GROWTH MANAGEMENT ORDINANCE OF THE TOWN OF ORIENTAL

Table of Contents (March 2016)

Article I. GENERAL PROVISIONS 1
- Section 1. Title: Town Of Oriental Growth Management Ordinance 1
- Section 2. Authority 1
- Section 3. Jurisdiction 1
- Section 4. Effective Date 1
- Section 5. Relationship To Land Use And Comprehensive Plan 1
- Section 6. No Use Of Land Or Buildings Except In Conformity With Chapter Provisions 2
- Section 7. Fees 2
- Section 8. Severability 2
- Section 9. Non-Abrogation Of Existing Private Agreements 2
- Section 10. Computation Of Time 3
- Section 11. Miscellaneous 3

Article II. ADMINISTRATION 3
- Section 20. Planning Board 3
- Section 21. Advisory Committees 6
- Section 22. Board of Adjustment 7
- Section 40. Land Use Administrator 10
- Section 46. Board of Commissioners. 10

Article III. DEVELOPMENT DISTRICTS AND THE GROWTH MANAGEMENT MAP 10
- Section 50. Residential Districts Established 10
- Section 51. Mixed Use Districts Established 11
- Section 52. Official Growth Management Map 11

Article IV. PERMISSIBLE USES BY DISTRICT 12
- Section 60. Permissible Uses and Specific Exclusions 12
- Section 61. Change in Use 13
- Section 62. Combination Uses 14
- Section 63. More Specific Use Controls 14
- Section 64. Accessory Uses 15
- Section 66. Table Of Permissible Uses 15

Article V. PERMITS 21
- Section 70. Permits Required 21
- Section 71. No Occupancy or Use of Lots Until Requirements Fulfilled 22
- Section 72. Who May Submit Permit Applications/Submission Requirements 22
- Section 73. Applications To Be Complete 23
- Section 74. Staff Consultation With Applicants 23
- Section 75. Special Use Permit Submissions to Planning Board 23
- Section 76. Public Amenity Proffers 23
- Section 77. Vesting Procedures 24
- Section 80. Land Use Permits 25
- Section 81. Authorizing Use or Occupancy Before Completion of Development Under Land Use Permits 26
- Section 86. Special use permits 27
- Section 87. Burden of Presenting Evidence; Burden of Persuasion 28
- Section 88. Authorizing Use or Occupancy Before Completion of Development Under Special Use Permits 28

Section 96. Other permit provisions 29
Section 97. Expiration of Permits 30
Section 98. Effect of Permit on Successors and Assigns 31
Section 99. Amendments to and Modifications of Permits 32
Section 100. Applications to be Processed Expeditiously 32
Section 101. Maintenance of Common Areas, Improvements, and Facilities 32

Article VI. GENERAL DEVELOPMENT STANDARDS 33
Section 111. Developer to Solicit Neighborhood Review 33
Section 112. Lot Size 33
Section 113. Building Setback Requirements 34
Section 114. Building Height Limitations 36
Section 115. Roof Pitch 37
Section 116. Residential Density 37
Section 117. Non-residential and Mixed Use Density 38
Section 118. Lot Coverage 38
Section 119. Building Footprint Limitations 39
Section 120. Drainage Requirements 39
Section 121. Terraforming of Lots 40

Article VII. SPECIFIC DEVELOPMENT STANDARDS 41
Section 126. Multi-Unit Development 41
Section 127. Planned Unit Developments 42
Section 128. Towers Over 75 Feet Tall 42
Section 129. Family Care Homes 43
Section 130. Golf Courses 43
Section 131. Automobile Service Stations/Gas Sales Operations 43
Section 132. Car Wash 43
Section 133. Temporary Emergency, Construction, or Repair Residences 44
Section 134. Internet Sweepstakes/Electronic Gaming/Tattoo Parlors/ Adult Bookstores/Adult Entertainment as permitted under State Law 44
Section 135. Recreational Vehicle Parks 44
Section 136. Broad Street Corridor Overlay District 57

Article VIII. SUBDIVISIONS 59
Section 140. Purpose of Article VIII 59
Section 141. Subdivision Definitions 59
Section 142. No Subdivision Without Approval 60
Section 143. Exception for Group Development. 61
Section 144. Plat Preparation and Approval Procedure 61
Section 145. Sketch Design Plan 62
Section 146. Preliminary Plat 62
Section 147. Planning Board Approval 64
Section 148. Disapproval 65
Section 149. Final Plat 65
Section 150. Resubdivision Procedures 68
Section 151. Final Plat Approval Required 68
Section 152. Acceptance of Dedication 68
Section 153. Vacation of Plat 68
Section 154. Improvements Required 69
Section 155. Suitability of Land 69
Section 156. Name Duplication 69

Section 157. Subdivision Design 69
Section 158. Streets 71
Section 159. Utilities 73
Section 160. Other Requirements 74

Article IX. PARKING 75
Section 161. Number of Parking Spaces Required 75
Section 162. Parking Space Dimensions 76
Section 163. General Design Requirements 76
Section 164. Landscaping of Parking Lots 77
Section 165. Parking Area Surfaces 77
Section 166. Satellite Parking 78
Section 167. Special Provisions For Lots With Existing Buildings 78
Section 168. Driveways 78

Article X. SIGNS 80
Section 170. Purpose of Article X 80
Section 171. General 80
Section 172. Sign Definitions 81
Section 173. Prohibited signs 81
Section 174. Signs Excluded From Regulations 82
Section 175. Signs Which Do Not Require A Sign Permit 82
Section 176. Sign Permits 84
Section 177. Time Limits 85
Section 178. Construction 85
Section 179. Maintenance 85
Section 180. Non-Conforming Signs 86
Section 181. Removal 86
Section 182. Appeals and Variances 86
Section 183. Exempt Signs, Prohibited Signs, and Signs Requiring a Permit 87

Article XI. NONCONFORMING SITUATIONS AND DEFINITIONS 94
Section 190. Definitions 94
Section 191. Continuation of Nonconforming Situations and Completion of Nonconforming Projects 95
Section 192. Nonconforming Lots 95
Section 193. Extension or Enlargement of Nonconforming Situations 96
Section 194. Repair, Maintenance and Reconstruction 98
Section 195. Change In Use of a Nonconforming Situation 99
Section 196. Abandonment and Discontinuance of Nonconforming Situations 100
Section 197. Completion of Nonconforming Projects 100

Article XII. APPEALS, VARIANCES, INTERPRETATIONS 101
Section 200. Appeals 101
Section 201. Variances 101
Section 202. Interpretations 102
Section 203. Requests to be Heard Expeditiously 103
Section 204. Burden of Proof in Appeals and Variances 103
Section 205. Board Action on Appeals and Variances 104

Article XIII. HEARING PROCEDURES FOR APPEALS AND APPLICATIONS 104
Section 211. Hearing Required on Appeals and Applications 104
Section 212. Notice of Hearing 105

Section 213. Evidence **105**
Section 214. Recommendations on Special Use Permit Applications **106**
Section 215. Town Commissioners' Action on Special Use Permits **106**
Section 216. Additional Requirements on Special Use Permits **106**
Section 217. Modification of Application at Hearing **107**
Section 218. Record **107**
Section 219. Written Decision **108**
Section 220. Reconsideration of Board Action **108**

Article XIV. ENFORCEMENT AND REVIEW **109**
Section 226. Complaints Regarding Violations **109**
Section 227. Persons Liable **109**
Section 228. Procedures Upon Discovery of Violations **109**
Section 229. Penalties and Remedies for Violations **109**
Section 230. Permit Revocation **110**
Section 231. Judicial Review **111**

Article XV. AMENDMENTS **111**
Section 235. Amendments in General **111**
Section 236. Initiation of Amendments **112**
Section 237. Planning Board Consideration of Proposed Amendments **113**
Section 238. Hearing Required – Notice **114**
Section 239. Town Commissioners' Action on Amendments **115**
Section 240. Ultimate Issue Before Town Commissioners on Amendments **116**
Section 241. Protests to Development District Changes **117**
Section 242. Vested Right **118**

Article XVI. WORD INTERPRETATIONS AND BASIC DEFINITIONS **119**
Section 250. Word Interpretation **119**
Section 251. Definitions of Basic Terms **119**

GROWTH MANAGEMENT ORDINANCE OF THE TOWN OF ORIENTAL

ARTICLE I. GENERAL PROVISIONS

Section 1. Title: Town Of Oriental Growth Management Ordinance

1.1 This Ordinance shall be known and may be cited as the Town of Oriental Growth Management Ordinance, (abbreviated "GMO").

Section 2. Authority

2.1 This chapter is adopted pursuant to the authority contained in Article 19, Chapter 160A; Article 4, Chapter 113A; and Article 21, Chapter 143 of the North Carolina General Statutes (Hereinafter "NCGS").

2.2 Whenever any provision of this chapter refers to or cites a section of the NCGS, Court Ruling, State or Federal Departmental Rule or Regulation and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 3. Jurisdiction

3.1 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. Such planning jurisdiction may be modified from time to time in accordance with Section 160A-360 of the NCGS.

3.2 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 Town Hall. The map may be viewed online at: http://www.townoforiental.com/index.asp?SEC=C3E44526-8174-4607-C67-51265001D10E&Type=B_BASIC

3.3 "Town Commissioners" shall refer to the Oriental Mayor and Board of Commissioners. See, Section 46.1.

Section 4. Effective Date

4.1 The provisions in this chapter were originally adopted and became effective on February 1, 1999. Subsequent amendments are dated as indicated throughout the GMO (Dec 2015).

Section 5. Relationship To Land Use And Comprehensive Plan

5.1 It is the intention of the Town Commissioners that this chapter implement the planning policies adopted by the Town Commissioners as reflected in the

TOWN OF ORIENTAL CAMA LAND USE PLAN (updated 2007) and the Town's Comprehensive Plan (adopted June 5, 2012). These documents may be viewed at Town Hall or found on the Town's website: http://www.townoforiental.com. (Dec 2015)

Section 6. No Use Of Land Or Buildings Except In Conformity With Chapter Provisions

6.1 Subject to Article XI of this chapter (Nonconforming Situations), no person may use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under their control except in accordance with all of the applicable provisions of this chapter.

6.2 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.

Section 7. Fees

7.1 Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for land use permits, special use permits, growth management ordinance amendments, variances, appeals, other administrative relief, and site plan review. The amount of the fees charged shall be as set forth in the Town's budget or as established by resolution of the Town Commissioners filed in the office of Town Hall.

7.2 Fees established in accordance with subsection 7.1 above shall be paid upon submission of a signed application or notice of appeal.

Section 8. Severability

8.1 It is hereby declared to be the intention of the Town Commissioners 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 phrases of this 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.

Section 9. Non-Abrogation Of Existing Private Agreements

9.1 It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law except as set forth in Section 218 (Record). Should the requirements of these regulations conflict with those of the Growth Management Ordinance or other ordinance, the more stringent requirements shall prevail.

Section 10. Computation Of Time

10.1 The time within which an act is to be done which is stated in terms of days shall be computed by excluding the first day and by 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 legal holidays shall be excluded.

10.2 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.

Section 11. Miscellaneous

11.1 As used in this ordinance, gender words are interchangeable between the masculine, the feminine, and neuter.

11.2 As used in this ordinance, words of the singular include the plural and words of the plural include the singular.

Sections 12 Through 19 Reserved

ARTICLE II. ADMINISTRATION

Section 20. Planning Board

20.1 There shall be a Planning Board appointed by the Town Commissioners.

20.1.1 Appointment and terms of Planning Board Members.

20.1.1.1 Planning Board members shall be appointed for three-year, staggered terms, but members may continue to serve until their successors have been appointed. Initially, two (2) members shall be appointed for three-year terms, two (2) members shall be appointed for two-year terms and one (1) member shall be appointed for a term of one (1) year. Vacancies may be filled for the unexpired terms only.

20.1.1.2 Members may be appointed to not more than two complete, 3-year successive terms. After expiration of two complete successive terms, members may continue to serve until a replacement is appointed.

20.1.1.3 Planning Board members may be removed by the Town Commissioners at any time for failure to attend three consecutive meetings or for failure to attend fifty percent or more of

the meetings within any twelve months period or for any other good cause related to performance of duties.

20.1.1.4 If a member moves outside the Town, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Town Commissioners.

20.1.2 Meetings of the Planning Board

20.1.2.1 The Planning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 144 (Applications to be Processed Expeditiously).

20.1.2.2 Since the board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles I (Administration), V (Permits), XII (Appeals, Variances, and Interpretations), and XIII (Hearing Procedures for Appeals and Applications). However, it shall conduct its meetings to obtain necessary information and to promote the full and free exchange of ideas.

20.1.2.3 Minutes shall be kept of all board proceedings.

20.1.2.4 All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

20.1.3 All proposed amendments to the growth management ordinance or growth management map shall be submitted to the Planning Board for review and comment.

20.1.4 In addition all meetings of the Planning Board shall be open to the public and a single notice of the meeting shall be published in accordance with NCGS. (Dec 2015)

20.1.5 Quorum And Voting (Planning Board)

20.1.5.1 A quorum for the Planning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the board to take official action.

20.1.5.2 All actions of the Planning Board shall be taken by majority vote, a quorum being present.

20.1.5.3 A roll call vote shall be taken upon the request of any member.

20.1.5.4 Members of the Planning Board shall not vote on recommendations regarding any growth management map or text amendment where the outcome of the matter under consideration is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

20.1.5.5 A member who has withdrawn from the meeting without being excused as provided in Section 20.1.5.4 (Voting) shall be counted as present for purposes of determining whether a quorum is present.

20.1.6 Planning Board Officers

20.1.6.1 At its first meeting in June each year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairperson and preside over the board's meetings, one member to serve as vice-chairperson, and one member to serve as secretary. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

20.1.6.1.1 The chairperson shall

20.1.6.1.1.1 decide all points of order and procedures, subject to the board's by-laws and rules of procedure,

20.1.6.1.1.2 shall vote on all matters decided by the Board,

20.1.6.1.1.3 shall appoint any committees found necessary to investigate any matters before the board.

20.1.6.1.2 The vice-chairperson shall serve as acting chairperson in the absence of the chairperson, and at such times, shall have the same duties and powers as the chairperson.

20.1.6.1.3 A secretary appointed at each meeting or Town staff shall keep minutes of all the Planning Board meetings.

20.1.7 Powers and Duties of Planning Board

20.1.7.1 The Planning Board may:

20.1.7.1.1 Acquire and maintain, in current form, basic information and material as necessary regarding past trends, present conditions, and forces at work which may cause change in these conditions;

20.1.7.1.2 Identify needs and problems growing out of those needs;

20.1.7.1.3 Determine objectives to be sought in development of the area;

20.1.7.1.4 Establish principles and policies for guiding action in development of the area;

20.1.7.1.5 Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical, social, and economic development of the area;

20.1.7.1.6 Prepare and recommend to the Town Commissioners ordinances promoting orderly development along lines indicated in the comprehensive plan and advise the Town Commissioners concerning proposed amendments of such ordinances;

20.1.7.1.7 Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area and ordinances adopted in furtherance of such plan;

20.1.7.1.8 Keep the Town Commissioners and the general public informed and advised as to those matters;

20.1.7.1.9 Perform any other duties that may lawfully be assigned to it, and

20.1.7.1.10 Adopt rules and regulations governing its procedures and operations consistent with the provisions of this chapter.

Section 21. Advisory Committees

21.1 From time to time, the Town Commissioners may appoint one or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, the Town

Commissioners may appoint advisory committees to consider the thoroughfare plan, bikeway/greenway plans, economic development plans, etc.

21.1.1 Members of such advisory committees shall sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the Town Commissioners shall be made by the Planning Board.

21.2 Nothing in this section shall prevent the Town Commissioners from establishing independent advisory groups, committees, or boards to make recommendations on any issue directly to the Town Commissioners.

Section 22. Board of Adjustment

22.1 Appointment and Terms of Board of Adjustment.

22.1.1 There shall be a Board of Adjustment consisting of five (5) members and two (2) alternates.

22.1.2 Board of Adjustment regular members and alternates shall be appointed by the Oriental Town Commissioners for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Initially, two (2) members shall be appointed for three-year terms, two (2) members shall be appointed for two-year terms, and one (1) shall be appointed for a one-year term. Vacancies may be filled for the unexpired terms only.

22.1.3 Regular Board of Adjustment members may be removed by the Town Commissioners at any time for failure to attend three consecutive meetings or for failure to attend fifty percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Town Commissioners shall hold a hearing on the removal before it becomes effective.

22.1.4 If a regular or alternate member moves outside the Town, that shall constitute a resignation from the board, effective upon the date a replacement is appointed.

22.2 Meetings of the Board of Adjustment.

22.2.1 The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 100 (Applications to be Processed Expeditiously).

22.2.2 The board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles I (Administration), V (Permits), XII (Appeals, Variances, and Interpretations), and XIII (Hearing Procedures for Appeals and Applications).

22.2.3 All meetings of the board shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

22.3 Quorum And Voting (Board Of Adjustment)

22.3.1 A quorum is necessary for the board to take official action.

22.3.2 A member who has withdrawn from the meeting without being excused as provided in Section 22.3.7 shall be counted as present for purposes of determining whether a quorum is present.

22.3.3 The concurring vote of four-fifths of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance. For the purpose of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered “members of the board” for calculation of the requisite supermajority. All other actions of the Board of Adjustment shall be taken by a majority vote.

22.3.4 0nce a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (3) or has been allowed to withdraw from the meeting in accordance with subsection (5).

22.3.5 A member of the board or any other body exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, the following:

22.3.5.1 a member having a fixed opinion prior to hearing the matter that is not susceptible to change;

22.3.5.2 a member having undisclosed *ex parte* communications;

22.3.5.3 a member having a close familial, business, or other associational relationship with an affected person; or

22.3.5.4 If a member has a financial interest in the outcome of the matter.

22.3.6 If an objection is raised to a member's participation and that member does not recuse him/herself, the remaining members shall, by majority vote, rule on the objections.

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

22.3.8 A roll call vote shall be taken upon the request of any member.

22.4 Board of Adjustment Officers.

22.4.1 At its first regular meeting in June, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as chairperson and preside over the board's meetings and one member to serve as vice-chairperson. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

22.4.2 The chairperson, or any member temporarily acting as chairperson, may administer oaths to witnesses coming before the board.

22.5 Powers and Duties of Board of Adjustment.

22.5.1 The Board of Adjustment shall hear and decide:

22.5.1.1 Appeals from any order, decision, requirement, or interpretation made by the Land Use Administrator, as provided in Section 200 (Appeals).

22.5.1.2 Applications for variances, as provided in Section 201 (Variances).

22.5.1.3 Questions involving interpretations of the growth management map, including disputed district boundary lines and lot lines, as provided in Section 192 (Interpretations).

22.5.1.4 Any other matter the board is required to act upon by any other town or county ordinance.

22.5.1.5 The board may adopt rules and regulations governing its procedures and operation not inconsistent with the provisions of this ordinance.

Sections 23 through 39 Reserved

Section 40. Land Use Administrator

40.1 The 'Land Use Administrator', also known as the 'Town Manager', has primary responsibility for administering and enforcing Town Ordinances. The person or persons to whom these functions are assigned shall be referred to in this chapter as the 'Land Use Administrator'. The enforcement authority of the Land Use Administrator may be delegated by the Land Use Administrator by direction to his or her staff.

Sections 41 through 45 Reserved

Section 46. Board of Commissioners.

46.1 The Oriental Mayor and Board of Commissioners shall be referred to as the "Town Commissioners."

46.2 In considering proposed changes in the text of this chapter or in the growth management map, the Town Commissioners shall act in their legislative capacity and must proceed in accordance with the requirements of Article XV (Amendments).

46.3 The Town Commissioners, in considering special use permit applications, act in a quasi-judicial capacity and are required to observe the procedural requirements detailed in Article V (Permits) and Article XIII (Hearing Procedures for Appeals and Applications).

Sections 47 thru 49 Reserved

ARTICLE III. DEVELOPMENT DISTRICTS AND THE GROWTH MANAGEMENT MAP

Section 50. Residential Districts Established

50.1 The following residential districts are hereby established: R-1, R-2 and R-3. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of these districts are explained in the remainder of this section.

50.1.1 The R-1- Residential District is established for low-density residential uses. Lots within this district will generally have access to public water and, to a lesser extent, public sewer systems.

50.1.2 The R-2 - Residential District is established to allow low to medium density residential land use in areas which will normally be served by both public water and sewer systems. Residences shall be limited to two units per lot.

50.1.3 The R-3 - Residential District is established to allow medium density residential land use in areas, which will normally be served, by both public water and sewer systems.

Section 51. Mixed Use Districts Established

51.1 The MU and the MU-1 Districts (Mixed Use) are established to allow a broad range of uses, such as residences, services, offices, and the accommodation of small retail stores which provide goods and services primarily to surrounding residential neighborhoods.

Section 52. Official Growth Management Map

52.1 There shall be a map, known and designated as the Official Growth Management Map, which shall show the boundaries of all development districts within the Town's planning jurisdiction. This map shall be kept in the office of the Land Use Administrator.

52.2 The Official Growth Management Map, dated February 3, 2009, is adopted and incorporated by reference. Amendments to this map shall be made and posted in accordance with the subsections below.

52.3 Amendments to the Official Growth Management Map are accomplished using the same procedures that apply to other amendments to this ordinance, as set forth in Article XV (Amendments).

52.4 The Land Use Administrator shall update the Official Growth Management Map as soon as possible after amendments to it are adopted by the Town Commissioners. Upon entering any such amendment on the map, the administrator shall change the date of the map to indicate its latest revision.

52.5 Should the Official Growth Management Map be lost, destroyed, or damaged, the Land Use Administrator may have a new map drawn. No further authorization or action is required by the Town Commissioners to do so, so long as no district boundaries are changed in this process.

52.6 No unauthorized person may alter or modify the Official Growth Management Map.

52.7 The Land Use Administrator shall keep copies of superseded prints of the Growth Management Map for historical reference.

Sections 53 through 59 Reserved

ARTICLE IV. PERMISSIBLE USES BY DISTRICT

Section 60. Permissible Uses and Specific Exclusions

60.1 All legitimate uses of land are intended to be permissible within at least one development district in the Town's planning jurisdiction. Because the list of permissible uses set forth in Section 66 (Table of Permissible Uses) cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to those listed, as interpreted by the Land Use Administrator or the Planning Board.

60.2 The following uses are specifically prohibited in all districts:

60.2.1 Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the Town's fire prevention code.

60.2.2 Use of travel trailers or recreational vehicles (RVs) as a permanent residence is prohibited.

60.2.3 Temporary habitation of travel trailers or recreational vehicles (RVs) may be granted for a period up to six continuous months with the issuance of a land use permit provided that there exists, on the lot where the travel trailer/RV is to be located, one or more primary structures or dwellings units that have functional sanitary systems for water and sewage, including bathroom facilities (tub, shower, toilet, etc.) and power that conform to existing rules, laws and regulations.

60.2.3.1 Six continuous months use is defined as uninterrupted time for up to six months and not shorter periods of time to equal six months over a longer span of time.

60.2.3.2 If the lot does not have structures or dwelling units that have functional sanitary systems for water and sewage and power, the land use permit must delineate how sanitary systems and power will be addressed in accordance within existing rules, laws and regulations.

60.2.3.3 One extension can be issued for a specific time, up to six months, by the Land Use Administrator and the recommendation of the Planning Board, but the travel trailers/RVs must vacate the lot, while the extension is being reviewed for approval or denial.

60.2.3.4 Temporary habitation will only be granted in conjunction with a particular activity such as - building a permanent home, repairing a home after a storm, raising a house due to

flooding or general home repairs that require the permanent structure to be vacated, while work is performed.

60.2.3.5 Transient lodging in travel trailers/RVs will be allowed, for a specific period of time, associated with a fair, carnival, temporary visit, or special event provided that sanitary systems for water, sewage and power are provided and addressed. The transient lodging period will last only for the length of the fair, carnival or special event or, in the case of temporary visits, up to two weeks.

60.3 Permissible Uses Not Requiring Permits

60.3.1 No land use or special use permit is necessary for the following entities:

60.3.1.1 Streets.

60.3.1.2 Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

60.3.1.3 Neighborhood utility facilities located within a public right-of-way with the permission of the owner (State or Town) of the right-of-way.

Section 61. Change in Use

61.1 A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

61.1.1 The change is from one principal use category to another.

61.1.2 The original use is a combination use (26.000) or planned unit development (27.000), and the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use changes to such an extent that the parking requirements for the overall use are altered.

61.1.3 The original use is a combination use or planned unit development use, and there is a change in the mixture of types of individual principal uses that make up the combination use or planned unit development use.

61.1.4 The original use is a planned residential development and the relative proportions of different types of dwelling units change.

61.1.5 There is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), and that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within principal use classification 2.113. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

61.2 A mere change in the status of property from unoccupied to occupied or vice- versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

61.3 A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

Section 62. Combination Uses

62.1 When a combination use comprises two or more principal uses that require different types of permits (land use and special use), then the permit authorizing the combination use shall be:

62.1.1 A special use permit if any of the principal uses combined requires a special use permit. *(“S”)

62.1.2 A Land Use permit in all other cases. *(L)

*These are indicated in the Table of Permissible Uses in Section 66 by the designation “S” or “L”.

Section 63. More Specific Use Controls

63.1 Whenever a development could fall within more than one use classification in the Table of Permissible Uses (Section 66), the classification that most closely and most specifically describes the development controls. For example, a small doctor’s office or clinic clearly falls within the 3.110

classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, "physicians' and dentists' offices and clinics occupying not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.

Section 64. Accessory Uses

64.1 The Table of Permissible Uses (Section 66) classifies principal uses according to their impacts. Whenever an activity is conducted in conjunction with a principal use and this activity (a) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (b) is commonly associated with the principal use and integrally related to it, then that activity may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses.

Section No. 65 is reserved

Section 66. Table Of Permissible Uses (March 2016)

66.1 Subject to Section 64, when used in connection with a particular use in the Table of Permissible Uses (Section 66), the letter "L" means that the use is permissible in the indicated district with a land use permit issued by the Land Use Administrator. The letter "S" means a special use permit must be obtained from the Town Commissioners. The letter "E" indicates the use is exempt from permit requirements. The letter "X" indicates the use is prohibited. Use of the designation "L" or "S" for combination uses is explained in Section 62.(Dec 2015)

	DISTRICT				
Use Description	R1	R2	R3	MU	MU-1
E = Exempt (no permit needed) L = Land Use Permit Required *S = Special Use Permit Required X = Prohibited Use*					
1.000 RESIDENTIAL **1.100 Single-Family Residences**					
1.110 Single-family detached, one dwelling unit per lot					
1.111 Site built	L	L	L	L	L
1.112 Class A MFD. homes	X	L	L	L	L
1.113 Class B MFD homes	X	X	X	L	X
1.120 Single-family detached, more than one dwelling unit per lot					
1.121 Site built and class A MFD homes	X	L	L	L	L
1.130 Attached Multi-Unit Residences	X	S	S	S	S
1.130.1 Apartment(s) accessory to a commercial use	X	X	X	S	S
1.400 Homes Emphasizing Special Services, Treatment or Supervision					

Use Description		DISTRICT				
		R1	R2	R3	MU	MU-1
1.410	Domiciliary homes: homes for handicapped, aged, or infirm; child care homes; nursing care homes; intermediate care homes	X	S	S	S	S
1.420	Halfway houses	X	S	S	S	S
1.430	Family care homes (see Section 129)	L	L	L	L	L
1.440	Homeless Shelters	X	X	X	S	S
1.500 Miscellaneous Rooms For Rent Situations						
1.510	Rooming houses, boarding houses	X	S	S	L	L
1.520	Bed and breakfast establishments	X	S	S	L	L
1.530	Tourist homes and other temporary residences renting for less than (1) one month	X	S	S	L	L
1.540	Hotels, motels, and similar businesses or institutions providing overnight accommodations	X	X	X	L	L
1.550	Fraternities, sororities, dormitories and similar housing	X	S	S	L	S
1.600 Temporary Residences						
1.610	Temporary emergency, construction and repair residences	L	L	L	L	L
1.620	Temporary dependent care residences	L	L	L	L	L
1.700	Home Occupations	L	L	L	L	L
1.800	Planned Residential Developments	X	S	S	S	S
2.000 SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT **2.100 No Storage or Display of Goods Outside Fully Enclosed Building** **2.110 High volume traffic generation**						
2.111	Convenience stores	X	X	X	L	S
2.112	Shopping center	X	X	X	S	S
2.113	All other	X	X	X	L	S
2.120	Low-volume traffic generation	X	X	X	L	S
2.130	Wholesale sales	X	X	X	L	S
2.200 Storage and Display of Goods Within and/or Outside Fully Enclosed Building						
2.210	High-volume traffic generation	X	X	X	L	S
2.220	Low-volume traffic generation	X	X	X	L	S
2.230	Wholesale sales	X	X	X	L	S
2.240	Manufactured homes sales	X	X	X	L	S
3.000 OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE **3.100 All Operations Conducted Entirely Within Fully Enclosed Building**						
3.110	Operations designed to attract and serve	X	X	X	L	L

Use Description		DISTRICT				
		R1	R2	R3	MU	MU-1
	customers or clients on the premises, such as the offices of attorneys and other professionals, insurance and stock brokers, travel agents, government office buildings, etc.					
3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	X	X	X	L	L
3.130	Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area	X	X	X	L	L
3.140	Banks and other offices and services with drive-in windows	X	X	X	L	L
3.150	Home Office, with no customer/client traffic and all employees reside on the premises. (Dec 2015)	E	E	E	E	E
3.200	**Operations Conducted Within and/or Outside Fully Enclosed Building**					
3.210	Operations designed to attract and serve customers or clients on the premises	X	X	X	L	L
3.220	Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use	X	X	X	L	L
4.000	**MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT**					
4.100	**All Operations Conducted Entirely Within Fully Enclosed Building**					
4.110	Majority of dollar volume of business done with walk-in trade	X	X	X	L	S
4.120	Majority of dollar volume of business not done with walk-in trade	X	X	X	L	S
4.200	**Operations Conducted Within or Outside Fully Enclosed Building**					
4.210	Sawmills and planing mills	X	X	X	S	X
5.000	**EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, AND FRATERNAL USES**					
5.100	**Schools**					
5.110	Elementary and secondary (including associated grounds and athletic and other	X	L	L	L	S

Use Description		DISTRICT				
		R1	R2	R3	MU	MU-1
	facilities)					
5.120	Trade or vocational schools	X	X	X	L	L
5.200	Institutions (including associated residential structures for religious personnel, and associated buildings including school buildings)	X	S	S	L	L
5.300	Libraries, Museums, Art Galleries, Art Centers and Similar Uses (including associated educational and instructional activities)	X	S	S	L	L
5.400	Fraternal Clubs and Lodges and Similar Uses	X	S	S	L	L
6.000	**RECREATION, AMUSEMENT, ENTERTAINMENT**					
6.100	**Activity Conducted Entirely Within Building or Substantial Structure**					
6.110	Bowling alleys, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities and similar uses	X	X	X	S	X
6.120	Theatres & Music Venues	X	X	X	S	X
6.130	Coliseums, stadiums and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people	X	X	X	S	X
6.140	Game rooms, bingo, billiards, pool halls, dance hall	X	X	X	S	S
6.150	Internet Sweepstakes and Electronic Gaming Operations	X	X	X	S	X
6.160	Adult Bookstore, Adult Entertainment or Tattoo Parlors	X	X	X	S	X
6.200	**Activity Conducted Primarily Outside Enclosed Buildings or Structures**					
6.210	Privately-owned outdoor recreational facilities such as golf and country clubs, etc. (but not including campgrounds), not constructed pursuant to a permit authorizing the construction of some residential development	S	S	S	S	S
6.220	Publicly-owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, campgrounds, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	S	S	S	S	S
6.230	Golf driving ranges not accessory to golf courses, Par 3 golf courses, miniature golf courses	S	S	S	S	X
6.240	Horseback riding stables (not constructed					

Use Description		DISTRICT				
		R1	R2	R3	MU	MU-1
	pursuant to a permit authorizing residential development)	X	S	S	S	X
6.250	Automobile and motorcycle racing tracks, skateboard parks, water slides, and similar uses	X	X	X	S	X
6.260	Drive-in movie theatres	X	X	X	S	X
6.270	Campgrounds, Travel Trailer/Recreational Vehicle (RV) Camps/Parks	X	X	X	S	S
6.280	Marinas	S	S	S	S	S
7.000	**INSTITUTIONAL RESIDENCES OR CARE OR CONFINEMENT FACILITIES**					
7.100	Hospitals, Clinics, Other Medical (including mental health) Treatment Facilities in Excess of 10,000 Square Feet of Floor Area	X	X	X	S	S
7.200	Nursing Care Institutions, Intermediate Care Institutions, Handicapped, Aged or Infirm Institutions, Child Care Institutions	X	X	X	S	S
7.250	Residential: Nursing Care Institutions, Intermediate Care Institutions, Handicapped, Aged or Infirm Institutions, Child Care Institutions	X	X	S	S	S
7.300	Institutions (other than halfway houses) Where Mentally Ill Persons Are Confined	X	X	X	S	S
7.400	Penal & Correctional Facilities	X	X	X	S	S
8.000	**RESTAURANTS, BARS, NIGHT CLUBS**					
8.100	**Restaurants**					
8.110	Eat-in, carry out or delivery service; no drive-in service	X	X	X	L	L
8.120	Drive-in service	X	X	X	S	
8.200	Bars, Night Clubs	X	X	X	S	S
9.000	**MOTOR VEHICLE AND BOAT-RELATED SALES AND SERVICE OPERATIONS**					
9.100	Motor Vehicle and Farm Equipment	X	X	X	L	X
9.120	Automobile Service Stations	X	X	X	L	X
9.130	Gas Sales Operations	X	X	X	L	X
9.140	Automobile Repair Shop or Body Shop	X	X	X	L	X
9.150	Car Wash (see Section 131)	X	X	X	LS	X
9.2	**Boat-Related**					
9.210	Boat Sales or Rental	S	S	S	L	L
9.230	Boat Service	X	X	X	L	L
9.240	Boat Fuel Services	X	X	X	L	S
9.250	Boat Wash	X	X	X	S	S
10.000	**STORAGE AND PARKING**					
10.100	Automobile Parking Garages or Parking Lots	X	X	X	L	L

Use Description	DISTRICT				
	R1	R2	R3	MU	MU-1
Not Located on a Lot on Which There is Another Principal Use to Which the Parking is Related					
10.200 Storage of Goods Not Related to Sale or Use of Those Goods on the Same Lot Where They Are Stored					
10.210 All storage within completely enclosed structures	X	X	X	L	X
10.220 Storage outside completely enclosed structures	X	X	X	L	X
10.230 Self-service storage facility	X	X	X	L	X
10.240 Storage of Vehicles, boats and other items	X	X	X	S	X
11.000 SCRAP MATERIALS, SALVAGE YARDS, JUNKYARDS, AUTOMOBILE GRAVEYARDS	X	X	X	S	X
12.000 SERVICES AND ENTERPRISES RELATED TO ANIMALS					
12.100 Veterinarian, Animal Clinic, No Outside Kennel	X	X	X	L	L
12.200 Veterinarian, Animal Clinic, Outside Kennel	X	X	X	S	S
12.300 Pet Cemetery	X	X	X	L	X
13.000 EMERGENCY SERVICES					
13.100 Police Stations	S	S	S	L	L
13.200 Fire Stations	S	S	S	L	L
13.300 Rescue Squad, Ambulance Service	X	X	X	L	L
13.400 Emergency Management Operation	L	L	L	L	L
14.000 AGRICULTURE, FORESTRY, MINING, QUARRYING OPERATIONS					
14.100 Agricultural Operations, Farming					
14.110 Excluding livestock	L	L	L	L	X
14.200 Mining or Quarrying Operations, Including On-site Sales Of Products	X	X	X	S	X
14.300 Reclamation Landfill	X	X	X	S	X
14.400 Agricultural Product Warehousing	X	X	X	L	X
15.000 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES AND RELATED USES					
15.100 Main Post Office	X	X	X	L	X
15.110 Post office substation	X	X	X	L	L
15.210 Publicly-owned or operated airports	X	X	X	L	X
15.220 Privately-owned airport	S	S	S	L	X
15.300 Sanitary Landfill	X	X	X	S	X
15.310 County-owned or operated	X	X	X	S	X
15.320 Other	X	X	X	S	X
15.400 Military Reserve, National Guard Centers	X	X	X	L	X
15.500 Recycling Materials Collection Operations	X	X	X	L	X
16.000 DRY CLEANER, LAUNDROMAT	X	X	X	L	S

Use Description	DISTRICT				
	R1	R2	R3	MU	MU-1
17.000 UTILITY FACILITIES					
17.100 Neighborhood	S	S	S	S	S
17.200 Community or Regional	S	S	S	S	S
17.300 County-owned or Operated	S	S	S	S	S
17.400 Electric Substations	S	S	S	S	S
18.000 TOWERS AND RELATED STRUCTURES					
18.100 Towers and Antennas 75 Feet Tall or Less	L	L	L	L	L
18.200 Towers and Antennas More Than 75 Feet Tall	S	S	S	S	S
19.000 OPEN AIR MARKETS					
19.100 Farm, Craft, Produce Markets	X	X	X	L	L
19.200 Flea Markets	X	X	X	L	X
20.000 FUNERAL HOME				L	X
21.000 CEMETERY AND CREMATORIUM					
21.100 Cemetery Not On Same Property As Church	S	S	S	S	X
21.200 Cemetery On Same Property As Church	X	L	L	L	X
21.300 Crematorium	X	X	X	S	X
22.000 NURSERY SCHOOLS; DAYCARE CENTERS (Child/Adult)	S	S	S	L	S
23.000 TEMPORARY STRUCTURES USED IN CONNECTION WITH THE CONSTRUCTION OF A PERMANENT BUILDING OR FOR SOME NON-RECURRING PURPOSE (See Section 133)	L	L	L	L	L
24.000 BUS STATION; TRAIN STATION; TAXI OPERATION					
24.100 Bus Station, Train Station	X	X	X	L	L
24.200 Taxi Operation	X	X	X	L	L
25.000 COMMERCIAL GREENHOUSE OR NURSERY					
25.100 No On-Premises Sales	X	X	X	L	L
25.200 Sales of Products Grown on Premises	X	X	X	L	L
25.300 On-Premises Sales, Including Related Accessory Products	X	X	X	L	L
26.000 COMBINATION USES (See Section 63)	LS	LS	LS	LS	LS
27.000 PLANNED UNIT DEVELOPMENT	S	S	S	S	S

Sections 67 through 69 Reserved

ARTICLE V. PERMITS

Section 70. Permits Required

70.1 The use made of property may not be changed (see Section 61, Change in Use), clearing, grading or excavation may not be commenced, and buildings or

other structures may not be constructed, erected, moved, or altered except in accordance with and pursuant to one of the following permits:

70.1.1 A land use permit issued by the administrator; or

70.1.2 A special use permit issued by the Town Commissioners.

70.2 Land use permits and special use permits are issued under this chapter only when a review of the application submitted, including the plans submitted, indicates that the development will comply with the provisions of this chapter if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued and all development shall occur strictly in accordance with such approved plans and applications.

70.3 A land use permit or special use permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal) and shall identify the property involved and the proposed use. The permit shall incorporate the plans submitted and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All special use permits shall be recorded in the Pamlico County Registry after execution by the record owner as provided in Section 98 (Effect of Permit on Successors and Assigns).

Section 71. No Occupancy or Use of Lots Until Requirements Fulfilled

71.1 Issuance of a special use or land use permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in Section 81 (Authorizing Use or Occupancy Before Completion of Development Under Land Use Permits), Section 88 (Authorizing Use or Occupancy Before Completion of Development Under Special Use Permits), and Section 96.1 (Completing Developments in Phases), the intended use may not be commenced or no building may be occupied until all of the requirements of this chapter and all additional requirements imposed pursuant to the issuance of a special use permit have been met.

Section 72. Who May Submit Permit Applications/Submission Requirements

72.1 All applications for special use permits shall be submitted to the administrator a minimum of ten (10) calendar days prior to the date of the next regular Planning Board meeting. The Planning Board shall make a written recommendation to the Commissioners to schedule a public hearing if the application is complete and all requirements of the Growth Management Ordinance are met. If the submission deadline date falls on a Saturday the application must be received by the preceding Friday. If the submission deadline falls on Sunday, the application must be received by the following Monday.

Section 73. Applications To Be Complete

73.1 All applications for land use or special use permits must be complete before the permit-issuing authority will consider the application.

73.1.1 An application is complete when it contains all the information necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this chapter.

73.2 The administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted.

Section 74. Staff Consultation With Applicants

74.1 **Before Formal Application:** To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this chapter, pre-application consultation between the developer, the administrator and the Planning Board is encouraged. Applicants for a special use permit are encouraged to arrange a pre-application consultation at least 10 days prior to the application deadline.

74.1.1 To assure applicant's understanding of fire and emergency department limitations, a consultation with the Fire Marshall/Emergency Management Coordinator or his designated agent and the local Fire Chief may be required by the administrator.

74.2 **After Application Submitted:** Upon receipt of a formal application for a land use or special use permit, the administrator shall review the application and confer with the applicant to ensure that he understands the administrator's interpretation of the applicable requirements of this chapter, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposes to do.

Section 75. Special Use Permit Submissions to Planning Board

75.1 If the application is for a special use permit, the administrator shall place the application on the agenda of Town Commissioners when the applicant indicates that the application is as complete as he intends to make it. However, if the administrator believes that the application is incomplete; he shall reject the application and inform the applicant of the reasons for the incompleteness.

Section 76. Public Amenity Proffers

76.1 When an application for a permit for use or development on waterfront property of two acres or more in an MU-1 district proposes a substantial public amenity (such as public parking beyond the amount required for the development, public restrooms, public access to the water, or public waterfront walkways), upon review and recommendation by the Planning Board, the Board of Commissioners may, after a public hearing, modify any one or more of the numerical standards and requirements of

76.1.1 Section 116 (Residential Density),

76.1.2 Section 117 (Non-residential and Mixed Use Density),

76.1.3 Section 112.4 (Minimum Lot Widths),

76.1.4 Section 113 (Building Setback Requirements),

76.1.5 Section 118 (Lot Coverage), other than section 119 (Building Footprint Limitations), and

76.1.6 Subsection 1 of Section 114 (Building Height Limitations).

76.1.6.1 In no event may a building exceed a total height of 40 feet above the lowest adjacent finished grade or 48.5 feet above the mean sea level, whichever is higher.

76.2 Modifications to any numerical standard or requirement shall not exceed ten (10) percent of the original numerical value.

Section 77. Vesting Procedures

77.1 A landowner may request establishment of a zoning vested right in accordance with NCGS§160A-385.1, upon approval of a site specific development plan. The procedure is as follows:

77.1.1 A zoning vested right is established upon the valid approval by the Board of Commissioners or Board of Adjustment as applicable, of a site specific development plan, following notice and hearing;

77.1.2 Site specific development plans under this section that may trigger a vested right include any plan requiring a Special Use Permit under the Town's GMO or any proposed subdivision plat;

77.1.3 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 Administrator, that a zoning vested right is sought and pay a vesting application fee in addition to the regular application fee;

77.1.4 The duration of a zoning vested right shall be two (2) years (unless the approval authority in its own sound discretion determines a longer period is warranted by relevant circumstances, but in no case for a period exceeding five years. Determination of duration of vesting must be made at the time the site specific development plan is approved.)

77.2 Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan established a zoning vested right under NCGS NCGS§160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

77.3 Terms defined in NCGS§ 160A-385.1(d)(4) regarding the city's right to periodically review the project vested under this section for compliance with the terms and conditions of the original approval of the site-specific development plan shall apply to the zoning vested right described in this section. Should the developer fail to comply with the applicable terms and conditions of the approval, the zoning vested right shall be considered null and void.

77.4 Upon issuance of a building permit the expiration provisions of NCGS§160A-418 and the revocation provisions of NCGS§ 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.

77.5 A landowner may also request establishment of a zoning vested right in accordance with NCGS§160A-385.1(d)(3), upon approval by the Board of Commissioners of a phased development plan.

77.5.1 Phased-development plan must be submitted to the city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the city to be a site-specific development plan.

77.5.2 The duration of such a vested right for a phased development plan shall not exceed five (5) years.

77.5.3 Terms defined in NCGS§ 160A-385.1(d)(4) regarding the city's right to periodically review the project vested under this section for compliance with the terms and conditions of the original approval of the phased development plan shall apply to the zoning vested right described in this section. Should the developer fail to comply with the applicable terms and conditions of the approval, the zoning vested right shall be considered null and void.

Sections 78 through 79 Reserved

Section 80. Land Use Permits

80.1 Land Use Permit Application

80.1.1 A completed application form for a land use permit shall be submitted to the Land Use Administrator by filing a copy of the application with the administrator.

80.1.2 The Land Use Administrator shall issue the land use permit unless the Land Use Administrator finds, after reviewing the application and consulting with the applicant as provided in Section 74.2 (Staff Consultation After Application Submitted), that:

80.1.2.1 The requested permit is not permitted according to the Table of Permissible Uses; or

80.1.2.2 The application is incomplete; or

80.1.2.3 If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those requirements concerning which variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article XI Nonconforming Situations And Definitions); or (March 2016)

80.1.2.4 If, in the opinion of the Land Use Administrator, the application should be reviewed and approved or denied for recommendation by the Planning Board, the Land Use Administrator may defer the matter to the Planning Board, with or without a recommendation from the Land Use Administrator. (March 2016)

Section 81. Authorizing Use or Occupancy Before Completion of Development Under Land Use Permits

81.1 In cases when, because of weather conditions or other factors beyond the control of the land use permit recipient (exclusive of financial hardship), it would be unreasonable to require the land use permit recipient to comply with all of the requirements of this chapter prior to commencing the intended use of the property or occupying any buildings, the Town Commissioners may authorize the commencement of the intended use or the occupancy of buildings if the permit recipient provides a certified check, irrevocable letter of credit, performance bond, certificate of deposit, or other security satisfactory to the Land Use Administrator for 125 percent of the cost of the required improvements, to ensure that all of the requirements of this chapter will be fulfilled within a reasonable period determined by the Town Commissioners. In no case, however, shall such period exceed twelve months. All securities shall be the same as cash and shall be redeemable within the corporate limits of the Town of Oriental.

Sections 82 through 85 Reserved

Section 86. Special use permits

86.1 Special Use Permit Application

86.1.1 An application for a special use permit shall be submitted to the Planning Board for review by filing a copy of the application with the Land Use Administrator. The Planning Board shall make a recommendation to the Board of Commissioners concerning the issuance of a special use permit.

86.1.2 No special use permit shall be approved until a public hearing has been held by the Town Commissioners in accordance with Section 211 (Hearing Required on Appeals and Applications).

86.1.3 The Land Use Administrator shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Town Commissioners' intention that failure to comply with any of the notice provisions (except those set forth in Section 212, Notice of Hearing) shall not render any permit request invalid.

86.1.4 The Town Commissioners shall issue the requested special use permit unless they conclude, based upon the information submitted at the hearing, that:

86.1.4.1 The requested permit is not within its jurisdiction according to the table of permissible uses; or

86.1.4.2 The application is incomplete; or

86.1.4.3 If completed as proposed in the application, the development

86.1.4.3.1 will not comply with one or more requirements of this chapter (not including those the applicant is not required to comply with under the circumstances specified in Article XI, Nonconforming Situations and Definitions); or

86.1.4.3.2 will materially endanger the public health or safety; or

86.1.4.3.3 will substantially injure the value of adjoining or abutting property; or

86.1.4.3.4 will not be in harmony with existing development and uses within the area in which it is to be located; or

86.1.4.3.5 will not be in general conformity with the land use plan, thoroughfare plan, or other plan, officially adopted by the Town Commissioners.

86.1.5 The Town Commissioners are required to take final action on a special use permit request within 65 days preceding the first meeting to consider the application, since inordinate delays can result in the applicant incurring unnecessary costs.

Section 87. Burden of Presenting Evidence; Burden of Persuasion

87.1 The burden of presenting a complete application (as described in Section 73, Applications To Be Complete) to the Town Commissioners shall be upon the applicant. However, unless the Land Use Administrator informs the applicant in what way the application is incomplete and offers the applicant an opportunity to complete application, the application shall be presumed to be complete.

87.2 Once a completed application has been submitted, the burden of presenting evidence to the Town Commissioners sufficient to lead them to conclude that the application should be denied for any reasons stated in Section 86.1.4 (Special Use Permit Application) shall be upon the party or parties urging this position.

87.3 The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in Section 84.1.4 (Special Use Permit Application) rests on the party or parties urging that the requested permit should be denied.

Section 88. Authorizing Use or Occupancy Before Completion of Development Under Special Use Permits

88.1 In cases when, because of weather conditions or other factors beyond the control of the special use permit recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this chapter before commencing the intended use of the property or occupying any buildings, the Town Commissioners may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this chapter are concerned), if the permit recipient provides a certified check, irrevocable letter of credit, performance bond, certificate of deposit, or other security satisfactory to Town Commissioners for 125 percent of the cost of the required improvements, in order to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed twelve months).

88.2 When the Town Commissioners impose additional requirements upon the permit recipient in accordance with Section 216 (Additional Requirements on

Special Use Permits), or when the developer proposes, in the plans submitted, to install amenities beyond those required by this chapter, the Town Commissioners may authorize the permittee to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed if they specify a date by which or a schedule according to which such requirements must be met, or each amenity installed and if they conclude that compliance will be ensured as the result of any one or more of the following:

88.2.1 Surety, satisfactory to the Town Commissioners, is furnished;

88.2.2 A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made;

88.2.3 The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 229 (Penalties and Remedies for Violations) and Section 230 (Permit Revocation);

88.2.4 An irrevocable letter of credit that can be executed at a local bank is furnished.

Sections 89 through 95 Reserved

Section 96. Other permit provisions

96.1 Completing Developments in Phases

96.1.1 If a development is constructed in phases or stages in accordance with this section, then, subject to the provisions of Section 71 (No Occupancy or Use of Lots Until Requirements Fulfilled) and Section 81 (Authorizing Use or Occupancy Before Completion of Development Under Special Use Permits, exceptions to Section 71) shall apply to each phase or stage as if it were the entire development.

96.1.2 The developer shall submit plans that clearly show the various phases or stages of the proposed development and that the requirements of this chapter will be satisfied with respect to each phase or stage.

96.1.3 If a development that is to be built in phases or stages includes common area improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development), then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such common area improvements. The schedule shall relate completion of such common area improvements to completion of one or more phases or stages of the entire development. Once a

schedule of improvements has been approved and made part of the permit by the Town Commissioners, no land may be used or no buildings may be occupied except in accordance with the schedule approved as part of the permit, provided that:

96.1.3.1 If the improvement is one required by this chapter then the developer may utilize the provisions of Section 81.1 (Authorizing Use or Occupancy Before Completion of Development Under Special Use Permits);

96.1.3.2 If the improvement is an amenity not required by this chapter or is provided in response to a condition imposed by the Town Commissioners, then the developer may utilize the provisions of Section 81.1 (Authorizing Use or Occupancy Before Completion of Development Under Special Use Permits).

Section 97. Expiration of Permits

97.1 Land use and special use permits shall expire automatically if, within one year after the issuance of such permits, 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.

97.2 If, after some physical alteration to land or structures begins, and such work is discontinued for a period of one year, then the land use or the special use permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 209 (Reconsideration of Board Action).

97.3 The permit-issuing authority may extend for a period up to six months the date when a land use or special use permit would otherwise expire pursuant to subsections (1) or (2) if it concludes that;

97.3.1 the permit has not yet expired,

97.3.2 the permit recipient has proceeded with due diligence and in good faith, and

97.3.3 conditions have not changed so substantially as to warrant a new application.

97.4 Successive extensions may be granted for periods up to six months (for a total period not to exceed two years) upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

97.5 The special use permit within the jurisdiction of the Town Commissioners is issued when the Town Commissioners vote to approve the application and issue the permit. A land use permit within the jurisdiction of the administrator is issued when either of the following takes place:

97.5.1 A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or

97.5.2 The administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under Section 142(2)(Effect of Permit on Successors and Assigns).

97.6 This section shall be applicable to permits issued prior to the date this section becomes effective.

Section 98. Effect of Permit on Successors and Assigns

98.1 Land use or special use permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion covered under a permit continues to be used for the purposes for which the permit was granted, then:

98.1.1 No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

98.1.2 The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (2) of the existence of the permit at the time they acquired their interest.

98.2 Whenever a special use permit is issued to authorize development (other than single-family) on a tract of land in excess of one acre, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgement that the permit has been issued so that the permit may be recorded in the Pamlico County Registry and indexed under the record owner's name as grantor.

Section 99. Amendments to and Modifications of Permits

99.1 A minor modification or change in a permit (including an approved plan), that is clearly within the Growth Management Ordinance is permissible with the approval of the permit issuing authority. Such permission may be obtained by a written application and noted on the previously approved permit or plan.

99.2 A major modification or change in a permit (including an approved plan), occurs when there is more than one minor modification or change of use being currently proposed or previously granted. Such change or modification will be processed as a new application. If such requests are required to be acted upon by the Town Commissioners, new conditions may be imposed in accordance with Section 216 (Additional Requirements on Special Use Permits), but the applicant retains the right to reject such additional conditions by withdrawing his request for a modification or change and may then proceed in accordance with the previously issued permit.

99.3 The administrator and the Planning Board representative shall determine whether modification of, or changes to permits fall within the categories set forth above in subsections 99.1 and 99.2.

99.4 Approval of all modifications or changes must be given in writing and approval noted on the previously approved permit or plan.

Section 100. Applications to be Processed Expeditiously

100.1 Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the Town shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this chapter.

Section 101. Maintenance of Common Areas, Improvements, and Facilities

101.1 The recipient of any land use or special use permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities, required by this chapter or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

Sections 102 through110 Reserved

ARTICLE VI. GENERAL DEVELOPMENT STANDARDS

Section 111. Developer to Solicit Neighborhood Review

111.1 The developer/owner of a proposed development, including a multi-unit, planned unit, or planned residential development shall have an informational meeting with property owners whose property is within three-hundred (300) feet of the property line of the proposed development (as reflected on the current Pamlico County tax records). The notification of this meeting shall also be given to the administrator to be distributed to the Planning Board and to the Town Board and take place prior to submitting an application to the town for a special use permit and shall include a brief description of the development, the date, time, and location of the meeting. The notice shall be sent by first class mail at the expense of the owner/developer a minimum of ten (10) days prior to the date of the informational meeting. (Dec 2015)

Section 112. Lot Size

112.1 Minimum Square Footage

All lots in the following districts shall have at least the amount of square footage indicated in the following table:

District	Minimum Square Feet
R-1	10,000
R-2	5,000 for residential uses; 8,000 for nonresidential uses, as determined in Section 66, Table of Permissible Uses
R-3	5,000 for residential uses; 8,000 for nonresidential uses, as determined in Section 66, Table of Permissible Uses
MU/MU-1	5,000 for residential uses; 5,000 for nonresidential uses, as determined in Section 66, Table of Permissible Uses 5,000 for mixed residential/non-residential use

112.2 The minimum lot sizes set forth in this Section are permissible only if and to the extent that potable water and sewer facilities are or can be made available to serve every lot.

112.3 Deviations from the minimum lot size requirements of this Section may be made for nonconforming lots in accordance with Section 192.1 (Nonconforming Lots).

112.4 Minimum Lot Widths

112.4.1 The lot width shall be measured at the front minimum building line, which is determined by the setback from the street as shown in Section 113.2.

District	Lot Width
R-1	60’
R-2	50’
R-3	50’
MU	50’
MU-1	50’

Deviations from the minimum lot width requirements of this section may be made for nonconforming lots in accordance with Section 192.1 (Nonconforming Lots).

112.5 If a structure is subject to an inspection for compliance with “North Carolina Farm Labor Rules and Regulations,” the lot area requirement will be based on the number of residents allowed by the regulations, or one thousand (1,000) square feet of lot area whichever is greater.

Section 113. Building Setback Requirements

113.1 Subject to Section 192 (Non-conforming Lots), Subsection (2) and Subsection (3), no portion of any building may be located on any lot closer to any lot boundary line or to the street right-of-way line than is authorized in the tables set forth in Section 113.4 below.

113.2 Setback distances shall be measured from the property line or street right-of-way, perpendicular thereto, to a point on the lot that is directly below the nearest extension of any part of the building. Porches, air conditioning units, steps, eaves, gutters, cornices, buttresses, open or enclosed fire escapes, outside stairways, balconies, and similar features are considered part of the building.

113.3 Buildings with multiple eave heights may use more than one setback table, such that each building eave height is regulated by the applicable table.

113.4 Building Setbacks Tables

113.4.1 Table 1 - Eave Height 0 Feet up to and including 25 Feet: (March 2016)

District	Minimum Distance From Front Street Right-of-Way	Minimum Distance From Street Side Right-of-Way	Minimum Distance From Side Boundary Line	Minimum Distance From Rear Lot Boundary

				Line
R-1	25’	25’	12’	12’
R-2	15’	15’	7’	7’
R-3	15’	15’	7’	7’
MU	15’	15’	7’	7’
MU-1	15’	15’	7’	7’

113.4.2 Table 2 - Eave Height greater than 25 Feet up to 32 Feet: (March 2016)

District	Minimum Distance From Front Street Right-of-Way	Minimum Distance From Street Side Right-of-Way	Minimum Distance From Side Boundary Line	Minimum Distance From Rear Lot Boundary Line
R-1	30’	30’	13’	18’
R-2	20’	18’	10’	10’
R-3	20’	18’	10’	10’
MU	20’	18’	10’	10’
MU-1	20’	18’	10’	10’

113.5 Within the R-2, R-3, MU, and MU-1 districts, when any multi-unit development is located on one lot, whether residential, non-residential or mixed residential/non-residential units, each building must be at least 14 feet from any other building located on the same lot, in addition to the standards in the tables of Section 113.4, above.

113.6 If a multi-unit development abuts an R-1, R-2 or R-3 property, setbacks for all structures within the multi-unit development shall be at least twenty (20) feet on the side so abutting.

113.7 If a multi-unit development abuts an R-1 lot, or is on or abuts an R-2 or R-3 lot, any driveway, parking area or other impervious surfaces shall be at least seven (7) feet from the property line.

113.8 Notwithstanding the foregoing, in the event a building constructed prior to February 1, 1999, is elevated to raise the bottom floor system to, or no more than

four (4) feet above, the Pamlico County flood elevation minimum building height, and any of the building's existing steps are extended to comply with the North Carolina Building Code, any such extensions to existing steps shall not be included as a substantial part of the building as described in Section 113.2, provided that such steps do not encroach into any Town right-of-way and the Planning Board approves any encroachment into the required setback. Such step extensions shall not be considered an extension or enlargement of a nonconforming situation as described in Section 193 (Extension or Enlargement of Nonconforming Situations).

113.9 The setback requirements of these regulations shall not prohibit any necessary retaining wall nor prohibit buffer strip, fence or wall. Walls and fences shall not create a sight obstruction at street intersections or at driveways. (Dec 2015)

113.10 When new construction is located in an existing neighborhood the Town Board of Adjustments, after a public hearing, may grant a reduction to the front setback requirement in this Section in accordance with the Variance process. The requested front setback line shall not encroach on any road right-of-way. If a deviation of the front setback line is granted, the number of front feet of reduction shall be added to the rear lot setback. The burden of persuasion for the need of a requested reduction shall fall upon the applicant.

Section 114. Building Height Limitations (September 2016)

114.1 No building shall exceed a total height of 35 feet above the lowest adjacent finished grade, or 43.5 feet above mean sea level, whichever is higher.

114.1.1 Height above mean sea level shall be shown on the application, and certified by a surveyed elevation provided by owner/developer.

114.1.2 Lowest adjacent finished grade is the lowest street grade on the front lot line.

114.2 The height of the highest roof eave (the projecting overhang at the lower edge of a roof), excluding dormers, of any building shall not exceed 32 feet above the lowest adjacent finished grade and no exterior wall of a building without an eave shall exceed 32 feet above the lowest adjacent grade. The level of the lowest adjacent grade shall be measured out ten (10) feet from a line plumb with the outermost edge of the eave. New construction may exceed height limits specified in subsection (1) by up to five (5) feet, provided that

114.2.1 for each additional one (1) foot above specified height limits, all street setbacks are increased by three (3) feet, and

114.2.2 all side line and rear setbacks are increased by one (1) foot, or for each additional one (1) foot above specified height limits, and

114.2.3 all street setbacks are increased by two (2) feet, and

114.2.4 all side line and rear setbacks are increased by two (2) feet.

114.3 Existing structures proposed to be raised solely to comply with the minimum elevation requirements imposed by Pamlico County are exempt from the height limitations of this section only to the extent of the distance needed to achieve such compliance. When an existing building is replaced or additional height is added to an existing structure other than by or in addition to raising the first floor, the height limits of this section are applicable.

114.4 The following features are exempt from the district height limitations set forth in subsection:

114.4.1 Chimneys, not to exceed three (3) feet above the highest point of the structure, and

114.4.2 Church spires, weathervanes, railings, and flagpoles.

114.4.3 Towers and antennas are allowed in all development districts to the extent authorized in the Table of Permissible Uses (Section 66), use classification 18.000.

Section 115. Roof Pitch

115.1 The main roof pitch must be between 4/12 pitch and 12/12 pitch, except that up to 20 percent of the roof footprint may be flat. The minimum 4/12 pitch does not apply to manufactured homes, Class A or Class B which meet or exceed the United States Department of Housing and Urban Development standards. The minimum 4/12 roof pitch requirement also does not apply to commercial buildings in MU and MU-1 that do not contain any residential units and are less than 25 feet in height above the mean adjacent grade. Exemption from the roof pitch requirement will require a Special Use Permit.

Section 116. Residential Density

116.1 Every lot developed for residential purposes only shall have the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions of square feet shall be rounded to the nearest whole number.

116.2 Every lot developed for residential purposes only shall have the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions of square feet shall be rounded to the nearest whole number.

District	Minimum Square Feet
R-1	10,000
R-2	5,000 for 1 unit; 5,000 for the second unit
R-3	5,000 for 1 unit: 4,000 for each additional unit; provided that 5,000 sq.ft. shall be required for each unit above 8 units in a single building.
MU	5,000 for 1 unit; 4,000 for a second unit
MU-1	5,000 for 1 unit, 4,000 for a second unit

Section 117. Non-residential and Mixed Use Density

117.1 When any structure is used as a non-residential/residential mixed-use building, there shall be no density requirements for the commercial portion of the building. The percentage of non-residential to residential use shall be based on lot size and as shown in subsection 117.2. The percentages are based on the total heated square footage of the building. The residential portion of the building requires 5,000 sq. ft. in lot size for the first unit and 4,000 sq. ft. for each additional residential unit within the building.

117.2 Nonresidential/ residential ratios for mixed use buildings:

District	Lot Size	Min Non-residential	Max Residential
MU & MU-1	less than 21,780 sq ft	30%	70%
MU & MU-1 (Dec 2015)	21,780 sq ft and greater	20%	80%

117.3 In case of conversion from non-residential to residential use which reduces the non-residential percentage below the ratios of subsection 117.2, the requirement for residential development set forth in Section 116 (Residential Density) must be met.

117.4 Whenever the owner of (or other party in control of) a unit intends to convert its use from residential to nonresidential, or vice versa, but neither a Land Use nor Special Use Permit is required, the owner of (of other party in control of, or a proposed owner of, or party proposed to be in control of) the converting unit shall notify the administrator in writing ten (10) days prior to the conversion to ensure that all other requirements of the Growth Management Ordinance are met, including parking.

117.5 In MU-1 on any lot under nine thousand (9,000) square feet a multi-use building has no unit density requirements for commercial or residential uses.

Section 118. Lot Coverage

118.1 For this Section, the formula to calculate the Floor Area Ratio (FAR) is:

FAR = Building(s) Footprint
Lot Area

Example for A lot which is 5,000 sq. feet. The proposed building foundation is 10 feet wide and 50 feet long, then the building footprint is 500 square feet. The FAR is 10%. (Dec 2015)

118.2 FAR Limitations

118.2.1 No building or combination of buildings located in the R-1 district shall have a FAR greater than thirty percent (30%) of the lot on which it is located.

118.2.2 No building or combination of buildings located in the R-2 or R-3 district shall have a FAR greater than thirty-five percent (35%) of the lot on which it is located.

118.2.3 No building or combination of buildings located in the MU or MU-1 district shall have a FAR greater than forty percent (40%) of the lot on which it is located. If the building(s) is solely residential it shall not cover more than thirty-five percent (35%) of the lot on which it is located.

118.2.4 No more than fifty percent (50%) of the area of any lot located in the R-1, R-2, and R-3 districts, or any lot in MU or MU-1districts used solely for residential use, shall be covered with surfaces impervious to water.

118.2.5 No more than sixty percent (60%) of the area of any other lot located in the MU and MU-1 district shall be covered with surfaces impervious to water.

Section 119. Building Footprint Limitations

119.1 All single, covered (under roof) buildings are subject to the following maximum footprint:

District	Max. Footprint
R-2	5,000 sq ft
R-3	6,000 sq ft
MU/MU-1	6,000 sq ft for solely residential structures
	8,000 sq ft for non-residential or mixed use

Section 120. Drainage Requirements (September 2016)

120.1 In connection with any application for a land use or special use permit for development that will affect drainage of the property subject to the application, the applicant shall submit with the permit application information demonstrating

compliance with the drainage requirements in subsections 120.2 through 120.8, below.

120.2 The landowner, where applicable, shall comply with the North Carolina Department of Transportation regulations regarding surface water drainage systems for roads, NCGS 77-14 concerning obstructions of streams and drainage ditches, and NCGS 156-21, concerning long-standing ditches and canals.

120.3 No surface water shall be channeled or directed into a sanitary sewer.

120.4 Where feasible, the landowner shall connect to an existing storm drainage system without inserting additional culverts other than those under permitted driveways. In addition, the Town will maintain open drainage. If drainage requires maintenance/clearing and is piped and covered, the Town will uncover the ditch to an open culvert in order to maintain drainage in the right-of-way. Where the landowner cannot feasibly connect to an existing storm drainage system, the applicant shall submit a drainage plan prepared by the Pamlico Soil and Water Conservation District or certified by a professional engineer.

120.5 It shall be the landowner's responsibility to make such offsite improvements to receiving drainage systems that will accommodate the increased runoff within limits approved by the permit-issuing authority.

120.6 The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance. If a permit proposes a change of elevation of the soil of the lot more than 30 inches in any location, the permit must include a drainage plan that minimizes the impact of drainage on neighboring properties.

120.7 Stream banks and channels downstream from any land-distributing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-distributing activity in accordance with the North Carolina Sedimentation Pollution Control Act, NCGS 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.

120.8 In all areas of special flood hazards, all development proposals shall have adequate drainage provided to reduce exposure to flood damage as determined by the Pamlico Soil and Water Conservation District or by a certified engineer.

Section 121. Terraforming of Lots (March 2016)

121.1 For any new construction or for the replacement of existing structures, the soil structure and levels of the existing lot may not be altered in order to increase the height of the building or structure to be erected, in any way which would:

121.1.1 Cause a change in drainage, to or from the subject lot, into bodies of water or wetlands, other than right-of-way drainage ditches installed or planned by the Town; or

121.1.2 Cause water to accumulate on either the subject lot or affected lots, other than into ponds already in existence or being made specifically for the development of the lot, that are included in the description and drawings of the permit application; or

121.1.3 Violate CAMA regulations, state or county laws or regulations, or federal environmental laws.

121.1.4 The Land Use Administrator will determine of stamped, engineered drawings or certification from the Pamlico Soil and Water Conservation District are required.

121.1.5 If post construction drainage in the year following terraforming is negatively impacted, the terraforming owner must mitigate such impact to the satisfaction of the Town.

Section 122. Construction Repair (September 2016)

122. Whenever possible, any construction within Town of Oriental jurisdiction must contain the equipment necessary to perform such work on the property for which the construction is being performed. When not possible, any damage to the right-of-way, including roads, on both the subject property and the surrounding properties done by construction equipment must be repaired to its previous condition by the property owner contracting the work or his/her contractor at the conclusion of construction."

Sections 123 through 125 Reserved

ARTICLE VII. SPECIFIC DEVELOPMENT STANDARDS

Section 126. Multi-Unit Development

126.1 A townhouse unit shall connect by means of a common wall for at least ten(10) feet of its length to one or more other similar units, and shall be exempt from the setbacks of the GMO only in respect of the line or lines between it and one or more townhouse unit's common property line.

126.2 A fence or a screen of dense plant material not less than six (6) feet high is required where multi-unit development abuts a single-family residential lot.

This provision may be waived by the abutting property owners' consent at the time of permitting.

Section 127. Planned Unit Developments

127.1 The yard and height regulations set forth in this Article VII (Specific Development Standards) Sections may be modified, upon approval by the Planning Board, for a development as a whole. Such modification must be indicated on the face of the Special Use Permit. There shall not be less than the required area per dwelling unit for the district in which such development is located.

127.2 Land not shown as lots or reserved for residential or nonresidential development shall be commonly owned land. Such land shall be designated on the development plan as common area to be held in separate ownership for the use and benefit of residents of the planned unit development (PUD).

127.3 All Planned Unit Developments must comply with all other sections of Articles VI (General Development Standards) and VII (Specific Development Standards), Sections 111-126.

127.4 All buildings shall be separated by not less than fourteen (14) feet.

Section 128. Towers Over 75 Feet Tall

128.1 Towers and antennas more than 75 feet tall, including relay stations, for commercial operations such as cable television, radio telephones, radio and television stations are allowed in all development districts only with the issuance of a Special Use Permit if the Town Commissioners find that the evidence presented at the hearing establishes each of the following:

128.1.1 Radio or television or similar reception for adjoining properties will not be disturbed or diminished.

128.1.2 The height of the tower does not exceed five hundred (500) feet.

128.1.3 The lighting of the tower does not exceed the minimum standards of the Federal Aviation Administration (FAA) for red obstruction lighting system contained in Advisory Circular No. 7017460-IF dated 27 September 1978, as they may amend the same.

128.1.4 The minimum yard setback from the outside dimensions of the tower, not from guy anchors, to any adjoining lot or public right-of-way is at least one hundred (100) percent of the tower height. All guy wires, however, must be situated on the same lot as the tower.

128.1.5 A fence or wall surrounds the base of the tower and each guy anchor at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building more than eight (8) feet in height. Except fence and wall entrances, all fences and walls shall be screened with plant material so that no more than two-thirds of the surface of the fence or wall is visible within three (3) years after erection of the structure from a public street or from any adjoining lot which contains a dwelling.

128.1.6 The use will not be injurious to property or improvements in the affected area.

128.2 If determined by the Town that the proposed tower is situated in a location which will benefit the Town's telecommunications systems, then, the tower shall be engineered and constructed to accommodate the additional telecommunicating equipment beneficial to the public system.

128.3 If the tower is between one hundred (100) feet and one hundred eighty (180) feet-in-height, the tower shall be engineered and constructed to accommodate a minimum of one (1) additional telecommunication user. If the tower exceeds a height of one hundred eighty (180) feet, the tower shall be engineered and constructed to accommodate a minimum of two (2) additional telecommunication users. Any co-location may be approved by administrative approval.

Section 129. Family Care Homes

129.1 No family care home (Table of Permissible Uses, classification 1.430) shall be located within 2,640 feet of another such facility, measured along the nearest property lines in relation to one another.

Section 130. Golf Courses

130.1 All golf course greens, tees and fairways (Table of Permissible Uses, classification 6.210 and 6.220) shall be set back at least 50 feet from any property line.

Section 131. Automobile Service Stations/Gas Sales Operations

131.1 Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage and sanitary sewer systems.

Section 132. Car Wash

132.1 If proposed use is not located adjacent to a residential zoning district or use, only a land use permit is required. If proposed use is located adjacent to a residential zoning district or use, a special use permit is required.

Section 133. Temporary Emergency, Construction, or Repair Residences

133.1 Temporary residences and offices used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project and prior to the issuance of a final certificate of occupancy.

Section 134. Internet Sweepstakes/Electronic Gaming/Tattoo Parlors/ Adult Bookstores/Adult Entertainment as permitted under State Law.

134.1 Restricted to MU district and requires a Special Use Permit.

134.2 The maximum number of machines/terminals, computers for any electronic gaming operations business is ten (10).

134.3 The establishments must be a minimum of one thousand (1000) feet from churches, synagogues, schools, daycare centers, library, public parks, public buildings, and recreational areas open to the general public and three hundred (300) feet from abutting property in the R-1, R-2, or R-3 Districts.

Section 135. Recreational Vehicle Parks

135.1 Purpose. This article is enacted in order to achieve orderly development of recreational vehicle parks (RV parks), to promote and develop the use of land to minimize possible impacts, and to promote the health, safety and general welfare of the public. The Town of Oriental (the "Town") finds that properly planned and operated recreational vehicle communities ("RV parks"):

135.1.1 Promote the safety and health of the residents of such communities and of other nearby communities.

135.1.2 Encourage economical and orderly development of such communities and of other nearby communities.

135.1.3 It is, therefore, declared to be the policy of the Town to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land through planned and supervised RV parks under the standards and regulations necessary to accomplish these purposes.

135.1.4 Ensure all facilities, avenues of ingress/egress, walks, paths, and structures, are constructed according to the Americans with Disabilities Act (ADA) regulations in addition to other requirements listed herein.

135.2 Preliminary consultation. Prior to making application for an RV park, prospective applicants are encouraged to discuss the site plan review process,

RV park requirements of the GMO, and their proposal with the Land Use Administrator.

135.2.1 At this time, for this purpose, all pertinent information that may be on file relating to the proposed park location shall be made available. It is the purpose of this preliminary consultation to eliminate as many potential problems as possible in order for the application to be processed without delay.

135.2.2 The consultation should take place prior to a survey or detailed work by an engineer or surveyor.

135.2.3 There is no fee for pre-application consultation and administrative assistance. However, this free service shall not include extensive field inspection or extensive correspondence.

135.3 Applicability

135.3.1 This article shall apply to any recreational vehicle park to be located within the Town limits in MU and MU-1 districts, as defined in Section 51 of the Town's Growth Management Ordinance ("GMO") and as shown on the Town's Growth Management Map.

135.4 Definitions

135.4.1 Accessory structure. Any structural addition to the recreational vehicle or site, including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds, and similar stand-alone appurtenant structures. A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

135.4.2 Biodegradable. Capable of being decomposed by biological agents, especially bacteria.

135.4.3 Building Inspector. The official of the County responsible for the inspection of electrical, mechanical and plumbing associated with a property.

135.4.4 Camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

135.4.5 Land Use Administrator. The person designated to administer the Oriental Growth Management Ordinance (see Section 40, Land Use Administrator). The official of the Town or his/her designee charged with the enforcement of the provisions of this article.

135.4.6 Controlling interest. A person or developer who controls at least fifty-one percent (51%) of ownership.

135.4.7 Dry hydrant. An un-pressurized, permanently installed pipe that has one end below the water level of a lake, pond or container.

135.4.8 Fifth-wheel trailer. A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

135.4.9 Full-time employee. A person who is responsible for maintenance of the RV park seven (7) days per week. This person may or may not be the owner of the RV park.

135.4.10 Licensee or agent. A person who may or may not own the RV park but is person responsible for the day to day operations including records of the park.

135.4.11 Motor Home or house car. A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, separate 110-125 volt electrical power supply, or an LP gas supply.

135.4.12 Opaque fence. A fence made of solid materials designed to shield from public view the RV park.

135.4.13 Public use phone. A phone used by registrants of the RV park for emergency purposes.

135.4.14 Recreational vehicle or RV. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper.

135.4.15 Recreational vehicle park or RV park. Any lot, tract, or parcel of land upon which accommodation is provided for two or more recreational vehicles used as living or sleeping quarters by the day, week, or month, whether a charge is or is not made. A recreational vehicle park is a unified development of recreational vehicle spaces provided for

recreational vehicle use with or without community facilities and permitted permanent buildings.

135.4.16 Recreational vehicle site or RV site. That part of a lot or area in a recreational vehicle park or RV park that has been reserved for the placement of one recreational vehicle or RV.

135.4.17 Travel trailer. A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

135.4.18 Truck camper. A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

135.5 Inspections

135.5.1 Authorized. The Building Inspector and Land Use Administrator official are hereby authorized to make such inspections as are necessary to determine compliance with this article.

135.5.2 Entry on premises. The Building Inspector and Land Use Administrator shall have the power to enter at reasonable times upon any private or public property within the purpose of inspecting and investigating conditions or complaints relating to the enforcement of this article.

135.6 Notices, hearings and orders

135.6.1 Notice of violation. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this article, the Town of Oriental shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:

135.6.1.1 Be in writing.

135.6.1.2 Include a statement of the reasons for its issuance.

135.6.1.3 Allow ten (10) days for compliance, except for emergencies, as provided in Section 135.6.1.4 below.

135.6.1.4 Be served upon the Owner or his agent; provided that such notice or order shall be deemed to have been properly served upon the Owner or agent when a copy thereof has been served in person or sent by certified mail to his/her last known address.

135.6.1.5 Contain an outline of remedial action that, if taken, will effect compliance with the provisions of this article.

135.6.1.6 After all procedures outlined above are exhausted citations may be issued.

135.6.2 If a municipality mails a notice to a property owner in accordance with Section 135.6.1 and the United States Postal Service returns the notice as “refused” or “unclaimed”, the validity of the notice is not affected, and the notice is considered as delivered.

135.6.3 Appeal from notice. Any person affected by any notice that has been issued in connection with the enforcement of any provision of this article applicable to such park may request a hearing before the Board of Adjustment; provided that such person shall file within ten (10) days after the day the notice was served, in the Town’s Administrative Offices, with a copy to the office of the Land Use Administrator, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. The filing request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection 135.6.5 of this section.

135.6.4 Issuance of order. After such hearing, the Board of Adjustment shall issue an order in writing sustaining, modifying, or withdrawing the notice of violation. Any failure to comply with an order sustaining or modifying the finding of a violation shall constitute grounds for immediate revocation of the ability to operate the park affected by the order.

135.6.5 Order without notice. Whenever the Town finds that an emergency exists which requires immediate action to protect the public health or safety, the designated official may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring the action to be taken as deemed necessary to meet the emergency. Notwithstanding any other provisions of this section, such order shall be effective immediately, but upon written petition to the Town shall be afforded a hearing as soon as possible. The provisions of subsection 135.6.3 of this section shall be applicable to such hearing and the order issued thereafter.

135.7 Violations declared nuisance; abatement; penalty

135.7.1 Any noncompliance with this article is hereby deemed a nuisance. The Town may abate and remove the nuisance. Any person(s) violating this article shall be subject to a fine not to exceed five hundred dollars ($500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this article is declared to be a separate offense. For violations of the provisions of this article that

govern fire safety, zoning, or public health and sanitation, including dumping of effluent or refuse, the fine may not exceed two thousand dollars ($2000.00) per day, per violation. The Land Use Administrator shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this ordinance.

135.7.2 The Administrator or assigned designee may, in writing, suspend or revoke a Special Use Permit required by this ordinance whenever the permit is issued in error or on the basis of incorrect information, or in repeated violation of any ordinance or regulation or any provision of this ordinance, or where a park is being maintained in a manner contrary to the terms of the permit.

135.8 Location and fencing

135.8.1 Sensitive Areas/Unstable Lands - No RV park shall be approved for location within any part of a 100 year floodplain of the Town as delineated by the Flood Insurance rate Maps issued by the Federal Emergency Management Agency.

135.8.2 RV parks shall be located in an area regulated by 135.9 of this article.

135.8.3 Buffering and screening shall be required if the park is not compatible with the surrounding uses, as determined by the Land Use Administrator. The purpose of buffering and screening is to create an area providing landscape screening and fencing which is used to reduce visual, noise, light, and incompatibility impacts.

135.8.3.1 An opaque fence at least eight (8) feet in height must be placed inside the property line to buffer the RV Park from view. The fence shall be installed between the RV Park and all adjacent properties. The fence must be approved by the Land Use Administrator prior to installation. The fence must be maintained in good repair, finish and appearance. When adequate, natural buffers should be encouraged. All plantings shall be maintained and/or replaced in healthy living condition for the life of the RV Park.

135.8.4 The Land Use Administrator, in consultation with the Tree Board, will determine on a case by case basis the need and extent of landscape screening or fencing necessary to mitigate these impacts; The Town Board has final approval.

135.9 Size and density

135.9.1 Each RV park must have a minimum size of two (2) acres, within a five (5) acre site. The maximum site density for RV parks shall be ten (10) sites per acre. Only one (1) recreational vehicle is permitted per

recreational vehicle site. The expansion of existing parks shall require new park permits and shall be in accordance with all requirements and provisions of this ordinance.

135.10 Size of individual sites; pad requirements; landscaping

135.10.1 Each recreational vehicle site within the RV park shall have a minimum area of one thousand nine hundred fifty (1,950) square feet and shall be at least thirty (30) feet wide and sixty-five (65) feet in depth. The sites shall be designed as pull-through for ease of entering and leaving the site. An impermeable roadway constructed to NCDOT standards for highways is therefore required to the front and rear. In addition, the space shall be clearly marked identifying the space number.

135.10.2 The left 1/3 (10 x 65) and the right 1/3 (10X 65) side of the site or driver's side must be planted with grass and other landscaping; the middle (10 x 65) must be paved with cement with a base of at least 6" ABC composite as normally required for heavy vehicular traffic, The middle portion is to be used for the parking of the recreational vehicle with the area on the right used as a patio area.

135.11 Street access; street lighting

135.11.1 Each recreational vehicle site within the RV park shall have access to an internal private paved roadway, built to NCDOT highway standards, which shall have access to a public street. The entrance of the internal roadway shall have a pavement width of at least thirty (30) feet. The major thoroughfare shall have a pavement width (concrete or asphalt) of twenty-four (24) feet in accordance with Town standards. The roadway may be fifteen (15) feet if the RV park is designed for one-way roads. Each emergency access lane shall have a clear unobstructed width of twenty four (24) feet; fifteen (15) feet if one-way and shall have a turning area and radii with a minimum of sixty (60) feet to permit free movement of emergency vehicles. Dead-end streets are not allowed. All roads shall be open for access at all times to police and other emergency vehicle access.

135.11.2 Metal signs shall be placed along the emergency access lane, by the owner or agent of the RV park stating that parking is prohibited. The sign type, size, height and location shall be approved by the Town.

135.11.3 Adequate street lighting for the RV park shall be approved by the Land Use Administrator to illuminate streets, driveways and walkways for the safe movement of pedestrians and vehicles, while avoiding excess lighting trespass to neighboring property owners.

135.12 Required facilities

135.12.1 Each RV park must have an office for the manager of the RV park, and a bathroom and shower facilities, as well as laundry facilities. All facilities used by residents must be well lit inside and out during the night hours. All facilities must meet applicable codes adopted by the Town. There shall be at least four off-street parking spaces provided for the RV park office.

135.12.2 Off-street parking shall be provided at the rate of one space for each RV site. There will also be one additional parking space for each five (5) RV sites above one in the park. Each parking space shall be a minimum of nine (9) feet by twenty (20) feet in size. (b) All RV parks shall have at least one (1) recreation area, located as to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than ten (10) percent of the gross park area shall be devoted to recreational facilities. Recreation areas include space for community buildings and community use facilities such as restroom and shower facilities, adult recreation (basketball court or tennis court) and playgrounds for children, and swimming pools, but not including vehicle parking, maintenance and utility areas.

135.13 Soil and ground cover

135.13.1 Exposed ground surfaces in all parts of the RV parks shall be paved, covered with stone, rock, or other similar solid material, or protected with vegetative cover in order to prevent soil erosion and eliminate dust. All pavement shall be kept in good repair.

135.14 Prohibited placement of recreational vehicle

135.14.1 RVs located in the park are subject to the temporary habitation rules provided in the GMO under Section 60, (2) of Article IV. Wheels must remain on all RVs at all times within the park.

135.15 Area designated for RV parks

135.15.1 The area designated for the placement of recreational vehicle parks shall be established on a map with a copy of such in the office of the Building Inspector and office of the Land Use Administrator.

135.16 Setbacks

135.16.1 All of the RV park's individual sites shall be placed within the RV park to observe the following setback requirements:

135.16.1.1 A minimum twenty-five (25) foot wide buffer yard shall be established along that portion of the RV park which adjoins a public road right-of-way. A minimum twenty (20) foot wide buffer yard shall be established along all other property lines.

135.16.1.2 There shall be a minimum distance of ten (10) feet between an individual RV unit and an adjoining interior RV park street.

135.16.1.3 There shall be a minimum distance of five (5) feet between an RV unit and the interior line of a perimeter buffer.

135.17 Drainage

135.17.1 The RV park shall be subject to the requirements of the GMO Section 120 regarding drainage. The ground surface in all parts of the RV park shall be graded and designed to drain all storm water, surface water in a safe, efficient manner accordingly. Drainage analysis shall be performed by a licensed professional engineer and easements for the conveyance of surface water off-site shall be obtained, and forwarded to the Land Use Administrator.

135.18 Water supply

135.18.1 Each site within an RV park shall be provided with a connection to the Town water supply. The water distribution system shall be installed as follows:

135.18.1.1 The water supply system, fixtures and other equipment must be installed in accordance with applicable codes adopted by the Town.

135.18.1.2 A master water meter shall be installed to serve the RV park. Sub-metering or remetering of RV sites is not permitted.

135.18.1.3 A reduced pressure principal backflow preventer will be required to be placed at the property line on the discharge side of the master meter. In addition, one (1) must be properly installed and inspected at each of the connections for each RV site and located on the left side of the site.

135.18.1.4 Water riser service branch lines shall extend at least four (4) inches above ground elevation. The branch line shall be at least ¾ inch.

135.18.1.5 Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes. Surface drainage shall be diverted from the location of utility connections at each site.

135.18.1.6 The owner/operator shall have complete maintenance responsibility for the water system within the RV park.

135.18.1.7 The Town has no maintenance responsibility for service lines within the RV park. The responsibility of the Town for supplying water to the RV park stops with the master water meter.

135.19 Wastewater facilities

135.19.1 Each site within the RV park shall be provided with a connection for wastewater. All proposed wastewater service lines shall be connected to the Bay River Metropolitan Sewer District wastewater system. A permit from CAMA shall be obtained prior to placement of an on-site sewage facility (pumpout and dump station). The Town must approve all proposed wastewater facility plans prior to construction. The wastewater distribution system shall be installed as follows:

135.19.1.1 The pumpout and dump facilities must be installed in accordance with applicable codes adopted by the Town.

135.19.1.2 Each site shall be provided with a four-inch diameter wastewater riser and shall extend above grade four (4) to six (6) inches. The wastewater riser pipe shall be so located on each stand so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a gastight seal when connected to a recreational vehicle or have a gastight seal plug when not in service. The plug shall be that of a spring loaded device.

135.19.1.3 The wastewater connection to each site shall consist of a single four-inch service line without any branch lines, fittings, or connections. All joints shall be water tight.

135.19.1.4 Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) to six (6) inches above the ground elevation.

135.19.1.5 Each collection wastewater line shall provide a vent extending a minimum of ten (10) feet in height.

135.19.1.6 The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV park. The responsibility of the Town stops at the property line.

135.19.1.7 Sanitary dump stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any RV space by a distance of at least fifty (50) feet.

135.19.1.8 All chemicals entering the Bay River Metropolitan Sewer District shall be biodegradable.

135.20 Electrical service

135.20.1 Each site within the RV park shall be provided with electrical service. All electrical service shall be underground and installed in accordance with the National Electrical Code. The electrical service shall be installed as follows:

135.20.1.1 A master electric meter shall be installed to serve the RV park. Sub-metering or remetering of RV sites is not permitted.

135.20.1.2 The Town has no maintenance responsibility for service lines within the RV park. The responsibility of the Town stops at the property line.

135.20.1.3 The location of all underground lines shall be clearly marked by surface signs at approved intervals.

135.20.1.4 Power supply to each site shall be a minimum of one 30-amp and one 50-amp power supply.

135.20.1.5 Outlets (receptacles or pressure connectors) shall be housed in an Underwriters' Laboratories, Inc. approved weather proof outlet box.

135.21 Sanitary facilities

135.21.1 Each RV park shall provide the following sanitary facilities as listed below and shall all be ADA compliant:

135.21.1.1 One (1) toilet or stool for the female sex for every ten (10) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.

135.21.1.2 One (1) toilet or stool and one (1) urinal stall for the male sex for every twenty (20) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.

135.21.1.3 One (1) washbasin shall be provided within the toilet room for every two (2) toilets or fraction thereof (a minimum of one (1) is required).

135.21.1.4 One (1) shower shall be provided for each sex for each ten (10) sites or fraction thereof (minimum of one (1) is required for each sex) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.

135.21.1.5 All toilets and shower facilities shall be placed in properly constructed buildings and located not more than two hundred (200) feet from any recreational vehicle site.

135.21.1.6 Buildings shall be well lit at all times, day or night, well ventilated with screened openings, and constructed of moisture proof material to permit rapid and satisfactory cleaning, scouring and washing.

135.21.1.7 The floors shall be of concrete or other impervious material, elevated not less than four (4) inches above grade, and each room shall be provided with floor drains.

135.21.1.8 A slop sink or basin with water supply shall be in each restroom (male and female) and at least one (1) in the laundry facility, and shall be constructed in accordance with design, size and materials approved by the building official.

135.21.1.9 Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.

135.21.1.10 Toilet floors and walls shall be of impervious material, painted, and kept clean at all times. Shower stalls shall be of tile, plaster, cement or some other impervious material and shall be kept clean at all times. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be white or some light color and kept clean at all times. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be papered with canvas and wallpaper, or an equivalent washable surface kept clean at all times.

135.22 Storage, collection and disposal of refuse and garbage

135.22.1 Each RV park shall provide safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards. Every site shall be located within two hundred (200) feet of a refuse facility measured along the RV park internal roadway. Trash dumpsters shall be screened on all sides, and on a raised pad of 6” above grade.

135.23 Telephone

135.23.1 A minimum of one (1) land line telephone shall be provided in an easily accessible location twenty-four (24) hours a day, seven (7) days a week for emergency use.

135.24 Accessory structures

135.24.1 The individual sites within the RV park are not allowed to have accessory (stand-alone) structures as defined herein.

135.25 Registration of guests

135.25.1 Each person renting a site within a RV park shall provide the following information to the owner, manager, operator or person in charge of the RV park:

135.25.1.1 Name;

135.25.1.2 Full address of permanent residence;

135.25.1.3 Automobile and recreational vehicle license plate number and the state in which each is registered;

135.25.1.4 Driver's license number of the owner;

135.25.1.5 The number or letter of the site being rented;

135.25.1.6 Date of arrival and departure; and

135.25.1.7 Current Insurance company, policy #, contact information.

135.26 Control of insects, rodents and other pests

135.26.1 Grounds, buildings and structures in the RV park shall be maintained free of the accumulation of high grass and weeds (4" or more) and debris so as to prevent rodent and snake harborage or the breeding of flies, mosquitoes or other pests.

135.26.2 The RV park owner or manager shall be responsible for maintaining the entire area of the park free of dry brush, leaves, limbs and weeds.

135.27 Fire safety standards; fire hydrants

135.27.1 Open fires shall be allowed only in a manner and within a container approved by the Office of the State Fire Marshal.

135.27.2 A fire hydrant(s) must be placed such that each recreational vehicle site is no more than six hundred (600) feet from one.

135.28 Permanent occupancy prohibited

135.28.1 No RV park or recreational vehicle therein shall be used as a permanent residence for any period of time, notwithstanding section 14, except for permanent full-time employees of the RV park.

135.28.2 Unoccupied parking of an RV unit for any period exceeding two weeks is considered storage, which is hereby prohibited.

135.28.2.1 No more than one (1) space shall be allowed for use as a permanent residence for full time employees.

135.28.3 Occupancy of a recreational vehicle within the RV park extending beyond an accumulation of one hundred and seventy nine (179) days in any twelve (12) month period (whether consecutive or not) shall be presumed permanent occupancy and is hereby prohibited; such recreational vehicle may not return for a period of sixty (60) days following such occupancy or parking.

135.28.4 Change of ownership of grandfathered RV park

135.28.4.1 Upon change of controlling interest of a grandfathered RV park the new owner shall immediately bring the existing RV park to meet the requirements of this ordinance.

135.29 EMERGENCY

135.29.1 In the event of a natural disaster, or related incidents removal of all RV units are to be removed from the park within six (6) hours of issuance of a hurricane or tropical storm WARNING issued by the National Weather Service.

135.29.2 In the event of a declaration of disaster, state of emergency, or marshal law by the state or federal government concerning the Oriental area, all RV units are to be removed from the RV park within six (6) hours.

135.29.3 The Town of Oriental assumes no liability for vehicles not removed as directed.

Section 136. Broad Street Corridor Overlay District

136.1 Zoning overlay districts are herby established to supplement the existing residential, mixed use, and conditional zoning districts. Within the area encompassed by a zoning overly district all requirements of the existing zoning

district (i.e. R-1, R-2, R-3, MU or MU-1) will apply, unless specifically exempt within the overlay regulations, in addition to requirements required by the zoning overlay.

136.2 The Broad Street Overlay District is established to maintain and expand the existing visual character of the Broad St. corridor, provide for save and efficient movement to and between properties within the corridor, and provide for distinctive gateways and other elements that reflect the Town of Oriental.

136.2.1 The Broad Street Corridor overlay shall begin at the intersection of North Street and Broad Street and extend north to the municipal boundary. Only parcels of land that abut the Broad Street right-of-way are subject to the provision of the overlay. The extend and boundaries of the overlay are indicated on the official growth management map of the Town of Oriental.

136.3 New construction of a principal building shall include a landscape buffer along the road edge at least ten feet in width, parallel with HWY 55. Up to five (5) feet of this buffer may be within state right-of-way with permission from the Department of Transportation. Landscaping shall conform to the specifications below, unless otherwise approved by the Oriental Tree Board:

136.3.1 A two (2) inch caliper crepe myrtle will be planted every 20 linear feet in the frontage buffer.

136.3.2 Tree cultivar selection will be subject to approval by the Oriental Tree Board.

136.3.3 Tree pruning and maintenance will be provided by the Oriental Tree Board.

136.3.4 Dead trees will be replaced by the property owner.

136.3.5 Turf grass or other groundcover within the buffer will be maintained by the property owner.

136.4 New construction of a principal building with windows and/or doors that face Broad Street shall have a minimum of eight foot deep covered porch that spans no less than 50% of the front of the building. The remaining front portion of the building to be an eight foot landscaped buffer, approved by the Tree Board.

136.5 New construction of a principal building without windows and doors along Broad Street shall have at least a ten foot wide landscaping buffer extending from the structure, parallel to HWY 55, in addition to the requirements set forth in 90.1 above. The landscape buffer shall contain trees and evergreen shrubs sufficient to screen the building, and the design will be subject to approval of the Oriental Tree Board.

136.6 New driveway construction shall include a five foot wide hard surface walkway suitable for walking or bike riding. The walkway shall connect adjoining lots on each side of the property, connecting to the walkways on those lots if walkways currently exist. Wooden bridges over drainage ditches are permitted.

136.7 Commercial buildings twenty five (25) feet or less in height above the mean adjacent grade are not subject to the roof pitch requirements of Section 115. Buildings that contain both residential and commercial uses are subject to the roof pitch requirements as described in Section 115.

Sections 137 through 139 Reserved

ARTICLE VIII. SUBDIVISIONS

Section 140. Purpose of Article VIII

140.1 The purpose of this Article VIII is to establish procedures and standards for the development and subdivision of land within the corporate limits of the Town of Oriental in order to promote the public health, safety, and general welfare of the community as authorized in NCGS Section 160A-372.

Section 141. Subdivision Definitions

141.1 A “subdivision” shall include 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 shall include all divisions of land involving the dedication of a new street or a change in existing streets. The following are not included within this definition and are not subject to any regulations enacted pursuant to this ordinance:

141.1.1 The combination or recombination of portions of previously platted lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as required by ordinance;

141.1.2 The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

141.1.3 The public acquisition by purchase of strips of land for widening or opening of streets; and

141.1.4 The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town.

141.2 A ‘minor subdivision’ is defined as the division of a tract of land as in 1) above and also meets all of the following criteria:

141.2.1 no new public or private streets, access easements, or right-of way dedication are proposed;

141.2.2 no changes in existing streets are proposed;

141.2.3 no extension of utility infrastructure is proposed;

141.2.4 the entire tract to be subdivided is five acres or less in size;

141.2.5 a total of six or fewer lots will result after the subdivision is complete.

141.3 A 'major subdivision' is defined as the division of a tract of land as in 141.1 above and does not meet the criteria of 141.2 above.

Section 142. No Subdivision Without Approval

142.1 Duty of the Register of Deeds and Clerk of Court. The Town of Oriental shall file a copy of this ordinance with the Register of Deeds of Pamlico County. Thereafter, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the governing body as required by this ordinance and until this approval on shall have been entered the face of the plat in writing by the Chairman of the Town Planning Board. The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the Town that has not been approved in accordance with the ordinance, nor shall the Clerk of Superior Court of Pamlico County order or direct the recording of a plat if the recording would be in conflict with this Section. The owner of the land shown on a subdivision plat submitted for recording or his authorized agent shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of the Town.

142.2 Pre-sale Contracts. The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

142.2.1 Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.

142.2.2 Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final

plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

142.2.3 Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.

142.2.4 Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15 day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

142.3 The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds.

Section 143. Exception for Group Development.

143.1 The standards and requirements of this ordinance may be modified by the Board of Commissioners upon recommendation of the Planning Board in the case of a plan and program for a group, cluster or planned unit development, which, in the judgment of the Board of Commissioners, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, which also provides such covenants or other legal provisions as will assure conformity to and achievement of the purpose and intent of this ordinance, and which is in compliance with the Growth Management Ordinance of the Town of Oriental.

Section 144. Plat Preparation and Approval Procedure

144.1 No final plat of a major subdivision within the jurisdiction of Oriental shall be accepted for recording by the Pamlico County Register of Deeds until final approval has been given by the Town of Oriental. To obtain final plat approval the subdivider shall follow the steps enumerated in this Article.

144.2 No final plat of a minor subdivision within the jurisdiction of Oriental shall be accepted for recording by the Pamlico County Register of Deeds until final approval has been given by the Town of Oriental. To obtain final plat approval the subdivider shall follow the steps enumerated only in Section 146 (Preliminary Plat) and Section 147 (Planning Board Approval) with the following exceptions:

144.2.1 The plat content shall be as required in Section 149 (5) (Final Plat) without certificates (2) and (5),

144.2.2 Interested agencies may be consulted for comment, at the administrator's discretion,

144.3 Upon approval of the minor subdivision by the Town Board of Commissioners, the subdivider may consider this as final approval as in Section 149 (Final Plat) and shall record the plat pursuant to Section 149 (9)(Final Plat).

Section 145. Sketch Design Plan

145.1 Prior to submitting a preliminary plat, the subdivider is encouraged to prepare and submit to the administrator a sketch design plan of the proposed subdivision. The sketch design plan should contain the following information:

145.1.1 The proposed name and location of the subdivision.

145.1.2 The total acreage of the proposed subdivision.

145.1.3 The tentative street and lot arrangement.

145.1.4 The name and address of the owner and subdivider.

145.1.5 Lot sizes and number of lots.

145.1.6 The existing and proposed uses of the land within the subdivision and adjoining it.

145.1.7 The zoning classification, if any, of the tract and adjoining properties.

145.1.8 Sketch vicinity map, if outside the limits.

145.2 The administrator shall review the sketch design plan and shall advise the subdivider or his agent of the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval of the proposed subdivision as required by this ordinance.

Section 146. Preliminary Plat

146.1 Submission Required: The subdivider, or his agent, shall submit five (5) copies of the preliminary plat and any supplementary materials to the administrator at least twenty-five (25) days prior to the Planning Board meeting at which said plat is to be considered. A fee according to a regularly adopted fee schedule of the Town Board of Commissioners will be required to cover the administrative costs of review.

146.2 Content of Plat: The preliminary plat shall be drawn at a scale of one (1) inch to one-hundred (100) feet or larger, on sheets of a size suitable for recording by the Pamlico County Register of Deeds and shall show the following:

146.2.1 The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts, storm drains, water mains, and any public utility easements, both on the land subdivided and on the land immediately adjoining.

146.2.2 The boundary line of the tract to be subdivided drawn accurately with all bearings and distances shown.

146.2.3 Wooded areas, marshes, and any peculiar, natural conditions affecting the site.

146.2.4 Names of adjoining property owners or subdivisions.

146.2.5 Zoning classification, if any, both of the land to be subdivided and of adjoining property.

146.2.6 Proposed streets, street names, right-of-way, typical street cross sections, pavement widths, approximate grades.

146.2.7 The plan for proposed utility layouts (sewer, water, electric) showing connections to existing systems, storm drainage, etc.

146.2.8 Other proposed rights-of-way or easements, location, width, or purpose.

146.2.9 Proposed lot lines, lot and block numbers and approximate dimensions.

146.2.10 Proposed minimum building setback lines.

146.2.11 Contours with vertical intervals of two feet or less.

146.2.12 Proposed location and size of parks, school sites, or other public open spaces, if any.

146.2.13 Title, date, north arrow, and graphic scale.

146.2.14 Name(s) of owner(s), mortgagees, surveyor and land planner.

146.2.15 Site data, including acreage in total tract, acreage in parks or other land usage, total number of lots, linear feet in streets

146.2.16 Sketch vicinity map showing relationship between subdivision and surrounding area.

146.2.17 The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or restrictive covenants.

146.3 Review by Interested Agencies: The administrator shall check the plat for compliance with Town ordinances and distribute prints of the proposed subdivision to any governmental agency or agencies having a specific interest in the subdivision for their comments or recommendations, including where applicable but not limited to the Pamlico County Health Department, the N.C. Department of Transportation, the Land Resources Division of the North Carolina Department of Environment and Natural Resources, the Soil Conservation Service, the U.S. Postal Service. The administrator shall consolidate such recommendations and present them to the Planning Board.

146.4 The Planning Board shall review the preliminary plat within sixty (60) days after the administrator receives the preliminary plat and the comments or authorized signatures on the certificates from the appropriate agencies.

Section 147. Planning Board Approval

147.1 The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within forty-five (45) working days of its first consideration of the plat. If the Planning Board does not make a written recommendation within forty-five (45) working days after its first consideration of the plat, the subdivider may apply to the Board of Commissioners for approval or disapproval.

147.2 Review by Board of Commissioners: The Town Board of Commissioners shall review the preliminary plat with the recommendation of the Planning Board and shall approve, conditionally approve, or disapprove the plat within sixty (60) days after submission.

147.2.1 Approval. If the Town Board of Commissioners approves the preliminary plat, such approval shall be noted on two copies of the plat, one to be returned to the subdivider and one to be kept in the permanent record of the Town of Oriental.

147.2.2 Conditional Approval. If the Town Board of Commissioners recommends approval of the preliminary plat conditioned on modifications being made to bring the plat into compliance, it shall retain one copy of the originally submitted preliminary plat with its certificate that the plat will be approved when the conditions noted are met and shall return one copy to the subdivider with its written conditions for approval. The subdivider shall have sixty (60) days in which to make the changes needed to bring the plat into compliance. The subdivider shall submit two copies of the corrected plat to the administrator who will review it to ensure that the recommended changes have been made and who will place review of the corrected plat on the agenda for the next Town Board of Commissioners' meeting. If the preliminary plat has been properly amended, the Town Board of Commissioners will certify the plat as approved. If the subdivider fails to resubmit the plat within sixty (60) days or has not submitted a plat with adequate modifications as required by the Town Board of Commissioners within sixty (60) days, then the subdivider must resubmit a proper preliminary plat to the administrator and begin the preliminary plat approval process again, including payment of fees, before approval can be given.

Section 148. Disapproval

148.1 If the preliminary plat is disapproved by the Town Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the subdivider has not complied in the preparation of the plat. One (1) copy of such reasons and one (1) copy of the plat shall be retained in the permanent records of the Town Board of Commissioners. One (1) copy of the reasons and one (1) copy of the plat shall be returned to the subdivider. A subdivision plat resubmitted after being disapproved by the Town Board of Commissioners shall be treated as a newly submitted plat.

Section 149. Final Plat

149.1 Submission Required Within 12 Months: Within twelve (12) months after approval of the preliminary plat, the subdivider or his agent shall submit to the Subdivision administrator five (5) copies of the final plat, unless an extension of time for submission of the final plat is requested and allowed by the Planning Board. If no final plat is submitted or extension allowed within twelve (12) months of the approval of the preliminary plat, the preliminary plat shall become null and void. For purposes of calculating the time allowed for submission of the final plat where the preliminary plat was conditionally approved and the conditions were met, approval is deemed to have taken place on the date of the conditional approval of the Town Board of Commissioners.

149.2 Completion of Improvements Prior to Final Approval: Prior to final plat submission or approval, the subdivider shall complete and dedicate in a manner satisfactory to the Planning Board all required improvements as specified either

on the approved preliminary plat or, in the case of a phased subdivision, on that portion of the approved preliminary plat which the subdivider proposes to record.

149.3 Completion of Improvements Under Guarantee. As an alternative, the subdivider may obtain a letter of credit or performance bond(s) from a surety bonding company authorized to do business in North Carolina. The letter of credit or bonds shall be payable to the Town of Oriental and shall be in an amount equal to 1.25 times the entire cost, a shown on the estimate required herein. The bond shall be approved by the Oriental Planning Board and the Town Attorney. The letter of credit or bond shall be conditioned so that the required improvements may be constructed by the Town without cost to the Town in the event of default by the subdivider. The duration of the guarantee shall be until such time as the improvements are accepted by the Oriental Planning Board following receipt by said Board of appropriate written releases from the agencies herein above specified but in no case for longer than twenty-four (24) months from the date of final approval.

149.4 Bond Guaranteeing Improvements Required. In addition, the Town shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one year from the date of final plat approval. This bond shall be in an amount determined by the Planning Board and shall be in cash or be made by a Surety Company authorized to do business in North Carolina.

149.5 Content of Plat. The final plat shall be prepared by a registered surveyor licensed to practice in North Carolina. The final plat shall be drawn at a scale of one (1) inch to one hundred (100) feet or larger, on sheets of a size suitable for recording by the Pamlico County Register of Deeds, and shall conform to the preliminary plat as it was approved. One (1) copy of the final plat shall be an original drawn in ink on linen or film suitable for reproduction. Four (4) copies shall be black or blue line prints. The final plat shall show the following information:

149.5.1 The exact boundary lines for the tract to be subdivided fully dimensioned by length and bearings, and the location of intersecting boundary lines of adjoining lands, with adjacent subdivisions identified by official names.

149.5.2 The accurate locations and descriptions of all monuments, markers, and control points.

149.5.3 Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to

the nearest thirty (30) seconds.

149.5.4 The location of all rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.

149.5.5 The location, purpose, and dimensions of areas to be used for purposes other than residential and public.

149.5.6 The blocks numbered consecutively throughout the entire subdivision and the lot numbers consecutive throughout each block.

149.5.7 Right-of-way lines, widths and names of all streets and location and widths of all adjacent streets and easements.

149.5.8 The name of the subdivision and the names and addresses of the owner and the surveyor.

149.5.9 The date of the survey and plat preparation, a north arrow indicating whether true north or magnetic and graphic scale.

149.5.10 The deed restrictions proposed for the subdivision should accompany the final plat if any.

149.5.11 A statement explaining the status of the streets and a copy of any maintenance agreement regarding streets shall be submitted with the final plat.

149.5.12 Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the final plat.

149.5.13 Signed certificates as indicated in Appendix A shall appear on each of the five (5) copies of the final plat that are submitted to the Planning Board by the subdivider.

149.5.14 Areas of flood hazard as indicated by the current Flood Insurance Rate maps.

149.6 Planning Board Review: The final plat shall be reviewed by the Planning Board for conformance to the approved preliminary plat within twenty-five (25) days of its submission or at its next regular meeting, whichever is later. The Planning Board may appoint an engineer to check the final plat against the subdivision's actual layout for correctness, charging the costs to the subdivider if the plat is found to be in error.

149.7 Approval of Plat: If the final plat is in compliance with the ordinance or the Planning Board approves the changes made from the approved preliminary plat,

the Planning Board shall approve the final plat. Such approval shall be indicated on each copy of the plat by the signed certificate in Appendix A.

149.8 Disapproval of Plat: If the Planning Board disapproves the final plat, the reasons shall be stated in writing, specifying the provisions of this ordinance with which this plat does not comply. One (1) copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval. One (1) copy of the statement and one (1) copy of the final plat shall be retained by the Planning Board as part of its permanent record.

149.9 Final Plat Recordation: The subdivider shall file the approved final plat with the Pamlico County Register of Deeds within sixty (60) days after the date of Planning Board approval; otherwise, such approval shall be null and void. One (1) copy of the approved final plat marked filed by the Pamlico County Register of Deeds shall be returned to the Town Clerk to be kept in the Town's permanent files.

Section 150. Resubdivision Procedures

150.1 For any re-platting or re-subdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

Section 151. Final Plat Approval Required

151.1 A final plat shall be prepared, approved, and recorded, pursuant to the provisions of this ordinance when any subdivision of land takes place. Final plat approval is required before any street dedication may be accepted for ownership and maintenance, before any construction permit may be issued, and before any water, sewer or other facility or service may be extended to or connected with any subdivision for which a plat is required.

Section 152. Acceptance of Dedication

152.1 The approval of a plat does not constitute an acceptance of any dedication of public streets, grounds or facilities shown on the plat until such time as the Town Board of Commissioners may accept such dedication by resolution. The Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

Section 153. Vacation of Plat

153.1 Written Instrument Required: Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

153.2 Board of Commissioners Approval: Such an instrument shall be approved by the Town Board of Commissioners upon recommendation of the Planning

Board. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

153.3 Form and Effect: Such an instrument shall be executed, acknowledged, or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

153.4 Owners of Lots Must Join: When lots have been sold, the plat may be vacated in the manner provided in this Section only when all owners of the lots in the subdivision as shown on said plat join in the execution of the instrument described in this Section.

Section 154. Improvements Required

154.1 Each subdivision shall contain the improvements specified in this Article, which shall be installed in accordance with the requirements of this ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in this Article. Each subdivision shall adhere to the minimum standards of design established by this Article.

Section 155. Suitability of Land

155.1 Unsuitable Land: Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

155.2 Solid Waste Sites: Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the N.C. Department of Environment, Health and Natural Resources, Division of Health Services, Solid and Hazardous Waste Section, County Health Department, a structural engineer, a soils expert and any other appropriate authority determine that the land is suitable for the purpose proposed. It shall be the responsibility of the developer to certify that areas which have been used for solid waste that are intended to be subdivided conform to requirements of appropriate agencies.

Section 156. Name Duplication

156.1 The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Pamlico County.

Section 157. Subdivision Design

157.1 Blocks.

157.1.1 The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the use contemplated; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

157.1.2 Blocks shall not be less than 400 feet or more than 1800 feet in length.

157.1.3 Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.

157.1.4 Where deemed necessary by the Board of Commissioners, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.

157.1.5 Block numbers shall conform to the Town street numbering system, if applicable.

157.2 Lot Requirements

157.2.1 Lot sizes shall be pursuant to requirements of the zoning district.

157.2.2 Lots shall meet any applicable Pamlico County Health Department requirements.

157.2.3 Double frontage lots shall be avoided wherever possible.

157.2.4 Side lot lines shall be substantially at right angles to or radial to street lines.

157.3 Easements shall be provided as follows:

157.3.1 Utility Easement: Easements for underground utilities shall be provided, where necessary, adjacent to street rights-of-way and shall be at least ten (10) feet wide for water, sanitary sewer and electric lines, and as required by the companies involved for other utilities. The Board of Commissioners will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various

facilities and the subdivider shall provide the required easements. These requirements may be modified with approval in a Group Development.

157.3.2 Drainage Easements: Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

Section 158. Streets

158.1 Requirements: All subdivision lots shall abut on a street dedicated to the public. All streets shown on the final plat shall be dedicated to the public. All streets shall be built to the standards contained in this ordinance, which include those minimum construction standards established by the N.C. Department of Transportation for subdivision roads which are in effect at the time of construction. Where the offer of dedication of a street is not to be accepted by the Town of Oriental or the State at substantially the same time as final plat approval, a written agreement with provisions acceptable to the Town Board of Commissioners for maintenance of the street shall be included with the preliminary plat.

158.2 Subdivision Street Disclosure Statement: All streets shown on the final plat shall be designated in accordance with NCGS 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, a statement explaining the status of the streets and maintenance responsibility shall be included with the final plat.

158.3 Access to Adjacent Properties: Where, in the opinion of the Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided. The extension shall have the same right-of-way width as the street being extended.

158.4 Nonresidential Streets: The subdivider of a nonresidential subdivision shall provide streets in accordance with the North Carolina Roads, Minimum Construction Standards, as amended, or the standards in this ordinance, whichever are stricter in regard to each particular item.

158.5 Design Standards: The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, as amended, shall apply for any items not included in this ordinance, or where stricter than this ordinance. The provision of street rights-of-way shall conform to and meet the requirements of the thoroughfare plan of Oriental as approved by the Planning Board and adopted by the Board of Commissioners and the North Carolina Board of Transportation.

158.5.1 Right-of-way Widths: Right-of-way widths shall not be less than forty-five (45) feet. The subdivider will only be required to dedicate a maximum of one hundred (100) feet of right-of-way. In cases where over 100 feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of one hundred (100) feet.

158.5.2 Cul-de-sacs: Permanent dead-end streets shall not exceed 1200 feet in total length. Longer cul-de-sac lengths may be authorized provided the Planning Board determines there is no practical option for providing street connectivity due to existing documented environmental features such as wetlands, natural water bodies, topographical features, environmental conditions or physical conditions such as property shape, property accessibility, or land use relationships. All such cul-de-sac extensions shall have a turnaround or cul-de-sac connection no less than every 800 feet.

158.6 Other Requirements

158.6.1 Through Traffic Discouraged on Residential Collector and Local Street: Local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

158.6.2 Sidewalks: Sidewalks may be required by the Board of Commissioners on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossing.

158.6.3 Street Names: Proposed streets that are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Board of Commissioners.

158.6.4 Street Name Signs: The subdivider shall be required to provide and erect street name signs to Town standards at all intersections within the subdivision.

158.6.5 Permits for Connection to State Roads: An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

158.6.6 Wheelchair Ramps: In accordance with NCGS 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

Section 159. Utilities

159.1 Water and Sanitary Sewer Systems: Each lot or dwelling unit in all subdivisions within the corporate limits of the Town of Oriental shall be provided, at the subdivider's expense, with an extension of the municipal water system and the sanitary sewer system.

159.2 Storm Water Drainage System: Storm water drainage requirements are as follows:

159.2.1 The subdivider shall comply with the North Carolina Department of Transportation regulations regarding surface water drainage systems for roads where applicable.

159.2.2 No surface water shall be channeled or directed into a sanitary sewer.

159.2.3 Where feasible, the subdivider shall connect to an existing storm drainage system.

159.2.4 Where an existing storm drainage system cannot feasibly be extended to the subdivision, a drainage system shall be submitted by the subdivider for review and approval with the preliminary plat. The drainage plan shall be prepared by the USDA Soil Conservation Service, or it shall be certified by a professional engineer.

159.2.5 The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.

159.2.6 Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation

Pollution Control Act, NCGS 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.

159.2.7 Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2K.

159.2.8 In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

159.2.9 When new subdivisions are determined by the Planning Board to displace more surface water runoff than the existing receiving drainage system can accommodate, it shall be the subdivider's responsibility to make such offsite improvements to the receiving drainage systems that will accommodate the increased runoff within limits approved by the Board of Commissioners.

159.3 Underground Wiring: All subdivisions shall have underground wiring. Such underground wiring shall be installed in accordance with the electric policies of the Town of Oriental. The subdivider shall be required to pay the charges for installation of the underground service as provided in the electric policies.

Section 160. Other Requirements

160.1 Surveys: Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

160.2 Construction Procedures: No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities. No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

160.3 Oversized Improvements: The Town of Oriental may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Town requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the Town shall pay the cost differential between the improvement required and the standards in this ordinance.

ARTICLE IX. PARKING

Section 161. Number of Parking Spaces Required

161.1 Developments in all growth management districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.

161.2 When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

161.3 Off-street parking shall be provided according to the following schedule:

161.3.1 Single-family dwellings (Use 1.100): 2 spaces per dwelling;

161.3.2 Multi-unit dwellings (Use 1.300): 2 spaces per dwelling unit;

161.3.3 Business use of residence (Use 1.700): 1 space in addition to those required for dwellings;

161.3.4 Motels, Hotels (Use 1.540), and Bed and Breakfasts (Use 1.520): 1½ spaces for each room available for rent;

161.3.5 Restaurants (Use 8.100): 1 space for every 100 square feet of gross floor area in the building plus 1 space for every 150 square feet of outside dining area. Kitchen and food preparation areas should not be included in the sq. footage;

161.3.6 Marinas (Use 6.280): 1 space for every 2 boat slips;

161.3.7 Tattoo parlors/Adult Bookstores/Adult Entertainments (Use 6.160): 1 space for each business, plus one space for every 100 feet of gross floor area in the building;

161.3.8 Shopping Centers (Use 2.112): 1 space for every business; 1 space for every 400 feet of gross floor area in the building; truck bay(s) for delivery of goods or merchandize to be determined on a case-by-case basis by the Town Board of Commissioners; and/or parking for vehicles with trailers or recreational vehicles to be determined on a case-by-case

basis by the Town Board of Commissioners if business(es) cater(s) to customers with special parking needs.

161.3.9 Internet Sweepstakes/Electronic Gaming: (Use 6.150): 1 space per 100 feet of gross floor area in the building plus 1 space for each terminal used for Electronic Gaming as defined in Article XVI, Section 251.

161.3.10 All other businesses: 1 space for each business, plus one space for every 400 square feet of gross floor area in the building excluding storage space.

161.4 The council recognizes that the inflexible application of the parking standards set forth in subsection (3) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that might be better used for valuable development or environmentally useful open space. Therefore, the permit-issuing authority, with the written approval of the Planning Board, may permit deviations from the presumptive requirements of subsection (3) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in subsection (1).

161.5 The council recognizes that the Table of Parking Requirements set forth in subsection (3) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority, with the written approval of the Planning Board, is authorized to determine the parking requirements using this table as a guide.

161.6 Whenever the permit-issuing authority, with the written approval of the Planning Board, allows or requires a deviation from the presumption parking requirements set forth in subsection (3), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

Section 162. Parking Space Dimensions

162.1 Each parking space shall contain a rectangular area at least twenty (20) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces create the rectangular area required by this section.

162.2 Parking spaces designated for use by a handicapped person shall meet the minimum standards and requirements of the N.C. State Building Code for handicapped parking spaces.

Section 163. General Design Requirements

163.1 Parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. Back out parking is permitted upon the issuance of a special use permit.

Section 164. Landscaping of Parking Lots

164.1 The purpose of this section is to require buffers and landscaping of commercial and multifamily parking lots in the Town of Oriental. To preserve environmental quality and land values in commercial and residential districts.

164.2 Parking lots containing six or more parking spaces that abut a street right-of-way shall provide a five (5) foot planting area along the entire street frontage. A suitable ground cover and/or shrubbery shall be maintained in the planting area approved by the Tree Board.

164.3 Ten percent (10%) of the parking area in parking lots that contain ten (10) or more parking spaces is to be landscaped (exclusive of landscaping on the street frontage), provided that:

164.3.1 No landscaping area shall be less than 100 square feet in area or less than five (5) feet in width.

164.3.2 A minimum of one tree (including the tree island) is required for every ten (10) parking spaces.

164.3.3 Each landscape area shall be planted with a tree at least 1 – ½ inches caliper, and that tree maintained or replaced if it dies. A suitable ground cover and/or shrubbery will be provided in each landscape area.

164.3.4 Existing plants may be incorporated into the design provided that, in the opinion of the Tree Board, the plants will survive construction and meet the purpose and spirit of the ordinance.

164.4 This ordinance applies to the construction of new parking lots containing six (6) or more parking spaces that are visible from a public right-of-way. This chapter also applies to the repair, rehabilitation or expansion of any existing parking lot if such repair, rehabilitation or expansion would increase the number of existing spaces by more than 25% or 4 spaces, whichever is less.

164.5 The Planning Board shall refer parking lot landscape plans to the Tree Board for review before final approval.

Section 165. Parking Area Surfaces

165.1 Parking areas shall be graded and surfaced with crushed stone, gravel, asphalt, concrete, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. This requirement does not apply to any project which is required to provide four parking spaces or less.

165.2 Individual spaces within a parking area shall be demarcated with landscape timbers, paint lines, or in some other practical manner. This requirement does not apply to any project which is required to provide four parking spaces or less.

Section 166. Satellite Parking

166.1 If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots with the issuance of a Special Use Permit. In issuing the Special Use Permit, the Town Commissioners will make the findings required in Section 86.1 (Special Use Permit Application) and must additionally find that satisfactory written evidence is presented that shows that permission to use the off-site parking has been granted by the owner of the property, and that the use of the property for parking will continue as long as parking is required.

Section 167. Special Provisions For Lots With Existing Buildings

167.1 Notwithstanding any other provision of this chapter, whenever:

167.1.1 there exists a lot with one or more structures on it constructed before the effective date of this chapter, and

167.1.2 a change in use that does not involve any enlargement of a structure is proposed for such lot, and

167.1.3 the parking requirements of Section 161.3 (Number of Parking Spaces Required) that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking,

167.1.4 then the developer need only comply with the requirements of Section 161.3 to the extent that:

167.1.4.1 parking space is practically available on the lot where the development is located, and

167.1.4.2 satellite parking space is reasonably available as provided in Section 95 (Satellite Parking).

167.2 However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

Section 168. Driveways (September 2016)

168.1 If access is being provided to vehicles from a public street to adjoining property by means of a driveway that must cross a curb or public sidewalk, the driveway must be installed with drainage pipe laid underneath to connect existing open drainage paths, and existing sidewalks and curbs.

168.2 Driveway Permit is required. Application for a Driveway Permit required by this article shall be made to the Town Manager on a form which shall be completed by the applicant as specified thereon and shall provide, among other things, a sketch which clearly shows the design of the driveway and the dimensions thereof. Provided, however, all such installations shall be constructed so as neither to retain nor impede the flow of water in the gutter line of such driveway, any traversed Town right of way and any street and shall comply with handicap requirements when applicable. In addition, a fifteen inch (15") minimum internal diameter culvert is required. If the proposed driveway complies with the provisions of the GMO, the Town Manager shall issue a Driveway Permit therefore.

168.3 In the event the proposed driveway installation involves crossing a street drainage ditch, the applicant shall install a drainage pipe as specified by the Town Manager in such drainage ditch so as not to impede the flow of storm water.

168.4 Each person who intends or plans to use any portion of the sidewalk as a private driveway shall, if the Town Manager determines that the sidewalk area is inadequate for vehicular traffic, reconstruct the sidewalk in such a manner that the sidewalk is capable of carrying vehicular traffic without creating pedestrian hazards, and in accordance with applicable construction standards with respect to slope, drainage, reinforcement, finish, and other construction features.

168.5 No person planning to construct a driveway connection within the Town shall commence the demolition of any existing street improvement such as, but not limited to, the removal of existing curb, pavement, or the construction of a concrete driveway cut, without first having obtained the required permit.

168.6 All joints in the pavement or curb and gutter must have uniform matching surfaces as are obtained by forms, or saw-cutting the asphalt or concrete to be removed. All new construction joints are to be cleaned and filled with an appropriate joint sealant upon completion and are to be inspected for approval by the Town Manager.

168.7 Any person who violates this Section 168 shall be guilty of a misdemeanor and shall be punished in accordance with Chapter A, Article II, Section 6.

168.7.1 If such violation shall consist of the incorrect installation of a driveway, the person responsible therefore shall correct such violation within thirty (30) days of the receipt of notice from the Town.

168.7.2 Should such person fail to do so, the Town, utilizing its own resources or those of a private contractor, may remove and reconstruct the driveway in conformity with this article at the expense of such person who improperly constructed the driveway.

168.7.3 Should those expenses not be paid to the Town within thirty (30) days of receipt of a bill for same, the responsible party shall be liable to the Town for all costs and expenses allowed by law in a civil action brought to recover the same.

Section 169 Reserved

ARTICLE X. SIGNS

Section 170. Purpose of Article X

170.1 These sign regulations are designed to create a more attractive economic and business climate; to protect the physical appearance and aesthetics of the community; to protect property values; to control the number of distractions or obstructions that may pose traffic hazards; to provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in all districts; and, to ensure that signage is consistent with any comprehensive plan or long range plan that has been adopted or any other officially adopted plan that is applicable.

Section 171. General

171.1 The subject matter of all advertising signs shall be limited to advertising businesses or services available in the Town.

171.2 No new or existing sign of any type, or any part thereof, shall be erected, painted, posted, placed, replaced or hung in any zoning district or the shoreline except in compliance with this article with the exception of Section 171.3.

171.3 The Land Use Administrator, with the approval by the Board of Commissioners, may design and establish a public service signage that does not strictly adhere to this article.

171.4 All signs are a structure which must comply with the building code requirements of the Town, Pamlico County, and the State of North Carolina.

171.5 No sign to which this Article applies shall be erected in any public right-of-way.

171.6 A sign covered by more than one restriction of Sections 173 through 183 shall comply with the most restrictive of all applicable provisions of the GMO.

171.7 For a sign not included in this article the Planning Board will determine which definition in Section 172 (Sign Definitions) will apply to determine the status of the application.

171.8 Any illuminated sign shall meet the requirements of current National Electrical Code (NEC) and the restrictions outlined herein.

171.9 Non-profits are exempt from a sign permit fee, but are required to submit a sign application for any signage to ensure compliance with regulations in this article.

Section 172. Sign Definitions

172.1 The words, terms and phrases, when used in this Article X, pertaining to signs, shall have the meanings ascribed to them in Section 251 of the GMO.

Section 173. Prohibited signs

173.1 The following signs, or element of signs, shall not be permitted in the Town of Oriental:

173.1.1 Signs which contain obscene, suggestive, or offensive words, or pictures, which would be inconsistent with a family oriented community;

173.1.2 Abandoned, animated, dangerous, roof, safety imitation, street pavement, temporary pole and time/temperature signs as herein defined.

173.1.3 Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign;

173.1.4 Floodlights or signs erected or placed in such a manner as to cause glare that impairs driver vision on a roadway or causes a nuisance to adjacent property.

173.1.5 Changeable electronic variable message signs (CEVMS) and Light-Emitting Diode (LED)-Liquid Crystal Display (LCD) display technology signs except as stated in Section 174.1.6 of this Article.

173.1.6 Signs which are erected in a street right-of-way, or placed in a street right-of- way or placed in such a manner as to obstruct driver vision of any vehicle entering a roadway from any street, alley, driveway, or parking lot;

173.1.7 No person shall park any unlicensed vehicle or trailer on a street, public property or private property which has attached to it any sign or advertising device for the basic purpose of directing people to a

business or activity located on the same or other premises. This is not meant to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a vehicle.

173.1.8 No permanent signage drawn on street pavement of any kind, other than those placed by the town or state.

Section 174. Signs Excluded From Regulations

174.1 The following signs are excluded from the regulations and requirements of this chapter:

174.1.1 Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs including legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.

174.1.2 Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.

174.1.3 Signs which are in the nature of cornerstones, commemorative tables and historic designation, provided such signs are less than 4 (four) square feet in size and not illuminated and must meet the NC Department of Cultural Resources' standards.

174.1.4 Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.

174.1.5 Flags or insignias of any governmental entity when not displayed as an advertising device or in connection with any commercial promotion. The length of the flag shall not exceed one-quarter (¼) the height of the flagpole size.

174.1.6 A CEVMS sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Section 175. Signs Which Do Not Require A Sign Permit

175.1 The following signs may be erected without a permit. Such signs, however, shall be subject to all other provisions of this chapter:

175.1.1 Any temporary sign, as defined in Section 251 except for those temporary signs that exceed the standards cited in the sections below.

175.1.2 Signs or posters concerning candidates for elective office, public issues and similar matter to be decided by public election, to be removed no later than one (1) week after such election, subject to penalty. Such signs shall not exceed eight (8) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. Such signage shall not be located in any manner so as to create a safety or hazard. Signs that exceed the standard of this section shall require a sign permit.

175.1.3 Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed four (4) square feet in area. One such sign shall be allowed per street front. Such signs shall not be located in a public right-of-way.

175.1.4 Credit card decals, store hour specifications, “open” or “closed” signs, or similar signs that do not display any advertising message, and do not exceed two (2) square feet in size. No flashing signs are permitted.

175.1.5 A sign which advertises the sale of personal property, such as a garage sale, yard, porch or moving sale sign, provided such sign is displayed for a time period not greater than seven (7) consecutive days, and is not to be located in public right-of-way or affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.

175.1.6 Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. All such signs shall be removed not later than three (3) days after the scheduled activity.

175.1.7 Directional signs - area of sign can be no greater than 4 sq.ft.

175.1.8 Signs not exceeding four (4) square feet in area that are customarily associated with residential use, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, signs denoting security systems being used on the site, and signs warning against trespassing or danger from animals.

175.1.9 One (1) home occupation sign per residence, including framing structure, no larger than one (1) square foot.

175.1.10 Burgees as defined in Section 251.

175.1.11 Flag signs, including feather banners, that are used as a temporary sign.

Section 176. Sign Permits

176.1 Permits may be obtained by filing with the Land Use Administrator a written request containing or having attached thereto the following information:

176.1.1 Name, address and telephone number of applicant and owner of land on which the sign is to be located if different from applicant.

176.1.2 A drawing approximately to scale showing the design of the sign, including dimensions, method of attachment, or support, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed.

176.1.3 A plot plan, approximately to scale, indicating in feet the location of the sign relative to property lines, easements, streets, sidewalks, and other signs.

176.1.4 Two (2) copies of the plans and specifications of the sign, including methods of construction and attachment to building, structure or ground.

176.1.5 Name of person erecting the sign.

176.1.6 If the applicant is not the owner of the property at the proposed sign location, the owner shall also sign the permit application.

176.2 It is the responsibility of the applicant to keep the Land Use Administrator aware of any change of address/contact information.

176.3 The Land Use Administrator, upon receiving an application for a permit, shall examine said application, all other pertinent data and the premises upon which the proposed sign is to be erected. If it shall appear that the proposed sign is in compliance with all of the requirements of this Article and all other ordinances of the Town, and meets all building and electrical codes of the Town and State, if applicable, he/she, after the review of a Planning Board member, shall then issue the permit.

176.4 A schedule of fees for sign permits shall be determined by the Town Board and made available from the Land Use Administrator. An application is required for a logotype sign, but no fee shall be required for this type of sign.

176.5 Sign permits issued shall be reviewed by the Planning Board on a monthly basis at the regular meeting.

Section 177. Time Limits

177.1 The erection of new sign structures shall not commence until a permit has been issued. The sign structure must be completely constructed and erected within one hundred eighty (180) days from the date of issuance of the permit. The provisions of this section shall not apply when delays are not a result of willful acts or neglect by the persons obtaining the permit. In that event, the Land Use Administrator may grant an extension of thirty (30) days of time within which operation must be started or resumed. All requests for such extensions and approval thereof shall be in writing.

Section 178. Construction

178.1 All signs shall be constructed of durable nature and designed according to generally accepted engineering practices, to withstand wind pressures and load distribution, as specified in the N.C. Building Code. Where wood materials are used they shall be treated to inhibit decay and insect damage.

Section 179. Maintenance

179.1 The following maintenance requirements must be observed for all off-premise and on-premise signs visible from any public street or highway within the jurisdiction of this ordinance, and the Land Use Administrator shall inspect all signs for compliance with such requirements:

179.1.1 No sign shall have more than twenty (20%) percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than thirty (30) successive days.

179.1.2 No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than fifteen (15) degrees away from the perpendicular for a period of more than thirty (30) successive days.

179.1.3 No sign shall be allowed to have weeds, vines, landscaping or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than thirty (30) successive days.

179.1.4 No directly or indirectly illuminated sign may be allowed to stand with only partial illumination for a period of more than thirty (30) successive days.

179.1.5 If a sign is damaged such that more than fifty (50%) percent of the value is lost, with such determination made by the Land Use

Administrator, any repair or replacement must be done in conformance with this ordinance.

Section 180. Non-Conforming Signs

180.1 Signs in existence prior to adoption of this ordinance and which do not conform to the provisions of this Article are declared non-conforming signs. Non-conforming signs may be continued, provided they:

180.1.1 Were erected prior to adoption of this ordinance;

180.1.2 Shall not be expanded or relocated;

180.1.3 Shall not be modified in any way, which increases their degree of nonconformity;

180.1.4 Shall not be re-established after damage or destruction in excess of fifty (50%) percent of the sign square footage at the time of the damage or destruction; and

180.1.5 Are not to be replaced with another non-conforming sign nor modified in any way except as noted in Section 179 (Maintenance).

Section 181. Removal

181.1 With respect to any sign not in compliance with this chapter, the owner of the sign and owner of the property on which the sign is erected, if different, shall be notified by certified mail to the last known address that they have thirty (30) days to bring such sign into compliance. If it is not brought into compliance, such sign may be removed by the Town at the expense of the owner of the sign and/or the owner of the property where the sign is located. If a sign is located on public right-of-way, public property or public trust area, the Town may remove said sign at the expense of the owner twenty-four (24) hours after notification by certified mail. If a sign is a public nuisance or detrimental to public health and safety, the Town may remove said sign at the expense of the owner twenty-four (24) hours after notification.

Section 182. Appeals and Variances

182.1 Exceptions or hardships produced by this ordinance may be appealed to the Land Use Administrator who, in conjunction with the Planning Board, shall review the request to determine if it is allowable. The following questions must be considered in the review:

182.1.1 Will the change materially endanger public health or safety;

182.1.2 How will the change affect joining or abutting property; and

182.1.3 Will the change be in harmony with existing signage in the area.

182.2 A special use permit issued by the Town Board is required for any sign not included in the above.

Section 183. Exempt Signs, Prohibited Signs, and Signs Requiring a Permit

183.1 The table in subsection 183.2 indicates which signs are allowed without a permit (exempt), prohibited, or require a sign permit from each growth management district and the shoreline (in the 'S' column- see the definition of a shoreline sign in section 251). Exempt signs are indicated with an "E", prohibited signs are indicated with an "X", and signs that require a permit are indicated with a "P". All signs are subject to the associated restrictions listed in the table.

183.2 Table of Exempt, Prohibited, and Permitted signs by zoning district:

TYPE OF SIGN	RESTRICTIONS	R-1	R-2	R-3	MU-1	MU	S
E = Exempt (no permit needed)	*P = Requires a sign permit*			*X = Prohibited sign*			
Abandoned Sign	See Section 251	X	X	X	X	X	X
A-frame board	Size limited to no more than 4 feet by 30 inches and to be removed daily at the close of business	X	X	X	E	E	X
Animated Sign	See Section 251	X	X	X	X	X	X
Awning sign	Whether one business or multiple businesses, the area of signage must be delineated, cannot exceed 32 sq.ft in MU ***(20 sq. ft. in MU-1)*** and is included in the total signage allowed for free-standing on premise signs.	X	X	X	P	P	X
Banner/	A sign that promotes activities of non-profits & charities or special events within the town shall be erected no more than 30 days before such event and is to be removed 5 days after such event. A business can use a banner to advertise provided the sign not be displayed for a period longer than 14 days. A temporary sign or	E	E	E	E	E	E

TYPE OF SIGN	RESTRICTIONS	R-1	R-2	R-3	MU-1	MU	S
E = Exempt (no permit needed)	*P = Requires a sign permit*				*X = Prohibited sign*		
	banner less than 12 sq.ft. in size in MU(***less than 8 sq.ft. in size in MU-1***) may be used in lieu of a permanent sign **if a permit is obtained**.						
Building Artwork		X	X	X	E	E	X
Burgee		E	E	E	E	E	E
Business sign, off-premise	Area of sign limited to no more than 16 sq.ft. ***(10 sq.ft in MU-1)*** and height no more than 10 ft. ***(7 ft in MU-1)***	X	X	X	P	P	X
Business sign, on-premise	Where there is one business on a lot or located in a single building, the business may have signage not to exceed 32 sq.ft. ***(20 sq.ft. in MU-1)*** Where there are multiple businesses located on a lot or in a building, the location may have freestanding signage up to 32 sq.ft. ***(20 sq.ft.in MU-1)*** Any free standing sign cannot exceed 12 feet in height in MU ***(9 ft. in height in MU-1)***. In addition, each individual business located in the building may have signage attached to the building not to exceed 12 sq.ft.***(8 sq.ft. in MU-1)*** When multiple businesses or other entities are located in a single office unit, the office unit, **not each individual business or entity,** may have the additional attached signage as indicated above. **S** – Not to exceed 4 sq.ft.for charter boats and	X	X	X	P	P	P

TYPE OF SIGN	RESTRICTIONS	R-1	R-2	R-3	MU-1	MU	S
E = Exempt (no permit needed)	*P = Requires a sign permit*			*X = Prohibited sign*			
	limit one sign per boat; any other commercial sign not to exceed 1 square foot on any gangway, pier or dock and limited to one sign; a single land sign relating to above businesses not to exceed 16 sq.ft. when facing the water.						
Business complex sign	Area of sign can be no greater than 20 sq.ft. and is not included in the total square footage allowed for an on-premise business sign.	X	X	X	P	P	P
Business directional sign	Sign can be no larger than 4 sq.ft. and placed at one or more locations as deter-mined by the administrator.	P	P	P	P	P	P
Canopy sign	Whether one business or multiple businesses, the area of signage must be delineated, cannot exceed 32 sq.ft. in MU ***(20 sq.ft. in MU-1)*** and is included in the total signage allowed for free-standing on premise signs.	X	X	X	P	P	X
CEVM'S	See Sections 173 & 174	X	X	X	X	X	X
Changeable sign	**MU** – Area of sign limited to no more than 16 sq. ft. and height no more than 10 ft. and the area of signage shall not be included in total allowable on-premise business signage. **MU-1** – area of sign is limited to the allowable square footage for on-premise sign(s) as herein defined.	X	X	X	P	P	P
Commemorative sign	See Section 174	E	E	E	E	E	X
Construction sign	One freestanding sign with the size limited to 32 sq.ft. with a maximum height of 12 feet ***(20 sq.ft. with a maximum height of 9 feet***	P	P	P	P	P	P

TYPE OF SIGN	RESTRICTIONS	R-1	R-2	R-3	MU-1	MU	S
E = Exempt (no permit needed)	*P = Requires a sign permit*			*X = Prohibited sign*			
	***in MU-1*)** be erected after permit is issued and removed after certificate of occupancy is issued. **R-1, R-2** &**R-3** – One freestanding sign with the size limited to 10 sq.ft. with a maximum height of 6 feet to be erected as soon as permit is issued and removed after certificate of occupancy is issued.						
Dangerous sign	See Section 173	X	X	X	X	X	X
Development sign	Sign must be removed one year from issuance of permit or when certificate of occupancy is issued, whichever happens first. Size requirements are the same as for **construction sign**.	X	P	P	P	P	X
Digital sign	See CEVM's	X	X	X	X	X	X
Double-faced sign	Maximum size of sign shall adhere to individual type of sign as described in this section.	X	X	X	P	P	X
Directional sign	See Section 175	E	E	E	E	E	X
Entrance sign	Area of sign can be no greater than 20 sq.ft.	P	P	P	P	P	X
Feather/flutter/scooper/ Banner or flag	See restrictions for flag sign (Flag signs, including feather banners, used as a temporary sign are exempt)	X	X	X	P	P	P
Flag sign (including feather banners)	Any flag (or Feather/flutter/ banner or flag) used to advertise or attract businesses, products or services or a flag (feather/ flutter/scooper banner or flag) with or without graphics and no message, shall not exceed twenty (20) sq. ft. and be limited in number to one every hundred (100 feet). A flag cannot be attached to any supporting structure that is	X	X	X	P	P	P

TYPE OF SIGN	RESTRICTIONS	R-1	R-2	R-3	MU-1	MU	S
E = Exempt (no permit needed)	*P = Requires a sign permit*			*X = Prohibited sign*			
	more than twelve (12) feet high in MU or nine (9) feet high in MU-1.						
Free Standing sign	See restrictions for individual types of signs as described in this section						
Generic sign	If area of sign is no greater than 2 sq.ft. it shall not be included in the total square footage allowed for on-premise business sign-age as described in this section.	X	X	X	E	E	X
Holiday decoration	See Section 174	E	E	E	E	E	E
Home occupation sign	Limited to one sign no more than 4 sq.ft. One sign less than 1 sq.ft. exempt-see Section 175.1.9.	P	P	P	P	P	X
Illuminated sign	No floodlights or signs shall be erected or placed in such a manner as to cause glare that impairs driver vision on a roadway or causes a nuisance to adjacent property.	X	X	X	P	P	X
Kiosk sign	Area of sign limited to no more than 16 sq.ft. in MU ***(10 sq.ft. in MU-1).*** Area of signage shall be included in total allowable on-premise business signage.	X	X	X	P	P	X
Logotype sign	Area of sign can be no greater than 4 sq.ft. and is not counted in the total square footage allowed for an on-premise business sign. No fee required with application.	X	X	X	P	P	X
Marquee sign	Area of sign limited to no more than 16 sq.ft. in MU ***(10 sq.ft. in MU-1).*** Area of signage shall be included in total allowable square footage for on-premise business signage.	X	X	X	P	P	X
Menu-board/ specials board	Sign can be no larger than 18 inches by 24 inches in size.	X	X	X	E	E	X

TYPE OF SIGN	RESTRICTIONS	R-1	R-2	R-3	MU-1	MU	S
E = Exempt (no permit needed)	*P = Requires a sign permit*			*X = Prohibited sign*			
Murals		X	X	X	P	P	P
Obscene sign	See Section 173	X	X	X	X	X	X
Occupant/street number sign	Size not to exceed one square foot. See section 104	E	E	E	E	E	E
Off-premise sign	*See restrictions for individual types of signs as described in this section. Area of sign limited to no more than 20 sq.ft. and height no more than 9 ft. in both MU and MU-1	X	X	X	P	P	X
On-premise sign	*See restrictions for individual types of signs as described in this section.						
Open/close or vacancy sign	See Section 174.	E	E	E	E	E	E
Political or campaign sign	Size not to exceed 12 sq.ft. and must be removed within 7 days after the election.	E	E	E	E	E	E
Portable sign	Use of sign is limited for special or charitable events or events that are in the Town or of special interest to the Town and not for advertising businesses or merchandize. Sign must be removed within 14 days of event.	X	X	X	P	P	X
Product name sign	An additional combined total of twenty (20) sq.ft. of product name signage is permissible in MU & MU-1 provided that each individual sign does not exceed two (2) square feet.	X	X	X	P	P	X

TYPE OF SIGN	RESTRICTIONS	R-1	R-2	R-3	MU-1	MU	S
E = Exempt (no permit needed)	*P = Requires a sign permit*			*X = Prohibited sign*			
Real estate sign, temporary	For R-1, R-2, R-3 MU, MU-1 districts, one sign per each street frontage that is no greater than 4 sq.ft. For S (Shoreline) properties, one residential "for sale" sign per property, which shall not exceed 6 sq.ft. Sign must be removed within 14 days after sale or rental of property. **Signs may not be placed in the town right-of-way.**	E	E	E	E	E	E
Residential sign	In R-1, R-2, R-3 MU, and MU-1 the size shall not exceed one square foot. In 'S', the size shall not exceed 6 sq.ft..	E	E	E	E	E	E
Right-of-way signs	See Section 173	X	X	X	X	X	X
Roof sign	See Section 173	X	X	X	X	X	X
Safety imitation signs	See Section 173	X	X	X	X	X	X
Shoreline sign	See Business sign, on premise in this section.						
Street pavement	Chalk signage for a town event or chalk artwork, which is temporary in nature and which is not prohibited as described in Section 173-Prohibited signs, are exempt.	E	E	E	E	E	E
Temporary pole sign	See Section 173	X	X	X	X	X	X
Temporary Sign	See restrictions for individual signs as described in this section. A temporary sign may be used to advertise provided the sign not be displayed for a period longer than 14 days.						
Time/temperature sign	See Section 173	X	X	X	X	X	X
Warning or danger sign	See Section 173	E	E	E	E	E	E
Wind Devices	See restriction for individual signs as described in this section						
Window sign	See Section 175	X	X	X	E	E	X

TYPE OF SIGN	RESTRICTIONS	R-1	R-2	R-3	MU-1	MU	S
E = Exempt (no permit needed) *P = Requires a sign permit* *X = Prohibited sign*							
Yard sale sign	Signs must be temporary in nature, shall not be placed in the public right-of-way, nor on public utility poles, telephone poles, traffic signs, trees, parking meter poles, benches, refuse containers and are limited to a 7-daydisplay period and must be removed at the end of the final day of sale.	E	E	E	E	E	E

Sections 184 through 189 Reserved

ARTICLE XI. NONCONFORMING SITUATIONS AND DEFINITIONS

Section 190. Definitions

190.1 The words and phrases defined in this section 190 shall have the meaning indicated when used in this Article.

190.1.1 Dimensional nonconformity.A nonconforming situation 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.

190.1.2 Effective date of this chapter. Whenever this article refers to the effective date of this chapter, the reference shall be deemed to include the effective date of any amendments to this chapter if the amendment, rather than this chapter as originally adopted, creates a nonconforming situation.

190.1.3 Expenditure. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

190.1.4 Nonconforming lot. A lot existing at the effective date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area, building setback, or dimensional requirements of the district in which the lot is located.

190.1.5 Nonconforming project. Any structure, development, or undertaking that is incomplete at the effective date of this chapter and

would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

190.1.6 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.)

190.1.7 Nonconforming situation. A situation that occurs when, on the effective date of this chapter, an existing lot or structure or use of an existing lot or structure does not conform to one (1) 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 exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter, or because land or buildings are used for purposes made unlawful by this chapter.

Section 191. Continuation of Nonconforming Situations and Completion of Nonconforming Projects

191.1 Subject to the restrictions and qualifications set forth in Section 192 through 197 and Section 60 (Permissible Uses and Specific Exclusions), nonconforming situations that were otherwise lawful on the effective date of this chapter may be continued.

191.2 Nonconforming projects may be completed only in accordance with the provisions of Section 197 (Completion of Nonconforming Projects).

Section 192. Nonconforming Lots

192.1 When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot does not meet the required minimums in Sections 70 (Minimum Lot Size) or 71 (Minimum Lot Widths), then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular growth management district is permissible on a nonconforming lot.

192.2 When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements (Section 113) cannot reasonably be complied with, then the Board of Adjustment, subject to the provisions of Section 201 (Variances) and Section 211 (Hearing Required on

Appeals and Applications), may issue a variance from the applicable setback requirements if it finds that:

192.2.1 The property cannot reasonably be developed for the use proposed without such deviations;

192.2.2 These deviations are necessitated by the size or shape of the nonconforming lot;

192.2.3 The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety; and

192.2.4 The property can meet the average distance of the building setbacks of developed properties on the same and opposite sides of the street to which the subject property abuts.

192.3 Compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

192.4 This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 195 (Change in Use of a Nonconforming Situation).

192.5 If on the date this section becomes effective an undeveloped nonconforming lot adjoins and has continuous frontage with one (1) or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified in this chapter, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

Section 193. Extension or Enlargement of Nonconforming Situations

193.1 Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

193.1.1 An increase in the total amount of space devoted to a nonconforming use; or

193.1.2 Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements; or

193.1.3 The increase in the height of a structure without a special use permit when due to a natural disaster.

193.2 Subject to subsection 193.4, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this chapter, was manifestly designed or arranged to accommodate such use. However, subject to Section 197 (Completion of Nonconforming Projects), a nonconforming use may not be extended to additional buildings or to land outside the original building.

193.3 Subject to Section 197 (Completion of Nonconforming Projects), 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 (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if ten percent or more of the earth products had already been removed on the effective date of this chapter.

193.4 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.

193.5 Any structure used for single-family residential purposes (including manufactured homes) and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in Section 196 (Abandonment and Discontinuance of Nonconforming Situations).

193.6 Whenever:

193.6.1 there exists a lot with one or more structures on it; and

193.6.2 a change in use that does not involve any enlargement of a structure is proposed for such lot; and

193.6.3 the parking or loading requirements of Article IX that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading,

193.6.4 then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation.

193.6.5 However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Section 166 (Satellite Parking) if:

193.6.5.1 parking requirements cannot be satisfied on the lot with respect to which the permit is required; and

193.6.5.2 such satellite parking is reasonably available.

Section 194. Repair, Maintenance and Reconstruction

194.1 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 fifty percent of the appraised valuation of the structure to be renovated may be done only in accordance with a special use permit issued pursuant to this section.

194.2 If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed fifty percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a special use permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes (including manufactured homes), which structures may be reconstructed pursuant to a land use permit just as they may be enlarged or replaced as provided in Subsection 193.5 (Extension or Enlargement of Nonconforming Situations).

194.3 For purposes of subsections 194.1 and 194.2:

194.3.1 The “cost” of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement; and shall further mean the total cost of all such intended work.

194.3.1.1 No person may seek to avoid the intent of subsections 194.1 and 194.2 by doing such work incrementally.

194.3.2 The “appraised valuation” shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase

in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser, whichever is greater.

194.4 The Town Commissioners shall issue a special use permit authorized by this section if they find that, in completing the renovation, repair or replacement work:

194.4.1 There is no increase in the total amount of lot area devoted to the nonconforming use; and

194.4.2 There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, density requirements or other requirements such as parking, loading and landscaping requirements; and

194.4.3 There is no significant adverse impact on surrounding properties or the public health or safety.

194.5 In issuing a special use permit, the Town Commissioners may affix other reasonable and appropriate conditions such as, but not limited to, landscaping and buffering to separate dissimilar uses or to screen parking and loading areas.

Section 195. Change In Use of a Nonconforming Situation

195.1 A change in use of property that is sufficiently substantial to require a new land use or special use permit in accordance with Section 70 (Permits Required) may not be made except in accordance with subsections 195.2 and 195.3.

195.2 If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this chapter applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this chapter is achieved, the property may not revert to its nonconforming status.

195.3 If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this chapter applicable to that use cannot reasonably be complied with, then the change is permissible if the entity authorized by this chapter to issue a permit for that particular use (the Land Use Administrator or Town Commissioners) issues a permit authorizing the change. This permit may be issued if the permit-issuing authority finds, in addition to any other findings that may be required by this chapter, that:

195.3.1 The intended change will not result in a violation of Section 193 (Extension or Enlargement of Nonconforming Situations); and

195.3.2 All of the applicable requirements of this section that can reasonably be complied with will be complied with. Compliance with a requirement of this section is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would be created.

Section 196. Abandonment and Discontinuance of Nonconforming Situations

196.1 When a nonconforming use is discontinued for a consecutive period of 180 days, the property involved may thereafter be used only for conforming purposes.

196.2 If the principal activity on property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of 180 days, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.

196.3 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 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 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.

196.4 When a structure or operation made nonconforming by this chapter is vacant or discontinued at the effective date of this chapter, the 180-day period for purposes of this section begins to run on the effective date of this chapter.

Section 197. Completion of Nonconforming Projects

197.1 As provided in NCGS §160-385(b), neither this ordinance or any amendment to it shall, without the consent of the property owner, affect any lot

with respect to which a building permit has been issued pursuant to NCGS §160A-417 prior to the enactment of the ordinance making the change so long as the building permit remains valid, unexpired, and unrevoked.

Sections 198 and 199 Reserved

ARTICLE XII. APPEALS, VARIANCES, INTERPRETATIONS

Section 200. Appeals

200.1 An appeal from any final order or decision of the Land Use Administrator or a designee may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Land Use Administrator and the Board of Adjustment a written notice of appeal specifying the grounds therefore. A notice of appeal shall be considered filed with the Land Use Administrator and the Board of Adjustment when delivered to the town hall, and the date and time of filing shall be entered on the notice by the Land Use Administrator.

200.2 An appeal must be taken within thirty days after the date of the decision or order appealed from.

200.3 Whenever an appeal is filed, the Land Use Administrator shall transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from.

200.4 An appeal stays all actions by the Land Use Administrator seeking enforcement of or compliance with the order or decision appealed from, unless the Land Use Administrator certifies to the Board of Adjustment that (because of facts stated in the certificate) a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Land Use Administrator.

200.5 The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

Section 201. Variances

201.1 An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Land Use Administrator. Applications shall be handled in the same manner as applications for special use permits.

201.2 A variance may be granted by the Board of Adjustment if it concludes:

201.2.1 There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the Ordinance. The Board may reach this conclusion if it finds that:

201.2.1.1 If the applicant complies with the provisions of this ordinance, the applicant can make no reasonable return, or make no reasonable use of his property; and

201.2.1.2 The hardship results from the application of the ordinance to his property; and

201.2.1.3 The hardship is not the result of the applicant's own actions; and

201.2.1.4 The hardship is peculiar to the applicant's property; and

201.2.2 The variance is in harmony with the general purpose and intent of this Ordinance; and

201.2.3 The granting of the variance assures the public safety and welfare and does substantial justice.

201.3 In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

201.4 A variance may be issued for an indefinite duration or for a specified duration.

201.5 The nature of the variance and any conditions attached to it shall be entered on the face of the land use permit, or the land use permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

201.6 Variances shall expire automatically if, within one year after the issuance of a building permit, the use authorized by the variance has not commenced.

Section 202. Interpretations

202.1 The Board of Adjustment is authorized to interpret the growth management map and to pass upon disputed questions of district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Land Use Administrator, they shall be handled as provided in Section 200 (Appeals).

202.2 An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the office of the Land Use Administrator in the town hall. The application shall contain sufficient information to enable the board to make the necessary interpretation.

202.3 Where uncertainty exists as to the boundaries of districts as shown on the Official Growth Management Map, the following rules shall apply:

202.3.1 Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

202.3.2 Boundaries indicated as approximately following lot lines of town limits shall be construed as following such lines or limits;

202.3.3 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines;

202.3.4 Where a district boundary divides a lot or where distances are not specifically indicated on the Official Growth Management Map, the boundary shall be determined by measurement, using the scale of the Official Growth Management Map;

202.3.5 Where any street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added by virtue of such vacation or abandonment.

Section 203. Requests to be Heard Expeditiously

203.1 As provided in Section 100 (Applications to be Processed Expeditiously), the Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Article XIII (Hearing Procedures for Appeals and Applications), and obtain the necessary information to make sound decisions.

Section 204. Burden of Proof in Appeals and Variances

204.1 When an appeal is taken to the Board of Adjustment in accordance with Section 200 (Appeals), the Land Use Administrator shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

204.2 The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in Section 201.2 (Variances), as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

Section 205. Board Action on Appeals and Variances

205.1 With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption (see Subsection 22.3, Quorum and Voting), then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by more than one fifth of the board's membership (excluding vacant seats).

205.2 In granting a variance, the board must vote affirmatively (by a 4/5 majority – See Subsection 22.3, Quorum and Voting) on each of the six required findings stated in Section 201.2 (Variances). Insofar as practicable, a separate motion to make an affirmative finding on each of the requirements set forth in Section 201.2 (Variances) shall include a statement of the specific reasons or findings of fact supporting each motion.

205.3 A motion to deny a variance may be made on the basis that any one or more of the six criteria set forth in Section 201.2 (Variances) are not satisfied or that the application is incomplete. Such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board's decision if supported by more than one fifth (1/5) of the Board's membership (excluding vacant seats).

Sections 206 through 210 Reserved

ARTICLE XIII. HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 211. Hearing Required on Appeals and Applications

211.1 Before making a decision on an appeal or an application for a variance, special use permit, or a petition from the Land Use Administrator to revoke a special use permit, the Town Commissioners or the Board of Adjustment, as the case may be, shall hold a hearing on the appeal or application.

211.2 The hearing shall be open to the public and all persons shall be given an opportunity to present evidence, oral or written, offer sworn testimony, and direct questions to the board regarding other evidence or testimony.

211.3 The Town Commissioners or the Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

211.4 The Town Commissioners or the Board of Adjustment Board hearing an appeal or application may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

Section 212. Notice of Hearing

212.1 The Land Use Administrator shall give notice of any hearing required by Section 211 (Hearing Required on Appeals and Applications) as follows:

212.1.1 Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not less than ten days before the hearing.

212.1.2 Notice shall be given to neighboring property owners by mailing a written notice not less than ten days before the hearing to those persons who have listed for taxation any portion of real property that abuts the lot that is the subject of the application or appeal.

212.1.3 Notice shall be given to other potentially interested persons by publishing a notice in a newspaper having general circulation in the area once a week for two consecutive weeks. The notice shall be published for the first time not more than 25 days and not less than 10 days before the date fixed for the hearing.

212.1.4 The notice required by this section shall state the date, time and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, give a brief description of the action requested or proposed, state that the full permit request application can be reviewed at the office of the Land Use Administrator; and state that substantial changes in the permit request may be made following the public hearing.

Section 213. Evidence

213.1 The provisions of this section apply to all hearings for which a notice is required by Section 211 (Hearing Required on Appeals and Applications).

213.2 All persons who present evidence or speak to the permit-issuing authority shall be sworn.

213.3 All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon sworn

testimony and admitted evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question is determined to be reliable, and the matter at issue is not seriously disputed.

Section 214. Recommendations on Special Use Permit Applications

214.1 When presented to the Town Commissioners at the hearing, the application for a special use permit shall be accompanied by a report setting forth the Planning Board's proposed findings concerning the application's compliance with Section 73 (Application To Be Complete) and the other requirements of this chapter, as well as any recommendations for additional requirements to be imposed by the Town Commissioners.

214.2 If the Planning Board proposes a finding or conclusion that the application fails to comply with Section 73 (Application To Be Complete) or any other requirement of this chapter, it shall identify the requirement in question and specifically state supporting reasons for the proposed finding or conclusion.

Section 215. Town Commissioners' Action on Special Use Permits

215.1 In considering whether to approve an application for a special use permit, the Town Commissioners shall proceed according to the following format:

215.1.1 The Town Commissioners shall consider whether the application complies with all of the applicable requirements of this chapter. If a motion to this effect passes, the Town Commissioners need not make further findings concerning such requirements. If such a motion fails or is not made, a motion shall be made that the application be found not in compliance with one (1) or more of the requirements of this chapter. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Town Commissioners to be unsatisfied through this process.

215.1.2 If the Town Commissioners conclude that the application fails to comply with one (1) or more requirements of this chapter, the application shall be denied. If the Town Commissioners conclude that all such requirements are met, they shall issue the permit unless they adopt a motion to deny the application for one (1) or more reasons set forth in Section 86.1 (Special Use Permit Application). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Section 216. Additional Requirements on Special Use Permits

216.1 In granting a special use permit, the Town Commissioners may attach to the permit such reasonable requirements, in addition to those specified in this chapter, as will ensure that the development in its proposed location:

216.1.1 Will not endanger the public health or safety;

216.1.2 Will not injure the value of adjoining or abutting property;

216.1.3 Will be in harmony with the existing development and uses within the area in which it is to be located; and

216.1.4 Will be in conformity with the land use plan, thoroughfare plan, or other plan, officially adopted by the Town Commissioners.

216.2 The Town Commissioners may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

216.3 The Town Commissioners may attach to a permit a condition limiting the permit to a specified duration.

216.4 All additional conditions or requirements shall be entered on the permit.

216.5 All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.

216.6 A vote may be taken on application conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Sections 86.1 (Special Use Permit Application).

Section 217. Modification of Application at Hearing

217.1 In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Commissioners or the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.

217.2 Unless such modifications are so substantial or extensive that the permit-issuing authority cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans review, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to and accepted by the Land Use Administrator.

Section 218. Record

218.1 A record shall be made of all hearings required by Section 211 (Hearing Required on Appeals and Applications), and such recordings shall be kept as provided by state law, but a transcript need not be made. Minutes shall also be kept of all such proceedings, but a transcript need not be made.

218.2 Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings.

Section 219. Written Decision

219.1 Any decision made by the Town Commissioners or the Board of Adjustment regarding an appeal or variance or issuance or revocation of a special use permit shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.

219.2 In addition to a statement of the board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the board's findings and conclusions, as well as supporting reasons or facts, whenever this chapter requires the same as a prerequisite to taking action.

Section 220. Reconsideration of Board Action

220.1 Whenever the Town Commissioners disapprove an application for a special use permit or the Board of Adjustment disapproves an application for a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board at a later time unless the applicant clearly demonstrates that:

220.1.1 Circumstances affecting the property that is the subject of the application have substantially changed; or

220.1.2 New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Land Use Administrator within the time period for an appeal to superior court (see Section 231, Judicial Review). However, such a request does not extend the period within which an appeal must be taken.

220.2 The Town Commissioners or the Board of Adjustment may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

220.3 For purposes of determining fees, resubmission of an application shall be treated as a new application.

Sections 221 through 225 Reserved

ARTICLE XIV. ENFORCEMENT AND REVIEW

Section 226. Complaints Regarding Violations

226.1 Whenever the Land Use Administrator receives a written, signed complaint alleging a violation of this chapter, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

Section 227. Persons Liable

227.1 The owner, tenant, or occupant of any building or land and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.

Section 228. Procedures Upon Discovery of Violations

228.1 If the Land Use Administrator finds that any provision of this chapter is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Land Use Administrator's discretion.

228.2 The final written notice (and the initial written notice may be the final notice) shall state what action the Land Use Administrator intends to take if the violation is not corrected and shall advise that the Land Use Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 200 (Appeals).

228.3 In cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety, or welfare, the Land Use Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 229 (Penalties and Remedies for Violations).

Section 229. Penalties and Remedies for Violations

229.1 Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a fine of up to fifty dollars, or a maximum thirty days imprisonment.

229.2 Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of fifty dollars. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 228 (Procedures Upon discovery of Violations) and did not take an appeal to the Board of Adjustment within the prescribed time.

229.3 This chapter may also be enforced by any appropriate equitable action.

229.4 Each day that any violation continues after notification by the Land Use Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

229.5 The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision section of the growth management ordinance.

229.6 Building permits required pursuant to GS 160A-417 may be denied for lots that have been illegally subdivided.

229.7 Nothing in this Article shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this ordinance by pursuing any one, all, or a combination of remedies authorized by NCGS 160A-175.

Section 230. Permit Revocation

230.1 A land use or special 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 plans submitted, the requirements of this chapter, or any additional requirements lawfully imposed by the permit-issuing authority.

230.2 Before a special use permit may be revoked, all of the notice and hearing and other requirements of Article V shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

230.3 The burden of presenting evidence sufficient to authorize the Town Commissioners to conclude that a permit should be revoked for any of the reasons set forth in subsection (1) shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

230.4 A motion to revoke a permit shall include a statement of the specific reasons or findings of fact that support the motion.

230.5 Before a land use permit may be revoked, the Land Use 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 a hearing on the allegations. If the permit is revoked, the Land Use Administrator shall provide to the permittee a written statement of the decision and the reasons for the revocation.

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

Section 231. Judicial Review

231.1 Every decision of the Town Commissioners granting or denying a special use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Pamlico County by proceedings in the nature of certiorari.

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

231.2.1 A written copy of the board's decision (see Section 208, Written Decision) has been filed in the office of the Land Use Administrator; and

231.2.2 A written copy of the board's decision (see Section 208, Written 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.

231.3 A copy of the writ of certiorari shall be served upon the Town of Oriental.

Sections 232 through 234 Reserved

ARTICLE XV. AMENDMENTS

Section 235. Amendments in General

235.1 Amendments to the text of this chapter or to the Official Growth Management Map may be made in accordance with the provisions of this Article.

235.2 As provided in NCGS 160A-385(b), amendments, modifications, supplements, repeal or other changes in land use regulations and restrictions and development boundaries shall not be applicable or enforceable without consent of the owner with regard to building and uses for which either:

235.2.1 Any building permit which has been issued pursuant to NCGS 160A-417 prior to the enactment of the ordinance making the change or changes as long as the permit remains valid and unexpired pursuant to NCGS 160A-418 and unrevoked pursuant to NCGS 160A-422; or

235.2.2 A vested right which has been established pursuant to NCGS 160A-385.1 and the provisions of Section 237 (Vested Right) prior to the enactment of this chapter remains valid and unexpired.

Section 236. Initiation of Amendments

236.1 Any person may petition the Town Commissioners to amend this chapter and/or the Official Growth Management Map. For this purpose, a petition shall be filed with the Land Use Administrator and shall include, among the information deemed relevant by the Land Use Administrator:

236.1.1 The name, address, and phone number of the petitioner;

236.1.2 If a change in development district classification is proposed, a legal description and a scaled map of the land affected by the proposed amendment; and

236.1.3 A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.

236.2 Petitions for amendments to this chapter or the Official Growth Management Map shall be submitted to the Land Use Administrator at least fifteen (15) days prior to the date of a regularly scheduled Planning Board meeting. Upon written confirmation from the Land Use Administrator that the application is complete, the request will be placed on the agenda of the next Planning Board meeting occurring fifteen (15) days or more thereafter.

236.3 The Town Commissioners, at their next regularly scheduled meeting following the Planning Board's meeting at which time the petition is first considered, shall schedule a public hearing concerning the petition.

236.4 Whenever a request to amend this chapter or the Official Growth Management Map is initiated by the Town Commissioners, the Planning Board, or the Land Use Administrator, time limits imposed by this article do not apply.

236.5 If a petition for any amendment(s) to this chapter or to the Official Growth Management Map has previously been denied by the Town Commissioners or withdrawn by the petitioner after a recommendation of denial by the Planning

Board or after a public hearing has been scheduled by the Town Commissioners, such petition shall be rejected by the Land Use Administrator unless;

236.5.1 It is determined by the Land Use Administrator, in consultation with and in agreement of the Planning Board, to be materially different from the previously denied or withdrawn petition; or

236.5.2 Special approval is granted by the Town Commissioners under the provisions of subsection (6) below; or

236.5.3 Twelve months have elapsed from the time of such previous denial or withdrawal, which twelve-month period shall commence as follows:

236.5.3.1 if the previous petition was denied by the Town Commissioners, on the date of that denial; or

236.5.3.2 if the previous petition had been recommended for denial by the Planning Board and withdrawn by the petitioner prior to final action by the Town Commissioners, on the date of the recommended denial by the Planning Board; or

236.5.3.3 if the date of withdrawal by the petitioner is after a public hearing has been scheduled but before action (other than the setting of the public hearing) is made by the Planning Board or the Town Commissioners, on the date of that withdrawal.

236.6 Special approval of the Town Commissioners to consider a petition that has been previously denied or withdrawn and that has been rejected under the provisions of Section 236.5, may be granted, upon a finding by the Town Commissioners of any of the following grounds:

236.6.1 Materially changed conditions;

236.6.2 Clerical error was the basis for the previous development district designation;

236.6.3 Newly discovered evidence of adverse impact of the current development district designation which by due diligence could not have been discovered in time for the earlier hearing; or

236.6.4 Substantively and materially changed amendment of petition is submitted.

Section 237. Planning Board Consideration of Proposed Amendments

237.1 The Planning Board, after allowing for public comment at a Planning Board meeting, shall, within thirty five (35) days of its first appearance on the Planning Board's agenda, render a written recommendation for approval, denial, or modification of the petition to the Town Commissioners.

237.2 The Planning Board shall advise and comment in writing on whether the proposed amendment is consistent with any comprehensive plan or long range plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Town Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. A written comment by the Planning Board that a proposed amendment is inconsistent with any such plans shall not preclude consideration or approval of the proposed amendment by the Town Commissioners.

237.3 Whenever the Planning Board is called upon to make a recommendation concerning an amendment to the Official Growth Management Map, the Land Use Administrator shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the Planning Board's agenda at a specified date and time. Such notice(s) shall be posted at least seven (7) days prior to the meeting at which the matter is to be considered.

237.4 If no written report is received from the Planning Board within thirty five (35) days of its first appearance on the Planning Board's agenda, the Town Commissioners may proceed in consideration of the proposed amendment without the Planning Board report. The Town Commissioners are not bound by the recommendations, if any, of the Planning Board.

Section 238. Hearing Required – Notice

238.1 No amendment to any of the provisions of this chapter or to the Official Growth Management Map may be adopted until a public hearing has been held on such proposed amendment.

238.2 The Land Use Administrator shall publish a notice of the public hearing on any proposed amendment to the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be counted.

238.3 With respect to proposed amendments to the Official Growth Management Map, the Land Use Administrator shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose development classifications are changed by the proposed amendment, as well as the owners

of all properties which are within 150 feet of the properties so affected by the proposed amendment.

238.4 The first class mail notice required under subsection 238.3 of this section shall not be required if the proposed amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Land Use Administrator elects to use the expanded published notice provided for in this subsection. In this instance, the Land Use Administrator may elect to either make the mailed notice provided for in subsection 238.3 of this section or may as an alternative elect to publish notice of the hearing as required by NCGS 160A-364, but each advertisement shall not be less than one-half of a newsletter page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property shall be notified according to the provisions of subsection 238.3 of this section.

238.5 The public notice required by this section shall:

238.5.1 State the date, time, and place of the public hearing.

238.5.2 Summarize the nature and character of the proposed change.

238.5.3 State that the full text of the proposed amendment can be obtained from the Land Use Administrator, and

238.5.4 State that substantial changes in the proposed amendment may be made following the public hearing.

238.6 The person or persons mailing notices to adjoining property owners, as defined in NCGS 160A-384, shall certify to the Town Commissioners that fact.

238.7 When an Official Growth Management Map amendment is proposed, the Land Use Administrator shall prominently post a notice of public hearing on the site proposed for reclassification or on an adjacent public street or highway right-of-way. When multiple parcels are included with the proposed map amendment, a posting on each individual parcel is not required, but the Land Use Administrator shall post sufficient notices to provide reasonable notice to interested persons.

Section 239. Town Commissioners' Action on Amendments

239.1 The Town Commissioners may consider the petition or refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

239.2 The Town Commissioners should, in most cases, take final action on a proposed amendment within sixty-five (65) days after the date of the meeting at which the Public Hearing is set. In the event the Town Commissioners determine that additional time is necessary and reasonable in connection with any petition for amendment hereunder, the Board shall state the specific reason(s) for the additional time required and the estimated additional time likely to be required. Such statements shall be made a part of the official minutes and records of the Town Commissioners. The Town Commissioners, when making the determination that additional time is required, shall bear in mind the interests of both the petitioner and the members of the general public who have expressed opposition to or concerns about the proposed amendment. The Town Commissioners shall endeavor in all cases to take final action in as expeditious a manner as practicable. If, for any reason, the final action on a proposed amendment hereunder is delayed more than sixty (60) days after the public hearing on the proposed amendment was closed, the Town Commissioners shall, before taking such final action, schedule such final action for a meeting (regular or special) and give not less than seventy-two (72) hours advance public notice (in the same manner as for a special meeting) of the meeting at which such final action will be on the agenda and shall, at such meeting, give the public the opportunity to be heard on the matter, prior to voting thereon.

239.3 Prior to adopting or rejecting any proposed amendment to this chapter, the Town Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan or long range plan and explaining why the Town Commissioners consider the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

239.4 Voting on proposed amendments to this chapter shall proceed in the same manner as other ordinances, subject to Section 241 (Protests to Development District Changes).

239.5 Any town commissioner who believes that the commissioner himself or any other town commissioner has such a financial interest in any proposed amendment to this chapter or to the Official Growth Management Map as to warrant excusing such commissioner from voting upon the proposed amendment under the provisions of NCGS 160A-381(d), shall bring the issue before the Town Commissioners for consideration. The Town Commissioners shall determine whether the financial interest of a commissioner is one that prohibits voting by such commissioner and, if it so finds, the Town Commissioners shall vote to excuse such commissioner in accordance with NCGS 160A-75.

Section 240. Ultimate Issue Before Town Commissioners on Amendments

240.1 In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Town Commissioners is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be

declared irrelevant by the mayor and excluded. When considering proposed amendments to the Official Growth Management Map:

240.1.1 The Town Commissioners shall not consider any representations made by the petitioner that, if the change is granted, the property in question will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Town Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

240.1.2 The Town Commissioners shall not regard the advantages or disadvantages to the petitioner requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 241. Protests to Development District Changes

241.1 If a petition opposing a change in the development district classification of any property is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of four-fifths of the Town Commissioners membership. For the purposes of this subsection, vacant positions on the board and members who are excused from voting shall not be considered 'members of the board' for calculation of the requisite supermajority. In accordance with NCGS 160A-385(a), provisions concerning protests shall not be applicable to any amendment which initially regulates property added to the territorial coverage of this chapter as a result of annexation or otherwise.

241.2 To invoke the four-fifths vote requirement:

241.2.1 The petition must be signed by the owners of either

241.2.1.1 twenty percent (20%) or more of the area included in the proposed classification change; or

241.2.1.2 five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be reclassified.

241.2.1.2.1 A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less.

241.2.1.2.2 When less than an entire parcel is subject to the proposed Official Growth Management Map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the

town may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.

241.2.2 The petition must be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.

241.2.3 The petition must be received by the Land Use Administrator at least two (2) normal working days before the date established for a public hearing on the proposed amendment to allow the Land Use Administrator the opportunity to determine the sufficiency and accuracy of the petition.

241.3 A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed growth management amendment. Only those protest petitions that meet the qualifying standards set forth in NCGS 160A-385 at the time of the vote on the proposed amendment shall trigger the supermajority voting requirement.

241.4 The foregoing provisions concerning protests shall not be applicable to any amendment which initially classifies property added to the territorial coverage of this chapter as a result of annexation or otherwise.

Section 242. Vested Right

242.1 Requests to establish vested rights according to NCGS §160A-385.1 shall provide the information required for a special use permit request and shall follow the amendment procedure outlined in this Article.

242.2 Vested rights may be terminated in any of the following ways:

242.2.1 The landowner agrees, in writing, to relinquish the vested right.

242.2.2 After notice and hearing, the Town Commissioners determine that there are natural or manmade hazards that 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.

242.2.3 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 fees incurred after approval by the Land Use Administrator, 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.

242.2.4 Upon findings by the Town Commissioners, 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 of the site specific development plan.

242.2.5 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 hearing.

242.2.6 At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

Sections 243 through 249 Reserved

ARTICLE XVI. WORD INTERPRETATIONS AND BASIC DEFINITIONS

Section 250. Word Interpretation

250.1 For the purpose of the ordinance, certain words shall be interpreted as follows:

250.1.1 The word “may” is permissive.

250.1.2 The words “shall” and “will” are mandatory.

250.1.3 The present tense includes the future tense and the future tense includes the present tense.

250.1.4 The singular includes the plural and the plural incudes the singular.

Section 251. Definitions of Basic Terms (September 2016)

Unless otherwise specified, the words, terms, and phrases defined in this Section shall have the meaning indicated, when used in the GMO.

251.1 A-frame board: A freestanding a-frame shaped board and shall be considered temporary.

251.2 Abandoned sign: A sign or sign structure, which has not been utilized for a period of ninety (90) days or more, or a sign, the contents of which pertain to a place, time, event or purpose which no longer exists, applies or which has occurred. Such signs shall be considered a public nuisance.

251.3 Accessory Use: A use or activity that is customarily incidental to a specific principal use and is located on the same lot as the associated principal use.

251.4 Adjacent: Adjacent shall mean a tract of real property contiguous to another tract of real property, including a tract separated by a road, easement or right-of-way.

251.5 Administrator or Land Use Administrator: The person designated to administer the Oriental Growth Management Ordinance (see Article II, Section 40, Land Use Administrator).

251.6 Adult Bookstore: An adult bookstore is any business, building, structure, or place, located in Oriental, whose predominant purpose is the selling or renting of magazines, books, videos, computer software, pay per view videos, adult programs, which are characterized by their emphasis on matter depicting or describing “specified anatomical areas” as defined in NCGS 14-202.10(10), or “specified sexual activities”, as defined in NCGS 14-202.10(11). (Dec 2015)

251.7 Adult Entertainment: This shall mean an adult bookstore, adult motion picture theatre, adult mini-motion picture theatre, or adult live-entertainment business as defined in NCGS 14-202.10(8).

251.8 Agricultural Operations: Agricultural operations (use classification 14.000) include commercial establishments which are primarily engaged in the commercial production of crops, plants, vines, trees and/or the keeping, grazing, or feeding of livestock; , such as, but not limited to, farms, ranches, dairies, orchards, hatcheries, broiler houses. Livestock as used here includes cattle, sheep, goats, hogs, and poultry as well as animal specialties such as horses, rabbits, bees,(Dec 2015) pets, fur-bearing animals in captivity, and fish in captivity. Agricultural operations also include establishments primarily engaged in the commercial operation of timber tracts, tree farms, forest nurseries, and related activities. Commercial greenhouses and nurseries are classified separately for purposes of this ordinance (see commercial greenhouse definition). Examples given in this paragraph are examples only and not intended to be an exclusive or exhaustive list.

251.9 Alley: A public thoroughfare, which affords only a secondary means of access to abutting property.

251.10 Alterations: Any addition to the height, width, or depth of a building; any change in the location of exterior walls of a building; or any increase in the interior accommodations of a building.

251.11 Animated sign: Any sign using flashing or intermittent lights, sound, color changes or other mechanical or electrical means to give motion to the sign or the impression of motion or movement to the sign or any sign with visible moving, revolving or relocating parts.

251.12 Antenna: Equipment designed to transmit or receive electronic signals which is attached to land or to a structure or building.

251.13 Area of sign: The area of a sign shall be considered to be that of the smallest linear figure, which encompasses all lettering, wording, frame design or symbols, together with any background on which the sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Any cutouts or extensions shall be included in the area of the sign, but supports and bracing which are not intended as part of the sign shall be excluded.

251.14 Assisted Living Facilities: A facility consisting of a building or buildings maintained for the purpose of providing accommodations for functionally independent occupants needing occasional medical care and supervision at a lower level than that provided in a skilled nursing care facility, but at a higher level than that provided in Rest Homes. Rest Homes may serve meals to its residents by a licensed kitchen as part of their rent.

251.15 Automotive Repair and Maintenance: A commercial establishment engaged in providing mechanical and automotive electrical maintenance and repair; truck and automotive service stations, bodywork, or painting.

251.16 Awning: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. An ‘awning sign’ is a sign that is attached to or part of such structure.

251.17 Banner: A temporary unframed sign not permanently affixed to the ground, a pole or building, which advertises a product, service(s) event, job or purpose.

251.18 Bed and Breakfast or Inn: ‘Bed and Breakfast’ or ‘Inn’ means a building or building complex which is used as a business establishment used for renting not more than 12 guest rooms for not more than 24 persons per night and for a period of one week or less, and that:

250.18.1 Does not serve food or drink to the general public for pay, but serves only the breakfast meal, which is only served to overnight guests of the establishment;

250.18.2 Includes the price of breakfast in the room rate; and

250.18.3 Is the permanent residence of the owner or the manager of the establishment.

See also, Boarding House, Hotel, and Tourist Home.(Dec 2015)

251.19 Boarding House: A building or building complex which is used as a business establishment used for renting residential habitation, consisting of at least one dwelling unit together with more than two other rooms that are rented or are designed or intended to be rented indefinitely. A Boarding House is

distinguished from a Tourist Home in that a Boarding House is designed to be occupied by longer-term residents (such as month-to-month tenants) as opposed to overnight or weekly guests. A Boarding House may not provide food or drink to its boarders.
See also, Bed and Breakfast or Inn, Hotel, and Tourist Home. (Dec 2015)

251.20 Board of Adjustment: A quasi-judicial board, appointed by the Oriental Town Commissioners, composed of residents of Oriental residing in the regulatory jurisdiction.

251.21 Board of Commissioners: Shall mean the duly elected Board of Commissioners of the Town of Oriental, North Carolina, composed of residents of Oriental residing in the regulatory jurisdiction.

251.22 Building: Any structure designed to be used as a place of occupancy, business, assembly, storage or shelter which, by nature of its size, scale, dimensions, bulk or use, tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Gas pumps with overhead canopies or roofs shall be deemed to fall within this description.

251.23 Building, Accessory: A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

251.24 Building, Principal: The primary building on a lot or a building that houses a principal use.

251.25 Building artwork: The decoration of a building that advertises a business, service or product, which answers to aesthetics rather than to practical criteria.

251.26 Building Setback Line: A line parallel to a property line that, along with the property line, bounds an area within which no structure, or part thereof, shall be erected.

251.27 Burgee: An indentifying or signaling flag associated with boats, boating organizations and nautical-related activities.

251.28 Business sign: A sign located on or off the business premise that directs attention to a business, profession, commodity, service, or entertainment.

251.29 Business complex sign: Any sign identifying a group of buildings intended for nonresidential use, residential/non-residential mix, or a single building containing more than one non-residential use or residential/non-residential mix, located at the major entrance point or points to such development.

251.30 Business directional sign: A non-advertising sign used solely for the purpose of directing traffic to a business embedded in a residential zone.

251.31 Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

251.32 Canopy: A structure, either detached from or attached to and extending from the enclosed portion of a building. Such structure is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A 'canopy sign' is a sign that is attached to or part of the roof of such a structure.

251.33 Car Wash: A facility where motor vehicles are washed, cleaned and/or waxed by hand or with manually operated equipment or automatic machinery.

251.34 Certify: Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, the Town may accept certification by telephone from some agency when the circumstances warrant it, or the Town may require that the certification be in the form of a letter or other written document or form.

251.35 Changeable sign: Any sign, whether free-standing or attached, intended to display changeable (moveable) copy. However, a changeable sign is not an animated sign or marquee as herein defined.

251.36 Changeable Electronic Variable Message Sign (CEVMS): A sign that permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode), LCD (liquid crystal display) or digital sign, and which varies in intensity or color. A CEVMS sign shall include digital signs as defined in this section. A CEVMS shall include digital signs as defined in this section.

251.37 Child Care Home: A home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

251.38 Child Care Institution: An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.

251.39 Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

251.40 Commercial Greenhouses and Nurseries: Establishments primarily engaged in the production of ornamental plants and other nursery products such as bulbs, flowers, shrubbery, flower and vegetable seeds and plants, agricultural plants and sod. Such products may be grown under cover or outdoors (use classification 25.000).

251.41 Commemorative sign: Any sign, marker, tablet or monument which denotes, honors, celebrates or acknowledges an historic person, place or event as long as sign meets N.C. Department of Cultural Resources standards.

251.42 Communication (Transmission) Tower: A structure, either freestanding or attached to a building, principally intended to support and/or radiate or receive a source of non-ionizing electromagnetic radiation (NIER) and accessory equipment related to broadcast services, private radio services, cellular telephone services and common carriers (as regulated by the Federal Communications Commission), including AM, FM, two-way radio, television and cable antenna television transmission and reception and microwave transmission. The term transmission tower does not include electrical or conventional telephone transmission lines or supporting structures, antennas of amateur radio (ham) operators or of amateur club services licensed by the Federal Communications Commission, satellite dishes and antennas less than seventy-five (75) feet in height with transmitting power of 250 watts or less. The term transmission tower does not include handheld transmitting devices. (Nov 2015)

251.43 Condominium: A structural unit, being part of a multi-unit development; portions of which are designated for separate ownership and the remainder of which, including the parcel of land on which the units are located; are designated for common ownership solely by the owners of the units. A development is not considered a condominium unless the undivided interests in the common elements are vested in the unit owners.

251.44 Construction sign: Any sign that identifies firms and/or builders and which is erected on the premises of the construction site during the period of construction.

251.45 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 to customers who purchase only a relatively few items (in contrast to a “supermarket”). It is designed to attract and depend upon a large volume of “stop and go” traffic.

251.46 Corner Lot: A lot abutting upon two or more streets at their intersection.

251.47 Dangerous sign: Any sign, which the Land Use Administrator determines to be dangerous or prejudicial to the public health or safety.

251.48 Day Care Center: A child day care facility as defined in NCGS 110-86 as well as a center providing day care on a regular basis for more than two hours per day for more than five adults.

251.49 Dedication: A gift, by the owner, of a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

251.50 Density: The ratio of units permitted on a lot to the area of the lot.

251.51 Developer: A person who is responsible for any undertaking that requires a land use permit or a special use permit.

251.52 Development: That which is to be done pursuant to a land use permit or a special use permit.

251.53 Development sign: Any ground sign or wall sign that is erected for a limited period on a development or building project for the purpose of identification of the project.

251.54 Digital sign -An electronic display that shows information, advertising and/or other messages.

251.55 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.

251.56 Directional sign: A sign that indicates the location of public buildings, parks, schools, hospitals, scenic or historic places and places of worship.

251.57 Domiciliary Home: A facility, by whatever name called, which provides residential care for aged or disabled persons whose principal need is a home that provides the supervision and personal care appropriate to their age or disability. Domiciliary homes are to be distinguished from nursing care homes. The three types of domiciliary homes are handicapped or infirm homes, child-care homes, and intermediate care homes.

251.58 Dormer: Small roof sections covering only windows inserted into the roofing structure that allows light and ventilation to another existing space covered by a roof and its accompanying eave.

251.59 Double Frontage Lot: A continuous (through) lot of the same depth as the width of the block containing two tiers of lots and which is accessible from both of the streets upon which it fronts.

251.60 Double-faced sign: A sign with two (2) parallel or nearly parallel faces back to back and located not more than twelve (12) inches from each other are considered as one (1) sign.

251.61 Driveway: That portion of the parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.

251.62 Dwelling Unit: An enclosure containing sleeping, kitchen, and bathroom facilities that meet the necessary rules, laws and regulations on proper sanitary systems for water, sewerage and power designed for and used or held ready for use as a permanent residence for a single family. Habitation and occupancy of a structure is for the purpose of making it a residence.

251.63 Easement: A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for specific reasons.

251.64 Eave: Any projecting overhanging of a roof over living/ working space of a structure. By definition, eaves over dormers, cupolas, or other ornamental additions are not used in calculating the height restrictions.

251.65 Electronic Gaming: Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafés, internet sweepstakes, beach sweepstakes or cyber cafes. This does not include any lottery approved by the State of North Carolina.

251.66 Entrance sign: Any sign identifying a subdivision or other large development and located at the major entrance point or points to such development.

251.67 Exempt sign: Any sign that is specifically listed as exempt from this ordinance.

251.68 Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual

commitments to make future expenditures, as well as any other substantial changes in financial position.

251.69 Family: One or more persons living together as a single housekeeping unit.

251.70 Family Care Home: An adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons.

251.71 Feather/flutter/scooper banner or flag: Light weight material attached to a pole that flutters in a breeze that is used to advertise or draw attention to a business.

251.72 Fifth-wheel trailer: A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

251.73 Flag sign: A piece of fabric such as, but not limited to, cloth, plastic or canvas, often flown from a pole or mast, generally used symbolically for signaling, identification or advertisement.

251.74 Flags - Patriotic: Flags or insignias of any governmental entity.

251.75 Floor: The top surface of the bottom or base of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in a frame construction. The term does not include the floor of a garage used solely for parking vehicles.

251.76 Footprints: The area covered by the roof of a building.

251.77 Freestanding sign: A sign that is supported by a sign structure placed in the ground and which is wholly independent of any building, fence, vehicle or object other than the structure for support.

251.78 Game Room: A use providing video games or other games for playing for amusement and recreation. Any table games such as air hockey, football, pinball, or the like shall be included under this definition.

251.79 Generic sign: A sign identifying a common category of product sold on the premises, but which does not denote a brand name, patented or copyrighted item.

251.80 Government Offices: The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state, and local government.

251.81 Gross Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

251.82 Ground sign: A freestanding sign flush to the ground and not elevated upon poles or stanchions and not attached to a building.

251.83 Group Development: A development comprising two or more buildings such as a group of apartments, townhouses, or a condominium where the land is not subdivided into the customary streets and lots.

251.84 Halfway House: A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 35-17(30)), or antisocial or criminal conduct, together with persons providing supervision and other service to such persons, all of whom live together as a single housekeeping unit.

251.85 Handicapped or Infirm Home: A residence within a single dwelling unit for at least two but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

251.86 Handicapped or Infirm Institution: An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

251.87 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 NCGS §122C-3(11)b.

251.88 Height of sign: The distance as measured from the general grade of the lot.

251.89 High Volume Traffic Generation: All uses in the 2.000 classification other than low volume traffic generation uses.

251.90 Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to proposed walls of the structure.

251.91 Holiday decoration: Decoration normally associated with a recognized holiday season.

251.92 Home occupation sign: A sign in association with a legitimate home occupation conducted on the premises of a single-family dwelling occupied by the operator of the business.

251.93 Homeless Shelter: A facility owned or operated by an agency for persons who are in need of temporary housing due to various unusual circumstances.

251.94 Home Occupation: The use of a dwelling unit located in a residential district for commercial activities that are clearly subordinate to the principal residential use of the dwelling.

251.95 Hotel: 'Hotel' means a building or building complex which is a business establishment renting rooms for nightly or weekly habitation, for the accommodation of for a period less than a month, and is licensed to serve food or drink to overnight guests. A Hotel may also sell licensed meals, service of food and drink, to the general public.

See also, Bed and Breakfast or Inn, Boarding House, and Tourist Home.(Dec 2015)

251.96 Illuminated Sign: Any sign which is directly lighted by any electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

251.97 Impervious Surface: Any material, such as asphalt, concrete, crushed stone, wood, metal, or other similar material with a solid surface, including gravel which contains pieces averaging less than (three-quarter) ¾ inch in diameter, which reduces or prevents absorption of storm water into the land upon which it rests. Decking and planking which does not exceed 10 nominal inches and which provides at least a one-eighth inch space between its planks shall be considered pervious. (Dec 2015)

251.98 Junkyard: An establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling junk, including but not limited to a vehicular junkyard or sanitary landfills.

251.99 Kennel: A commercial operation that:

250.99.1 provides food and shelter and care of animals for temporary boarding purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), which may

250.99.2 engage in the breeding of animals for sale, or may

250.99.3 engage in the training or breeding of animals, or which may

250.99.4 engage in providing animal grooming services. (Dec 2015)

251.100 Kiosk sign: An attached sign advertising a permanent freestanding service.

251.101 Land Use Administrator: See, ‘ Administrator’.

251.102 Land Use Permit: A permit issued by the Land Use Administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

251.103 Light Emitting Diode (LED)/Liquid Crystal Display (LCD) sign: a sign that possesses alphabetic, pictographic, or symbolic content that can be changed or altered on a display screen using light-emitting diode technology, liquid crystal technology, or other technology that produces an electronic image on a display screen.

251.104 Logotype sign: A freestanding or attached sign that depicts a distinctive company signature, trademark, nameplate, etc. However, a logotype sign is not sign artwork or a business sign or a directional sign as herein defined.

251.105 Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded plat or map and which is recognized as a separate legal entity for purposes of transfer of title of real estate.

251.106 Lot Boundary Line: The outer edges of a Lot.

251.107 Lot Width: The distance between the side lot lines at the front minimum building line.

251.108 Low Volume Traffic Generation: Commercial use of a building for sale of items such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller, everyday items.

251.109 Manufactured Home: A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly on the building site.

251.110 Manufactured Home, Class A: A manufactured home meeting or exceeding the United States Department of Housing and Urban Development standards (all manufactured homes built after July 1, 1976), which is of multi-sectional or double-wide design and meets the following appearance criteria:

250.110.1 Has a minimum width of sixteen (16) feet;

250.110.2 Has a gable roof having a pitch with a minimum vertical rise of three and one-half (3½) feet for each twelve (12) feet of horizontal run;

250.110.3 Has a continuous, permanent brick, stone or stucco curtain wall or foundation, or vinyl underpinning, unpierced except for ventilation and access, installed under the home;

250.110.4 Has a roof finished with roofing material with a fire rating of Class C or better and that is commonly used in standard residential construction;

250.110.5 Has a roof structure that provides an eave projection of no less than six (6) inches, which may include a gutter;

250.110.6 Is set up in accordance with the standards set by the North Carolina Department of Insurance;

250.110.7 Has stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored securely to the ground;

250.110.8 The moving hitch, wheels and axles and transporting lights have been removed.

250.110.9 Contains 1,200 square feet or more of heated floor space.

251.111 Manufactured home, Class B: A manufactured home meeting or exceeding the United States Department of Housing and Urban Development standards (all manufactured homes built after July 1, 1976), which is of multi-sectional or single-wide design and meets the following appearance criteria:

250.111.1 Has a minimum width of eight (8) feet;

250.111.2 Has a gable roof having a pitch with a minimum vertical rise of three and one-half (3½) feet for each twelve (12) feet of horizontal run;

250.111.3 Has a roof finished with roofing material with a fire rating of Class C or better and that is commonly used in standard residential construction;

250.111.4 Has a roof structure that provides an eave projection of no less than six (6) inches, which may include a gutter;

250.111.5 Has a continuous, permanent brick, stone or stucco curtain wall or foundation, or vinyl underpinning, unpierced except for ventilation and access, installed under the home;

250.111.6 Is set up in accordance with the standards set by the North Carolina Department of Insurance;

250.111.7 Has 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 and attached firmly to the primary structure and anchored securely to the ground; and

250.111.8 From which the moving hitch, wheels and axles and transporting lights have been removed.

251.112 Manufactured Structure, Commercial: A prefabricated building constructed and designed for transportation on its own chassis or by truck after fabrication and intended for other than residential use. These structures shall be constructed to meet the standards of the North Carolina Building Code. A converted manufactured home does not meet these criteria. A commercial manufactured structure meeting these standards shall be allowed for permanent placement for commercial and industrial uses.

251.113 Marina: Any water area with a structure (dock, basin, floating dock, dry stacking facility, etc.) which is utilized for docking, mooring, or dry stacking vessels and constructed to provide temporary or permanent docking or storage space for more than ten (10) boats. Boat ramp facilities providing access only are excluded.

251.114 Marquee sign: A projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a building.

251.115 Menu-board/specials board: A sign affixed to the building and shall be considered temporary.

251.116 Merchandise: Goods and commodities that sit upon the premises and are bought and sold within a business's premises and not to be construed as signage or advertising.

251.117 Mixed Use Building: Any structure that combines residential use with non-residential use.

251.118 Motor Home: Motor home or house car. – A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, separate 110-125 volt electrical power supply, or an LP gas supply.

251.119 Multi-unit development: A parcel of land upon which is located or is to be located either one (1) structure containing two (2) or more units or two (2) or more structures each of which contains one (1) or more units.

251.120 Mural: A large picture or graphic illustration that is painted or mounted directly to the surface of an existing building, and covers more than thirty percent (30%) of the building face on which it is displayed.

251.121 Nonconforming Lot: A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area or dimensional requirement of the district in which the lot is located.

251.122 Nonconforming Project: Any structure, development, or undertaking that is incomplete on 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.

251.123 Nonconforming sign. Any sign that is erected and in place prior to the adoption of this ordinance and which does not conform to the provisions of this ordinance is declared a non-conforming sign. A sign that is erected and that is in place and which conforms to the provision of the sign ordinance at the time it is erected, but which does not conform to an amendment to this ordinance enacted subsequent to the erection of said sign is declared a non-conforming sign.

251.124 Nonconforming Situation: A situation that occurs when, on the effective date of this ordinance, any 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. This includes but is not limited to other non-conforming possibilities, such as a lot that does not meet minimum acreage requirements, structures which exceed maximum height limitations, or the relationship between existing buildings and the land (in such matters as density and set-back requirements) are not in conformity with the GMO, or because land or buildings are used for purposes made unlawful by the GMO.

251.125 Nonconforming Use: A situation occurring 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 operating a bakery in a residentially designated area constitutes a nonconforming use.)

251.126 Nursing Home or Skilled Nursing Facility: A facility maintained for the purpose of providing skilled nursing care and medical supervision at a less acute levels than would be medically treated in a hospital. The Nursing Home shall have no more than nine residential patients. (Dec 2015)

251.127 Nursing Care Institution: A Skilled Nursing Facility: which can have more than nine residential patients. (Dec 2015)

251.128 Obscene sign: Signs which contain obscene, suggestive, or offensive words, or words and pictures, which would be inconsistent with a family oriented community.

251.129 Occupant/street number sign: A sign bearing only the name of the principal occupant of a residence or street number of any residential, commercial or other structure.

251.130 Off-premise sign: A sign as herein defined which is associated with the purpose of the activity or structure which occupies a lot other than the lot on which it is located.

251.131 On-premise sign: A sign as herein defined which is associated with the purpose of the activity or structure which occupies the lot on which it is located.

251.132 Open/closed or vacancy sign: A sign that directs attention to the fact that an establishment is open or closed for business or that rental units are available.

251.133 Parking Space: A portion of parking area set aside for the parking of one vehicle, not less than twenty (20) feet long by nine (9) feet wide.

251.134 Person: An individual, trustee, executor, or other fiduciary, a corporation, firm, partnership, association, organization, or other legal entity acting as, or on behalf of, an individual, acting as an agent or as a fiduciary.

251.135 Pervious Surface: Any material such as stone, marl or gravel, or other similar material (three-quarter) ¾inch or larger in diameter which enhances or allows absorption of storm water into the land upon which it rests. This includes decking and planking which does not exceed 10 nominal inches and which provides at least a one-eighth inch space between its planks.

251.136 Planned Residential Development: A development constructed on a tract of at least five acres under single ownership, planned and developed as an integral unit a neighborhood, and consisting of single-family detached residences combined with either two-family residences or multi-unit residences.

251.137 Planned Unit Development: A development constructed on a tract of at least twenty-five acres under single ownership, planned and developed as an integral unit a neighborhood, and consisting of a combination of residential and nonresidential uses on land. All planned unit developments are subject to the provisions of Section 127 (Planned Unit Developments).

251.138 Planning Board: The body appointed by the Oriental Town Commissioners whose purpose is to make recommendations regarding land use matters.

251.139 Planning Jurisdiction: The area within the town limits and the area beyond the town limits within which the Town is authorized to plan for and regulate development.

251.140 Plat: A map or plan of a parcel which is to be, or has been subdivided.

251.141 Political or campaign sign: Refers only to the issues or candidates involved in religious, charitable, civic, fraternal, political and similarly organized elections.

251.142 Portable sign: A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include trailer and A-frame signs.

251.143 Premise: A tract of real property in single ownership, which is not divided by a public street or right-of-way.

251.144 Product name sign: A sign that depicts a brand named product.

251.145 Professional Offices: An establishment primarily engaged in providing: engineering, architectural and surveying services; accounting, auditing and bookkeeping services; consulting, public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

251.146 Public Water Supply System: Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof.

251.147 Real estate sign, temporary: A sign that advertises the sale and/or lease of the property. Any other type of sign advertising real estate, except a perpetual real estate sign, shall conform to the types of signs defined in this section and as restricted in Section 111 (Exempt Signs, Prohibited Signs, and Signs Requiring a Permit).

251.148 Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper.

251.149 Residence, Multi-Unit: A residential use consisting of a building containing two or more dwelling units. For the purposes of this definition, a building including all dwelling units that are enclosed within that building or attached to it by a common floor or wall (including without limitation the wall of an attached garage or porch).

251.150 Residence, Primary with Accessory Apartment: A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet.

251.151 Residence, Single-Family Detached, More Than One Dwelling Per Lot: A residential use consisting of two or more single-family detached dwelling units on a single lot.

251.152 Residence, Single-Family Detached, One Dwelling Unit Per Lot: A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

251.153 Residence, Temporary Dependent Care: A temporary residence on the same lot as a principal dwelling. Such temporary residence, which may be an apartment or manufactured home (if permitted in the district in which proposed to be located), is intended for short-term occupancy by a person or persons receiving care and/or supervision by a related person or persons occupying the principal dwelling.

251.154 Residential sign: Small uniform signs denoting private property or private piers.

251.155 Rest Home: An facility consisting of a building or buildings maintained for the purpose of providing accommodations for functionally dependent occupants not needing residential medical care continuous supervision at a lower level than those levels of care provided in skilled nursing care facilities or Assisted Living Facilities. Rest Homes may serve meals to its residents by a licensed kitchen as part of their rent.(Dec 2015)

251.156 Restaurant: An establishment, which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas.

251.157 Right-of-way signs: Signs which are erected or placed in a street right-of-way.

251.158 Road: All private ways used to provide motor vehicle access to two or more lots or two or more distinct areas or buildings in unsubdivided developments.

251.159 Roof sign: A sign affixed to the roof of a building.

251.160 Rooming House: (See Boarding House) (Dec 2015)

251.161 Safety imitation signs: Signs which imitate, or in any way approximate, official highway signs, or which are erected in a way that obscures a sign displayed by a public authority.

251.162 Satellite Dish Antenna or Satellite Earth Station: An antenna and attendant processing equipment for reception of electronic signals from satellites. Antennas and dishes exempted from local land use regulations by the Telecommunications Act of 1996 are not subject to these provisions.

251.163 Shopping Center: A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas all located on a parcel of land.

251.164 Shoreline sign: A sign that is intended to be read from the water.

251.165 Side Street: The street other than the front street of a corner lot.

251.166 Sign: Any object, device, structure or part thereof used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

251.167 Special Events: Circuses, fairs, carnivals, festivals, or other types of special events that;

250.167.1 run for longer than two days but not longer than two weeks,
250.167.2 are intended to or likely to attract substantial crowds, and
250.167.3 are unlike the customary or usual activities generally associated with the property where the special event is to be located.

251.168 Special Use Permit: A permit issued by the Town Commissioners that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Town Commissioners.

251.169 Street: A public street or a street with respect to which an offer of dedication has been made.

251.170 Street pavement signage: Markings, drawing and/or writing on streets using any kind of medium.

251.171 Structure: Anything constructed or erected.

251.172 Subdivider: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

251.173 Subdivision: The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this ordinance applicable strictly to subdivisions:

250.173.1 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 minimum standards set forth in this ordinance; or

250.173.2 the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; or

250.173.3 the public acquisition by purchase of strips of land for widening or opening streets; or

250.173.4 the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this ordinance.

251.174 Subdivision, minor: A division of a tract of land as in the definition of 'Subdivision' above, and also meets all of the following criteria:

250.174.1 no new public or private streets, access easements, or right-of way dedication are proposed;

250.174.2 no changes in existing streets are proposed;

250.174.3 no extension of utility infrastructure is proposed;

250.174.4 the entire tract to be subdivided is five acres or less in size;

250.174.5 a total of six or fewer lots will result after the subdivision is complete.

251.175 Tattoo Parlor: Any premises where a Tattoo artist does tattooing for a fee or for other consideration. A Tattoo Artist means one who engages in tattooing with a mark or to color the skin by pricking and introducing subcutaneously, non-toxic dyes, pigments, or by the production of scars to form indelible marks or figures.

251.176 Temporary pole sign: Signs identifying commercial interest or advertising signs placed on public utility poles, telephone poles, trees, parking meter poles, benches, and refuse containers,

251.177 Temporary sign: A sign with or without a structural frame and intended for a limited period of display.

251.178 Thoroughfare Plan: The Thoroughfare Plan adopted by the Town of Oriental and the North Carolina Department of Transportation as the basis for the development of the street and highway system in the Town.

251.179 Time/temperature sign: A sign that displays time and temperature in alternating light cycles.

251.180 Tourist Home: A residential home used, designed or intended to be rented out as a single dwelling unit for short-term periods of time, for temporary habitation by tourists and visitors. A Tourist Home may not provide food or drink to its renters.
See also, Bed and Breakfast or Inn, Boarding House, and Hotel. (Dec 2015)

251.181 Tower: See Communications Tower.

251.182 Townhouse: A structural unit, being part of a townhouse development, in which each unit fully or partially abuts one or more units. Each unit shall be conveyed with an underlying parcel of land being designated as a lot within the townhouse development.

251.183 Townhouse development: A multi-unit development that is to be or has been divided into individual lots with each lot containing or to contain a townhouse unit.

251.184 Tract: (See Lot definition) The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots.”

251.185 Travel trailer: A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

251.186 Truck camper: A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

251.187 Unit: An enclosed space consisting of one or more rooms occupying all or part of a building whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use or combination of uses.

251.188 Use: The activity or function that actually takes place or is intended to take place on a lot.

251.189 Use, Principal: A use listed in the Table of Permissible Uses, Section 66.

251.190 Utility Facilities: Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by NCGS 62-3 and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil,

or electronic signals. Excepted from this definition are utility lines and supporting structures.

251.191 Utility Facilities, Community or Regional: All utility facilities other than neighborhood facilities.

251.192 Utility Facilities, Neighborhood: Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

251.193 Variance: A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to strict interpretation, he could not otherwise legally do.

251.194 Warning or danger sign: A sign erected by a public utility or construction company to warn of hazardous conditions.

251.195 Wholesale Sales: On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

251.196 Wind Device: Any flag, banner, feather banner, burgee, pennant, streamer or similar device that moves freely in the wind.

251.197 Window sign: A sign with or without a structural frame located in the window of a business establishment.

251.198 Yard sale sign: A sign with or without a structural frame and intended for the express advertisement of a sale of personal goods by an individual or organization during a limited period of time.