall adhere to the manufactured home park regulations set forth in Article 9.2 of this zoning ordinance.

- 1. Minimum lot size:

Two Family	7,500 square feet
Multi-Family	7,500 square feet for the first two dwelling units and 2,5000 for each additional dwelling unit

2.	Minimum Square Feet per Dwelling Unit:	3,750 square feet	
3.	Minimum lot width:	60 feet (measured at the building setback line.)	
4.	Minimum frontage in feet:	Two Family	60 feet
		Multi-Family	60 feet
5.	Minimum front yard:	Two Family	16 feet
		Multi-Family	25 feet
6.	Minimum side yard:	Two Family	10 feet
		Multi-Family	8 feet
7.	Minimum rear yard:	Two Family	20 feet
		Multi-Family	20 feet
8.	Maximum allowable lot coverage by principal use and all accessory structures: 30%		
9.	Height limitation:	Two Family	35 feet
		Multi-Family	56 feet

**Note 1. Reserved for Future Use.** (*Amended and Adopted November 13, 2001, by the Town Board of Aldermen.*)

**Note 2. Reserved for Future Use.**

**Note 3. a) Corner Lots.** On a corner lot, a side yard setback will be calculated the same as the front yard setback from the road right-of-way.

**b) Miscellaneous Exceptions.** Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four feet and an unenclosed porch may project into the required front or rear yard not more than ten feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.

**c) Open Storage.** Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

**d) Accessory Buildings.** Detached garages and accessory buildings to residential uses may be constructed in the rear yard provided they are located no closer than 5 feet to any adjoining lot line, except on the street side yard of a corner lot the setback shall be calculated the same as the front yard setback from the road right-of-way.

**Note 4. Height Restrictions/Modifications.** Any building over three (3) floors in height shall have sprinkler systems installed. In addition to the height restrictions, no building shall exceed five (5) stories in height.

**Note 5. B-1 Side Yard.** In the B-1 district, a zero (0) side yard may be allowed if adjacent/tangent buildings share a common fire wall which satisfies North Carolina State Building Code requirements.

**Note 6: Corner Lot Sight Clearance.** On a corner lot which abuts a state or town maintained right-of-way, no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said lines of which is eleven (11) feet distance from the point of intersection.

**Note 7. Triangular Lots.** Triangular lots must be able to contain a rectangular building in accordance with other code requirements with no side less than sixteen (16) feet.

## 7.7 B-1 Business District

### A. Intent

This district is defined as certain legal land and structures that provide personal services, retailing and business services of all kinds to supply the needs of transients and the residents, business and industry of the entire urban area. The area is located in the nucleus of the town.

### B. Permitted Uses

The following uses shall be permitted by right:

1. Accessory Building
2. Accessory Uses and Structures (incidental to any Permitted Use) – No permanent residential occupancy shall be allowed as an accessory use in the B-1 or I-1 districts. An accessory use in R-6, R-12, or MF districts shall not include the residential occupancy of an accessory building except by domestic employees employed on the premises and the immediate family of such

employees. Swimming pools as an accessory use in R-6, R-12, or MF districts shall be enclosed by protective fencing not less than five (5) feet in height.

3. Addressing Service
4. ABC (Alcoholic Beverages Control) Store, Packaged, Retail Sale
5. Ambulance Service
6. Animal Medical Care (*See Kennel Operations, Care*)
7. Apartment units only on the second floor of principal buildings containing a permitted or special use.
8. Apparel & Accessory Sales
9. Art Gallery
10. Auction Sales (excluding livestock auctioning)
11. Automobile Parking Lot
12. Automobile Parts & Accessory Sales
13. Automobile and Truck Rental
14. Automobile Repair and/or Body Work (excluding commercial wrecking, dismantling or storage of junked vehicles)
15. Automobile Sales, New and Used
16. Automobile Service Station Operations
17. Automobile Laundering (*See Car Wash*)
18. Bakery Production and Wholesale Sales
19. Baking, On-premises and Retail Only
20. Bank/Savings & Loan Co./Financial Institution/Credit Union and other financial activities
21. Barber or Beauty College Instruction
22. Barbering & Hairdressing Services (Beauty Salon)
23. Bicycle Sales & Repair
24. Boats and Accessories, Retail Sales and Service
25. Books and Printed Matter, Distribution
26. Bottled Gas Distribution, Storage (Storage of Flammables) - The storage of flammables shall not be permitted or considered a use-by-right except when such authorization for said use is given by the Pitt County Fire Marshall relative to compliance of proposed storage facilities with state and Pitt County fire regulations.

Propane gas shall not be stored for sale in the B-1 district in tanks larger than 4.7 gallons (20 pounds). There shall be no more than fifteen (15) tanks stored on any one individual parcel of property or business at any given time. All bottled gas tanks shall be U.L. (Underwriter Laboratories, Inc.) approved and maintained in good condition with no visible signs of rust.

27. Building Supply (no outside storage)
28. Bus Repair and Storage Terminal Activities
29. Cabinet Making
30. Candy or Confectionery Making on Premises and Retail Only
31. Car Wash
32. Carpet and Rug Cleaning
33. Catalogue Sales

34. Clinic Services, Medical & Dental
35. Contractor, General (excluding outside storage of equipment or supplies)
36. Contractor, Trades (excluding outside storage of equipment or supplies)
37. Convenience Store
38. Curio and Souvenir Sales
39. Dairy Products Sales, on Premises, Retail Sales Only
40. Delicatessen Operation (including catering, but excluding items such as ABC Permits)
41. Dry Cleaning & Laundry Establishments, Commercial - Shall be permitted when only oil, gas or electricity is used for heat. Screening and filtering devices shall be used to prevent the emission of smoke, dust, fumes, odors, or steam into the atmosphere.
42. Dry Cleaning or Laundromat (customer self-service)
43. Eating or Drinking Facilities (drive-ins excluded)
44. Eating or Drinking Facilities (drive-ins included)
45. Employees Service (not designed for or available to public customers)
46. Exterminating Service
47. Farm Machinery Sales and Servicing
48. Farm Supplies Merchandising (excluding farm machinery)
49. Fill (earth elevation)
50. Fire Stations and other Public Buildings/Facilities or Governmental Agencies
51. Flower Shop
52. Food Sales
53. Food Freezer Operations
54. Funeral Home
55. Fur Sales, including cold storage
56. Governmental Agency
57. Hardware, Paint, & Garden Supply Sales (excluding bulk storage of chemicals)
58. Home Furnishing & Appliance Sales
59. Janitorial Service
60. Kennel Operations, Care
61. Laboratory Operations, Medical or Dental
62. Library
63. Locksmith, Gunsmith
64. Manufactured Home Sales (*See Mobile Home Sales - Definition*), but excluding any residential occupancy
65. Mobile Home Sales, but excluding any residential occupancy
66. Modular Home Sales, but excluding any residential occupancy
67. Monument Sales
68. Motel, Hotel or Motor Court Operations - An apartment (one single unit), dwelling single-family, or manufactured home may be maintained as an accessory use to a motel, hotel, or motor court for use as a dwelling unit for the full-time manager and their family.
69. Newspaper Publishing
70. Newsstand Sales
71. Nursery Operations (Plant)

72. Office Use:
  - b. including doctor, dentist, osteopath, chiropractor, ophthalmologist, optometrist, physiotherapist, or other medically oriented profession;
  - c. with no on-premises stock of goods for sale to the general public and the operations and services of which are customarily conducted by means of written, verbal, or mechanically reproduced communications material, i.e., business, financial, governmental, legal, accounting, engineering, and architectural.
73. Office Supplies and Equipment Sales and Service
74. Optician Service
75. Pawn Shop
76. Pet Sales, excluding kennel activities or outside storage of animals
77. Pharmaceutical Sales
78. Photography, Commercial
79. Post Office (*See Fire Stations and other Public Buildings/Facilities or Governmental Agencies*)
80. Printing and Reproduction
81. Public Recreation (such as community center buildings, parks, museums, playground, tourism facilities, and similar facilities operated on a nonprofit basis)
82. Public Utility Works, Shops or Storage Yards
83. Radio or Television Studio Activities Only
84. Railroad Station Operations
85. Recreation or Amusement Enterprise, Inside
86. Recreation or Amusement Enterprise, Outside
87. Reducing Salon Care
88. Repair, Rental and/or Servicing of any product the retail sale of which is a use-by-right in the same district and not otherwise listed herein
89. Retail stores with operations conducted and merchandise stored entirely or partially inside and/or outside a building, and not otherwise listed herein, including: groceries, drugs, notions, fish, meat, clothing, antiques, hardware, upholstery, paints, furniture, plumbing fixtures, appliances, radio and television, gun shops, and manufactured/mobile/modular home sales.
90. Services with operations conducted and merchandise stored entirely or partially inside and/or outside a building, and not otherwise listed herein, including: auction Sales, motels, banks, barber and beauty shops, shoe repair, laundry and dry cleaning establishments, repair and storage of automobile and trucks, radio and television broadcasting stations and towers, daycare nursery, service stations, and restaurants.
91. Satellite Dishes/Antennas – No satellite dish/antenna or other dish/antenna may be constructed or placed on any lot or structure without first obtaining a permit from the zoning administrator. A reasonable fee for the processing of an application for placement of a dish/antenna may be charged by the town.
  - a. Location.

- (1) No conventional or satellite television or radio dish/antenna may be placed in the front yard, beyond the front of the principal structure, of any lot in the Town's zoning jurisdiction.
- (2) A ground-mounted conventional television or radio dish/antenna may be placed on a legal lot only in the rear yard.
- (3) A satellite television dish/antenna may be placed on a legal lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the zoning administrator may permit the dish/antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the zoning administrator may permit the dish/antenna to be located on the roof of any main or legal accessory building on the lot.
- (4) All ground-mounted television and radio receiving dishes/antennas and satellite television dishes/antennas shall be located no less than five (5) feet from any lot line.
- (5) No ground-mounted receiving dish/antenna or satellite television dish/antenna may be erected on a public easement.

b. Antenna Size and Number.

- (1) No ground-mounted satellite television dish/antenna may exceed ten (10) feet in height, as measured from the ground to the highest point of the dish/antenna, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained within the ten (10) foot height limitation, the zoning administrator may permit the dish/antenna to be constructed at a height not to exceed Eighteen (18) Feet.
- (2) A roof-mounted satellite television dish/antenna may extend above the roof line no more than Three Feet, unless it is to be installed on multi-story buildings of four or more stories, in which case the dish/antenna may not exceed Ten (10) Feet in height above the level of the roof upon which it is placed.
- (3) The diameter of satellite television dishes/antennas shall not exceed Twelve (12) feet.
- (4) No lot shall have, at any one time, more than one satellite television dish/antenna.

c. Miscellaneous

- (1) The color of any satellite television dish/antenna shall be dark brown, black, forest green, or beige and shall be of solid color and unadorned.
- (2) A ground-mounted conventional television, radio, or satellite television dish/antenna shall be effectively screened year round from view at ground level from any adjacent lot, public or private street, right-of-way, or easement to a minimum height of six (6) feet above grade. Said screening is not required to be so complete that it interferes with the reception of the dish/antenna. If an antenna or dish should exceed ten (10) feet in height, said screening shall be a minimum of fifty percent (50%) of the height of the structure.

Screening shall be provided by one or more of the following: the dwelling of the lot where the dish/antenna is located; garages, storage buildings, or other provisions that meet zoning requirements; a solid wood or masonry fence or wall; or, natural plants or trees so planted as to provide year round screening.

If a landscape treatment is used, all plant materials must be medium to fine texture evergreen and at least three (3) feet in height when planted, and spaced in such a manner that when mature will be complete opaque to the required minimum height of six (6) feet. If an antenna or dish should exceed ten (10) feet in height the screening plants shall be twenty-five percent (25%) of the height of the structure when planted and spaced in such a manner that when mature will be completely opaque to the required minimum height of fifty percent (50%) of the height of the structure.

- (3) All roof-mounted satellite television dishes/antennas extending more than three (3) feet above the roofline shall be concealed from ground level view either by a parapet wall or by exterior architectural material.
- (4) All television and radio dishes/antennas shall be grounded against direct lightning strike.
- (5) All television and radio dishes/antennas shall be erected in a secure, wind-resistant manner as prescribed by the North Carolina Building Code.
- (6) All wiring necessary for the use of the dish/antenna between any ground-mounted dish/antenna and a building, or between the building, on which the dish/antenna is located, and any other building on the lot shall be buried underground.

92. Second Hand and Swap Shop Sales
93. School, Business and Commercial
94. School, Trade or Vocational



95. Sign, Outdoor Advertising (*See Article 12*)
96. Sign, Public Service Information
97. Storage, Warehouse
98. Tailoring (Dressmaking)
99. Taxicab Stand Operations
100. Teaching of Art, Music, Dance, Dramatics, or Other Fine Arts
101. Telephone Exchange Operations
102. Temporary Construction Building
103. Theater Productions, Indoor
104. Tire Recapping (i.e., Salvage Operations) - Salvage operations involving outside storage shall be enclosed by a solid fence or wall not less than six (6) feet and not more than ten (10) feet in height. No outside storage shall encroach upon the required setback. This requirement shall apply to any type of salvage operations, inclusive of used car dealerships and tire recapping.
105. Tobacco Sales Warehousing
106. Tourist Home Operations
107. Trailer Rentals
108. Upholstering or Furniture Refinishing
109. Variety Gift & Hobby Supply Sales
110. Vending Machine Rental
111. Wholesale Sales with operations conducted and merchandise stored entirely within a building and not otherwise listed herein

C. Special uses

The following uses and possible others shall be permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Adjustment as, provided in this Ordinance.

Including, but not limited to:

1. Assemblies (Assembly Hall, Armory Stadium, Coliseum)
2. Churches/Houses of Worship
3. Club or Lodge
4. Daycare Center (Kindergarten, Adolescent)
5. Manufactured Home (Individual) for Office and Exhibition
6. Public Electrical Utility Station or Substation
7. Planned Group Development under the provisions of this Ordinance.
8. Sexually-Oriented Businesses

D. Dimensional Requirements for Business Lots in the B-1 Business District

1. Minimum lot size: 6,000 square feet in locations with access to public sewer or within the Downtown Business Overlay District.  
20,000 square feet in locations without access to

public sewer.

2. Maximum height: 35 feet.
3. Minimum front yard: 10 feet within the Downtown Business Overlay District, except when public sidewalks are provided directly in front of the building, then no front yard shall be required.  
16 feet in all other locations.
4. Minimum side yard: 8 feet, except if a common wall exists between buildings, then no side yard shall be required.
5. Minimum rear yard: 10 feet
6. Minimum screening: A vegetative screen of not less than six (6) feet in height of dense plant material shall be provided when abutting a residentially used or zoned lot.

**Note 1. Reserved for Future Use.** (*Amended and Adopted November 13, 2001, by the Town Board of Aldermen.*)

**Note 2. Reserved for Future Use.**

**Note 3. a) Corner Lots.** On a corner lot, a side yard setback will be calculated the same as the front yard setback from the road right-of-way.

**b) Miscellaneous Exceptions.** Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four feet and an unenclosed porch may project into the required front or rear yard not more than ten feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.

**c) Open Storage.** Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

**d) Accessory Buildings.** Accessory buildings may be constructed in the rear yard provided they are located no closer than 5'0" to any adjoining lot line, except on the street side yard of a corner lot the setback shall be calculated like the front setback from the road right-of-way.

**Note 4. Height Restrictions/Modifications.** Any building over three (3) floors in height shall have sprinkler systems installed. In addition to the height restrictions, no building shall exceed five (5) stories in height.

**Note 5. B-1 Side Yard.** In the B-1 district, a zero (0) side yard may be allowed if adjacent/tangent buildings share a common fire wall which satisfies North Carolina State Building Code requirements.

**Note 6: Corner Lot Sight Clearance.** On a corner lot which abuts a state or town maintained right-of-way, no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said lines of which is eleven (11) feet distance from the point of intersection.

**Note 7. Triangular Lots.** Triangular lots must be able to contain a rectangular building in accordance with other code requirements with no side less than sixteen (16) feet.

## 7.8 I-1 Industrial District

### A. Intent

This District is defined as an area where manufacturing establishments may be developed. This District is customarily located in proximity to railroad sidings and/or major thoroughfares. The purpose of this District is to permit the normal operations of almost all industries except those that would be detrimental to adjoining properties. Excluded from this District are those industries, which deal primarily in hazardous products such as explosives.

### B. Permitted Uses

1. Accessory Building.
2. Accessory Uses and Structures (incidental to any Permitted Use) – No permanent residential occupancy shall be allowed as an accessory use in the B-1 or I-1 districts. An accessory use in R-6, R-12, or MF districts shall not include the residential occupancy of an accessory building except by domestic employees employed on the premises and the immediate family of such employees. Swimming pools as an accessory use in R-6, R-12, or MF districts shall be enclosed by protective fencing not less than five (5) feet in height.
3. Automobile Off-street Parking.
4. Automobile and Truck Rental.
5. Bakery Production and Wholesale Sales.
6. Books and Printed Matter, Distribution.

7. Book Binding.
8. Bottling.
9. Building Supply (no outside storage).
10. Building Supply (with outside storage).
11. Bus Repair and Storage Terminal Activities.
12. Cabinet Making.
13. Coal Sales & Storage.
14. Construction Storage.
15. Contractor, General (with or without outside storage of equipment or supplies), provided all open storage is fenced by a solid fence not less than six (6) feet in height.
16. Contractor, Trades (with or without outside storage of equipment or supplies), provided all open storage is fenced by a solid fence not less than six (6) feet in height.
17. Dairy Products - Sales, Processing and Distributing Facilities
18. Electrical appliances and electronic equipment manufacturing.
19. Electrical supply houses and repair shops.
20. Employees Service (not designed for or available to public customers).
21. Farm Machinery Sales and Servicing.
22. Farm supplies Merchandising (excl. farm machinery).
23. Fill (earth elevation).
24. Fire Station Operations.
25. Food Freezer Operations.
26. Freezer lockers.
27. Greenhouses and horticultural nurseries.
28. Hatchery Operations.
29. Ice Manufacturing.
30. Industrial Sales of Equipment and/or Supplies or Repair Service, provided all open storage is fenced by a solid fence not less than six (6) feet in height
31. Industrial Operations Not Otherwise Listed Herein (except uses listed in **Note 6**).
32. Laboratory Research - Laboratories for research and testing of products, the manufacturing or processing of which is permitted in this district.
33. Leather products, including luggage and shoe manufacturing.
34. Livestock Sales & Auctioning.
35. Machine Tool Manufacturing or Welding.
36. Monument works.
37. Nursery Operations (plant).
38. Offices pertaining to any permitted use.
39. Office Use with no on-premises stock of goods for sale to the general public and the operations and services of which are customarily conducted by means of written, verbal, or mechanically reproduced communications material.
40. Plating.
41. Plumbing and heating supply houses, provided all storage is fenced by a solid fence not less than six (6) feet in height.
42. Printing and Reproduction.

43. Public safety facilities such as fire and police stations and rescue squad.
44. Public works and public utility facilities, including service and storage yards, provided they are fenced by a solid fence not less than six (6) feet in height.
45. Quarry Operations.
46. Radio or Television Studio Activities Only.
47. Railroad Station Operations.
48. Railroad Station Yard Operations.
49. Repair, Rental and/or Servicing of any product the retail sale of which is a use-by-right in the same district and not otherwise listed herein.
50. Salvage Operation(s) - Salvage operations involving outside storage shall be enclosed by a solid fence or wall not less than six (6) feet and not more than ten (10) feet in height. No outside storage shall encroach upon the required setback. This requirement shall apply to any type of salvage operations, inclusive of used car dealerships and tire recapping.
51. Sawmill or Planing Activities.
52. School, Business & Commercial.
53. School, Trade or Vocational.
54. Sheet Metal Fabrication.
55. Sign, Outdoor Advertising (See Article 12).
56. Sign, Public Service Information.
57. Storage, Flammable - The storage of flammables shall not be permitted or considered a use-by-right except when such authorization for said use is given by the Pitt County Fire Marshall relative to compliance of proposed storage facilities with state and Pitt County fire regulations.
58. Storage, Open (Salvage Operations) - Salvage operations involving outside storage shall be enclosed by a solid fence or wall not less than six (6) feet and not more than ten (10) feet in height. No outside storage shall encroach upon the required setback. This requirement shall apply to any type of salvage operations, inclusive of used car dealerships and tire recapping.
59. Telephone Exchange Operations.
60. Temporary Construction Building.
61. Tire Recapping (Salvage Operations) - Salvage operations involving outside storage shall be enclosed by a solid fence or wall not less than six (6) feet and not more than ten (10) feet in height. No outside storage shall encroach upon the required setback. This requirement shall apply to any type of salvage operations, inclusive of used car dealerships and tire recapping.
62. Tobacco Sales Warehousing.
63. Tobacco Processing.
64. Trailer Rentals.
65. Truck Terminal Activities, Repair & Hauling and/or Storage.
66. Upholstering or Furniture Refinishing.
67. Wholesale Sales with operations conducted and merchandise stored entirely within a building and not otherwise listed herein.
68. Windows and doors manufacturing

C. Special uses Permitted

The following uses and possible others are permitted subject to the requirements of this District and any additional regulations and requirements imposed by the Board of Aldermen as provided in this Ordinance.

1. Junkyards (Salvage Operations) - Salvage operations involving outside storage shall be enclosed by a solid fence or wall not less than six (6) feet and not more than ten (10) feet in height. No outside storage shall encroach upon the required setback. This requirement shall apply to any type of salvage operations, inclusive of used car dealerships and tire recapping.
2. Manufactured Home (Individual) for Office and Exhibition.
3. Public Electrical Utility Station or Substation.
4. Radio or Television Transmitting (Commercial).
5. Telecommunication Towers.

D. Dimensional Requirements for I-1 Industrial Districts (Within Grimesland Town Limits)

1. Minimum lot size: 20,000 square feet, without water and sewer  
15,000 square feet, with either water or sewer
2. Minimum lot width: 100 feet
3. Minimum frontage in feet: 100 feet
4. Minimum front yard: 25 feet
5. Minimum side yard: 10 feet
6. Minimum rear yard: 10 feet
7. Height limitation: 56 feet
8. Buildings legally constructed or legally converted to uses permitted in this district shall provide off-street loading and unloading space as required in this Ordinance.

Dimensional Requirements for I-1 Industrial Districts (Within Extraterritorial Jurisdiction)

1. Minimum lot size: 20,000 square feet, without water and sewer  
15,000 square feet, with either water or sewer
2. Minimum lot width: 100 feet

3. Minimum frontage in feet: 100 feet
4. Minimum front yard: 40 feet
5. Minimum side yard: 10 feet
6. Minimum rear yard: 10 feet
7. Height limitation: 56 feet
8. Buildings legally constructed or legally converted to uses permitted in this district shall provide off-street loading and unloading space as required in this Ordinance.

**Note 1. Reserved for Future Use.** *(Amended and Adopted November 13, 2001, by the Town Board of Aldermen.)*

**Note 2. Reserved for Future Use.**

**Note 3. a) Corner Lots.** On a corner lot, a side yard setback will be calculated the same as the front yard setback from the road right-of-way. Within Extraterritorial Jurisdiction Only.

**b) Miscellaneous Exceptions.** Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four feet and an unenclosed porch may project into the required front or rear yard not more than ten feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.

**c) Open Storage.** Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

**d) Accessory Buildings.** Accessory buildings may be constructed in the rear yard provided they are located no closer than 5'0" to any adjoining lot line, except on the street side yard of a corner lot the setback shall be calculated like the front setback from the road right-of-way.

**Note 4. Height Restrictions/Modifications.** Any building over three (3) floors in height shall have sprinkler systems installed. In addition to the height restrictions, no building shall exceed five (5) stories in height.

**Note 5. B-1 Side Yard.** In the B-1 district, a zero (0) side yard may be allowed if adjacent/tangent buildings share a common fire wall which satisfies North Carolina State Building Code requirements.

**Note 6. Corner Lot Sight Clearance.** On a corner lot which abuts a state or town maintained right-of-way, no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said lines of which is eleven (11) feet distance from the point of intersection.

**Note 7. Triangular Lots.** Triangular lots must be able to contain a rectangular building in accordance with other code requirements with no side less than sixteen (16) feet.

## 7.9 DBO Downtown Business Overlay District

### A. Intent

The Downtown Business Overlay District is a zone which overlays all land fronting Pitt Street between Beaufort Street and Chicod Street and the north side of Pitt Street to Chicora Street. It is created to encourage appropriate future downtown development, while maintaining the current character of the downtown. The intent is to allow flexible but appropriate development and redevelopment which will enhance property values and stimulate the local economy. These requirements shall only apply to non-residential development.

### B. District Guidelines

1. Uses reliant on large volume vehicular traffic will not be considered.
2. Adequate off-street parking must be demonstrated for all proposals.
3. Noise, odor, smoke, and vibration levels must be unobtrusive to normally permitted uses.
4. Health and safety risks to the surrounding area must be low or the developer must demonstrate how these risks will be managed or mitigated.
5. Waste products or by-products must be properly stored and removed from the area in a timely manner.
6. Storage areas must be screened by a contiguous visual buffer adequate to completely shield waste from the public view.
7. Normal lot and dimensional requirements of the underlying district will apply unless a separate application is made for a variance and such variance is granted by the Board of Adjustment.
8. The facade of any building facing any street in this district shall consist of brick, cement, stucco or other similar material.



C. Review and Approval Process

Non-residential development within this overlay that is permitted by right in the underlying zoning district is subject to review by the Planning Board to determine appropriateness of scale, appearance, and economic impact.

Development within this overlay that is permitted as a special use in the underlying zoning district shall be reviewed by the Board of Adjustment in accordance with the procedures described in Article 10 “Special Uses” of this ordinance, and shall not be subject to a separate review by the Planning Board. The Board of Adjustment shall determine that the special use is in compliance with the guidelines of this overlay, in addition to any specific requirements described in Article 10.3 “Regulations for Special Uses”.

Except as noted above in regards to special uses, site plans for development within this overlay shall be reviewed as follows:

1. The site plan shall be submitted to the Zoning Administrator twenty (20) working days prior to the Planning Board meeting at which it is to be reviewed.
2. The Zoning Administrator shall review the site plan for compliance with this ordinance, and shall forward the site plan, as well as any review comments and/or recommendations to the Planning Board.
3. Upon consideration of the site plan and review comments from the Zoning Administrator, the Planning Board shall either approve or disapprove the plan. Approval of the plan authorizes the Zoning Administrator to issue a zoning certificate for the proposed use. Disapproval shall require submittal of a revised plan.
4. Failure of the Planning Board to render a decision within forty-five (45) days of its first review at a regular meeting shall constitute approval, except where the applicant has voluntarily withdrawn the plan for consideration, or has requested that the review be continued to a later date. Such requests for withdrawal or continuance shall be provided in writing to the Zoning Administrator.

**ARTICLE 8.**

**RESERVED FOR FUTURE USE**

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## ARTICLE 9.

## PLANNED BUILDING GROUP REGULATIONS

Planned building groups (inclusive of manufactured home parks) shall be submitted to the Building Inspector at least four weeks prior to the regular monthly Planning Board meeting at which it is to be reviewed. Such planned building groups must be approved by the Planning Board.

### 9.1 Planned Building Group Regulations for Apartments and Condominiums

Minimum Lot Area -- See ARTICLE 7.

Parking -- Off-street parking shall be provided in ratio of two and one-half spaces per dwelling unit.

#### Recreation

Area -- Play areas shall be provided for all apartments and condominium planned building groups with over five dwelling units. A minimum plan area of 2,000 sq.ft. having a minimum width of 40 feet or a minimum radius of 26 feet shall be provided for the first six (6) to twenty-five (25) dwelling units. For each dwelling unit over 25 in number, an additional 56 feet per dwelling unit shall be provided. The spatial distribution and number of individual play areas within the planned building group shall be determined by the Planning Board on the basis of the spatial arrangement of the dwelling units, topography, and other physical features. Swimming pools and their accessory areas shall not constitute any part of the open space requirements. No part of the required play area shall be used for any other purpose.

Timing -- Proposed schedule of development including stages likely to be followed.

Plans sealed by a licensed engineer are required and must show:

- (1) Proposed provisions for storm drainage and sanitary sewerage.
- (2) Size and proposed location of any signs.
- (3) Proposed solid waste storage facilities.
- (4) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- (5) Types of surfacing, slope, grade and cross-section of drives, sidewalks, malls, etc.
- (6) The location and heights of all fences, walls, and hedges shall be shown.
- (7) Profiles of publicly maintained water and sewer lines.
- (8) Profiles, cross-sections and slopes of on-site and off-site ditches carrying water runoff.
- (9) Erosion and sedimentation control plan.
- (10) Lighting plan inclusive of wattage and illumination.
- (11) Installation of curb and gutter shall be mandatory.
- (12) Depict traffic control devices.

- (13) Location and amount of recreation areas.

Placement of  
Buildings --

- (1) There shall be maintained at least thirty (30) linear feet of open space between individual and unattached buildings in a residential planned building group.
- (2) Any group of buildings forming a courtyard shall have at least 25% of a perimeter of such courtyard open for access by emergency vehicles.
- (3) Where the length of a street exceeds two hundred (200) feet and where there exists six or more dwelling units, an area must be provided for the turnaround of fire fighting vehicles on a paved or graveled surface. This area shall not be used for parking and shall subscribe a circular area having a radius of 17.5 feet or shall have a configuration which provides comparable turnaround space.
- (4) Locations for fire hydrants must be shown within 500 feet, as measured along the access drive from every dwelling unit in the planned building group. All hydrants must be served by a water main of sufficient size. In no case shall the minimum size main be less than six inches in diameter.

9.2 Manufactured Home Park Regulations

All manufactured home parks existing on the effective date of this ordinance cannot expand unless such expansions comply with all applicable procedures and requirements of this ordinance. Any manufactured home park constructed after the effective date of this ordinance failing to comply with the applicable provisions of this ordinance is hereby declared to be a nonconforming use of land.

All manufactured home parks constructed after the effective date of this ordinance shall continuously comply with the general requirements of this ordinance. Failure to meet continuously each of the general requirements shall be grounds for revocation of the Certificate of Occupancy/Compliance.

Minimum Requirements for Manufactured Home:

Minimum

Lot Area -- Individual manufactured home spaces shall be at least fifty (50) feet in width and shall contain at least 5,000 square feet of area. In addition, the park shall have sufficient area to provide for required access drives, play areas, barriers, etc.

Parking -- Two off-street parking spaces for each manufactured home lot plus one space for each three manufactured homes. Off-street parking spaces shall not be considered part of the required minimum lot area of any manufactured home space.

Plans sealed by a licensed engineer are required and must show:

Structures - Location and approximate size of all existing and proposed buildings and structures within the site and public or private easements or rights-of-way adjoining or intersecting such property.

Circulation - Proposed points of access and egress and pattern of internal circulation. All manufactured home spaces shall abut upon an interior drive.

Parking - Location of and arrangement of all proposed automobile parking spaces.

Minimum Manufactured Home Space Requirements -

Minimum MH Space Requirement

Area:

- (A) 15,000 square feet public water and public sewerage not provided.
- (B) 10,000 square feet public water or public sewerage provided.
- (C) 7,000 square feet public water and sewerage provided.

Width:

- (A) 15,000 square feet/75 feet.
- (B) 10,000 square feet/75 feet.
- (C) 7,000 square feet/50 feet.

Setbacks:

- (A) Front yard setback at location of stand - 20 feet.
- (B) Side yard setback at location of stand - 10 feet.
- (C) Rear yard setback at location of stand - 10 feet.

Manufactured homes shall be located no closer than twenty-five (25) feet to any exterior property line of the MH park. No more than one (1) MH may be parked on any MH space.

The surface of each MH stand shall consist of a minimum size of thirteen (13) feet by sixty (60) feet, placed on properly graded and compacted soil.

Other Details -

- (1) Location and dimensions of individual manufactured home spaces.
- (2) Provision for storm drainage and a sedimentation and erosion control plan.
- (3) Location and size of open play space and all other accessory features customarily incidental to the operation of a manufactured home park.

Other Requirements -

- (1) There shall be a yard clearance of at least twenty (20) feet between each manufactured home, including manufactured homes parked end to end. Manufactured homes shall be located no closer than twenty-five (25) feet to any exterior property line of the park, and no closer than ten (10) feet to the edge of any interior drive or walkway.
- (2) Water and sewerage services must be approved by the Planning Board.
- (3) A recreation area of at least 200 square feet per manufactured home space shall be provided.
- (4) All interior drives providing access to two or more lots must be paved to a width of at least 18 feet, except one-way drives shall be at least 10 feet wide. Paved walkways of not less than two feet in width shall connect all service buildings to abutting drives.
- (5) No manufactured home for occupancy exceeding two weeks shall be placed in a manufactured home park unless it contains at least 200 square feet of gross floor area and a built-in bathroom with a water closet, a lavatory, and a sink or tub which are in working condition. Manufactured homes not meeting the above requirements may be permitted, for a period not to exceed two weeks, in an approved manufactured home park provided adequate sanitary facilities are available in a separate building which meets the requirements of this ordinance. Manufactured home parks providing spaces for manufactured homes not meeting the above listed criteria shall provide bath facilities in a service building located not more than 250 feet from each such space. Such bath facilities shall be provided at a ratio of one bath per five such spaces. A full bath shall be considered to consist of one water closet, one lavatory, and one tub or shower, regardless of the arrangement of the facilities. Where both facilities are provided, provisions must be made for separate male and female facilities.

Service buildings shall be well lighted at all times of the day and night.

All administrative and service buildings shall be maintained in clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

- (6) Every manufactured home park shall be equipped at all times with fire extinguishing equipment in good condition, of such size, type and number and so located as to meet all regulations enforced by the Pitt County Fire Marshall.
- (7) All interior drives and walkways shall be lighted with electric lamps.

- (8) Two metal garbage cans with tight fitting covers and a capacity of at least twenty (20) gallons and not more than thirty (30) gallons shall be provided for each manufactured home space. Garbage cans shall be located no further than 100 feet from any manufactured home space. The cans shall be kept in sanitary condition in an approved rack at all times.
- (9) For the purpose of safety and meeting emergencies, one telephone for each twenty-five (25), or fraction thereof, manufactured home spaces shall continuously be provided to the entire occupancy of the park at convenient locations.
- (10) All facilities must comply with North Carolina State handicapped requirements.

### 9.3 Business Planned Building Group Regulations

The following planned building group regulations shall be adhered to in the development of B-2 zoned property when more than one commercial building is to be developed on a single parcel.

#### Parking and

Loading -- Five-tenths (5/10) of a parking space per 100 square feet of leasable building area. One loading space for each 10,000 square feet of enclosed leasable building space.

#### Screening and

Fencing -- A screen not less than six (6) feet high of dense plant material and/or fence where lot abuts a residentially zoned lot.

Plans sealed by a licensed engineer are required and must show:

Structures - Location and approximate size of all existing and proposed structures within the site, and all buildings and structures within 500 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property.

Circulation - Proposed points of access and egress and proposed pattern of internal automobile and pedestrian circulation.

#### Parking and

Loading - Location and extend of proposed parking and loading areas.

#### Other Details -

- (1) Proposed provision for storm drainage and sanitary sewerage, approved by the Planning Board.
- (2) Size and proposed location of any signs.
- (3) Proposed solid waste storage facilities.

- (4) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- (5) Types of surfacing, slope, grade and cross-section of drives, sidewalks, malls, etc.
- (6) The location and heights of all fences, walls, and hedges shall be shown.
- (7) Profiles of publicly maintained water and sewer lines.
- (8) Profiles, cross-sections and slopes of on-site and off-site ditches carrying water runoff.
- (9) Erosion and sedimentation control plan.
- (10) Lighting plan inclusive of wattage and illumination.
- (11) Installation of curb and gutter shall be mandatory.
- (12) Depict traffic control devices.
- (13) Points of access and egress shall consist of driveways or roadways at least 20 feet in width and shall be set back a sufficient distance from highway intersections to minimize traffic hazards, inconvenience, and congestion.
- (14) Parking areas shall have a stabilized surface with parking space and traffic lanes clearly marked.

Placement of  
Buildings --

- (1) Exterior walls of unattached buildings shall be located no closer than a distance equal to the height of the taller building.
- (2) Any courtyard created by the placement of the buildings shall have at least 25% of its perimeter open for access by emergency vehicles.



## ARTICLE 10.

## SPECIAL USES

### 10.1 Objectives and Purpose

Permitted special uses add flexibility to the zoning ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where those uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts, can be developed to minimize any bad effects they might have on surrounding properties.

The uses for which special use permits are required are listed in this section, along with a detailed description of the procedures which must be followed in the approval of each such permit. Uses specified in this section shall be permitted only upon the issuance of a special use permit.

### 10.2 Procedure for Special Use Permits Approved by the Board of Adjustment

A Special Use Permit may be issued by the Zoning Administrator after written approval by the Board of Adjustment, for the uses as designated in the table of regulations for Special Uses. The application for a Special Use Permit shall be accompanied with the appropriate fee. The application for the Special Use Permit shall be filed Twenty (20) business days prior to the date of review by the Board of Adjustment. With the exception of Special Use Permit requests for the occupancy of individual manufactured homes under the Hardship, Agricultural Areas Exception, of Office and Exhibition provisions of this ordinance, the Board of Adjustment shall hold a public hearing prior to rendering a decision on the written approval/disapproval of a Special Use Permit. The Special Use Permit, if approved, shall include approval of such plans as may be required. In approving the permit, the Board of Adjustment shall find:

- (1) That the use will not materially endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions;
- (3) That the use will not adversely affect the use/value or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town of Grimesland.

In approving the Special Use Permit, the Board of Adjustment may designate such conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted, recorded on the Special Use Permit and on the approved plans submitted therewith. All conditions shall run with the land and shall be binding on the original applicant for the Special Use Permit, the heirs, successors and assigns. In order to ensure that such conditions and requirements for each Special Use Permit will be fulfilled, the petitioner for the Special Use Permit may be required to enter into a contract with the Town of Grimesland providing for the installation of the physical improvements required as a basis for the issuance of the Special Use Permit. Performance of said contract, shall be secured by Irrevocable Letter of Credit, cash, or surety bond which will cover the total estimated cost of the improvements as determined by the Planning Board; provided, however, that said bond may be waived by the Town Board within its discretion.

If the Board of Adjustment denies the Special Use Permit, the reasons therefore shall be entered in the minutes of the meeting at which the permit is denied.

In addition to the conditions specifically imposed by Article 10, and whatever additional conditions the Board of Adjustment deems reasonable and appropriate, special uses shall comply with the height, area and parking regulations of the zone in which they are located.

In the event of failure to comply with the plans approved by the Board of Adjustment, or with any other conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No Certificate of Occupancy/Compliance for the Special Use Permit shall be issued, and the use of all completed structures shall immediately cease and not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

Where plans are required to be submitted and approved as part of the application for a Special Use Permit, modifications of the original plans may be made by the Board of Adjustment:

10.3 Regulations for Special Uses (*Amended and Adopted November 13, 2001, by the Town Board of Aldermen.*)

Detailed regulations for each special use are set forth in this section.

**(1) Use -- Cemetery**

Approved by: Board of Adjustment.

Special use districts: A-1, R-6, R-12, and MF.

Minimum lot area: None.

Parking and loading: Adequate off-street parking facilities for funeral processions.

Screening and fencing: A screen of dense plant material not less than six (6) feet high where cemetery abuts a residential lot.

Plans are required and must show:

Topography: Well drained site with adequate storm drainage facilities.

Structures: Location of signs, entrance and buildings must be shown on the plan.

Circulation: Proposed points of access and egress and pattern of internal circulation, and funeral procession route, if possible.

Other details:

- (1) Proposed restrictions, if any.
- (2) Maximum size of sign shall be thirty-six (36) square feet, and there is a limit of one sign per street frontage.

**(2) Use -- Day Care Center (including kindergarten)**

Approved by: Board of Adjustment.

Special use districts: A-1, R-6, R-12, MF, and B-1.

Minimum lot area: Same as by zoning district requirement.

Parking and loading: One space for each adult attendant and one space for every six (6) children or fraction thereof.

Plans are required and must show:

Structures: Location and approximate size of all existing proposed buildings and structures within the site and on the lots adjacent thereto.

Circulation: Proposed points of access and egress and pattern of internal circulation.

Parking and Loading: Layout of parking spaces.

Other details:

- (1) Location and extent of open play area.
  - (2) Day care center shall provide one hundred (100) square feet of outdoor play space per pupil.
  - (3) Outdoor play area shall be enclosed by a solid or open fence or wall at least four (4) feet in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot(s), a solid fence or wall at least six (6) feet high or the maximum applicable fence/wall height limitations, or an open fence at least four (4) feet high and a screen planting designed to grow three (3) feet thick and six (6) feet high, shall be erected. The Board of Adjustment may at its discretion require additional screening and/or fencing to be located adjacent to abutting nonresidential land uses.
  - (4) In residential districts, a day care center shall not be operated between the hours of 7:00 p.m. and 7:00 a.m.
- (3) **Use -- Manufactured Home (Individual), Replacement of Manufactured or Mobile Homes Located on an Individual Lot on the Date of the Adoption of this Ordinance**

Approved by: Board of Adjustment.

Special use district: R-6, R-12, and MF.

Requirements:

- All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
- The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground;

- The moving hitch, wheels and axles, and transporting lights have been removed; and
- The front, rear, and side yard setbacks of the applicable zoning district shall be complied with.

**(4) Use -- Manufactured Home (Individual) for Temporary Residential Occupancy**

Approved by: Board of Adjustment.

Special use district: A-1, R-6, and R-12.

Parking: Two spaces for each manufactured home.

Individual Manufactured Homes

Manufactured homes, as defined, when used for dwelling purposes may be located only within an approved manufactured home park, except when a Hardship Exception is approved by the Board of Adjustment, as provided below.

Hardship Exception

A temporary Certificate of Compliance for parking a manufactured home for use for dwelling purposes to the rear or side of a dwelling and located on the same residential lot as said dwelling may be issued by the Zoning Administrator in certain hardship cases where the Board of Adjustment finds each item below as a fact:

1. That the person or persons occupying the manufactured home are physically dependent upon the person or persons occupying all of a portion of the dwelling house, or that the person or persons occupying all or a portion of the dwelling house are physically dependent upon the person or persons occupying the manufactured home;
2. That the person or persons occupying the manufactured home and/or dwelling house cannot, because of financial or other conditions, move to avoid hardship, necessitating parking the manufactured home adjacent to the dwelling house;
3. That the parking of the manufactured home adjacent to the dwelling house will not create unhealthy or unreasonable living standards; and
4. That the manufactured home is parked in a location approved in advance by the Board of Adjustment.

All such Certificates of Compliance shall be valid for a period of Three (3) months, after which they shall be renewed only upon a similar finding of facts by the Board of Adjustment. If during any time that a Certificate of Compliance is valid and outstanding, any of the foregoing conditions cease to be complied with, or the hardship is removed, the Certificate of Compliance shall automatically be revoked and the manufactured home removed.

**(5) Use -- Manufactured Home (Individual) for Office and/or Exhibition**

Approved by: Board of Adjustment.

Special use district: B-1 and 1-1.

Minimum lot area: None.

Parking: One space for each person employed in the office at any given time during a twenty-four (24) hour period.

Office and Exhibition Exception

A temporary Certificate of Compliance allowing manufactured homes used solely for non-residential purposes as offices or for purposes of exhibition to be temporarily parked, maintained and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator where the Board of Adjustment finds as a fact, in writing, that the use of such manufactured home does not violate the town, state, or Pitt County health regulations. All such Certificates of Compliance shall be valid for a period of Three (3) months, after which they may be renewed upon similar evidence of use of such manufactured home.

Notwithstanding the foregoing, a Certificate of Compliance may be issued for a manufactured home for use as a temporary field office for contractors by the Zoning Administrator without approval of the Board of Adjustment if the manufactured home:

1. and the structure under consideration are located on the same property;
2. is not moved to the site more than thirty (30) days prior to construction and is not removed later than thirty (30) days after construction has been completed;
3. is not used for any other purpose other than that connected with on-site construction;
4. is justified by the size and nature of the construction project; and

5. is for a period not to exceed Twelve (12) months;
6. is utilized only incidental to on-site construction during daylight hours and not for residential living quarters;
7. sanitary facilities are connected with approved utilities and sewer system.

**(6) Use -- Nursing Home, Home for the Aged, Home Care**

Approved by: Board of Adjustment.

Special use district: A-1 and MF.

Minimum lot area: Minimum lot area of district in which located plus one thousand (1,000) square feet for each person to be accommodated. The minimum lot size shall be ten thousand (10,000) square feet.

Parking: One space for each regular employee plus one space for each four (4) persons to be accommodated.

Plans are required and must show:

Topography: Well drained site with adequate storm drainage facilities.

Structures: Location and approximate size of all existing and proposed buildings and structures within the site.

Circulation: Proposed points of access and egress and pattern of internal circulation.

Parking and loading: Layout of parking spaces.

Other requirements:

- (1) Must meet all requirements for licensing by the State of North Carolina.
- (2) Types of surfacing, slope, grade and cross-section of drives, sidewalks, walls, etc.
- (3) Erosion and sedimentation control plan approved by the Pitt County Soil Conservation Service Office when new construction occurs.
- (4) Lighting plan inclusive of wattage and illumination.
- (5) Size and proposed location of any signs.
- (6) Proposed solid waste storage facilities.
- (7) Any and all applicable municipal ordinances.

(8) Payment of any and all appropriate fees.

**(7) Use -- Private Recreation Club or Swimming Club, Not Operated as a Business for Profit**

Approved by: Board of Adjustment.

Special use districts: A-1, R-6, R-12, and MF.

Minimum lot area: Swimming club -- one (1) acre for each forty club members (or families). Private nonprofit clubs having only a swimming pool with bathhouse facilities and open only during the swimming season are exempt from the minimum lot area requirement if all activities and facilities (other than parking) are located no closer than fifty (50) feet to any property line.

Parking: One (1) space for each five (5) members (or families).

Screening and fencing: The swimming pool area shall be enclosed by fencing not less than five (5) feet in height.

Plans are required and must show:

Structures: Location and approximate size of all existing and proposed structures and playfields on the site.

Parking: Layout of parking spaces and traffic circulation.

Other requirements:

- (1) No improvements, structures, sidewalks or play areas or equipment shall be closer than fifty (50) feet to any adjoining property lines.
- (2) Adjacent to swimming pools there shall be provided paved patio area(s).
- (3) Lights shall be located and shielded so as not to adversely affect adjacent property.

**(8) Use -- Utility Station or Substation**

Approved by: Board of Adjustment.

Special use district: All zoning districts.

Minimum lot area: One-half acre for public utility station.



Parking and Loading: One (1) space for each employee employed primarily at the site at any given time.

Screening and Fencing: A screen of not less than six (6) feet in height of dense plant material shall be provided where lot abuts a residential lot. Substations shall be enclosed by a fence not less than eight (8) feet in height with three strands of barbed wire turned out at the top.

Plans are required and must show:

Structures: Location and approximate (size) of all existing and proposed structures within the site, and all buildings and structures within 100 feet.

Circulation: Proposed points of access and egress.

Parking and loading: Location and arrangement of all proposed off-street parking.

Other Details: Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.

**(9) Use -- Radio or Television Transmitter (Commercial)**

Approved by: Board of Adjustment.

Special use districts: A- 1 and L-1

Minimum lot area: At least three (3) acres in area.

Parking and loading: One space for each regular employee employed at the site at any given time.

Plans are required and must show:

Structures: Location and approximate size of all existing and proposed structures within the site and within one thousand (1,000) feet.

Circulation: Proposed points of access and egress.

Parking and loading: Proposed off-street parking.

Other details: Protective fencing at least six (6) feet high with three (3) strands of barbed wire turned out and ten (10) feet from the perimeter of the antenna base shall be established.

**(10) Use -- School; Private, Elementary, or Secondary**

Approved by: Board of Adjustment.

Special use districts: A-1, R-6, R-12, and MF.

Minimum lot area: Five (5) contiguous acres.

Parking and loading: Two spaces for each employee.

Plans are required and must show:

Structures: Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

Circulation: Proposed points of access and egress and pattern of internal circulation.

Parking and Loading: Layout of parking spaces.

Other Details: Location and extent of open play area.

**(11) Use -- Sexually-Oriented Business**

Approved by: Board of Adjustment.

Special use district: B-1.

Parking and Loading: One (1) space for every three (3) persons based upon the design capacity of the building, plus two (2) spaces for every three (3) employees on the largest shift. Parking must be located on the same zone lot as the use.

General Requirements:

- (1) A sexually-oriented business shall comply with the requirements of Chapter VII, Ordinance Regulating Adult Establishments, of the Pitt County Code.
- (2) Except for adult motels, no sexually-oriented business shall have sleeping quarters.
- (3) There shall not be more than one sexually-oriented business in the same building, structure, or portion thereof. No other principal or accessory

use may occupy the same building, structure, property, or portion thereof with any sexually-oriented business.

- (4) Except for a business identification sign permitted in accordance with Section 12.11, no other exterior advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.
- (5) The hours of operation shall be compatible with the land uses adjacent to the proposed site.
- (6) The use and all associated parking and loading areas shall be enclosed by a fence or site obstructing screen no less than six (6) feet in height.

**(12) Use -- Telecommunication Towers**

Approved by: Board of Adjustment.

Special use districts: A-1 and L-1.

Parking and Loading: One (1) space for each employee employed at the site at any given time.

Area Requirements: All freestanding communication towers as the principal use of a property shall comply with the height requirements of the zoning district in which the tower is located.

- 1) A freestanding accessory tower shall comply with all applicable provisions of this ordinance.
- 2) An accessory tower attached to a building constructed for purposes other than serving the communications industries shall be no taller than thirty (30) feet or thirty (30) percent of the height of the building, whichever is less.
- 3) Antennas shall not be included in the calculation of tower height.
- 4) No tower shall exceed five hundred ten (510) feet in height.

Standards applicable to All Freestanding Towers:

- 1) Output power levels from the tower and/or associated antennas shall not exceed the current federally approved levels for exposure to electromagnetic radiation;

- 2) Radio, television, or other electromagnetic transmission(s) or reception on other properties will not be disturbed or diminished;
- 3) The tower shall be designed and constructed to permit the co-location of one additional user if the tower is between one hundred twenty-five (125) and one hundred eighty (180) feet from the finish grade elevation;
- 4) The tower will have lighting, which consists of a red light at night and strobes in daylight, when lighting is required by the Federal Aviation Administration (FAA). The lighting shall be oriented so as not to project directly onto surrounding residential property. The owner shall submit documentation from the FAA that the lighting is the minimum required by the FAA;
- 5) The base of the tower and each guy anchor are surrounded by a fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight (8) feet in height;
- 6) A screen of not less than six (6) feet in height of dense plank material shall be provided where lot abuts a residential lot or a lot zoned exclusively for residential purposes;
- 7) Buildings associated with telecommunications towers located in any residential district may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments. In addition, any building placed in a residential area associated with a tower must either be screened or be built to resemble a residential structure. Such a requirement includes a pitched roof and frame or brick veneer construction;
- 8) No freestanding towers constructed after the effective date of this ordinance that are greater than one hundred (100) feet in height shall be located closer than one thousand (1,000) feet from any other communication tower greater than one hundred (100) feet in height, as measured in a straight-line distance from tower to tower;
- 9) No advertising sign or logo is permitted on any tower or antenna; and
- 10) Notwithstanding the height regulations of any zoning district, all towers shall be set back a distance of at least equal to the height of the tower from the property line of either any lot which is developed in residential uses or any vacant lot located in a residential zoning district. The setback shall be measured from the base of the tower (not from any guy wire anchor).

Abandonment, Obsolescence, Financial Responsibility: A tower that is not used for a period of at least six months shall be determined to be abandoned and shall be removed. The owner of the tower shall remove any abandoned, obsolete, unused, or structurally unsound tower within ninety (90) days. The Zoning Administrator may establish a shorter period of time for the removal of a tower that is structurally unsound. To assure the removal of unused, obsolete, or improperly maintained towers, the applicant, owner, or developer shall submit a statement of financial responsibility for each tower that is greater than one hundred (100) feet in height.

Site Plan Required: The applicant, owner, or developer of a tower shall submit a site plan for all proposed tower projects prior to construction and/or erection. The site plan shall include:

- 1) Identity, address, telephone number of the proposed or intended users) of the tower, the property owner (if not the same), and the site developer;
- 2) The location of the tower and guy anchors on the parcel showing all setbacks, buffers, easements, buildings, fences, and heights of the tower and any other structures; and
- 3) The zoning and use of the property where the tower will be located, and the zoning and use of all surrounding properties within one hundred twenty-five (125) feet of the site. Additionally, points of ingress and egress from the streets, rights-of-way, etc., shall be shown.

Additional Findings Required for a Special Use Permit: In addition to the requirements of this section, the Board of Adjustment must find that the use:

- 1) Will not materially endanger the public health or safety or constitute a public nuisance if developed according to the plans and information submitted; and
- 2) Will not substantially injure the value of adjoining property and is in harmony with proximate land uses.

**(13) Use -- Telephone Exchange Operation**

Approved by: Board of Adjustment.

Special use districts: A-1, R-6, R-12, MF, and MFM.

Minimum lot area: One (1) acre.

Parking and Loading: One (1) space for each two employees.

Screening and Fencing: A screen of not less than six (6) feet in height of dense plant material shall be provided where lot abuts a residential lot or a lot zoned exclusively for residential purposes.

Plans are required and must show:

Structures: Location of existing and proposed structures within the site, and all buildings and structures within the site.

Circulation: Proposed points of access and egress.

Parking and loading: Location and arrangement of all proposed off-street parking.

Other Details: Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.

**(14) Use – Churches/Houses of Worship**

Approved by: Board of Adjustment

Special use districts: A-1, R-6, R-12, MF, and B-1

Minimum lot area: Same as by zoning district requirement.

Parking and loading: One (1) parking space for each four (4) seats in the congregation meeting area

Plans are required and must show:

Structures: Location and approximate size of all existing proposed buildings and structures within the site and on the lots adjacent thereto.

Circulation: Proposed points of access and egress and pattern of internal circulation.

Parking and loading: Layout of parking spaces.

**(15) Use – Assemblies (Assembly Hall, Armory Stadium, Coliseum)**

Approved by: Board of Adjustment

Special use districts: B-1

Parking and loading: One (1) parking space for each five (5) seats

Plans are required and must show:

Structures: Location and approximate size of all existing proposed buildings and structures within the site and on the lots adjacent thereto.

Circulation: Proposed points of access and egress and pattern of internal circulation.

Parking and loading: Layout of parking spaces.

**(16) Use – Club or Lodge**

Approved by: Board of Adjustment

Special use districts: B-1

Parking and loading: One (1) parking space for each five (5) seats

Plans are required and must show:

Structures: Location and approximate size of all existing proposed buildings and structures within the site and on the lots adjacent thereto.

Circulation: Proposed points of access and egress and pattern of internal circulation.

Parking and loading: Layout of parking spaces.

## **ARTICLE 11.OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS**

### 11.1 General Regulations

If structures or uses are enlarged, expanded or changed, there shall be provided off-street parking for the enlargement or expansion in accordance with the ratios contained herein. If existing land uses are converted to another type of land use or classified by the ordinance, then the off-street ratios as contained herein must be complied with in all districts.

Off-street parking space (either garage or properly graded open space) shall be provided in accordance with the requirements set forth below in all classes of districts. In cases where different parking and/or loading ratios are specified in Article 10 (Table of Regulations for Special Uses), those ratios shall have precedence over the parking ratios specified in this section.

Each application for a Certificate of Occupancy/Compliance submitted to the Building Inspector as provided for in Article 6 shall include information as to:

- location and dimensions of off-street parking and loading space,
- distance between that parking/loading space and the street or alley,
- ingress and egress of the property.

This information shall be in sufficient detail to enable the Planning Board or its authorized agents to determine whether or not the requirements of this ordinance are met.

The Certificate of Occupancy/Compliance for the use of any building, structure or land where off-street parking or loading space is required should be withheld by the Building Inspector until provisions of this section are fully met. If at any time such compliance ceases, any Certificate of Occupancy/Compliance which shall have been issued for the use of the property shall immediately become void and of no effect.

Where parking or loading areas are provided adjacent to a public street, ingress or egress thereto shall be made only through driveways or openings not exceeding 25 feet in width at the curb line of said street, except when the Planning Board or its authorized agent finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

No part of an off-street area required for any building or use for the purpose of complying with the provisions of off-street parking requirements in this ordinance shall be included as part of any off-street parking area similarly required for another building or use unless the times of usage of such buildings or uses will not be simultaneous.



Off-street parking space shall be located on the same lot as the use for which provided or on a separate lot within 200 feet of any entrance to a building, provided that such parking space land is owned by the owner of the building or leases for the same period of time as the building.

The off-street parking requirements for two or more uses on the same lot may be combined and used jointly, provided that the parking space shall be adequate in area to provide the same total off-street parking requirements with all such uses.

No parking shall be provided that would necessitate the automobile backing onto any street right-of-way. Sufficient maneuvering space shall be provided on the lot to enable the motorist to enter all street rights-of-way in a forward direction, with the exception of individual residential lots located in an R-6 zone.

All off-street parking spaces shall be provided with wheel or bumper guards so located that no part of parked vehicles will extend beyond the parking space onto any public right-of-way.

An off-street parking space shall not be less than the site required below for the angle parking shown.

<u>Angle (degrees)</u>	<u>Stall Width (feet)</u>	<u>Curb Length per Car (feet)</u>	<u>Stall Depth (feet)</u>
0°	8'	23'	8'
20°	8'	23'6"	14'
30°	8'	16'	16'6"
45°	8'	11'4"	19'2"
60°	8'	9'4"	20'6"
70°	8'	8'6"	20'10"
90°	8'	8'	19'

## 11.2 Parking Ratios

Auditorium, Stadium or Theater	One (1) space for each five (5) seats
Churches	One (1) parking space for each four (4) seats in the congregation meeting area
Clinics, Medical	Four (4) spaces for each doctor plus (1) space for each employee
Community or Private Swimming Clubs	One (1) space for every 5 membership
Day Care Center	One (1) space for each adult attendant and one (1) space for every six children or fraction thereof

Dwelling Unit having Home Beauty or Barber Shop	Two additional spaces
Elementary School	Three (3) spaces for each room used for administration offices or class instruction, or one (1) space for each six seats in auditoriums and other places of assembly or facilities available for the public, whichever is greater
Industries	One (1) space for every 1.5 employees during maximum employment, and one (1) space for every truck to be stored or stopped simultaneously
Institutions and Clubs	One (1) space for every five seats in principal assembly room
Motels, Tourist Homes and Boarding Houses	One (1) space for every rental room
Offices	One (1) space for every 250 square feet of gross floor area
Residence, Single Family	Two (2) spaces
Residence, Duplex	Four (4) spaces
Residence, Multi-Family	Two and one-half (2-1/2) spaces for each dwelling unit
Restaurants or Other Eating Places	One (1) space for each four (4) seats
Retail Business	One-Half space for every 100 square feet of gross floor area; one (1) space minimum
Wholesale establishments, warehouses, and other businesses not catering to retail or package trade	One (1) space for every three employees during maximum employment, and one (1) space for every truck to be stored or stopped simultaneously

Special situations which are not covered by the above shall be handled by the Board of Adjustment. The Board of Adjustment shall make the final determination as to the number of spaces to be required, but shall in all cases give due consideration to the needs.

## ARTICLE 12.

## SIGN REGULATIONS

### 12.1 General Regulations

These regulations shall apply in all districts. With the exception of legal notices, identification, information, directional or regulatory signs erected or required by governmental bodies or otherwise specifically excepted herein, no exterior sign may be erected, painted, repainted, posted, reposted, placed, replaced, or hung in any district, except in compliance with these regulations.

With the exception of those signs specifically authorized in the preceding paragraph, no sign may be erected without a permit from the Building Inspector. Application for permits shall be submitted on forms obtainable at the office of the Building Inspector. Each application shall include a statement by the applicant attesting to compliance with the requirements of this ordinance. If conditions warrant, the Town Clerk may require such additional information as will enable him to determine if such sign is to be erected in conformance with this ordinance.

No sign shall be permitted on any public right-of-way except as specifically authorized herein. No sign shall be attached to or painted on any telephone pole, power pole, or other manmade object not intended to support a sign, nor on any tree, rock or other natural object, except as specifically authorized herein.

Signs shall not obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building, structure or lot. No sign shall:

- (1) Be erected or continued that would tend by its location, color or nature, to be confused with or obstruct the view of traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle; or
- (2) Use words such as "stop," "go," "slow," "danger," etc., which might be confused with traffic directional signs or signals; or
- (3) Obstruct the line of sight of motorists at intersections or along a public right-of-way.

All signs of a temporary nature shall be removed within one week after their reason for being has ceased to exist; provided, however, that when a shorter period of time is specified for removal of signs elsewhere in this ordinance, the shorter time period shall be observed.

All signs shall be maintained in a state of good repair. No sign shall be continued which becomes structurally unsafe or endangers the safety of the public or property. The Planning Board or its authorized agent, upon discovering or having brought to its attention

evidence of an unsafe sign, shall order that such sign be made safe or be removed. A period of five (5) days following receipt of said notice by the person, firm, or corporation owning or using the sign shall be allowed for compliance.

## 12.2 Projecting Signs and Devices

Projecting signs, outdoor advertising signs and similar overhanging devices, where they are permitted, shall be at least ten (10) feet above the finished grade of any sidewalk or other walkway. Signs attached to the underside of a canopy shall be at least nine (9) feet above the finished grade of any sidewalk or other walkway. No sign shall extend closer than two (2) feet to a vertical plane at any street curb line. Signs and canopies which extend into service street and alley rights-of-way shall not interfere with passage of motor carriers using the service entrances to the rear and side of commercial establishments adjacent to such rights-of-way.

## 12.3 Area Computation

For the purposes of this ordinance, the square footage area of any sign shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof which will encompass all words, numbers, and symbols situated on the sign including lattice work and wall work, incidental to decoration.

## 12.4 Sign Illumination

Where illuminated signs are permitted, they shall conform to the following criteria:

- (1) Illuminated signs may have either interior or exterior source of illumination or a combination of both.
- (2) Interior illumination, where the source of illumination is from within the sign itself, shall be such that the illumination emanating from the sign is diffused.
- (3) Exterior illumination, where the source of illumination is provided by such devices as, but not limited to, flood or spot lights, shall be so placed and shielded as to prevent the direct rays of illumination from being cast upon neighboring buildings and/or vehicles approaching on a public right-of-way from either direction.
- (4) Illumination signs are required to be non-flashing; the illumination for the sign shall not, either totally or in part, flash on and off except for public service information signs as regulated by section 12.10.

## 12.5 Conditional Setback

If the lot on which a sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned solely for residential use, the distance of at least twenty

(20) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential zone. Provided further that all outdoor advertising signs shall conform to section 12.9 of this ordinance which requires such signs to maintain a 150 foot setback from a lot zoned exclusively for residential purposes.

#### 12.6 Multi-Family Development Identification Sign Regulations

One identification sign shall be allowed for each multi-family development per street frontage, provided that it does not exceed thirty-six (36) square feet in area, and does not contain more than the following information:

- Name and address of the multi-family development.
- Type of units available.
- Name and address of agent.
- Telephone number.

Said sign may be either attached flat against the wall of the structure or be freestanding; if freestanding, the sign shall be set back at least five (5) feet from the street right-of-way and shall be no more than six (6) feet in height above the ground. Applicable side yard setbacks for buildings shall also be adhered to.

#### 12.7 Permanent Subdivision Sign Regulations

A maximum of two (2) permanent subdivision identification signs having a maximum sign area of thirty-six (36) square feet each may be erected for each street entrance into the development. Signs shall be set back at least five (5) feet from the street right-of-way. Applicable side yard setbacks for buildings shall also be adhered to.

#### 12.8 Signs Not Requiring a Permit from the Building Inspector

- (1) *Identification Signs* — Signs not exceeding two (2) square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises shall not require a permit.
- (2) *Temporary Real Estate Sign* — One (1) temporary real estate sign not exceeding four (4) square feet of sign area per minimum area of the zone in which located plus four (4) square feet of sign area per additional 5,000 square feet of lot up to a maximum of 72 square feet of sign area may be placed on a property that is for sale, lease, rent or barter. When the property on which said sign is placed fronts on more than one (1) street, one (1) such sign shall be allowed on each street frontage. Such signs shall not be illuminated.
- (3) *Construction Sign* — One (1) temporary construction site sign may be erected on the site during the period of construction or reconstruction to announce the name of the owner and/or developer, contractor, architect, land planner, landscape architect, engineer, and development. Such signs shall be removed

within two (2) days after the construction work has been completed.  
Maximum size of construction signs shall be as follows:

- (a) In residential zones, twenty-four (24) square feet.
- (b) In all other zones, seventy-two (72) square feet.

Construction signs in residential zones shall not be illuminated.

- (4) *Directional or Information Sign* — No permit shall be required for directional or information signs of a public or quasi-public nature, and such signs shall not exceed eight (8) square feet in area relative to items 1 and 2 listed below. Those signs may be illuminated in conformance with Article 12.10 of this ordinance or they may be of the beaded reflector type. Such signs shall only be used for the purpose of stating or calling attention to:
  - (a) The name or location of a city, town, village, hospital, community center, public or private school, church or other place of worship;
  - (b) The name or place of meeting of an official or civic body, such as the Chamber of Commerce, Rotary, Lions or Kiwanis Club.

In order to announce an event of public interest such as a local or county fair, pageant, public or general election, horse show, etc., permission should be obtained from the Board of Aldermen to mount, erect or maintain over a public street or right-of-way, any sign announcing events of public interest such as events or any banner or decoration such as, but not limited to, Christmas decorations.

- (5) *Incidental Signs* — The following incidental signs as described are allowed:
  - (a) One incidental professional announcement sign.

In residential districts, such signs shall not exceed one (1) square foot in area, shall be flat mounted against the building, and shall not be illuminated.
  - (b) Any sign not exceeding one and one-third (1-1/3) square feet in area. There shall be a limit of three such signs per lot.

**The display of American Flags are exempt from regulation by this Ordinance.**

## 12.9 Outdoor Advertising Signs

Outdoor advertising signs shall be permitted in the I-1 district. For the purposes of this ordinance, the following shall be considered as one outdoor advertising sign:

- Side-by-side signs if structurally tied together.
- V-type and back-to-back signs if not located more than fifteen (15) feet apart at the nearest points of each sign.
- (1) *Setback* — Outdoor advertising signs shall observe all setback requirements of the districts in which they are located, provided further that in those districts having no setback requirements, an outdoor advertising structure shall not be located closer than twenty (20) feet to any street right-of-way line. In any case, no outdoor advertising structure shall be located closer than one hundred fifty (150) feet to a lot zoned exclusively for residential purposes.
- (2) *Size* — Outdoor advertising signs shall not exceed eight hundred (800) square feet in area.
- (3) *Location* — Outdoor advertising signs on either side of a thoroughfare shall not be located nearer to another advertising sign on the same side of the street than two hundred (200) feet.
- (4) *Requirements* — Outdoor advertising signs attached to a building structure shall not be higher than the wall to which they are attached. Outdoor advertising signs shall not be mounted on the rooftop of any building.

#### 12.10 Public Service Information Signs

Public service information signs are those signs, which display public service information such as time, date, temperature, weather, or other similar information. These shall be allowed in the B-1 and I-1 zoning districts. Public service information signs shall be allowed to be flashing signs. Public information signs will conform to the size and height requirements for the zone in which they are located.

#### 12.11 Business Identification Signs

Business identification signs shall be subject to the limitations in the Table of Business Sign Requirements. All business identification signs itemized in this table may be illuminated.

## TABLE OF BUSINESS SIGN REQUIREMENTS

District	Number of Signs Permitted (see Note 2)	Total Area of Signs Permitted (see Notes 1 and 2)	Locational Requirements	Additional Requirements
B-1	One flush mounted or projecting sign per establishment.	One (1) square foot per linear foot of building frontage allotted to each establishment.		
	AND			
	One freestanding sign per separate lot of record.	One (1) square foot per linear foot of lot frontage.	Maximum height of twenty (20) feet and two (2) feet from a property line relative to freestanding signs.	
I-1	One flush mounted or projecting sign per establishment.	One (1) square foot per linear foot of building frontage allotted to each establishment.		
	AND			
	One freestanding sign per separate lot of record and per establishment.	One (1) square foot per linear foot of lot frontage.	Maximum height of twenty (20) feet and five (5) feet from a property line relative to freestanding signs.	

Note 1. Marquees for indoor theaters in the B-1 zoning district shall not be subject to the sign area limitations.

Note 2. Establishments developed on a corner lot may have one additional sign having one (1) square foot of sign area per linear foot of the building's corner side in addition to the specified total number of area of signs permitted. Such signs shall be flush mounted and be affixed to said corner side.



## ARTICLE 13.

## NONCONFORMING SITUATIONS

### 13.1 Definitions

Unless the context clearly indicates otherwise, the terms defined below are used in this section in the following manner:

- (a) *Nonconforming Situations* -- A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor space limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the ordinance, or because land or buildings are used for purposes made unlawful by the ordinance.
- (b) *Nonconforming Use* -- A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)
- (c) *Dimensional Nonconformity* -- A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- (d) *Nonconforming Lot* -- A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot width requirements of the district in which the lot is located.
- (e) *Ordinance* -- This ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.
- (f) *Nonconforming Project* -- Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

- (g) *Expenditure* -- A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

### 13.2 Continuation of Nonconforming Situations and Completion of Nonconforming Projects

Nonconforming situations that were otherwise lawful on the effective date of this ordinance may be continued, subject to the restrictions and qualifications set forth in sections 13.3 through 13.8 of this article.

Nonconforming projects may be completed only in accordance with the provisions of section 13.8 of this article.

### 13.3 Nonconforming Lots

- (a) When a nonconforming lot can be used in conformity with all of the regulations (other than the area or width requirements) applicable to the district in which the lot is located, such a use may be made as of right. Otherwise, the nonconforming lot may be used only in accordance with a special exception issued by the Board of Adjustment. The board shall issue such a permit if it finds that (1) the proposed use is one permitted by the regulations applicable to the district in which the property is located, and (2) the property can be developed as proposed without any significant negative impact on the surrounding property or the public health, safety, or welfare.
- (b) Whenever this ordinance creates a nonconforming lot and the owner of the nonconforming lot also owns land adjacent to it, and a portion of this other land can be combined with the nonconforming lot to create a conforming lot (without hereby creating other nonconformities), the owner of the nonconforming lot, or his successor in interest, may not take advantage of the provisions of the paragraph (a) of this section.

### 13.4 Extension or Enlargement of Nonconforming Situations

- (a) Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- (b) Subject to paragraph (d) of this subsection, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, subject to Subsection 13.8 of this section (authorizing the completion of nonconforming projects in certain

circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

- (c) Subject to Section 13.8 of this ordinance (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming, if 10 percent or more of the earth products had already been removed at the effective date of this ordinance.
- (d) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.
- (e) Physical alternation of structures or the placement of new structures on open land are unlawful if they result in:
  - An increase in the total amount of space devoted to a nonconforming use;
  - Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or
  - The enclosure of previously unenclosed areas, even though those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least 75 percent of the perimeter of the area is marked by a permanently constructed wall or fence.
- (f) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation -- i.e., work estimated to cost more than 10 percent of the appraised value of the structure to be renovated (and not required by the partial or total destruction of a structure [see paragraph h]) -- may be done pursuant to a special use permit issued by the Board of Adjustment. The Board of Adjustment shall issue such a permit if it finds that the work will not result in a violation of any other paragraphs of this section (particularly paragraph c) or make the property more incompatible with the surrounding neighborhood.
- (g) Notwithstanding paragraph (e), any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with

respect to yard size and setback requirements. In particular, a manufactured home may be replaced with a larger manufactured home, and a "single-wide" manufactured home may be replaced with a "double-wide." This paragraph is subject to the limitations stated in section 13.6 on abandonment and discontinuance of nonconforming situations.

- (h) A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:
  - The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one and a larger manufactured home intended for residential use may replace a smaller one;
  - The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building;
  - The reconstructed building may not enclose areas that were previously unenclosed, even though those areas were used in connection with the nonconforming activity. An area is unenclosed unless at least 75 percent or more of the perimeter of the area is marked by a permanently constructed wall or fence.
- (i) Except for single-family residential structures (including manufactured homes), if the written estimated cost of the reconstruction work exceeds 10 percent of the written appraised value of the structure, the work may be done only after issuance of a Special Use Permit by the Board of Adjustment. The Board may issue the special use permit if it finds that the work will be done in accordance with all applicable municipal ordinances, and that the reconstructed building will not make the property more incompatible with the surrounding property than it was before the destruction occurred. *(Amended and Adopted November 13, 2001, by the Town Board of Aldermen.)*

### 13.5 Reserved for Future Use

*(Amended and Adopted November 13, 2001, by the Town Board of Aldermen.)*

### 13.6 Abandonment or Discontinuance of Nonconforming Situations

- (a) When a nonconforming use is (1) discontinued for a consecutive period of 180 days, or (2) discontinued for any period of time without a present intention to

reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, except as provided in paragraph (b) of this section.

- (b) The Board of Adjustment may issue a special use permit to allow a nonconforming use that has been discontinued for more than 180 consecutive days to be reinstated if it finds that (1) the nonconforming use has been discontinued for less than two years, and (2) the discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming use.
- (c) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is (1) discontinued for a consecutive period of 180 days, or (2) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the district in which the property is located, unless the Board of Adjustment issues a special use permit to allow the property to be used (for a conforming purpose) without correcting the nonconforming situation. The Board shall issue such a permit if it finds that (1) the nonconforming situation cannot be corrected without undue hardship or expense, and (2) the nonconforming situation is of a minor nature that does not adversely affect the surrounding property or the general public to any significant extent.
- (d) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building or one space in a nonconforming manufactured home park for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or manufactured home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a manufactured home is used as a nonconforming use on a residential lot where a conforming residential structure also is located, removal of that manufactured home for 180 days terminates the right to replace it.
- (e) When a structure or operation made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the 180-day period for purposes of this section begins to run at the effective date of this ordinance.

### 13.7 Termination of Nonconforming Situations

Subject to all other terms and conditions of Article 16 of this ordinance, nonconforming situations shall not be subject to specific time limitations for permanent

discontinuation; except for nonconforming junk yards, to include nonconforming uses and situations, which shall be completely removed within three (3) years following the effective date of this ordinance.

### 13.8 Completion of Nonconforming Projects

- (a) All work on any nonconforming project shall cease on the effective date of this ordinance. Thereafter, work on nonconforming projects may begin, or may be continued, only pursuant to a special use permit issued by the Board of Adjustment (except as provided in paragraph (b) of this section). The Board shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this ordinance and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the Board shall be guided by the following:
- To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made expenditure to acquire a potential development site if the property obtained is just as valuable under the new classification as it was under the old, for the expenditure can be recovered by resale of the property.
  - An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (1) the total estimated cost of the proposed project, and (2) the ordinary business practices of the developer.
  - A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.
  - Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the Board may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The Board may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that (1) at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended

development; and (2) the developer had legitimate business reasons for making expenditures.

- (b) The requirements of paragraph (a) of this section shall not apply to a nonconforming project if the Building Inspector certifies that actual construction of that project began at least 180 days before the effective date of this ordinance and that the work is at least 75 percent complete at the effective date of this ordinance.
- (c) The Board of Adjustment shall not consider any application for a special use permit authorized by paragraph (a) of this subsection that is submitted more than 90 days after the effective date of this ordinance, unless it waives this requirement for good cause shown.
- (d) If the Board of Adjustment issues a special use permit pursuant to paragraph (a) of this section, it may attach such reasonable conditions to the permit as it finds necessary to reduce the extent to which the nonconforming project is incompatible with the surrounding neighborhood. In particular, the Board may require that work on the nonconforming project be continuously maintained, if possible, and that the project be completed as expeditiously as possible.
- (e) When it appears from the developer's plans or otherwise that the nonconforming project was intended to be or reasonably could be completed in stages, segments or other discreet units, the Board of Adjustment shall not allow the nonconforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to allow the developer to recoup and obtain a reasonable rate of return on the expenditures he has made in connection with that nonconforming project.

## ARTICLE 14.

## VESTED RIGHT PROVISIONS

### 14.1 Purpose

The purpose of this section is to implement the provisions of G.S. 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site-specific development plan.

Neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

### 14.2 Establishment of a Zoning Vested Right

- (a) A zoning vested right shall be deemed established upon the valid approval, or special use approval, by the Board of Aldermen or Board of Adjustment, as applicable, of a site specific development plan, following notice and public hearing.
- (b) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
- (c) Notwithstanding subsections (a) and (b), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- (d) A site-specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.
- (e) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the Town of Grimesland, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.
- (f) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.



### 14.3 Approval Procedures and Approval Authority

- (a) Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning permit, special use permit, building permit, or variance approval for which application is made.
- (b) Notwithstanding the provisions of subsection (a), if the authority to issue a particular zoning or special use, building, or variance permit or approval has been delegated by ordinance to a board, committee or administrative official other than the Town of Grimesland Board of Aldermen, Board of Adjustment, or other planning agency designated to perform any or all of the duties of the Board of Adjustment, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Town of Grimesland Board of Aldermen or Board of Adjustment, following notice and a public hearing as provided in G.S. 160A-364.
- (c) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the Town of Grimesland, that a zoning vested right is being sought.
- (d) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."
- (e) Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
- (f) Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

### 14.4 Duration

- (a) A zoning right that has been vested as provided in this chapter shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

- (b) Upon issuance of a building permit, the expiration provisions of G.S. 160A-418 and the revocation provisions of G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

#### 14.5 Termination

A zoning right that has been vested as provided in this chapter shall terminate:

- (a) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
- (b) with the written consent of the affected landowner;
- (c) upon findings by the Town of Grimesland Board of Aldermen, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
- (d) upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town of Grimesland, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
- (e) upon findings by the Town of Grimesland Board of Aldermen, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or
- (f) upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

#### 14.6 Voluntary Annexation

A petition for annexation filed with the Town of Grimesland 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 under G.S.

160A-385.1 or G.S. 153A-344.1. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1, 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.

#### 14.7 Limitations

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160A-385.1.

#### 14.8 Repealer

In the event that G.S. 160A-385.1 is repealed, Section 14.0 shall be deemed repealed and the provisions hereof no longer effective.

## ARTICLE 15.

## CERTIFICATE ISSUANCE

### 15.1 Zoning Certificate

No building or structure or any part thereof shall be erected or repaired until a zoning certificate therefore has been issued by the Zoning Administrator. Each application for a zoning certificate shall be accompanied by a plat, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimension of the building to be erected, its location on the lot, and other such information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats, together with a record of the action taken thereon, shall be kept in the office of the Zoning Administrator.

No permit for excavation or erection of any building or part of a building, or for repairs to or alteration of a building, or the relocation of a building from the lot on which it is situated, shall be issued until after a statement of its intended use has been filed by the applicant.

### 15.2 Certificate of Occupancy/Compliance

No land shall be used or occupied, except for farm purposes, and no building or structure shall be erected, altered, used or changed in use for other than farm purposes until a certificate of occupancy/compliance shall have been issued by the Building Inspector stating that the building and/or the proposed use has been determined to be in compliance with the provisions of this ordinance. A like certificate shall be issued for the purpose of changing any existing use, as well as for maintaining, renewing, changing, or extending any nonconforming use. A certificate of occupancy/compliance, either for the whole or part of a building, shall be applied for prior to occupancy, and shall be issued within five days after the erection or alterations of such building or part shall have been found in compliance with the provisions of this ordinance and other applicable codes and ordinances. A record of all such certificates shall be kept on file in the office of the Building Inspector and shall be furnished on request to any person having a proprietary of tenancy interest in the building or land.

### 15.3. Expiration of Permits

Except as provided in Article 14, Vested Rights Provisions, zoning and special use permits (including approved site or plot plans) shall expire automatically if, within six months after the issuance of such permits:

- (a) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
- (b) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by

such permits has been completed on the site. With respect to development that occurs in phases, this requirement shall apply only to the first phase.

If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the zoning or special use permit authorizing such work shall immediately expire.

For purposes of this Section, a special use permit within the jurisdiction of the Board of Adjustment is issued when the board votes to approve the application and issue the permit. A zoning permit within the jurisdiction of the Zoning Administrator is issued when a copy of the fully executed permit is delivered to the permit recipient.

Special use permits with a vested right established in accordance with Article 14, Vested Rights Provisions, shall expire at the end of the two-year vesting period established pursuant to Article 14.

#### 15.4 Permit Extensions

The permit-issuing authority may extend for a period up to six months the date when a zoning or special use permit would otherwise expire pursuant to this Article if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

## ARTICLE 16.

## BOARD OF ADJUSTMENT

### 16.1 Composition of the Board of Adjustment Pursuant to N.C.G.S. 160A-388

There is hereby established the composition of the Grimesland Board of Adjustment. The Board of Adjustment shall consist of five (5) members appointed by the Board of Aldermen of the Town of Grimesland and the Pitt County Board of Commissioners. Three (3) of the members shall reside in the Town of Grimesland and be appointed by the Grimesland Board of Aldermen, and two (2) of the members shall reside in the extraterritorial jurisdiction area and be appointed by the Pitt County Board of Commissioners. Initially, one (1) member shall serve a one (1) year term, two (2) members shall serve two (2) year terms, and two (2) members shall serve three (3) year terms. Thereafter, all terms shall be for three (3) years.

### 16.2 Jurisdiction of the Board of Adjustment

The Board of Adjustment shall have authority on any appeal relative to the provisions of this ordinance originating from within the area encompassed by the legal description of the jurisdiction of this ordinance as described in Article 4.

### 16.3 Rules for Proceedings of the Board of Adjustment

The board shall adopt rules governing its organization and for all proceedings before it. Such rules shall provide and require the following in addition to such other rules and regulations the board shall adopt:

- The board shall elect a chairman and vice chairman on an annual basis.
- The Building Inspector or his designee shall serve as the secretary of the board. The secretary shall keep minutes of the proceedings. The minutes shall contain relevant facts and testimony of each appeal, the vote of each member on each appeal, abstention from voting, and attendance.
- No appeal may be heard unless a quorum is present. A quorum shall consist of three-fifths of the membership of the board.
- Due notice shall be given to all parties having interest in an appeal.
- Any interested party may appear in person, by agent, or by attorney to offer evidence and testimony relative to an appeal.

### 16.4 Powers of the Board of Adjustment

*Review of Enforcement Officer's Decision*

Where it is alleged that there is any error in any order, decision, or requirements of the enforcement officers appointed by the Board of Aldermen, the Board of Adjustment shall have the power to hear and decide any appeal taken from the order, decision or requirement of the enforcement officer, and to grant a variance to the appellant to rectify any error of the enforcement officer. A concurring vote of four members of the board shall be required to reverse any order, decision or determination of the enforcement officer, or to decide in favor of the applicant any matter which the board is required to pass under the provisions of this ordinance, or to grant any variation in this ordinance.

### *Variances*

A variance may be granted to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this ordinance will result in undue hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. In considering all proposed variances to this ordinance, the board shall, before making any finding in a specified case, first determine that the proposed variances will not constitute any change in the district boundaries shown on the zoning map, and will not impair any adequate supply of light and air to adjacent property, or materially increase the public danger of fire and safety, or adversely affect the use or physical attributes of property within the surrounding area, or in any other respect impair the public health, safety, and general welfare.

In granting a variance, the board may impose thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance.

Before a variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. A variance may be granted only when the practical difficulty of undue hardship complained of is due to the particular characteristics of the property and not to the general conditions of the neighborhood which may reflect an undue stringency of the ordinance itself. A hardship peculiar to the applicant as distinguished from others affected by the general rule must be shown.

The board may grant a variance in the dimensional yard requirements of this ordinance only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which was a lot of record as of the effective date of this ordinance, or where due to the topographical conditions of a piece of property the strict application of the said dimensional requirements of this ordinance would result in practical difficulties or undue hardship of such nature as described in the preceding paragraph.

The fact that property may be utilized more profitably will not be considered as justification for granting a variance by the board.

The board shall have the power to grant, in particular cases, and subject to appropriate safeguards, permits for special uses as authorized by Article 10.

*Additional Power*

In addition to the general powers conferred upon the Board of Adjustment in the foregoing, the board shall have authority to make the following exception to the general provisions of this ordinance:

Where a use district boundary line crosses a lot, the board, after a public hearing in which it has determined that the spirit and intent of this ordinance has been carried out, may permit a use of either classification on the whole lot, but not to exceed a distance of 150 feet from the boundary line.

16.5 Appeal to the Board of Adjustment

An appeal may be taken to the Board of Adjustment by any person aggrieved by a decision of any officer, department or board of the town relative to enforcement or interpretation of this ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing the appeal with the office of the Building Inspector. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

16.6 Appeal From Decision of the Board of Adjustment

Any person or persons aggrieved by a decision of the Board of Adjustment may, within ninety (90) days, but not thereafter, present to Superior Court of Pitt County a petition for a writ of certiorari, duly verified, setting forth that such a decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such a decision of the board shall be subject to review as provided by law.



## **ARTICLE 17.**

## **AMENDMENT PROCEDURE**

### **17.1 Amendment by Own Motion**

The Board of Aldermen may from time to time amend, supplement, change, modify, or repeal the boundaries or regulations herein or subsequently amended. This may be done on the Board of Aldermen' own motion or as a result of a recommendation after a public hearing as prescribed below.

### **17.2 Amendment by Petition**

The Board of Aldermen may also desire to take such action as a result of a petition presented by a private citizen or citizens in accordance with the following procedures. Such petitions shall be presented to the Building Inspector at least fifteen (15) working days prior to the meeting of the Planning Board meeting at which it is to be heard, but not to include the day of the meeting. The petition shall contain such information, and shall be presented in such manner as specified by the Planning Board. The Planning Board, after studying the petition, shall prepare a recommendation to be considered by the Board of Aldermen at its next regular meeting. This recommendation will contain all reasons considered in the deliberations of the Planning Board.

Acceptance by the Board of Aldermen of a recommendation of the Planning Board for an amendment to this ordinance will be only in the form of an authorization for notice of a public hearing as prescribed by law. Notice for such public hearing shall be given once a week for two successive calendar weeks in a newspaper distributed in the town, and the first such notice shall be published not less than fifteen (15) days and not more than twenty-five (25) days prior to the date fixed for the hearing.

### **17.3 Protest to Amendment**

In cases of a protest against any proposed amendments, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those in lots immediately adjacent thereto either in the rear thereof or on either side thereof, extending one hundred feet therefrom, or of those directly opposite thereof extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Aldermen.

## ARTICLE 18.

## ENFORCEMENT

### 18.1 Violations

Any of the following shall be a violation of this Article and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

#### 18.1.1 Development Without Permit

A 'development without a permit' violation means to engage in any development, use, construction, remodeling or other activities of any nature upon the land or improvements thereon subject to the jurisdiction of this Article without required permits, certificates or other forms of authorization as set forth in this Article.

#### 18.1.2 Development Inconsistent With Permit

A 'development inconsistent with a permit' violation means to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

#### 18.1.3 Violation by Act or Omission

A 'violation by act or omission' means to violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the Board of Aldermen or its authorized boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

#### 18.1.4 Use in Violation

A 'use in violation' means to erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Article, or any other regulation made under the authority conferred thereby.

#### 18.1.5 Continue a Violation

Each day's violation of any provision of this Article is a separate and distinct offense.

## 18.2 Enforcement Intent

It is the intention of this Article, unless otherwise provided, that all questions arising in connection with the enforcement of this Article shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator's decision. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court as provided by law and must be filed with the Pitt County Clerk of Court within the 30-day appeal period described in Section 18.7.2. It is further the intention of this Article that the duties of the Board of Aldermen in connection with this Article shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof.

## 18.3 Enforcement Procedures

When the Zoning Administrator or his agent finds a violation of this Article or receives a complaint alleging a violation of this Article, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

### 18.3.1 Notice of Violation

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Zoning Administrator shall give the owner or occupant written notice, by certified or registered mail, to his last known address or by personal service or by posting notice of the violation conspicuously on the property:

1. That the land, building, sign, structure, or use is in violation of this Article;
2. The nature of the violation, and citation of the Section of this Article violated; and
3. The measures necessary to remedy the violation.

### 18.3.2 Appeal

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Zoning Administrator to the Board of Adjustment, in accordance with the provisions of Section 16.5 within thirty days following the date of the Notice of Violation. The Board of Adjustment shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Zoning Administrator in the Notice of Violation shall be final.

### 18.3.3 Order of Corrective Action

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Article, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

### 18.3.4 Failure to Comply with an Order

If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 18.4. If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

## 18.4 Penalties And Remedies

Any one or all of the following procedures may be used to enforce the provisions of this Article.

### 18.4.1 Injunction

Any violation of this Article or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

### 18.4.2 Civil Penalties

Any person who violates any provisions of this Article shall be subject to the assessment of a civil penalty under the procedures provided in Section 18.5.

### 18.4.3 Denial of Permit or Certificate

The Zoning Administrator may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Article or of a condition or qualification of a permit, certificate or other authorization previously granted.

### 18.4.4 Conditional Permit

The Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties

within a specified time, or the posting of a compliance security approved by the Town attorney.

#### 18.4.5 Revocation of Permits

In accordance with Section 18.6, permits shall be revoked for any substantial departure from the approved applications, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

#### 18.4.6 Criminal Penalties

Any violation of this Article shall be a misdemeanor or infraction as provided by NCGS 14-4.

#### 18.4.7 State and Common Law Remedies

In addition to other enforcement provisions contained in this Article, the Board of Alderman may exercise any and all enforcement powers granted to it by state law or common law.

### 18.5 Civil Penalties-Assessment and Procedures

#### 18.5.1 Penalties

Any person who violates any provisions of this Article shall be subject to assessment of a \$50 per violation, per day civil penalty or the maximum amount allowed by law.

#### 18.5.2 Notice

No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 18.3.1. If after receiving a notice of violation under Section 18.3.1, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen days of the date of the notice.

#### 18.5.3 Responsible Parties

The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent or any other person

who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Article may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

#### 18.5.4 Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional \$50 per violation, per day civil penalty.

#### 18.5.5 Demand for Payment

The Zoning Administrator shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

#### 18.5.6 Nonpayment

If payment is not received or equitable settlement reached within thirty days, after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided however, if the civil penalty is not paid within the time prescribed, the Zoning Administrator may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.

### 18.6 Permit Revocation

#### 18.6.1 General

A zoning, sign, special use, or conditional use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the approved plans, the requirements of the Article, or any additional requirements lawfully imposed by the permit-issuing board.

No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special use, or conditional use permit after such permit has been revoked in accordance with this Section.

#### 18.6.2 Conditional Use or Special Use Permit Revocation

Before a conditional use or special use permit may be revoked, all of the notice and hearing requirements of Section 10 shall be complied with. The notice

shall inform the permit recipient of the alleged grounds for the revocation.

#### 18.6.3 Zoning or Sign Permit Revocation

Before a zoning or sign permit may be revoked, the Zoning Administrator shall give the permit recipient ten days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

### 18.7 Judicial Review

#### 18.7.1 Appeal to Superior Court

Every decision of the Board of Alderman granting or denying a conditional permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Pitt County by proceedings in the nature of certiorari.

#### 18.7.2 Timing of Appeal

The petition for the writ of certiorari must be filed with the Pitt County Clerk of Court within 30 days after the later of the following occurrences:

1. A written copy of the Board of Alderman's or Board of Adjustment's decision has been filed in the office of the Zoning Administrator.
2. A written copy of the Board of Alderman's or Board of Adjustment's decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case. A copy of the writ of certiorari shall be served upon the Town of Grimesland.

**ARTICLE 19.**

**LEGAL STATUS PROVISIONS**

19.1 Effective Date

This ordinance shall be in full force and effective henceforth from July 1, 1999, and as amended and supplemented. This ordinance was duly adopted by the Board of Aldermen of the Town of Grimesland on May 11, 1999, with an effective date of July 1, 1999, and as amended and supplemented through September 10, 2019.