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TOWN OF FALKLAND

757-1648

ZONING ORDINANCE

July 2, 1991

FALKLAND ZONING ORDINANCE
SCHEDULE OF AMENDMENTS

Article XIII, Section 13.01

Add the fee schedule set by Town Board

09/03/91

Article VII, Section 7.02

Amend the ordinance: Change Agricultural-Residential District to
7.02.01 Restricted-A-R; 7.02.02 Limited-A-R; and 7.02.03 General-A-R

12/10/91

Same as above--amend the Official Zoning Map

12/10/91

AMEND THE OFFICIAL ZONING MAP

Change land in Tyson Creek S/D on east side of S.R. 1247 from RAR to R

1/16/96

AMEND DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DISTRICT

Change minimum lot area from 20,000 sq. ft. to 25,000 sq. feet.

Change minimum lot width from 75 feet to 100 feet.

3/19/96

CORRECT ADMINISTRATIVE LANGUAGE

Correct misspellings

Change reference on page 8 from "Building Inspector" to "Zoning Administrator"

Re-word ARTICLE XII, Section 12.02 regarding Planning Board meetings. ✓

Re-word Section 12.04 re: public hearing notice to reflect General Statutes. ✓

3/19/96

TOWN OF FALKLAND
ZONING ORDINANCE

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ARTICLE I
Title, Enactment, Jurisdiction, and Purpose

SECTION 1.01. Title and Enactment.

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF FALKLAND, A MUNICIPAL CORPORATION OF THE STATE OF NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND ENACTMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE NORTH CAROLINA GENERAL STATUTES, ARTICLE 19, CHAPTERS 160A-381 THROUGH 160A-392, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

THEREFORE, BE IT AND THE SAME IS HEREBY ENACTED BY THE TOWN COUNCIL OF FALKLAND, NORTH CAROLINA, THIS THE 2nd DAY OF JULY, 1991.

SECTION 1.02. Short Title.

This ordinance shall be known as the "Zoning Ordinance of the Town of Falkland, North Carolina." The map herein referred to, which is identified by the title "Official Zoning Map of Falkland, North Carolina," shall be known as the "Zoning Map."

SECTION 1.03. Jurisdiction.

This ordinance shall apply within the corporate limits of the Town of Falkland, North Carolina, and within any extraterritorial jurisdiction hereafter fixed and shown on the "Official Zoning Map of Falkland, North Carolina."

SECTION 1.04. Purpose.

In accordance with the provisions of Chapter 160A, Article 19, of the General Statutes of North Carolina, the Town Council of Falkland, having designated the Falkland Planning Board as the



planning agency to prepare a zoning plan showing proposed district boundaries and recommending a procedure by which the zoning regulations and restrictions and the boundaries of the zoning districts shall be determined, established, and enforced, and from time to time amended, supplemented or changed, and having received from the planning board a certified plan taking into consideration the character of each district and its 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, hereby adopts this Zoning Ordinance. The Zoning Ordinance has been prepared in accordance with a comprehensive plan for the development of Falkland and is designed to lessen congestion in the streets; to secure safety from fire, panic, and their 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 to give reasonable consideration to the expansion and development of the town so as to provide for its orderly growth and development.

ARTICLE II
Establishment of Zoning Districts
and Provision for Zoning Map

SECTION 2.01. Official Zoning Map.

For the purposes of this ordinance, the Town of Falkland and any extraterritorial jurisdiction hereafter fixed is hereby divided into zones or districts as shown on the Official Zoning Map of Falkland, North Carolina, 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 Falkland and attested by the Clerk and bearing the seal of the town under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article II of the Zoning Ordinance of Falkland, North Carolina," together with the date of adoption of this ordinance.

The Official Zoning Map, which shall be located in the Town Office, shall be the final authority as to the current zoning status of land, water areas, and buildings in the town and in any extraterritorial jurisdiction hereafter fixed.

SECTION 2.02. Zoning Map Changes.

If, in accordance with Article XII of this ordinance, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows:

"On (date), by official action of the Town Board, the following changes were made in the Official Zoning Map: (brief description of change)."

The entry shall be signed by the Mayor and attested by the Town Clerk. No amendment to this ordinance which involves a matter portrayed on the map shall become effective until after such change and entry has been made on said map. The Town Council shall give official notice of the zoning change to the zoning administrator within twenty-four (24) hours after passage of said change.

SECTION 2.03. Replacement of Official Zoning Map.

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the Town Council may, by ordinance, adopt a new official zoning map which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the Mayor and Town Clerk and shall bear the seal of the town under the following words:

~~"This is to certify that this Official Zoning map supersedes and replaces the Official Zoning Map adopted on (date of adoption of map replaced) together with the date of adoption of the new map"~~

SECTION 2.04. Responsibility for Maintenance of the Official Zoning Map.

The zoning administrator shall be responsible for the maintenance of and revision of the official zoning map. Upon notification by the Town Council that a zoning change has been made, the zoning administrator shall make the necessary changes on the official zoning map within twenty-four (24) hours following notification.

SECTION 2.05. Rules for Interpretation of Zoning District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the "Official Zoning Map of Falkland, North Carolina," the following rule shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroads shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following town limits shall be construed as following such town limits;
- (4) Boundaries indicated as parallel to or extensions of features indicated on subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- (5) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection 1 through 4 above, the Board of Adjustment shall interpret the district boundaries.
- (6) If a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot provided that such extension shall not include any part of such lot which lies more than one hundred (100) feet beyond the district boundary; and further, that the remaining parcel shall not be less than the minimum required for the district in which it is located.

ARTICLE III
Application of Regulations

SECTION 3.01. Interpretation and Application.

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

SECTION 3.02. Construction.

No building, structure or part thereof shall hereafter be constructed except in conformity with all of the regulations applicable where indicated.

SECTION 3.03. Bulk, Density, Lot Coverage, Yards, and Open Spaces.

No building or other structure shall hereafter be erected or altered to exceed bulk requirements of this ordinance; nor to accommodate a greater number of families than allowed by this ordinance; nor to accommodate a greater percentage of lot area than allowed by this ordinance; nor to have narrower or smaller front yards, side yards, rear yards, or other open spaces than required by this ordinance; nor shall any building, structure, or land be used in any other manner contrary to the provisions of this ordinance.

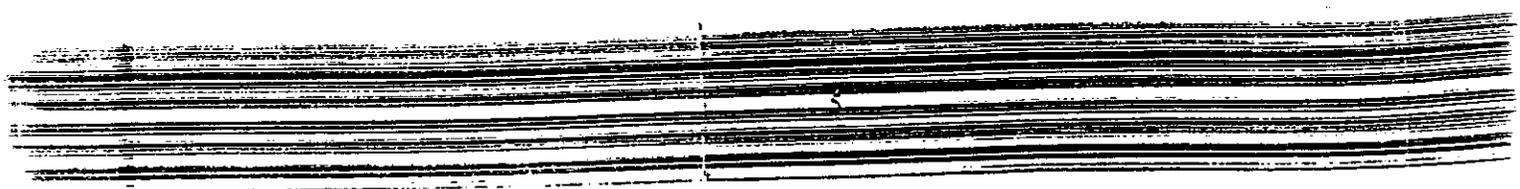
SECTION 3.04. Computation of Required Spaces.

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, open space, or off-street parking or loading space similarly required for any other building.

SECTION 3.05. Reduction of Lots or Areas Below Minimum.

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.



SECTION 3.06. Classification of Added Territory.

All territory not included under the provisions of this ordinance hereafter added to the zoning jurisdiction of the Town shall be considered to be in the Agricultural-Residential classification until otherwise classified.

SECTION 3.07. More Than One Principal Building Per Lot.

In any district, more than one building housing a permitted principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each building as though it were on an individual lot.

SECTION 3.08. Vision Clearance at Intersections.

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet in a triangular area formed by the intersection of the right-of-way of two (2) streets or a street and a railroad, and a diagonal line which intersects the right-of-way lines at two (2) points twenty-five (25) feet from the point at which the rights-of-way intersect.

SECTION 3.09. Walls and Fences.

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, within or abutting the Residential District, no wall or fence shall exceed six (6) feet in height within a front or side yard; and in the Business Office and Institutional District, no fence shall exceed (10) feet in height.

SECTION 3.10. Reduction of Front Yard Setback Requirements.

In the Residential District, where the average setback distance for existing buildings on all lots located wholly or partly within two hundred (200) feet of any lot, and within the same zoning district and fronting on the same side of the same street as such lot, is less than the minimum setback required in said zoning district, the setback on said lot may be less than the required setback, but not less than the existing average setback distance for all lots within the two hundred (200) feet. When lots within the two hundred (200) feet are vacant, said vacant lots shall be considered as having the average setback for the purpose of computing an average setback distance.



SECTION 3.11. Location of Accessory Buildings or Uses.

Accessory buildings may be erected in any required side or rear yards, provided that no separate accessory building shall be erected within ten (10) feet of any other building, or within three (3) feet from any lot lines. No accessory building shall be located on the side yard required on the street side of a corner lot.

SECTION 3.12. Lots with Multiple Frontage. * Reconsider since setback is high?

In the case of a corner lot having frontage on two (2) or more streets, all buildings shall be set back from each street a distance equal to the minimum for the front yard requirement for the district. If a building is constructed on a lot having frontage on two (2) roads but not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

SECTION 3.13. Uses Prohibited.

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

SECTION 3.14. Required Buffers.

In order to lessen the impact of incompatible land use, a visual buffer of six (6) feet or more in height shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential areas. When new business or industrial construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the business or industrial use. In addition, when new residential construction will abut an existing business or industrial use, the buffer strip and visual buffer shall be provided by the residential developer. This buffer strip shall be part of the lot(s) and shall be maintained by the lot owner(s) or the home owners' association, in the case of commonly-owned land. (See §6.05)

SECTION 3.15. No Structures in Public Right-of-Way.

No building, fence, or other structure, or part thereof, shall be erected or installed in any public road, street, lane, alley, or other public right-of-way.

SECTION 3.16. Substandard Lots of Record.

Any lot of record as of January 1, 1991, which has an area or width, or both, which is less than required by this chapter shall be subject to the following exceptions and modifications:

- A. Adjoining lots. Where two or more adjoining lots with continuous frontage area in one ownership at any time on or after January 1, 1991 and such lots individually are less than the
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minimum square footage or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located.

- B. Lot not meeting minimum lot size requirements. Except as set forth in the previous section, in any district in which single-family dwellings are permitted, any lot of record existing on January 1, 1991, which has an area or width which is less than required by these regulations may be used as a building site for a single-family dwelling in the residential district.
- C. Side vard requirements. Except as set forth in Section 3.16A, where a lot has a width less than that required in the district in which it is located, then the building inspector shall be authorized to reduce the side yard requirements for such lot; provided, that no side yard shall be less than six feet wide.

SECTION 3.17. Amortization of Separate Use Signs.

At the effective date of this ordinance, all separate use signs shall be prohibited in all districts. Nonconforming separate use signs shall be removed from their present locations with a period of sixty-six (66 months).

ARTICLE IV.
Interpretation and Definition of Terms

SECTION 4.01. Interpretation of Common Words and Terms.

Words used in the present tense include the future tense.

Words used in the singular number shall include the plural and words used in the plural shall include the singular.

The word "person" includes a firm, partnership, company, organization, trust, association, or corporation, as well as an individual.

The word "lot" includes the words "plot," "parcel," or "tract."

The word "building" includes the word "structure."

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The word "shall" is always mandatory.

The word "may" is permissive.

SECTION 4.02. Definition of Specific Terms and Words.

Accessory building or use. A subordinate building or use, the use of which is incidental to that of the principal building or use on the same lot.

Administrator. Zoning. The person, officer, or official and his authorized representative whom the Town has designated as its agent for the administration of these regulations. The administrator may provide for the enforcement of this ordinance by means of withholding zoning permits and occupancy permits, and by instituting injunctions, mandamus, or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property.

Apartment. See Dwelling, multifamily.

Attached. Connected or fastened together.



Buffer strip. A buffer strip shall consist of an approved wall, fence, or planted strip of such characteristics as will provide an obscuring screen. The purpose of the buffer strip is to screen light, noise, odor, and dust. The buffer shall be no less than six (6) feet in height, except when extending into a front yard in which case the buffer shall be a maximum of four (4) feet in height. If composed of planted material, the buffer strip shall be composed of evergreen trees, or a mixture of evergreen and deciduous trees, with tree trunks spaced not more than ten (10) feet apart plus at least one (1) row of dense shrubs with main trunks a maximum of five (5) feet apart.

Building. Any structure enclosed and isolated by exterior walls or column constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof."

Building, principal. A building in which is conducted the principal use of the lot on which it is located.

Building setback line. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

Certificate of occupancy. A statement signed by the zoning administrator or his assistant, stating that the building, structure, or use of land complies with the zoning ordinance of the Town of Grimesland, North Carolina, and with the standards of the Pitt County Health Department and the North Carolina Department of Human Resources.

Convenience store. A one-story retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies on a "few items at a time" basis. It is designed to attract and depends upon a large volume of stop-and-go traffic.

Dwelling unit. A building, or portion thereof, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, or other structure designed for transient residence.

Dwelling, single-family. A detached residential building, other than a mobile home or modular unit, designed for or occupied exclusively by one (1) family.

Dwelling, two-family. A detached residential building, other than a mobile home, designed for or occupied exclusively by one (1) family.

Dwelling, multifamily. A building, or portion thereof, used or designed as a residence for three (3) or more families living independently (with separate housekeeping and cooking facilities) of each other.

Family. Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in a dwelling unit as a single housekeeping entity.

Height, building. The vertical distance measured from the average grade to the highest point of a flat roof, to the deck line of a mansard roof, or the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Home occupation. Any profession or occupation for gain carried on by a member of a family or an individual residing on the premises, such use being incidental and subordinate to the residential use. The term "home occupation" shall not be deemed to include a tourist home.

Junkyard. The use of more than two hundred (200) square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals or other materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot, corner. A lot which occupied the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit. Setback requirements for street side yards or corner lots shall equal the front yard requirements for that district.

Lot depth. The mean horizontal distance between the front and rear lot lines.

Lot front footage. The lot which measured on the street right-of-way line.

Lot of record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Pitt County, or a lot described by metes and bounds, the description of which has been so recorded.

Lot width. The distance between side lot lines measured at the building setback line.

Mobile Home. A dwelling unit that:

- a. is not constructed in accordance with the standards set forth in the North Carolina State Building Code for site-built homes and
- b. is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site or its own chassis, and
- c. exceeds forty (40) feet in length and eight (8) feet in width.

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 mobile home has a length not exceeding four (4) times its width;
- b. The pitch of the mobile homes roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- c. ~~The exterior siding consists of wood, hardboard, aluminum or vinyl (that does not exceed the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.~~

- d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home;
- e. Stairs, porches, entrance platforms and other means of entrance and exit to the home shall be installed or constructed in accordance with the standard set by the North Carolina Department of Insurance; and
- f. The moving hitch, wheels and axles, and transporting lights have been removed.

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.

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

Mobile Home Park. Any tract of land upon which two or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such service on any site or tract of land designed for such occupancy.

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

Open space. All land area not covered by buildings, structures, parking area, or street pavement.

Parking space. A space of not less than two hundred (200) square feet suitable to accommodate one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Park. A public recreation area in public or private ownership that is operated for the convenience and recreation of the public, and containing such facilities as the owning public or private agency or party shall see fit.

Recreation facilities. This is a broad classification which includes, but is not limited to: parks, playgrounds, tot lots, and the wide range of required recreational equipment necessarily accompanying these recreation facilities.

Recreation, indoor. Includes a wide variety of recreational activities designed for housing in an enclosed building. Examples are: (1) bowling alleys, (2) movie houses, (3) museums, (4) pool halls, and (5) archery lanes.

Rooming house. A building, or part thereof, not a hotel or inn, in which five or more boarders are housed in sleeping rooms that available for hire as lodging with or without meals, where equipment for cooking or provisions for the same are included in a sleeping room, such room shall be deemed a dwelling unit.

Sign (advertising sign and structure). Any surface, fabric, or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view, or any structures designed to carry the above visual information.

Billboards. A sign which directs attention to and is located other than on the premises where a business, commodity, service, or entertainment is conducted, sold or offered.

Bulletin board. A sign on a premises used to announce meetings or programs to be held at a church, school, auditorium, library, museum, community recreation center, or similar noncommercial placed of public assembly.

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

Separate use sign. Any sign, including a standard poster panel, which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises on which said sign is located.

Directional sign. Signs other than business signs which contain only the name of a parking area or similar accessory sue to a business establishment to which direction is given.

Flush-mounted sign. A sign mounted flat against the surface of a building.

Free-standing sign. A sign which is supported by uprights or braces placed upon or in or supported by the ground, and is not attached to a building.

Home occupation sign. A sign used to identify the name of the individual, family, organization, or enterprise occupying the home and engaged in a home occupation or the profession of the occupant.

Projecting sign. A sign which is attached to a building by supports which extend at any angle from the building more than two (2) feet.

Street. A private access way or a dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

~~Structure. Anything constructed or erected the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground.~~

Tourist home. A building, or part thereof, occupied by the owner or operator, not a hotel or motel, in which sleeping rooms are available for hire as lodging and used by the traveling public on a short-term basis.

Yard, front. The space on the same lot with the principal building, between the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

Yard, rear. The space situated between the side lines of the building and the adjacent side lines of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, side. The space situated between the side lines of the building and the adjacent side lines of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE VI
General Provisions

SECTION 6.01. Water Supply and Sewage Disposal Requirements.

A. Approval.

Unless the lot is served by a public water and sewer system, each application for a zoning permit or a conditional use permit or a certificate of occupancy shall be accompanied with plans of the proposed methods of water supply and sewage disposal in a form acceptable to the appropriate authorizing agency. No excavation or construction for any building or use of land shall be commenced until subsequent approval is noted on the plan of proposed development and a zoning permit is issued.

B. Method to be Specified.

Any such application shall specify the method or methods to be used and shall describe any special conditions to be met. Such methods, and the approval required, including the following:

1. Connection to public sewerage or water systems operated by a municipality, sanitary district, or other governmental agency: connection approval by an authorized officer of such systems.
2. Connection to community sewerage or water systems operated by a responsible person, firm, or corporation other than a governmental agency: connection approval by an authorized officer of such system.
3. Installation of other than public or community sewerage systems: design approval by the Pitt County Health Department.

C. Systems Approval.

The sewerage and water systems to which connections are to be made shall be authorized as follows:

1. Water Supply
 - a. For individual supply, approval by the Pitt County Health Department.
 - b. For multiple dwelling units, approval by the N. C. Board of Health.
2. Sewage Collection and Treatment
 - a. For a septic tank, approval by the Pitt County Health Department.

- b. For a sewerage system serving facilities regulated by the State Board of Health, *i.e.*, institutions, restaurants, motels, etc., approval by the Pitt County Health Department.
- c. For a sewerage system serving all other uses, *i.e.*, industry, commerce, communities, etc., approval by the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management, Water Quality Section, when applicable.

SECTION 6.02. Signs.

It is the intent of this section to permit signs of a commercial nature in appropriate locations and to regulate the size and placement of signs intended to be seen from a public right-of-way in the interest of public safety and the general welfare. All signs within the jurisdictional area shall be covered by these regulations and shall be erected, constructed, and maintained in accordance with the provisions of this section.

A. General Provisions

1. No sign shall be erected or constructed so as to obstruct corner visibility or visibility at a driveway between a height of two and one-half (2-1/2) and ten (10) feet.
2. No sign or sign structure shall be located in a public right-of-way.
3. No sign or outdoor advertising structure shall be erected or maintained which is a copy or imitation of an official highway sign and carrying such words as "STOP," "GO," "DANGER," or "SLOW," etc.
4. No sign or advertising structure shall be permitted which 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.
5. No flashing or intermittent illumination shall be permitted on any sign or structure. Illumination devices such as, but not limited to, flood or spotlights shall be so placed and so shielded as to prevent the rays of illumination therefrom being cast upon neighboring buildings and/or vehicles approaching from either direction.
6. Wherever a sign becomes structurally unsafe or endangers the safety of a building or the public, the zoning administrator shall order that such a sign be made safe or removed. A period of ten (10) working days following receipt of said order by the person, firm, or corporation owning or using the sign shall be allowed for compliance.
7. Nonconforming signs, when removed for other than normal maintenance, may not be erected again nor may any such signs be replaced with another nonconforming sign.

8. Sign bases shall be at least ten (10) feet from any right-of-way line or property line and twenty (20) feet from a right-of-way intersection. No part of a free-standing sign shall extend beyond a line projected vertically from two (2) feet inside the right-of-way line and no portion of such sign shall be less than ten (10) feet above the finished grade of the pavement except as herein provided in the Business, Office and Institutional District. In no way shall a sign hinder or obstruct visibility on the right-of-way or at intersections.
9. Separate use signs shall not be allowed in any district.

B. Signs Not Requiring a Permit

The following type of signs may be allowed in any district without a permit:

1. Occupant and House Number - Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants, or other identification not having commercial connotations;
2. Directional and Information Signs - Erected and maintained by public agencies and governmental bodies;
3. Professional and Home Occupation Signs - One sign per lot not to exceed four (4) square feet, located at least ten (10) feet from the street line and side property lines. Where side yards are required, no such sign may be erected in such side yards. Only indirect lighting shall be allowed in a residential district.
4. Temporary Lease, Rent, or Sale Signs - One (1) sign per lot not to exceed three (3) square feet in area, pertaining only to lease, rental, or sale of the property on which displayed. No such sign shall be illuminated in a residential district. Such signs may be indirectly illuminated in nonresidential districts.
5. Bulletin Boards - Churches, schools, community centers, and similar public and institutional uses may erect one sign or bulletin board not to exceed twelve (12) square feet in area for the purpose of displaying the name of the institution and related information. Such signs shall be used as wall signs or shall be located a minimum of twelve (12) feet from the street line and side lot lines. Where side yards are required, no such sign shall be erected in such side yards. Such signs may be indirectly illuminated.
6. Construction Signs - During the construction, repair, or alteration of a structure, temporary signs which denote builder or other participants in the project, or which denote the name of the structure and its occupants-to-be may be placed within the required yard setbacks as ground, wall, or roof signs. The total area of such signs shall not exceed fifty (50) square feet.

7. Subdivision Signs - Subdivision signs advertising the sale of lots or buildings within new subdivisions on which they are located are permitted provided:
 - a. They are nonilluminated or indirectly illuminated;
 - b. They do not exceed twenty (20) square feet;
 - c. Not more than one such sign may be erected at each major entrance to the subdivision;
 - d. They meet all requirements applicable to principal structures with respect to yard setback, and height requirements; and
 - e. Display of such signs shall be limited to a period of two (2) years, unless the signs are permanent with advertising restricted to the name of the subdivision only, and are dedicated to and accepted by the county a municipal government, or a lawfully established homeowners' or community association responsible for the maintenance of commonly-owned properties of the development.

C. Principal Use Signs

1. Principal use signs should be indirectly illuminated. If direct illumination is used, it shall be shielded as to prevent illumination being cast on neighboring buildings and/or vehicles approaching from either direction.
2. If suspended from a canopy, the principal use sign must be at least eight (8) feet above the sidewalk level.
3. Principal use signs shall have a maximum surface area of one (1) square foot for each one (1) linear foot of street frontage, but in no case exceeding a total of two hundred (200) square feet in sign area per lot.
4. Free-standing signs shall be limited to two (2) per lot, neither of which shall be located in any side yard or within ten (10) feet of a side property line.
5. Free-standing signs shall not exceed thirty (30) feet in height not have a horizontal length of more than twenty (20) feet.

SECTION 6.03. Temporary Uses.

The Board of Adjustment may approve as conditional uses under the application provisions of Article VIII, the following temporary uses, notwithstanding other restrictions of this ordinance but including such additional conditions and safeguards as may be required by the Board as a provision of such approval.

1. Temporary real estate sales offices may be permitted in the Residential or Agricultural-Residential District for on-site sales of land or residences located only within the subdivisions within which such office is located. ~~Any such temporary use must be terminated no more than thirty (30) days from the date that the lots or residences within that subdivision are sold.~~

2. Temporary construction offices may be permitted in any district to provide on-site quarters for the management and security of construction projects. Any such temporary use must be terminated no more than thirty (30) days from the date that construction is completed.

SECTION 6.04. Parking Requirements.

A. Purpose.

In order to assure a proper and uniform development of public parking and loading areas in the Town of Falkland, and any extraterritorial jurisdiction hereafter fixed, to relieve traffic congestion in the streets, and to minimize any detrimental effects of off-street parking on adjacent properties, the procedures and standards set forth in this Section shall apply.

B. Definitions.

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

1. Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
2. Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).
3. Parking Space. A portion of the vehicle accommodation area set for the parking of one (1) vehicle.

C. Design Requirements.

1. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
2. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units.
3. Off-street parking shall be provided in all districts except the Central Business District. Each application for a Zoning Certificate shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress. Each automobile parking space shall not be less than 70 square feet exclusive

of access drives and maneuvering space. If the off-street parking space required by this ordinance cannot reasonably be provided on the lot on which the principal use is located, such space may be provided on any land within 400 feet of the principal building or use. The principal use shall be permitted to continue only as long as its parking requirements are met.

REQUIRED NUMBER OF PARKING SPACES

USE	REQUIRED SPACES
<u>RESIDENTIAL AND RELATED USES</u>	
Church or similar place of worship	1 space per 5 seats in the main congregation area.
Clubhouse or recreation buildings and the like, in conjunction with residential areas	1 space per 500 square feet of building area and swimming pool area when applicable.
Dwelling, single-family	2 spaces per unit.
Dwelling, two-family (duplex)	2 spaces per unit (4 total).
Dwelling, multi-family	1.5 spaces per one (1) bedroom unit; 2 spaces per two (2) bedroom unit.
Dwelling, mobile home	2 spaces per mobile home.
Home occupation	1 space in addition to the residential residential requirement, except for barber, beauty, and hair styling shops.
Room renting	1 space per person in addition to the residential requirement.

continued

REQUIRED NUMBER OF PARKING SPACES

USE	REQUIRED SPACES
<u>PUBLIC, SEMI-PUBLIC, AND RELATED USES</u>	
Fire and Rescue Stations	Adequate spaces to handle personal vehicles of members without blocking access to the bays.
Post Office	1 space per 400 square feet of gross floor area, plus 1 space per 2 employees, plus 1 space for each mail route vehicle.
Public and utility building	1 space per employee.
<u>COMMERCIAL AND OFFICE USES</u>	
Grocery and Convenience Store	1 space for each 200 square feet of non-storage floor area.
Auto repair	1 space per 2 employees, plus 3 storage spaces for each repair stall.
Automobile service station spaces. These spaces required are	5 spaces for each service or wash bay and 1 space per 2 employees, but no fewer than 10 exclusive of vehicle service or storage areas.
Barber or beauty shop	3 spaces per operator.
Commercial recreation-indoor, as arcades, pool halls, etc.	1 space per 200 feet of non-storage floor area.
Restaurant or establishment dispersing food, drink, and refreshments	1 space per 3 seats, plus 1 space per 2 employees.
Retail and commercial or personal services uses not otherwise listed	1 space per 200 square feet of non-storage floor area.

continued

4. The Zoning Administrator shall make a determination of the minimum required off-street parking spaces in the event of any use not specifically listed above. In reaching this determination, the Zoning Administrator shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other jurisdictions.

SECTION 6.05. Buffers.

A. Definitions.

Buffers are considered to be solid, decorative, visual obstructions used to shield objectionable uses or use accessories from public view.

Buffers shall consist of:

1. Fences or walls built with brick, block, wood, plastic or other such materials.
2. Fences or walls from vegetative matter such as plants, vines, trees, shrubbery, etc.
3. Berms (earthen barriers),
4. Any combination of the above.

B. Requirements.

1. Minimum height requirements for buffers shall be six (6) feet, except that on corner lots or near rights-of-way, nothing shall be placed, planted, or erected to exceed a height of two and one-half (2½) feet nor protrude lower than ten (10) feet, nor otherwise inhibit motor vehicle visibility in streets or at railroad crossings. (See §3.08 and 3.09)
2. Vegetative type fences should be a type which reaches the minimum height within two (2) years.
3. Fences and walls must create a solid visual barrier.

C. Uses To Be Buffered.

The following uses shall require buffers in all districts where they are legal:

1. Junk, salvage and auto repair yards as specified in section 8.04.
2. Development as specified in Section 3.14 of this Ordinance.

~~3. Other Conditional Uses as the Board of Adjustment deems appropriate.~~

ARTICLE VII.
Schedule of District Regulations

SECTION 7.01. Residential (R) District.

A. Intent.

The Residential District is established as a quiet, medium density district designed primarily for single-family and two-family dwellings. The purpose of this district is to discourage any use which because of its character, would interfere with the development of single-family residency in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

B. Permitted Uses.

1. Single-family dwellings.
2. Accessory buildings.

C. Conditional Uses Permitted.

1. Two-family dwellings.
2. ~~Modular-homes.~~ *Chlorine storage received into a home*
3. Mobile homes on individually owned lots.
4. Churches.
5. Public parks.
6. Home occupations.

D. Dimensional Requirements.

Refer to chart at end of this Article.

SECTION 7.02. Agricultural-Residential (A-R) District.

A. Intent.

The Agricultural-Residential District is established as a district to promote a compatible mixture of low-density residential and agricultural uses where urban development is expected to occur. The purpose of this district shall be to maintain lots of sufficient size to insure that residential development dependent upon septic tank systems for sewage disposal and individual wells for water will occur at sufficiently low density to insure a healthful environment. Because the Town wishes to guide rational development patterns which affect future growth, the A-R District will be split into three sub-districts. These sub-districts are described below.

SECTION 7.02.01 Restricted-Agricultural-Residential (R-A-R) DistrictA. Intent.

The Restricted-Agricultural-Residential District is established as a sub-district to promote the purposes enumerated above while maintaining the strictest control of land use within the corporate limits and in areas of the extraterritorial jurisdiction closest to the corporate limits. The R-A-R District shall encompass all former A-R zones within the corporate limits and extending roughly one-half mile into the extraterritorial jurisdiction.

B. Permitted Uses.

1. Agriculture, silviculture and horticulture.
2. Single-Family dwellings.
3. Mobile homes on individually owned lots.
4. Accessory buildings.
5. Recreational facilities.
6. Churches.

C. Conditional Uses.

1. Agricultural processing facilities and warehouses.
2. Cemeteries.
3. Retail establishments.
4. Home occupations.
5. Schools.
6. Hospitals and clinics.

D. Dimensional Requirements.

Refer to chart at end of this Article. All A-R sub-districts shall comply with the dimensional requirements of the overall A-R District.

SECTION 7.02.02 Limited-Agricultural-Residential (L-A-R) DistrictA. Intent.

The Limited-Agricultural-Residential District is established as a sub-district to promote the purposes enumerated above while maintaining a moderate level of control of land use in areas of the extraterritorial jurisdiction along the Tar River or associated with existing major transportation routes. The L-A-R District shall encompass all former A-R zones within the extraterritorial jurisdiction lying beyond the R-A-R District in the northern sector of the L-11 roughly arching north and east from Highway 222 west of town to Highway 43 east of town.

B. Permitted Uses.

1. Agriculture, silviculture and horticulture.
2. Single-Family dwellings.
3. Mobile homes on individually owned lots.
4. Accessory buildings.
5. Recreational facilities.
6. Churches.

C. Conditional Uses.

1. Agricultural processing facilities and warehouses.
2. Cemeteries.
3. Retail establishments.
4. Home occupations.
5. Schools.
6. Hospitals and clinics.
7. Multi-Family development
8. Two-Family dwellings
9. Mobile Home Parks

D. Dimensional Requirements.

Refer to chart at end of this Article. All A-R sub-districts shall comply with the dimensional requirements of the overall A-R District.

SECTION 7.02.03 General-Agricultural-Residential (G-A-R) District**A. Intent.**

The General-Agricultural-Residential District is established as a sub-district to promote the purposes enumerated above while maintaining the lowest reasonable level of control of land use in areas of the extraterritorial jurisdiction not currently experiencing growth and not expected to experience substantial growth in the near future. The G-A-R District shall encompass all former A-R zones within the extraterritorial jurisdiction lying beyond the R-A-R District in the southern sector of the ETJ roughly arching south and east from Highway 222 west of town to Highway 43 east of town.

B. Permitted Uses.

1. Agriculture, silviculture and horticulture.
2. Single-Family dwellings.
3. Mobile homes on individually owned lots.
4. Accessory buildings.
5. Recreational facilities.
6. Churches.
7. Multi-Family development
8. Two-Family dwellings
9. Mobile Home Parks within the requirements of Article IX

C. Conditional Uses.

1. Agricultural processing facilities and warehouses.
2. Cemeteries.
3. Retail establishments.
4. Home occupations.
5. Schools.
6. Hospitals and clinics.

D. Dimensional Requirements.

Refer to chart at end of this Article. All A-R sub-districts shall comply with the dimensional requirements of the overall A-R District.

SECTION 7.03. Business, Office and Institutional (B-O-I) District.A. Intent.

The Business, Office and Institutional District is established at business locations in order to permit the development of existing uses while maintaining a satisfactory relationship between the intensity of land uses and the capacity of streets and utilities.

B. Permitted Uses.

1. Business establishments such as bakeries, restaurants, gift shops and other similar retail establishments.
2. General offices rendering professional services such as legal, medical, dental, engineering, surveying, financial, accounting and other similar uses.

~~Institutional facilities such as public meeting rooms, bookstores, clinics, banks, schools, and other similar uses.~~

C. Conditional Uses.

1. Public utility facilities other than those owned and/or operated by a political subunit of the State of North Carolina or of the United States of America.
2. Livestock markets.
3. Shopping centers.
4. Home occupations.
5. Seafood and animal processing facilities.
6. Light manufacturing businesses.

D. Dimensional Requirements.

Refer to chart at end of this Article.

DIMENSIONAL REQUIREMENTS

District	Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Building Height
Residential	20,000	75'	75' 40' (striped road) 40' (intersecting street)	10'	25'	35'
Agriculture-Residential	40,000	125'	25' 30' (intersecting street) 40' (striped road)	10'	25'	35'
Business-Office-Substitutional	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

NOTE: Agricultural-Residential includes Restricted-Agricultural-Residential, Limited-Agricultural-Residential, and General-Agricultural-Residential Districts

ARTICLE VIII.
Conditional Uses

SECTION 8.01. General Restrictions.

Conditional uses add flexibility to the zoning ordinance by allowing uses which would otherwise be undesirable to be established in designated districts under special conditions imposed by the Board of Adjustment. Applications for conditional use permits shall be filed with the Zoning Administrator who shall immediately transmit the application to the Planning Board and the Board of Adjustment. After the Planning Board review and recommendations and after a public hearing by the Board of Adjustment, the Board of Adjustment may grant permission to establish conditional uses as permitted in the district regulations if it makes a written finding that:

1. The proposed use does not adversely affect the general plans for the physical development of the planning area as embodied in these regulations and in any plan or portion thereof adopted by the Planning Board.
2. The proposed use will not be contrary to the purposes stated in these regulations.
3. The proposed use will not affect adversely the health and safety of residents and workers in the zoned area.
4. The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
5. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
6. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such a facility, vehicular movement, noise or fume generation, or type of physical activity.
7. The standards set forth for each particular use for which a permit may be granted have been, or will be met.
8. The proposed use shall be subject to the minimum area, setback, and other locational requirements of the zoning district in which it will be located.

SECTION 8.02. Additional Requirements.

To encourage thorough disclosure and maximum opportunity for public input, the applicant must provide statements to all contiguous property owners and occupants advising them of the conditional use request and describing the nature of the proposed use, including any known hazards of exposure and listing any hazardous wastes. The Board of Adjustments hearing date, if known, should be included.

To protect the health, safety, and general welfare of residents and workers in zoned areas, the applicant must certify that the proposed conditional use will not unduly burden public services in the area nor expel into the air, water, or ground toxic or noxious substances beyond Environmental Protection Agency (EPA) and/or State of North Carolina, and/or Town of Falkland standards.

To protect the aesthetic values of residents and workers in zoned areas, activities inherently offensive with regard to visual enjoyment, noise, and odor shall be subject to buffer and distance requirements from other uses.

With regard to all conditional uses, no exceptions to dimensional requirements in a given zone shall be permitted.

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

SECTION 8.03. Failure to Comply with Conditions

Wherever the Board of Adjustment shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

SECTION 8.04. Requirements for Some Conditional Uses

Bulk Fuel Storage Areas - Above-ground fuel tanks used for commercial wholesale or retail purposes shall be enclosed with a fence at least six (6) feet in height.

Home Occupation - A home occupation as defined in this ordinance and permitted in the Residential district shall be governed by the following requirements:

- (a) only one person other than those residing in the home shall be engaged in the occupation;
- (b) the home shall continue to be used principally as a dwelling;
- (c) home occupations shall be permitted only in single family dwellings;
- (d) the occupation shall not be offensively visible from the street;
- (e) ~~the occupation shall not involve the retail sales of products, except that in the Agricultural Residential District, farm products raised and prepared on the premises may be sold.~~

- (f) home occupation signs shall meet the requirements of Section 6.02;
- (g) the occupation shall not constitute any undue disturbance in the neighborhood;
- (h) the dwelling shall provide one (1) parking space in addition to the residential requirement, except for barber, beauty, and hair styling shops, according to Article VI., section 4; and
- (i) home occupations shall consist of the services including, but not limited to:

1) accounting	11) music teacher
2) addressing	12) notary public
3) art teacher	13) photographer
4) attorney	14) real estate agent
5) baby sitting	15) secretarial
6) beauty shop	16) sewing
7) drafting	17) tax consultant
8) dressmaking	18) tutor
9) insurance agent	19) typing
10) manufacturer's representative	20) professional office

Junk and Salvage Yards and Auto Repair Facilities

- (a) The minimum front, side, and rear yards shall be fifty (50) feet.
- (b) The storage area shall be screened by a continuous visual buffer at least eight (8) feet in height.
- (c) Salvage auto parts shall not be allowed to collect water, which provide breeding ground for mosquitoes and other insects, or harbor breeding grounds for rats and other rodents.
- (d) State Highway Commission regulations shall apply along state-owned and maintained roads.

Light Manufacturing or industrial Uses - In the Business, Office and Institutional District and the Agricultural-Residential District, these uses are subject to the following conditions:

- (a) Noise, odor, smoke and vibration levels must be unobtrusive to permitted uses.
- (b) The use must be generally compatible with existing permitted uses. If the stated intent of the district is diminished, rezoning of the property should be pursued.

(c) Health and safety uses as determined by the local health department

- (d) Flow of traffic must not be unduly impeded.
- (e) Manufacturing activities must be conducted entirely inside the building.
- (f) Waste products or production by-products must be properly stored or removed from the area in a timely manner.

Multifamily Dwellings -

- (a) A site plan of the proposed project shall be submitted to the Falkland Planning Board for review. The Planning Board will have thirty (30) days within which to make a recommendation to the Board of Adjustment.
- (b) Accessory buildings, garbage and trash facilities, and recreation facilities may be located in the required rear yard, provided that such uses shall be at least ten (10) feet from the principal building and three (3) feet from any lot line
- (c) Garbage and trash facilities shall be subject to the approval of the Pitt County Health Department if not served by municipal garbage collection. If serviced by municipal garbage collection, the facilities shall be approved by the Town Council.
- (d) All parking shall be off-street.

Separate Use Signs - Separate Use signs will not be allowed in any districts.

Swimming Pools - Shall be protected by a five (5) foot fence and latching gates to keep children and animals from having unsupervised access.

ARTICLE IX.
Mobile Home Park Regulations

SECTION 9.01 General Requirements.

Mobile home parks may be established as a conditional use in certain districts as described in the District Use Regulations of this ordinance, subject to the requirements of that district and provided that:

1. Mobile home park identification signs shall be limited to one (1) sign per park entrance. No sign shall exceed thirty-six (36) square feet in area. Only indirect, non-flashing lighting shall be used for illumination.
2. Within a mobile home park only one mobile home may be used as an administrative office.
3. Convenience establishments of a commercial nature such as food stores, coin-operated laundries, and beauty parlors may be permitted in mobile home parks subject to the following restrictions:
 - a. Such establishments shall be subordinate to the residential use and character of the park;
 - b. Such establishments shall present no visible evidence of their commercial character outside the park;
 - c. Sewage disposal and water supply facilities are subject to Pitt County Health Department or appropriate state agency approval.
4. Convenient access to each mobile home space shall be provided by paved streets or drives with a minimum right-of-way of thirty (30) feet, of which twenty (20) feet shall be graded and drained for automobile circulation within the park. Maintenance of such streets shall be provided by the owner or operator of the park. Individual mobile home spaces shall not have access to public streets or highways except through an interior drive.
5. Two (2) automobile parking spaces, each at least ten (10) feet by twenty (20) feet in size, shall be provided adjacent to each mobile home park space; but such spaces shall not be located within any public right-of-way or within any street in the park.
6. All mobile homes shall be located on individual mobile home spaces. Each mobile home space shall contain at least five thousand (5,000) square feet of ground area. However, if individual sewage disposal systems (septic tanks) and wells are used, they will be subject to approval by the Pitt County Health Department. If subsoil conditions dictate, larger lots may be required by the Pitt County Health

Department.

7. Each mobile home shall be located at least fifteen (15) feet from any other mobile home, at least fifteen (15) feet from any building within the mobile home park, at least ten (10) feet from any property line, and at least fifteen (15) feet from the edge of the right-of-way of any street.
8. Each mobile home space shall be provided with and connected to a source of water and a system of sewage disposal approved by the Pitt County Health Department. All mobile home parks are encouraged to tap on to any public water supply and sewage disposal systems available.
9. All garbage and refuse in every mobile home park shall be stored in suitable water-tight and fly-tight receptacles. The method of garbage and refuse disposal shall be approved by the Pitt County Health Department, if not served by municipal garbage collection.
10. All streets in the mobile home park shall be adequately illuminated from sunset until sunrise. The minimum size street light shall be a 175 watt mercury vapor (approximately 7,000 lumen class) or its equivalent, spaced at intervals of not more than four hundred (400) feet.
11. The Pitt County Health Department and the Falkland Zoning Administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the duty of the owners or occupants of mobile home parks to give these agencies free access to such premises at reasonable times for the purpose of inspection and to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
12. All mobile homes locating in floodplain areas having special flood hazards, as delineated on the flood hazard boundary maps provided by the Federal Insurance Administration shall meet the requirements of the Federal Insurance Administration. Mobile homes not placed on permanent foundations must meet tie-down requirements as directed by Pitt County.
13. Mobile homes placed on permanent foundations must meet the specification of the State of North Carolina Regulations for Mobile Homes.

SECTION 9.02. Application Procedure.

1. Preliminary Plan - a preliminary plan drawn to scale of not less than 1" = 100' shall be submitted to the Falkland Planning Board for all new or expanded mobile home parks to determine if the proposal meets the requirements and intent of this ordinance. The preliminary plan should include, among other things:

- a. The name of the park, the names and addresses of the owner or owners,
~~and the designer or supervisor.~~

- b. ~~Date, scale, and approximate north arrow.~~

- c. Site plan showing streets, driveways, recreation areas (if any), parking spaces, service buildings, water courses, easements, mobile home spaces, and all structures to be located on the park site.
 - d. Vicinity map showing the location of the park and the surrounding land uses.
 - e. Names of the adjoining property owners.
 - f. The proposed utility system for water, sewer, surface water drainage, street lights, and electrical power.
2. After careful review and consideration of the preliminary plan, the Falkland Planning Board shall have forty-five (45) days within which to make its recommendations to the Board of Adjustment.
3. The Board of Adjustment, based on its own findings and on the recommendations of the Planning Board shall approve or disapprove the mobile home park plan.
 - a. If the plan is approved, the Zoning Administrator shall issue the owner or developer a conditional use permit. This permit is authority to construct the mobile home park.
 - b. If the park is disapproved, the conditions upon which it would be approved shall be stated. Once the conditions are agreed to by the owner or developer, the Zoning Administrator shall issue a conditional use permit, allowing the park to be constructed. All conditional use permits for mobile home parks shall expire within twenty-four (24) months from the date of issuance if construction has not been completed.
4. When the developer has completed the construction of the mobile home park, he shall apply to the Zoning Administrator for a certificate of occupancy. The Zoning Administrator shall make an on-site inspection of the park.
 - a. If the park conforms to the park plan approved by the Board of Adjustment and other agencies, the Zoning Administrator shall issue the developer a certificate of occupancy.
 - b. If the park does not conform with the approved plan, the Zoning Administrator shall refuse to issue a certificate of occupancy and state in writing the reason for refusal until it comes into conformity.
5. The certificate of occupancy issued to the developer shall constitute authority to lease or rent spaces in the mobile home park. No spaces within the mobile home park shall be leased or rented before a certificate of occupancy is obtained.

ARTICLE X.
Administration and Enforcement

SECTION 10.01. Zoning Administrator.

The Zoning Administrator, appointed by the Town Council, shall administer and enforce the provisions of this ordinance. If the Zoning Administrator finds that any of the provisions of this ordinance are being violated, he shall notify the person or persons responsible for such violation, indicating in writing the nature of the violation, and ordering the action necessary to correct it. He shall also take any other action authorized by this ordinance to ensure compliance with, or to prevent violation of, its provisions.

SECTION 10.02. Zoning Permit Required.

No land shall be used or occupied and no structures shall be erected, moved, extended, or enlarged nor shall any excavation or filling of any lot for the construction of any building be initiated until the Zoning Administrator has issued a zoning permit which will certify that such proposed work is in conformity with the provisions of this ordinance.

SECTION 10.03. Certificate of Occupancy Required.

No land or building shall be used or occupied until a certificate of occupancy has been issued by the Zoning Administrator, stating that the building or proposed use complies with the provisions of this ordinance. A certificate of occupancy, either for the whole or a part of a building, shall be applied for before such structure is occupied, and shall be issued within ten (10) days after the erection or alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance. No previously unoccupied structure shall be occupied until the certificate of occupancy is issued.

SECTION 10.04. Application for a Zoning Permit and Certificate of Occupancy.

An application for a zoning permit and a certificate of occupancy shall be filed with the Zoning Administrator on a form provided by him and shall include two (2) sets of plans showing the dimensions and shape of the parcel to be built on; the sizes, intended uses and location of existing buildings and those proposed; and shall include such other information as may be necessary to determine conformance with this ordinance.

SECTION 10.05. Records and Invalidation.

A record of all zoning permits shall be kept on file in the Town Office.

~~Any zoning permit issued shall become invalid if the work authorized by it has not been commenced within six (6) months of the date of issuance or if the work authorized by it is suspended or abandoned for a period of one (1) year.~~

SECTION 10.06. Penalties for Violations.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not to exceed fifty (50) dollars or imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed a separate offense.

SECTION 10.07. Right of Appeal.

If the zoning permit or occupancy certificate is denied, the applicant may appeal the action of the Zoning Administrator to the Falkland Board of Adjustment.

ARTICLE XI.
Board of Adjustment

SECTION 11.01. Creation and Membership.

The Falkland Town Council may create a Board of Adjustment consisting of five (5) members. Three (3) members shall reside within the Town of Falkland and two (2) members, who reside within one mile of the Town. The Falkland Town Council shall make the appointments.

The initial appointment to the Board of Adjustment shall be as follows:

- a. One (1) resident of Falkland and one (1) non-resident shall be appointed for three (3) year terms.
- b. Two (2) residents of Falkland and one (1) non-resident shall be appointed for two (2) year terms. Thereafter, all new terms shall be for three (3) years, and members may serve two (2) consecutive terms; after which they must be inactive for at least one (1) year.

The Town Council shall also appoint two (2) alternate members to serve in the absence of regular members. One (1) alternate member shall reside in Falkland, and one (1) shall reside within one mile of the Town. Both the initial appointment and the new terms shall be for three years, and alternate members may serve two (2) consecutive terms; after which they must be inactive for at least one (1) year.

Each alternate member, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member shall have and may exercise all the powers and duties of a regular member.

SECTION 11.02. Proceedings of the Board of Adjustment.

Within thirty (30) days after the Board of Adjustment is appointed, it shall meet and elect a chairman and vice-chairman.

The chairman shall appoint a secretary. The Board shall then draw up and adopt rules of procedure under which it will operate. All meetings of the Board shall be public; and accurate minutes of each meeting shall be maintained, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and it shall keep records of its examinations and official actions, all of which shall be filed in the Town Office for the public record.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under the provisions of this ordinance. Every decision of the Board of Adjustment shall be subject to review by the appropriate court of record.

The chairman of the Board of Adjustment is authorized in his official capacity to ~~administer oaths of witnesses in any matter coming before the Board. Any members of the Board temporarily acting as chairman shall have and exercise like authority.~~

SECTION 11.03. Powers and Duties.

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

Administrative Review - To hear and decide any appeal from and review of any order, requirement, decision, or determination made by the Zoning Administrator.

Variances - 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 would result in unnecessary hardship. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until it shall make a finding:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in this same district.

Conditional Uses - To hear and decide requests for conditional uses as prescribed by Article VIII of this ordinance.

SECTION 11.04. Appeals.

Appeals from the enforcement and interpretation of this ordinance and requests for conditional uses or variances shall be filed with the Zoning Administrator, who shall transmit all such records to the Board of Adjustment.

The Board of Adjustment shall fix a reasonable time, not to exceed sixty (60) days, for a public hearing on appeals of the decision of the Zoning Administrator and on requests for variances and conditional use permits. A notice of each public hearing shall be published in a newspaper of general circulation in the Town of Falkland at least once a week for two (2) consecutive weeks prior to the public hearing.



An appeal stays all proceedings in furtherance of the action appealed from, unless (1) the Zoning Administrator certifies to the Board of Adjustment that because the violation charged is transitory in nature, a stay would seriously interfere with the enforcement of this ordinance, or (2) the Zoning Administrator certified to the Board of Adjustment that, based on the records of the case, a stay would cause damage to life or property. In each case, proceedings shall not be stayed otherwise than by an order from the Superior Court.

It is the intention of this ordinance that all questions arising in connections with the enforcement of this ordinance shall be presented first to the Zoning Administrator. All appeals from his decisions shall be presented to the Board of Adjustment. The Pitt County Superior Court provides the next recourse from the Board of Adjustment decisions. Any appeal to the Pitt County Superior Court shall be taken within thirty (30) days after the decision of the Board of Adjustment is filed in the office of the Town Clerk or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

ARTICLE XII.
Amendments

This ordinance, including the zoning map, may be amended, supplemented, or changed from time to time according to the following procedure:

SECTION 12.01. Amendment on Motion of Town Board.

The Falkland Town Council may, from time to time, amend, supplement, change, modify, or repeal the boundaries or regulations herein, or as subsequently amended. Proposed changes or amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, or by one or more owners, options, or leases of property within the area proposed to be changed or affected.

SECTION 12.02. Petition for Amendment.

Petitions from the public ~~at large~~ to amend this ordinance shall be directed to the Falkland Planning Board for review and recommendation ~~at least twenty (20) days prior to the next regularly scheduled meeting of the Planning Board.~~ The petition shall state the nature of the proposed amendment and, if applicable, a description of the property involved; names and addresses of the owner(s) of the property; and a statement why the proposed amendment is necessary to promote the public health, safety, and general welfare. *Within 38 days, the Planning Board will meet and forward its recommendation to the Town Council.*
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SECTION 12.03. Planning Board Review and Recommendation.

The Planning Board shall have forty-five (45) days within which to submit its recommendations on petitions for amendment. Failure of the Planning Board to submit its recommendations to the Town Board within this time period shall constitute a favorable recommendation. The Planning Board's report shall be submitted in writing to the Clerk of the Town Board and to the petitioner(s).

SECTION 12.04. Public Hearing by Town Council.

A public hearing shall be held by the Falkland Town Council before the adoption of any proposed amendment to this ordinance.

A notice of such public hearing shall be given one a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Falkland. Said notice shall be published the first time not less than ~~fifteen (15) ten (10) nor more than 25 days~~ prior to the date established for such public hearing. Written notice shall also be given to the owners of each parcel of property which abuts the property involved in the rezoning hearing.

SECTION 12.05. Vote of the Town Council.

A simple majority of the Town Council shall be required to amend this ordinance.

SECTION 12.06. Denial of Petition.

When a petition for amendment is denied by the Town Council, a period of twelve (12) months must elapse before another petition for the same change previously involved may be submitted.

ARTICLE XIII.
Fees

SECTION 13.01. Fee Schedule.

A fee set according to a regularly adopted fee schedule shall be paid to the Town of Falkland to defray the cost of advertising and other administrative costs for:

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| 1. | A zoning permit. | \$25 |
| 2. | A certificate of occupancy. | \$25 |
| 3. | A petition for a variance. | \$50 |
| 4. | A petition for a conditional use. | \$50 |
| 5. | A petition for an amendment. | \$50 |
| 6. | An appeal from the decision of the Zoning Administrator. | \$50 |

Addendum: Fee Schedule adopted by the Town Board as of September 3, 1991.