

ARTICLE 1

INTRODUCTORY PROVISIONS

Section 101. Authority and Enactment

In pursuance of the authority granted by the General Statutes of North Carolina, Chapter 160D Article 19, Part 3, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF FOUR OAKS, as follows:

Section 102. Title

This ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Four Oaks, North Carolina, and may be referred to as the Zoning Ordinance.

Section 103. Purpose

For the purpose of promoting the health, safety, morals, and general welfare, this ordinance is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

The zoning regulations in this ordinance are in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, school, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

Section 104. Jurisdiction

The area to which this ordinance applies is shown on the official zoning map is in the town hall office.

ARTICLE II

GENERAL PROVISIONS

Section 201. Application of Regulations

The regulations set forth in this ordinance shall affect all land, every structure, and every use of land and/or structure and shall apply as follows:

- 201.1 No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or structurally altered except in compliance with the regulations of this ordinance for the district in which it is located.
- 201.2 No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this ordinance for the district in which it is located.
- 201.3 No lot, even though it may consist of one (1) or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard, and lot coverage requirements and other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.
- 201.4 No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another structure or use.
- 201.5 In any district, no more than one (1) principal building or use may be erected on a single lot of record, except as specifically permitted in other sections of this ordinance.

Section 202. Interpretation of Regulations

The regulations in this ordinance shall be enforced and interpreted according to the following rules:

- 202.1 Uses not designated in the district regulations as permitted and special uses shall be prohibited. Special uses are permitted according to the additional regulations imposed. These special uses can be approved by the Planning Board and Town Board as specified in this ordinance. Additional uses may be added to the ordinance by amendment.
- 202.2 Regulations set forth by this ordinance shall be minimum regulations. If the requirements set forth in this ordinance are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern.
- 202.3 Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 203. Exception and Modifications

- 203.1 The requirements of this ordinance do not apply to roads, water, sewer, gas, electric, telephone, and similar utility lines except as specifically mentioned in this ordinance.

Section 204. Visibility at Intersections

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the curb line twenty-five (25) feet from where they intersect or where there are no curb lines, on the right-of-way line, twenty (20) feet from where they intersect.

Section 205. Regulations Concerning Home Occupations

- 205.1 Home Occupations. Home occupations are permitted in all districts only as an incidental use and shall comply with the following regulations:
- 205.1.1 No person other than a resident of the dwelling shall be engaged in such occupation.
 - 205.1.2 No more than three (3) customers, clients, or patrons shall come to the dwelling at any one (1) time nor more than ten (10) in any one (1) day
 - 205.1.3 No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, van, or pick-up shall be in an enclosed building as described in Section 205.1.4 below, or shall be a conditional use subject to approval by the Board of Adjustment.
 - 205.1.4 No more than twenty-five percent (25%) of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building not exceeding six- hundred (600) square feet, shall be a conditional use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation and/or for use as an administrative office for the home occupation. The accessory building may not be used for manufacturing, processing, instruction, sales, service, or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a Conditional Use Permit.
 - 205.1.5 Notwithstanding the provisions of Subsection 205.1.4, a home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 206 and that any sales in connection with such greenhouse meet the requirements of this Section (Section 205).
 - 205.1.6 No outdoor sales or storage shall be permitted in connection with the home occupation. This provision shall not prohibit the outdoor on-premises sale of the products of home gardens, or yard sales if otherwise in accordance with town ordinances.

- 205.1.7 The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- 205.1.8 The use may not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, radiation, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.
- 205.1.9 No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- 205.1.10 There shall be no more than two (2) deliveries per day by outside persons to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) AM or after nine (9:00) PM.
- 205.1.11 No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before seven (7:00) AM or after nine (9:00) PM.
- 205.1.12 The following are strictly prohibited as, or accessory to or in support of home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the bulk storage of liquid petroleum, gasoline, kerosene, or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing material of a pornographic nature, movie theaters, animal hospitals and kennels, and bottled gas sales.
- 205.1.13 Any home occupation not complying with these regulations shall be a special use.

Section 206. Accessory Uses

Accessory uses are permitted in any zoning district in accordance with the following regulations:

- 206.1 An accessory building, structure, or use is a building, structure, or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use of structure.
- 206.2 Accessory uses to single and two-family dwellings, and multi-family dwellings may not include commercial uses, except as permitted as home occupations in Section 205 of this ordinance or for multi-family dwellings, as allowed by the Town Board in accordance with the provisions of Section 307 of this ordinance.
- 206.3 Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.
- 206.4 No accessory building shall exceed thirty-five (35) feet in height, nor shall any accessory building exceed the principal building in height.
- 206.5 An accessory building sharing one (1) or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.
- 206.6 No detached accessory building shall be located closer than ten (10) feet to any other building or mobile home.
- 206.7 No accessory building (except a well house) or recreational structure or use may extend in front of the rear line of a single or two-family dwelling or mobile home.
- 206.8 Above ground accessory structures shall comply with building setbacks.
- 206.9 Swimming pools on single family lots shall maintain five (5) foot setbacks from all property lines. All swimming pools shall be enclosed by a lockable protective fence.
- 206.10 Recreational uses and buildings accessory to multi-family dwelling complexes shall be in accordance with Section 307 of this ordinance.

206.11 Fences and walls are permitted as accessory uses provided that they comply with the following:

- 206.11.1 For the purpose of this Section of this ordinance, a fence is a barrier composed of wire, wood, metal, plastic, or a similar material and a wall is a barrier composed of brick, stone, rock, concrete block, or a similar masonry material.
- 206.11.2 No fence or wall more than three (3) feet in height, or retaining wall more than five (5) feet in height, which is more than seventy-five percent (75%) solid, may be placed in any front yard, including along the side lot line or in the yard to the front of any principal building, unless required or specifically authorized in another section of this ordinance.
- 206.11.3 Fences may not exceed seven (7) feet in height, except that in commercial and industrial districts, a fence may not exceed ten (10) feet in height. Fences greater than seven (7) feet in height shall be of an open type similar to woven wire or wrought iron. Fences and walls may exceed the height requirements of this Section if required or specifically authorized in another Section of this ordinance.
- 206.11.4 Fences and walls shall meet a setback of six inches from the property line.
- 206.11.5 No fence or wall shall impede vision as regulated in Section 204 of this ordinance.
- 206.11.6 Fences, if replaced, shall meet the requirements of this Section.

206.12

Because the proliferation of private satellite dish antennas raises substantive concerns of aesthetics and safety because their size and appearance differ from other antennas in widespread use, and because they have special reception requirements, special regulations are needed to deal with them. Dish antennas (earth stations) are permitted as accessory uses provided that they comply with the following regulations:

206.12.1 General Requirements

- a. Building and zoning permits are required when installing, moving, or substantially constructing or reconstructing a dish antenna.
- b. A dish antenna must be installed in compliance with the manufacturer's specifications at a minimum.
- c. In all residential districts, dish antennas over twenty (20) inches in diameter must be installed on the ground and shall not exceed twelve (12) feet in diameter.
- d. In commercial and industrial districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than twelve (12) feet in diameter, shall not project higher than (ten) 10 feet above the maximum building height of the zoning district or more than one-third (1/3) the actual building height above the roof, whichever is less, shall be set back from the front and sides of the building at least eighteen (18) feet and shall not be used for any advertising purposes. A dish antenna may be installed on the top of another part of the building which is lower than the roof, such as a balcony or parking deck only if such location is at the rear or side of the building and all other requirements are met.

- e. In commercial and industrial districts, a dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided for in 206.11.1(d) above.
- f. If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer, off-white, pastel beige, gray or pastel gray-green. The paint must have a dull (non-glossy) finish and no patterns, lettering, or numerals shall be permitted on either side of the dish surface.
- g. No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.

206.12.2 Location in Yards

- a. A dish antenna shall be installed in the rear or side yard only, in all districts except as provided for in 206.11.1(d) above and in 206.11.2(b) below.
- b. In commercial districts only, a dealer selling dish antennas may have a maximum of one (1) such antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in the front yard or side yard, his permissible sign area shall be reduced by one-half (1/2).

206.12.3 Setback Requirements

- a. The minimum required setback for dish antennas from the side line shall be the same as for the principal building except on corner lots, on the side abutting the street, the minimum required setback shall be the side yard setback requirement plus ten (10) feet.
- b. The minimum required setback for dish antennas from the rear lot line shall be six (6) feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
- c. In districts where there are no side or rear yard requirements, a minimum setback of six (6) feet from the side and rear lot lines shall be required of dish antennas, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
- d. In all cases, no dish antenna shall be located within fifteen (15) feet of any street right-of-way.

206.12.4 Maximum Height Requirements

- a. In all residential districts, the maximum height of dish antennas shall be fifteen (15) feet or the height of the principal building, whichever is less.
- b. In commercial and industrial district, the maximum height of dish antennas installed on the ground shall be twenty (20) feet. Dish antennas mounted on the roof of a building shall not project higher than ten (10) feet above the maximum building height of the district or more than one-third (1/3) the actual building height above the roof, whichever is less.

206.12.5 Buffering Requirements

- a. In all residential districts, dish antennas shall be surrounded on all sides except along the antenna's reception window, with any one (1) or combination of evergreen vegetation, topography, landscaped earth berm or architectural features such as fences or buildings so that view of the lower two-thirds (2/3) of the dish area is restricted from all public streets and six (6) feet above ground level of surrounding residential property. If evergreen vegetation is used, a species and size may be planted which can be expected to screen the required area within two (2) years of normal growth. Any screening vegetation which dies must be replaced.
- b. In commercial and industrial districts, dish antennas must be screened from view from surrounding residential property and residential streets. The screening requirements as to materials and height shall be the same as in 206.11.5(a) above.

206.12.6 Special Use for exceptional cases

Exceptional cases, in which application of these rule would prevent the reception of signals, or a larger antenna is needed for business use, shall be a conditional use in accordance with Section 710.

Section 207. Junkyards

- 207.1 All junk yards shall be surrounded on all sides with an opaque fence at least six (6) feet in height, or by an opaque natural buffer at least (6) feet in height. Junk yards existing on or before the effective date of this ordinance shall have two (2) years from the effective date of this ordinance to comply with this requirement. The Board of Commissioners may issue a temporary special use permit for an existing junk yard to continue beyond the two (2) year period without complete compliance with the fence or natural buffer requirements, if it finds, from the evidence presented at the hearing, that compliance with the requirements within the two (2) year period would force the junk yard to close because of the cost

of the fence or natural buffer, in relation to the economics of the operation, or because of the nature of the site.

Section 208. Nonconformities

A lawful pre-existing use, structure, or lot which does not meet the requirements of the current zoning ordinance is called a nonconformity. Special provisions apply to nonconformities and these are listed in Sections 208.1 to 208.5 of this ordinance. In lieu of the provisions in this Section, nonconforming signs shall comply with the requirements in Article V and nonconforming mobile home parks shall comply with the requirements in Article VI of this ordinance.

208.1 Existing Substandard Structures

208.1.1 The conforming use of a structure as explained in Section 208.4 of these ordinances, existing at the time of the adoption of this ordinance, may be continued although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this ordinance. Such structures are called substandard structures.

208.1.2 Substandard structures with conforming uses may be added or enlarged provided that the enlargements comply with the yard, height, parking, loading, access, and all other applicable requirements of this ordinance for the district in which such a structure is located.

208.1.3 Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access, and all other applicable provisions of this ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply, or unless the incomplete nature of the damage would make it more feasible to rebuild in the previous location, in which case the Board of Adjustment is authorized to approve a variance to allow the reconstruction or replacement.

208.1.4 A substandard structure may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is located.

208.2 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of this ordinance may be continued except that:

208.2.1 Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming, provided that required setbacks are met. Spaces in legally established manufactured home parks may continue to be rented. However, no new spaces shall be added to such parks.

208.2.2 Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.

208.2.3 If such nonconforming use is damaged by fire, explosion, flood, or other calamity to the extent of more than seventy-five (75%) of its current assessed value, it shall not be restored except so as to comply with the use provisions of this ordinance, except that nonconforming single and two-family dwellings may be restored in accordance with the provisions of Section 208.1.3 of this ordinance and the one hundred eighty (180) day requirement in Section 208.2.4 shall not apply provided that an application for a building permit to replace the destroyed portion shall be made within one hundred eighty (180) days after the date of the damage. A nonconforming manufactured home which is damaged or destroyed by fire, explosion, flood or other calamity may be replaced with a mobile home meeting the requirements of this ordinance.

208.2.4 If such nonconforming use is discontinued or terminated for a period of more than one hundred and eight (180) days,

any future use of the structure, land, or water shall comply with the provisions of this ordinance.

208.2.5 A nonconforming use may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is relocated.

208.2.6 The Planning Board may permit as a conditional use a change in nonconforming use provided that the requirements of subsections 208.2.1, 208.2.2, 208.2.3, 208.2.4, and 208.2.5 of this Section are met and the Town Board finds that such new use would be more in character with the uses permitted in the district than the previous use. In permitting such change, the Town Board may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

208.2.7 Once a nonconforming use or the structure in which it is located has been changed or altered so as to comply with the provisions of this ordinance, it shall not revert back to a nonconforming use. Once the Town Board has permitted the substitution of more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board. If the structure occupied by a nonconforming using is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

208.2.8 The Town Board may issue a Special Use Permit to replace a manufactured home in a RA or R6 zone if the replacement home is one of better condition and improved esthetics and meets the conditions in Section 708.1.3.1.

208.3 Existing Substandard Lots

208.3.1 Where the owner of a lot of record at the time of adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the lot area or lot width requirements of this ordinance, such a lot may be used as a building site for a single-family residence in a district in which residences are permitted; or as a site for a mobile home only if the lot is in a district where mobile homes are permitted; provided that the lot width and lot area are not more than twenty percent (20%) below the

minimum specified in this ordinance, and further provided that the appropriate county health department approves the reduction if on-site water or wastewater facilities are involved. In any case where the lot area and lot width are more than twenty percent (20%) below the minimum specified in this ordinance or other requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions if the Johnston County Health Department submits a letter of approval if on-site water or wastewater facilities are involved. If the pre-existing substandard lot is not in a district where single-family dwellings or mobile homes are permitted, the Board of Adjustment may issue a variance to allow some reasonable use.

208.3.2 If two (2) or more adjoining lots of record are in one (1) ownership when this ordinance is adopted, or at any time after the adoption of this ordinance, and such lots individually do not meet the minimum dimensional requirements of this ordinance for the district in which such lots are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located, and therefore, the provisions of subsection 208.3.1 do not apply. No portion of said lot or structure shall be used or sold in a manner which diminishes compliance with the requirements of this ordinance.

208.4 Conforming Uses and Structures

208.4.1 Any use or structure existing prior to the effective date of this ordinance which conforms to the regulations of this ordinance for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located, may be continued, provided any changes in use of structural or other changes shall comply with the provisions of this ordinance.

208.4.2 Any structure or use existing prior to the effective date of this ordinance which would be permitted by this ordinance as a special use in the district in which it located, may be continued as if a special or conditional use permit had been applied for and issued, provided that any changes in use or structural or other changes shall comply with the provisions of this ordinance.

208.5 Effect of Amendments

If subsequent amendments to this ordinance or the official zoning map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this Section unless otherwise stated in the amendment.

Section 209. Complexes

Office centers, institutional and industrial, multi-family dwelling and similar complexes may have more than (1) principal building on a single lot provided that the following requirements are met:

- 209.1 Uses in complexes shall be limited to those which are permitted, special, or conditional uses within the zoning district in which the project is located.
- 209.2 The overall intensity of land use shall be no higher, and the standard of open space no lower than that permitted in the district in which the project is located, for the type of use to be established.
- 209.3 The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located or fifty (50) feet, whichever is greater.
- 209.4 The building heights shall not exceed the height limits permitted in the district in which the project is located.
- 209.5 The buildings shall be located so as to provide access for emergency vehicles.
- 209.6 The minimum spacing between buildings in a complex shall be in accordance with the yard requirements of the district in which the project is located.
- 209.7 If the use is a special use, all requirements for all special uses and the specific use and any conditions imposed on the use shall be met.

Section 210. Lots on which Principal Buildings, Structures, and Uses are Established Must Abut Street

210.1 Except as provided in Section 210.2 of this ordinance, no principal building, structure, or use may be erected or established on any lot which does not abut at least twenty (20) feet on one of the following:

210.1.1 a public street dedicated to and maintained by the Town of Four Oaks or the North Carolina Department of Transportation;

210.1.2 a street constructed to the standards of the Town of Four Oaks or the North Carolina Department of Transportation, with a written agreement concerning maintenance of the street.

210.2 The Town Board may authorize, as a special use, the erection or establishment of a principal building, structure, or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided, that such provisions will be permanent, and there are special circumstances, such as the rural nature of the lot and area, which make the application of these requirements to the proposed use infeasible or undesirable.

Section 211. Criteria for Single Family Homes

211.1 Required Features for all Single-Family Homes (stick built and modular)

211.1.1 The majority of all roof areas shall be a minimum 6/12 roof pitch.

211.1.2 All houses shall have an entrance door fronting the street.

211.2 The following are not permitted:

211.2.1 A-frame style homes. An a-frame house is one with steeply angled sides and a roof that reaches approximately to the ground. A section through the house is shaped like the letter A.

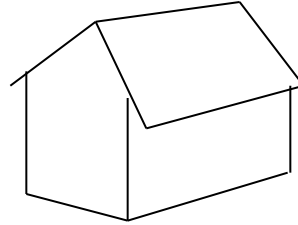
211.2.2 Homes constructed of non-decorative concrete block.

211.2.3 Homes sided with corrugated metal.

211.3 In addition houses must have 3 of the following features.

- 211.3.1 Varied foot print visible from the street. (Not a plain rectangle)
- 211.3.2 Covered front porch with the minimum size greater than 36 square feet.
- 211.3.3 More than two roof lines are visible from the street. Roof lines include gables, setbacks in roof, changes in roof pitch, hips, etc.

The drawing illustrates a house with two roof lines.



- 211.3.4 Siding materials are brick, stucco, wood or a product designed to look like wood such as cementitious siding or vinyl siding.”
- 211.4 Houses not meeting the requirements of this Section may apply for a Special Use Permit in accordance with Section 308 and shall meet the requirements for Special Uses.

ARTICLE III
DISTRICT REGULATIONS

Section 301. Establishment and Purpose of Districts

For the purposes of this ordinance, the zoning jurisdiction of the Town of Four Oaks is divided into the following districts:

R-A – Residential- Agricultural District – 20,000 square foot lots (about 0.459 acre). The district is comprised of low-density single-family dwellings, and other selected uses which are compatible with the open and rural character of the area. The established regulations for this district are designed to promote and encourage an environment for family life and agriculture. To encourage higher quality development and to ensure greater environmental protection, recreation fees subdivisions are permitted. All residences shall meet the criteria in Article II General Provisions, Section 211.

R-12: Medium-Density Residential District -12,000 square foot lots (about 0.30 acre). The purpose of this district is intended to protect, preserve, and enhance residential areas of higher density which include multi-family dwellings such as duplexes, townhomes, and apartments. All residences shall meet the criteria in Article II General Provision, Section 211.

R-10: Medium-Density Residential District -10,000 square foot lots (about 0.23 acre). The purpose of this district is established to provide for orderly residential development and redevelopment. Intended to protect, preserve, and enhance residential areas of higher density which include multi-family dwellings such as duplexes, townhomes, and apartments. All residences shall meet the criteria in Article II General Provision, Section 211. Please note - Lots already zoned R-10 will be Grandfathered in unless these lots actually measure large enough to be rezoned into a larger district. These compact lots will not be used in new areas and additional property will not be considered for rezoning to this district.

R-8.5S – Medium-Density Single-Family Residential District. The purpose of this district is to provide for single-family dwellings on 8,500 square foot lots (about.19 acre) Lots already zoned R-8.5S will be Grandfathered in unless these lots actually measure large enough to be rezoned into a larger district. These compact lots will not be used in new areas and additional property will not be considered for zoning to this district. The regulations of this district are intended to discourage any use which, because of its character, would be a nuisance to the development pf single family dwellings and would be detrimental to the quiet residential nature of the areas included within this district.

R6 – High Density Residential District. 6,000 square foot lots (about .13 acre)

This

District is compact development consisting of residential unit types that include single family attached dwellings, townhouse, duplexes and apartments. Please note - Lots already zoned R-6 will be Grandfathered in unless these lots actually measure large enough to be rezoned into a larger district. These compact lots will not be used in new areas and additional property will not be considered for rezoning to this district.

TND - Traditional Neighborhood Development – Special Use District. The purpose of this district is to provide flexibility to planned residential developments with predominately single family uses and a mix of complementary non-residential uses with reduced setbacks and features such as sidewalks and street trees.

R-6MH – Manufactured Home Residential District. (Grandfathered) The purpose of this district is to provide areas for manufactured homes on individual lots, as well as other single-family residential uses. Lots already zoned as such will be Grandfathered in. No new lots will be considered for this district.

R-40MH- Manufactured Home Residential District The purpose of this district is to provide an area for a single wide manufactured homes and modular homes that are 40,000 square foot lot regardless of availability of public utilities, shall have a minimum lot size of one acre.” All residences shall meet the criteria in Section 601.

B-1C – Central Business District. The purpose of this district is to provide for those uses most appropriately located in the central commercial area of Four Oaks.

B-2H –Highway Business District. The purpose of this district is to provide area for those retail trade and service uses which are properly located on major thoroughfares.

MC – Major Commercial. The purpose of this district is to provide for large shopping centers and big box retail development.

I-1L – Light Industrial District. The purpose of this district is to provide areas in which the principal use of land is for industries which can be operated in a relatively clean and quiet manner.

I-2H – Heavy Industrial District. The purpose of this district is to provide areas for industrial activity which by its nature, may tend to create effects, which would make it incompatible with other land uses.

Special Use Districts

The purpose of these districts is to promote greater land use compatibility by allowing landowners to voluntarily place their property into classifications in which a special use permit is required as a prerequisite to any use or development. The Special Use District is a means by which such special conditions can be imposed to ensure appropriate development compatible with neighboring properties and the future land use plan. If, for any reason, any requirement imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, it is the intent of this ordinance that the authorization of such Special Use Permit shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

Within a Special Use District, only those uses authorized by this ordinance as permitted special uses within the zoning district with which the Special Use District corresponds shall be permitted, and all other requirements of the corresponding district and other requirements of this ordinance shall be met. If the use would be a conditional or special use in the corresponding district, all of the requirements for the applicable special or conditional use shall be met. In addition, within a Special Use District, no use shall be permitted except pursuant to a Special Use Permit authorized by the Town Board of Commissioners which shall specify the use or uses authorized. The Special Use Permit may further specify other reasonable and appropriate conditions.

The authorization of a special use in the district shall preclude any requirement for obtaining a Special Use Permit from the Town Board.

Special Use District	Corresponding General Use District
R-A-SUD	R-A
R-8.5S-SUD	R-8-5S
TND SUD	TND SUD
R-6MH-SUD	R-6MH
B-1C-SUD	B—1C
B-2H-SUD	B-2H
MC – SUD	MC
I-1L-SUD	I -1L
I-2H- SUD	I –2H

Overlay District

Flood Damage Prevention Overlay District

The purpose and intent of the Flood Damage Prevention Overlay District is to minimize public and private losses due to flood conditions in specific area of the Town by provisions designed to:

- 1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- 4) Control filing, grading, dredging, and other development which may increase erosion or flood damage; and
- 5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The regulations for this overlay district are stated in Article XII of this Ordinance.

Section 302. Zoning Map

The boundaries of the districts are hereby established as shown upon the map accompanying this ordinance and made a part hereof, entitled, "Official Zoning Map, Four Oaks, North Carolina". The zoning map and all the notations, references, and all amendments thereto, and other information shown thereon is hereby made a part of this ordinance and the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is on file at the Town Hall and is available for inspection by the public.

In the creation, by this ordinance, of the respective districts, the Town Board has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the municipality.

Section 303. Uncertainty as to Boundaries

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

If uncertainty exists as to the boundaries of the use districts shown on official zoning map which is not resolved by the ordinance or ordinances establishing and amending such boundaries, the following rules shall apply.

- 303.1 Boundaries indicated as approximately following the centerlines of street, highways, or alleys shall be construed to follow such centerlines.
- 303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 303.3 Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following such jurisdictional boundaries.
- 303.4 Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main track or tracks.
- 303.5 Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed as following such centerlines.
- 303.6 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shoreline is changed either naturally or as permitted by law, such a boundary shall be construed as moving with the actual shoreline.
- 303.7 Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted survey practices.
- 303.8 Boundaries indicated as parallel to or extensions of natural or manmade features indicated in subsections 303.1 through 303.7 above shall be so construed.
- 303.9 Distances not specifically indicated shall be determined by the scale of the official zoning map.

Where uncertainties continue to exist after application of the above rules, appeal may be taken to the Four Oaks Town Board of Commissioners as provided in Article VII of this ordinance.

Section 304. Amendments to the Official Zoning Map

Amendments to the official zoning map shall be adopted by ordinance as provided in Article VIII. Promptly after the adoption of an amendment, the Zoning Administrator shall alter or cause to be altered, the official zoning map to indicate the amendment. The Town Clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and the effective date of the amendment, as well as the book and page of record of the ordinance amending the map.

Section 305. True Copy to be Maintained

The Zoning Administrator shall also maintain a true copy of the official zoning map which shall include thereon all matters shown on the official zoning map. The true copy shall have no legal effect except as provided in Section 306.

Section 306. Replacement and Preservation of Official Zoning Map and True Copy Thereof

306.1 If the official zoning map is damaged, lost, or destroyed in whole or in part, the Board of Commissioners may adopt the true copy in whole or in part as the official zoning map, and the Zoning Administrator and Town Clerk shall promptly prepare or cause to be prepared a new true copy of the official zoning map. From time-to-time, the governing body may by resolution adopt a new official zoning map if the prior map becomes difficult to interpret due to the number of amendments or other matters shown thereon, or if the governing body desires to replace the map for other reasons, provided that the new map is an exact copy of the prior map. If a new map is to be adopted which is not an exact copy of a prior map, it shall be adopted in accordance with the amendment procedures in Article VIII.

306.2 The Zoning Administrator shall preserve any and all remaining parts of all prior official zoning maps and true copies thereof together with all available records pertaining to their adoption, amendment, or repeal.

Section 307. Uses Allowed in Zoning Districts

307.1 Table of Permit Uses. Uses allowed in the districts named in this ordinance shall be in accordance with the following table in which “P” signifies that the use is permitted as of right, “S” indicates that the use is a special use which requires approval of the Town Board of Commissioners, and a blank indicates that the use is not permitted in that zoning district.

Section 307. Four Oaks Table of Uses

P = PERMITTED S= SPECIAL USE

Use Type	RA	R 8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standard
Residential Uses														
Accessory Apartment	S					P								
Condominium						S	S	S						
Congregate living facility	S	S				S	S	S						
Duplex							S	P						
Manufactured home on individual lot – Single Wide	S							P						See Section601
Manufactured home on individual lot – Double Wide	S							P						See Section 601
Modular home	S		P					P						
Multifamily or apartment						S	S	S						
Nursing or convalescent facility	S					S	S			P				
Security or caretakers’ quarters										S	S	S	S	
Single family	P	P	P		P	P	P	P						
Neighborhood Center - private	S	S			S		S	S						
Use Type														
Public & Civic Uses														
Airplane landing strip	S												S	
Airport													S	
Assembly hall, nonprofit	S	S				S			S	P	P			
Cemetery	P	P	P			P	P	P	P	P	P	P		
Church or place of worship	S	S				S	S	S		S	S			
Correctional, penal institution												S	S	
Government service	S	S				S	S		P	P	P			

Use Type – Cont'd Public & Civic Uses	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standards
Helipad or helipad											S	S	S	
Hospital										S	S			
Post Office									S	P	P			
School, public or private	P	P				P				P	P			
Transportation facility									P	P	P	P		
Vocational school										P	P			
Use Type														
Utilities														
Chipping & mulching													P	
Communication tower, commercial	S									S	S	S	P	
Communication tower, stealth	S									S	S	P	P	
Electrical power facility	S									S	S	S	P	
Incinerator													S	
Recycling center												S	P	
Recycling collection station	S	S				S	S	S	S	P	P	P	P	
Recycling plant													P	
Sanitary landfill													P	
Solar Farms	S									S	S	S	P	See Amendment 18
Stump dump													P	
Utility, minor	S	S				S	S	S	S	P	P	P	P	
Water reservoir	P	P										P	P	
Water or wastewater plant												S	P	

Use Type	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standards
Recreation Uses														
Arena, auditorium, or stadium											S	S		
Beach bingo									P	P	P			
Campground	S													
Entertainment, indoor						S			S	S	S			
Entertainment, outdoor										S	S			
Game rooms and device									S	S	S			
Golf course	P	P	P											
Greenway	P	P	P			P	P	P	P	P	P	P	P	
Park, active	P	P	P			P	P	P	P	P	P	P	P	
Park, passive	P	P	P			P	P	P	P	P	P	P	P	
Par three golf and driving range	S										S	S		
RV Campground										S				
Shooting ranges outdoor													S	
Swimming pool - neighborhood	S	S				S	S	S						
Turkey shoots, temporary	S											S	S	
Venue for Events	S													
Commercial Uses														
Adult Uses														
Adult establishment												S		
Bar or nightclub										S	S			

Use Type	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standards	
Communication															
Broadcasting station									P	P	P	P			
Radio & television recording studio									P	P	P	P			
Food and Beverage Service															
Restaurant, drive through										P	P				
Restaurant, general						P			P	P	P				
Catering establishment						P			P	P	P				
Mobile Food									P	P					
Office and Research															
Dispatching office										P	P	P			
Medical or dental office or clinic						P			P	P	P				
Medical or dental laboratory									P	P	P	P			
Office, business or professional						P			P	P	P	P			
Pilot plant												P	P		
Publishing office						P			P	P	P				
Research facility										P		P			
Parking, Commercial															
Parking garage, commercial										S	S				
Parking lot, commercial									S	S	S	S			
Public accommodation															
Bed and Breakfast	S	S				S	S								
Boarding house	S						S								
Hotel or motel										P	P				

Use Type	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standards
Retail Sales and Services														
Antiques including auction									P	P	P			
Barber and beauty shops						P			P	P	P			
Book store						P			P	P	P			
Building supplies, retail									S	P	P			
Convenience store						S			S	P	P			
Convenience store with gas sales									S	P	P			
Day care facility	S					S			C	P	P			
Dry cleaners and laundry service						P			P	P	P			
Farmer's market									P	P	P			
Financial institution						P			P	P	P			
Floral shop						P			P	P	P			
Funeral home										P	P			
Gas and fuel, retail										P	P	P		
Glass sales										P	P			
Greenhouse or nursery, retail										P	P			
Grocery general										P	P			
Grocery, specialty						P			P	P	P			
Hardware store									P	P	P			
Health/fitness center or spa						P			P	P	P			
Kennel, indoor/outdoor										P	S	S	S	

Use Type – Cont'd – Retail Sales and Services	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standards
Landscape maintenance service												S	P	
Laundromat									P	P	P			
Manufactured and modular home sales										S	S			
Monument sales										P	P		P	
Newsstand or gift shop						P			P	P	P			
Personal service						P			P	P	P			
Pharmacy						P			S	P	P			
Printing and copying service						P			P	P	P			
Real estate sales						P			P	P	P			
Repair services, limited									S	P	P	P		
Retail sales and general, less than 50,000 sq. ft						P			P	P	P	P		
Retail sales, greater than 50,000 square feet											S	P		
Retail sales, vehicles										S	P	P		
Retail sales, exterior sales						S				S	P			
Self-service storage (mini-storage)										S		P	P	
Studio for art, music or dance						P			P	P	P	P		
Swimming pool – public										P				
Tailor shop or shoe repair						P			P	P	P			

Use Type – Cont'd – Retail Sales and Services	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standard
Tattoo parlor									S	S	S			
Theater, indoor										S	S			
Upholstery shop									P	P	P			
Veterinary clinic										P	P	P		
Vehicle Repair and Service														
Automotive paint/body shop												P	P	
Automotive parts									P	P	P			
Automotive service station									S	P	P			
Towing service										P	P	P	P	

Use Type Cont'd-Vehicle Repair & Service	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standard
Car wash, self service										S	S	S	S	
Car wash and detailing										P	P	P		
Towing service vehicle storage												S	S	
Truck terminal										S	S	S	P	
Vehicle inspection center									S	P	P	P		
Vehicle paint and body shop										S		P	P	
Vehicle repair and maintenance, general										S	S	P	P	
Vehicle sales and rental										S	P	P		
Industrial Uses														
Industrial Services														
Building supplies, wholesale											S	P		
Contractors' office with outdoor storage yard												S	P	
Gas and fuel, wholesale, bulk storage exceeds 2,500 gallons													S	
Landscape supply, wholesale												S	P	
Laboratory, industrial research												P	P	

Use Type – Cont'd – Industrial Services	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standard
Machine or welding shop												P	P	
Railroad facility												S	P	
Warehousing												P	P	
Woodworking or cabinet making												P	P	
Wholesale, general												P	P	
Industrial Production														
Asphalt or concrete plant or transfer facility													S	
Forest product shipping or processing													P	
Laundry Plant												P	P	
Manufacturing or processing, entirely indoor												P	P	
Mining													S	
Heavy manufacturing or processing with optional outdoor storage or processing													P	
Wood or lumber processing												S	P	

USE TYPE	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standard
Agricultural Uses														
Active farm	P													
Commercial greenhouses	S													
Fish hatchery or fish pond	P													
Game and natural preserves	P													
Horse boarding and riding stable	S													
Kennels	S													
Produce stand	P													
Public or commercial garden	P									P	P	P		

Use Type	RA	R8.5S	R8.5M	R12	R10	TND	R6	R6MH	B1C	B2H	MC	LI	HI	Use Standards
Miscellaneous Uses														
Home occupations per Article II	P	P	P	P	P	P	P	P	P	P	P	P		
Signs per Article V excluding off premise signs	P	P	P	P	P	P	P	P	P	P	P	P	P	
Off premise signs													P	
Temporary Uses per Article VII	S	S	S				S	S	S	S	S	S	S	
Church spires, belfries, cupolas not intended for human occupancy	P	P	P			P	P	P	P	P	P	P	P	
Satellite dish antennae not meeting requirements in Section 206.11	S	S	S				S	S	S	S	S	S	S	

Section 307.1 Land Uses Definitions

307.1.1 Residential Uses

- A) **Accessory apartment**
A secondary dwelling unit inside of or added to an existing single-family dwelling. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. The area of an accessory apartment shall not exceed 25% of the total heated area of the primary dwelling unit. There may not be a separate entrance to the accessory apartment on the front façade.
- B) **Condominium**
A residential development of two or more units in one or more buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act G.S. 47A and 47C.
- C) **Congregate Living Facility**
A residential land use consisting of any building or section thereof, residence, private home, boarding home, or home for the aged, whether or not operated for profit, which undertakes, for a period exceeding 24 hours, housing, food service and other related personal services for persons not related to the owner or administrator by blood or marriage. The term shall not mean "nursing home," "intermediate care facility", or similar facility that provides medical care and support services to persons not capable of independent living.
- D) **Duplex**
A structure on a single lot containing two dwelling units.
- E) **Manufactured Home**
A structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width, or 40 feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein (requires a permanent foundation).
Manufactured home shall comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq.

- F) **Modular Home**
A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. -
- G) **Multi-Family or Apartment**
A structure on a single lot containing three or more dwelling units, excluding hotels, or motels. Typical uses include apartments, townhouses and residential condominiums.
- H) **Neighborhood Center – private**
An establishment where residents of the neighborhood may gather for meetings or socialization.
- I) **Nursing or Convalescent Facility**
An establishment where, for compensation, care is offered or provided for three or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.
- J) **Security, Manager or Caretaker Quarters**
A dwelling unit located on a site for occupancy by a caretaker, manager, or security guard.
- K) **Single Family**
The use of a single lot for one detached dwelling unit with open yards on all sides, excluding a manufactured home. All single-family residences shall meet the criteria in Article II GENERAL PROVISIONS, Section 211. Amendment 4. Criteria for all single-family residences.

307.1.2. Public and Civic Uses

- A) **Airplane Landing Strip**
A private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners.
- B) **Airport**
Any public or privately owned or operated ground facility designed to accommodate landing and take-off operations of aircraft.
- C) **Assembly Hall, Nonprofit**
The principal use of a site or facility owned or operated for a social educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. Typical uses include fraternal organizations and union halls.
- D) **Cemetery**
Land used or intended to be used for commercial burial, whether human or animal, including a mausoleum, or columbarium.
- E) **Church or Place of Worship**
A site and its buildings used primarily for religious worship and related religious services by a tax-exempted religious group. Churches may include cemeteries belonging to and operated by the church.
- F) **Correctional, Penal Institution**
A facility where persons convicted of crimes are confined including living accommodations and employment facilities.
- G) **Government Service**
Buildings or facilities owned or operated by a government entity that provide services for the public with no outdoor storage, excluding utility and recreational services. Typical uses include administrative offices of government agencies and public libraries.
- H) **Helipad or Helipad**
An area used for landing or take-off of helicopter, including all of the area or buildings which are appropriate to accomplish these functions, including refueling.

- I) **Hospital**
A facility licensed by the State of North Carolina that maintains and operates organized facilities for medical or surgical diagnosis and procedures, care, including overnight and outpatient care, and treatment of human illness. A helipad shall be considered an accessory use for a hospital.
- J) **Police, Fire and Emergency Medical Services**
A facility operated by a publicly authorized entity to provide police, fire and emergency services including garage, office, training facility and quarters.
- K) **Post Office**
A facility operated by the US Postal Service for the collection, processing of mail and packages.
- L) **School, Public or Private**
A premises or site upon which there is an institution of learning, whether public or private, that conducts regular classes and courses of study required for accreditation as an elementary, secondary, or post-secondary school by the State of North Carolina.
- M) **Transportation Facility**
A facility for loading, unloading, and the interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus terminals, railroad stations and yards, and major mail-processing centers.
- N) **Vocational School**
An establishment, for profit or not, offering regularly scheduled instruction in technical, commercial, or trade skills such as, but not limited to business, cosmetology, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, or other types of vocational instruction.

307.1.3.

Utilities

- A) **Chipping and Mulching**
A permanent facility designed to cut tree limbs and brush into small pieces for use as mulch.
- B) **Communication Tower, Commercial**
Commercial AM/FM radio, television, microwave, digital and cellular telephone transmission and reception towers and accessory equipment and buildings, which are not designed to be stealth communication towers.
- C) **Communication Tower, Stealth**
Commercial AM/FM radio, television, microwave, digital and cellular telephone transmission and reception towers and accessory equipment and buildings, which are designed to be an integral part of another permitted structure (e.g., existing building, water tower, communications tower), or are designed to appear like trees, flag poles, or similar uses, so that they can be located and configured to be generally consistent with the character of higher density residential land uses and/or retail land uses.
- D) **Electrical Power Facility**
The principal use of land for an electrical generation, distribution, or switching station.
- E) **Incinerator**
A permanent facility operated alone or in conjunction with a landfill for the purpose of burning solid waste or trash to ash.
- F) **Recycling Center**
A permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting.
- G) **Recycling Collection Station**
A mobile container or bin designed and used for deposit of recyclable materials.
- H) **Recycling Plant**
A permanent facility designed and used for receiving, separating, storing, converting, baling or processing non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris

recycling or other intensive recycling processes such as chipping and mulching.

I) **Sanitary Landfill**

A disposal facility employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards.

J) **Stump Dump**

A disposal facility for stumps, branches and other organic debris from construction sites.

K) **Utility, Minor**

Elements of utility distribution, collection, or transmission networks, other than electrical power facilities, required by their nature to be relatively dispersed throughout the service area. Typical uses include gas and water substations, sewage lift stations, electrical substations and telephone exchange buildings and substations.

L) **Water Reservoir**

Either a natural or man-made body of water, like a lake, where water is stored for drinking or industrial processing.

M) **Water or Wastewater Plant**

A central water system or a wastewater treatment facility.

307.1.4. Recreational Uses

A) **Arena, Auditorium, or Stadium**

An open, partially enclosed or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

B) **Beach Bingo**

An establishment that promotes bingo games, which have prizes of 10 dollars or less or merchandise that is not redeemable for cash and that has a value of 10 dollars or less.

C) **Campground**

Land established as a commercial or institutional campsite for recreational use and not as living quarters. Includes institutional campgrounds with “cabins” and central facilities in addition to campgrounds with or without electrical service to individual campsites and without waste water disposal systems for individual units or campsites including pumping facilities for wastewater.

- D) **Entertainment, Indoor**
An establishment offering entertainment or games of skill to the general public for a fee or charge where the activity takes place indoor. Typical uses include bowling alleys, indoor tennis facilities, indoor swimming pools and racquet clubs.
- E) **Entertainment, Outdoor**
An establishment offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, excluding golf courses, shooting ranges, driving ranges and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges and miniature golf courses, swimming pools and tennis courts.
- F) **Game Rooms and Device**
(1) Any place of business primarily established or functioning to operate one or more video or mechanical games or pay devices or tables for which charge in money or some other valuable is made either directly or indirectly, (2) any place of business which contains a room, enclosure or area in which is operated one or more video or mechanical games or pay devices or tables for which charge in money or some other valuable is made either directly or indirectly, or (3) any other place of business which has on its premises in any given area or part one or more video or mechanical games or pay devices or tables for which charge is made in money or some other valuable either directly or indirectly. Examples of games rooms by way of illustration and not limitation include such facilities as poolrooms, bowling alleys, billiard halls, amusement centers and other businesses that operate one or more video or mechanical devices or games for profit or make a charge in money or some other valuable is made either directly or indirectly.
- G) **Golf Course**
A facility providing a private or public golf recreation area designed for executive or regulation plays along with a golf support facility. Golf course does not include a miniature golf facility, par three golf or independent driving range.
- H) **Greenway**
Public or private lands relying on a natural or man-made resource base that provides opportunities for active recreational activities, passive recreational opportunities or open space lands.

- I) **Park, Active**
A park that provides opportunities for active recreational activities to the general public like ball fields, jogging trails, exercise areas, and playgrounds.
- J) **Park, Passive**
A public or private outdoor recreational use relying on a natural or man-made resource base that is developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relates to the natural qualities of the area, and support facilities for such activities. Support facilities may include caretaker's quarters.
- K) **Par three golf and driving range**
A facility not associated with a golf course that provides a driving range or par three golf course.
- L) **Racetrack**
A public or private facility for racing motor vehicles, horses, or to accommodate demolition derbies.
- M) **Recreation Vehicle Campground**
A campground designed for self-contained “camping units”. Camping spaces are supplied with electricity. Campground provides waste water treatment at individual spaces or pumping facilities for wastewater from RV units.
- N) **Shooting range, outdoor**
A public or private facility design for target shooting located outdoors.
- O) **Swimming pool – neighborhood**
A swimming pool and associated pool house not open to the public that is owned by a neighborhood association and is used by residents of the neighborhood and their guests.
- P) **Turkey shoots, temporary**
Outdoor use involving target shooting and the award of prizes with a permit issued by the Town of Four Oaks Chief of Police or the Johnston County Sheriff.

307.1.5. Commercial Uses

A) Adult Use

- 1) Adult establishment. Any place defined as an adult establishment by N.C.G.S 14 -202.10, as amended, except the definition of massage business shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or similar health related business. Adult establishment specifically includes any massage business where massages are rendered by any person exhibiting "specified anatomical areas" and/or where massages are performed on any client's "specified anatomical areas" as defined by N.C.G.S.14-202.10 as amended.
- 2) Bar or nightclub. An establishment primarily engaged in the sale of alcoholic beverages in a ready-to-consume state. Bars and nightclubs may include live bands, other music, and dancing as well as games of skill such as pool or darts for use by the patrons of the establishment.

B) Communications

- 1) Broadcasting station (radio and television). An establishment primarily engaged in the provision of commercial broadcasting services accomplished through the use of electronic mechanisms. Typical uses include radio and television broadcasting studios.
- 2) Radio and television recording studio. An establishment primarily engaged in the development and recording of programs for radio and television (but not broadcasting).

C) Food and Beverage Service

- 1) Restaurant, drive-through. An establishment where the principal business is the sale of food and beverages to the customer in a ready-to-consume state and where the design or principal method or operation is that of a fast-food or drive-through restaurant offering quick food service, where orders are generally not taken at the customer's table but at a counter, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle at a drive-through window.
- 2) Restaurant, general. An establishment where the principal business is the sale of food and beverages in a ready-to-consume state with accommodations for consumption indoors and does not include a separate takeout or drive-through facility.
- 3) Catering establishment. A business that produces food in a ready to consume state and does not have on-site dining facilities. Food may be purchased to be eaten elsewhere or delivered to the customer.

D) Office and Research

- 1) Dispatching office. An establishment principally involved in providing services off-site to households and businesses. Typical uses include janitorial services, pest control services, and taxi, limousine, and ambulance services.
- 2) Medical or dental clinic or office. An establishment where patients, who are not lodged overnight except for emergency treatment, are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, optometrists, dentists, or any such profession, the practice of which is lawful in the State of North Carolina. Office may include a pharmacy to serve patients.
- 3) Medical or dental laboratory. A facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.

- 4) Office, business or professional. An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include property and financial management firms, insurance agencies, employment agencies, travel agencies, advertising agencies, secretarial and telephone services; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, non-profit organizations, utility companies, public agencies, and trade associations.
- 5) Pilot plant. A facility in which processes planned for use in production elsewhere are tested.
- 6) Publishing office. An establishment engaged in the preparation and editing of books, magazines, newsletters, other related material for public publication, and the production of that material.
- 7) Research facility. An establishment providing offices and other related facilities for high tech and drug research.

E) **Parking, Commercial**

- 1) Parking garage, commercial. A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use.
- 2) Parking lot, commercial. A paved area intended or used for the off-street parking of motor vehicles on a temporary basis, other than accessory to a principal use, for profit.

F) **Public Accommodation**

- 1) Bed and breakfast. An owner-occupied structure that is residential in character that offers lodging for paying guests and which serves breakfast to these guests.
- 2) Boarding house. A residential structure with 2 to 3 rooms for rent to the general public by the week or month and with an on-site manager residing on the premises. Rooms do not contain cooking facilities. Meals may be provided to renters only or central cooking facilities may be provided.

- 3) Hotel or motel. An establishment providing guest rooms for lodging, typically on a less than weekly basis, with no or minimal kitchen facilities in the guest units. Guest units may be reached either from a common entrance or directly from the outside of the building. The hotel or motel may have a restaurant as an accessory use, and recreational facilities such as swimming pools and fitness centers.

G) Retail Sales and Service

- 1) Antique store including auction. A business engaged in the buying and sales of antiques. Sales may be retail or by public auction (wholesale and retail).
- 2) Barber and beauty shop. An establishment primarily engaged in the cutting and styling of hair or nails.
- 3) Book store. An establishment primarily engaged in the retail sale of books and periodicals.
- 4) Building supplies, retail, greater than 7,000 square feet. An establishment engaged in the retail sale and/or wholesale trade of building supplies and home improvement products. The facility includes display of products for the retail market. (Businesses with less than 7,000 square feet selling building supplies at retail are listed under hardware stores.)
- 5) Convenience store. An establishment, not exceeding 3,500 square feet of gross floor area, engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household or automotive use.
- 6) Convenience store with gas sales. An establishment, not exceeding 3,500 square feet of gross floor area, engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household or automotive use, including accessory gasoline sales.
- 7) Day Care Facility. An establishment, licensed by an agency of the state of North Carolina, which provides non-medical daytime care or services for three or more persons on a daily or regular basis less than 24 hours a day, but not overnight. Daycare facility includes childcare facilities as defined by N.C.G.S., and daycare facilities for adults.

- 8) Dry cleaners and laundry service. An establishment that provides washing, drying, dry cleaning, or ironing services for customers, who drop-off and pick-up their clothes or other materials for dry cleaning or laundering.
- 9) Farmer's market. A partially enclosed establishment principally involved in the sale of locally grown fresh produce.
- 10) Financial institution. An establishment engaged in deposit banking. Typical uses include commercial banks, savings and loan institutions, and credit unions, including outdoor automated teller machine facilities.
- 11) Floral shop. An establishment whose principal use is the arrangement and retail sale of flowers and floral arrangements.
- 12) Funeral home. An establishment engaged in preparing the human deceased for burial and arranging and managing funerals. Funeral homes may include crematories.
- 13) Gas and fuel, retail. The use of land for the retail distribution of gasoline and other fuels, primarily for vehicles.
- 14) Glass sales. An establishment primarily engaged in the retail sale of glass for residence and businesses.
- 15) Greenhouse or nursery, retail. An establishment primarily engaged in the retail sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.
- 16) Grocery, general. An establishment primarily engaged in the indoor retail sale of food and other related household items including but not limited to produce, meat and fish, breads, milk, juices, and other beverages (both non-alcoholic and beer and wine), frozen and concentrated foods toiletries, and medication.
- 17) Grocery, specialty. An establishment primarily engaged in the indoor retail sale of specialty grocery items such as gourmet foods, butcher shops, fish shops, fruit and vegetable markets.
- 18) Hardware store, less than 7,000 square feet. An establishment primarily engaged in the retail sale of hardware including building supplies.

- 19) Health/fitness center-or spa. A building generally containing multi-use facilities for conducting recreational activities, including but not limited to the following: aerobic exercises, weight lifting, basketball, running, swimming, racquetball, handball, tennis and squash. A health/fitness center or spa may also include the following customary accessory activities as long as they are primarily intended for the use of the members of the center and not for the general public: babysitting service, bathhouse, and food services. Other services that may be provided include personal care services such as facials, manicures, body wraps, therapeutic massages, etc.
- 20) Kennel, indoor. Any enclosed building for the raising, boarding or breeding of such domesticated animals as dogs and cats, not necessarily owned by the occupants of the premises.
- 21) Kennel, outdoor. Any outdoor facility used, designed or arranged to facilitate the care of such domestic animals as dogs and cats, not necessarily owned by the occupants of the premises.
- 22) Landscape maintenance service. An establishment primarily engaged in the provision of landscape installation or maintenance services, excluding the sale of plants or lawn and garden supplies from the premises.
- 23) Laundromat. An establishment that provides home-type washing and drying facilities for persons on a self-service basis, for profit.
- 24) Manufactured and modular home sales. A business primarily engaged in the sale of manufactured homes, modular homes, prefab storage buildings and gazebos including display of units for sale.
- 25) Monument sales, retail. An establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, and ledges, for placement on graves.
- 26) Newsstand or gift shop. A small establishment primarily engaged in the retail sale of gifts, novelties, greeting cards, newspapers, magazines, or similar items.

- 27) Personal service. An establishment primarily engaged in the provision of frequently or recurring needed services of a personal nature, or the provision of informational, instructional, personal improvement or similar services, which may involve the limited accessory sale of retail products. Typical uses include art and music schools, driving schools and licensed therapeutic massage studios.
- 28) Pharmacy. An establishment where prescription and other drugs and medications are prepared and sold, along with other related household items. A pharmacy may also include as an accessory use (in no more than 35 percent of the establishment) a soda fountain and/or coffee shop that sells drinks and prepared foods
- 29) Printing and copying service. An establishment engaged in retail photocopy, reproduction, or blueprinting services, both manual and electronic.
- 30) Real estate sales. An establishment engaged in the sale of real property consistent with the requirements of the N.C.G.S
- 31) Repair services, limited. An establishment engaged in the repair of household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include small appliance repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.
- 32) Retail sales, general, less than 50,000 square feet. A development with less than 50,000 square feet providing retail sales or rental of goods to the general public including electrical equipment, household furnishings, clothing, antiques and collectibles, gifts, jewelry, office supply, garden supply, paint, toy variety stores, discount stores, crafts, music and video, optical, medical devices, floor coverings, sporting goods, appliances, decorating supplies, paper and cleaning products, etc.
- 33) Retail sales, greater than 50,000 square feet. An establishment (single store or combination of stores in a single development) with greater than 50,000 square feet providing retail sales or rental of items including small items or larger items. Retail sales do not include manufactured or modular homes sales, motor vehicle sales or sales for wholesale trade.

- 34) Self-service storage. An enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to persons exclusively for storage of their household goods or personal property.
- 35) Studio for art. Studios and workplace of photographers, musicians, and artists.
- 36) Tattoo parlor. An establishment primarily engaged in the application of tattoos.
- 37) Tailor shop. An establishment engaged in the custom design, and sewing of clothes for men, women, and children.
- 38) Theater. An establishment for showing motion pictures or live performances in an enclosed theater.
- 39) Upholstery shop. An establishment engaged in furniture repair and re-upholstering.
- 40) Veterinary Clinic or Hospital. An establishment primarily engaged in providing medical care and treatment for animals, provided that such hospital or clinic and any treatment rooms, cages, pens or kennels are maintained in a completely enclosed soundproof building and that the veterinary clinic or hospital is operated in such a way as to produce no objectionable odors outside its walls.

H) Vehicle Repair and Service

- 1) Automotive paint or body shop. An establishment primarily engaged in the painting, repainting, or retouching of motor vehicles, or the performance of major external repairs of a non-mechanical nature for motor vehicles.
- 2) Automotive parts. An establishment primarily engaged in the sale of automotive parts, small engine parts, and other related parts.
- 3) Automotive service station. An establishment primarily engaged in the retail sale of gasoline or other motor fuels. Activities may include accessory activities such as the sale of accessories or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles, or the sale of convenience food items. Typical uses include gas stations, with or without accessory convenience food sales.

- 4) Car wash, self-service. An establishment offering self-service car washing facilities including automatic drive through or drive up including vacuum stations.
- 5) Car wash or auto detailing. An establishment primarily engaged in the washing or detailing of motor vehicles. Car washes may use production line methods with a conveyor, blower, or other mechanical devices, and/or may employ hand labor. Detailing includes hand washing and waxing, window tinting, striping, and interior cleaning.
- 6) Towing service. The use of land for the operation of a business primarily engaged in the towing of vehicles with no sales or repair activity occurring on the lot. Towing service does not include the storage of towed vehicles prior to retrieval by the owner or another party.
- 7) Towing service storage. The use of land for the temporary storage of operable or inoperable vehicles prior to retrieval by the owner or another party in conjunction with a commercial towing service. Towing service storage may include vehicle repair but not sales.
- 8) Truck terminal. A facility for loading and unloading freight or package express from trucks.
- 9) Vehicle inspection center. An establishment engaged in vehicle inspection or the testing of motor vehicle emissions, but not engaged in any vehicle repair.
- 10) Vehicle repair and maintenance, general. An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, and trucks, excluding paint and body work. Typical uses include automobile repair garages, automobile tune-up stations, automotive glass shops, quick lubes and mufflers shops. General repair and maintenance do not include mobile home servicing.
- 11) Vehicle sales and rental, heavy. An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, recreational vehicles

sales, construction equipment rental yards, moving trailer rental, and farm equipment and machinery sales and rental.

307.1.6. **Industrial Uses**

A) **Industrial Service**

- 1) Building supplies, wholesale. An establishment primarily engaged in the sale, fabrication, and outdoor storage of lumber and allied products to contractors for the construction, maintenance, repair and improvement of land. Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.
- 2) Contractor's office and storage yard. An accessory office and storage facility used by building trade and service contractors on land other than construction sites.
- 3) Gas and fuel distribution. The use of land for above ground or below ground bulk storage and wholesale distribution or retail sale with delivery of fuel or gas. This use includes the storage, distribution and office facility.
- 4) Laboratory, industrial research. An establishment engaged in research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm.
- 5) Machine or welding shop. A workshop where machine, machine parts or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.
- 6) Railroad facility. A facility used for the repair and maintenance of railroad equipment.
- 7) Warehousing. An establishment primarily engaged in the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include motor freight transportation, moving and storage facilities cold storage, warehousing and dead storage facilities, but exclude self-service storage facilities and office-warehouse combinations.
- 8) Woodworking or cabinetmaking. An establishment engaged in the production of finished products from wood.

- 9) Wholesaling, general. An establishment primarily engaged in the display, storage, distribution, and sale of goods to other firms for resale, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.

B) Production

- 1) Asphalt or concrete plant. An establishment engaged in the manufacture, mixing, or batching of asphalt, asphaltic cement, and cement or concrete products.
- 2) Forestry product shipping or processing – the storage, processing, and packaging of forest products for shipping including timber yards, bark storage, fire wood, chipping; does not include the treatment of forest product with chemicals
- 3) Laundry plant. An establishment that carries on washing, drying, dry-cleaning, and ironing services on-site, for customers who drop-off and pick-up at a different location.
- 4) Manufacturing and processing. An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include food processing and beverage bottling, large-scale bakeries, electronic assembly, pharmaceuticals, monuments, tobacco products, dry cleaning plants and printing and publishing.
- 5) Mining. The extraction of mineral material from the earth including topsoil, fill dirt and minerals.
- 6) Wood or lumber processing. An establishment engaged in the production of lumber or similar building material products from wood including the application of chemicals.

307.1.7 **Agricultural Uses**

A) Active Farm

Uses that are in active agricultural operations, like the raising of agricultural products, forestry products, livestock, poultry and dairying.

B) **Greenhouse or nursery, wholesale**

The cultivation for wholesale sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

C) **Produce Stand**

A temporary structure that is no greater than 20 feet by 30 feet in size that is located on a lot for the purpose of the sale of agricultural products on a seasonal basis.

307.2. District Dimensional Requirements

Minimum dimensional requirements shall be:

RA R10 R12 R8.5S R-6 R-6MH R8.5M TND

All applicable Health Department requirements must be met as well as the requirements in this section.

Minimum lot AREA in sq. ft

-single-family dwelling	20,000	10,000	12,000	8,500	6,000	6,000	8,500	5,000
-two-family dwelling	20,000	N/A	N/A	N/A	12,000	12,000	N/A	N/A
-multi-family dwelling or townhouse (site)	40,000	N/A	N/A	N/A	15,000	15,000	N/A	N/A
-manufactured home on individual lot	20,000	N/A	N/A	N/A	6,000	6,000	8,500	N/A
-other building or use	20,000	10,000	N/A	15,000	7,500	7,500	15,000	N/A

Minimum lot width in ft.

-single-family dwelling	100	75	80	85	60	60	85	N/A
-two-family dwelling	100	N/A	N/A	8	75	75	N/A	N/A
-multi-family dwelling or townhouse (site)	100	N/A	N/A	100	100	100	N/A	N/A
-manufactured home on individual lot	100	N/A	N/A	N/A	60	60	85	N/A
-other building or use	100	N/A	N/A	85	75	75	85	N/A

<u>Minimum lot depth in ft.</u>	100	100	100	100	100	100	100	100
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Minimum yard requirements in ft.*

(From edge of right of way)

-front	40	30	40	30	30	30	30	N/A
-side (each side)	15	10	10	10	10	10	10	N/A
rear	30	25	25	25	20	20	25	N/A
<u>Maximum height in ft.</u>	35	35	35	35	35	35	35	N/A

Maximum lot coverage

<u>in percent</u>	30	30	30	30	30	30	30	N/A
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*15,000 for three (3) units plus an additional 3,000 square feet for each unit in excess of three (3).

The minimum front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing dwellings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on such lot may be less than the required front yard, but not less than the adjacent dwelling with the greatest front yard depth or the average front yard of existing dwellings located wholly or in part within the hundred (100) feet on each side, whichever is greater.

In any residential district for corner lots, the side yard requirements along the side street(s) shall be increased by ten (10) feet.

Uncovered stairs, landings, terraces, porches, decks, balconies, and fire escapes may project into any yard, but such projection may not exceed (6) feet into the setback and such projection may not be closer than ten (10) feet to any lot line.

Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed three (3) feet.

Lot width on lots which front on the turn-around circle of a cul-de-sac may be measured at the line formed by connecting the midpoint of the side lot line of the shorter side with a point on the longer side lot line which is the same distance from the front lot line as the midpoint of the shorter side, or if both side lot lines are the same length, at the line connecting the midpoints of the side lot lines. All yard requirements must be met on such lots. If a lot has more than two (2) sides, the side lot lines to be used are the two (2) which connect with the front lot line.

Spacing requirements for multi-family dwelling complexes are contained in Section 308 of this ordinance.

	<u>B-1C</u>	<u>B-2H</u>	<u>MC</u>	<u>I1L</u>	<u>I-2H</u>
<u>Minimum lot area in sq. ft.</u>	None	20,000	5 acres	20,000	20,000
<u>Minimum lot width in feet</u>	None	100	200	100	100
<u>Minimum Yard requirements in ft.</u>					
-front	None	25	50	50	50
-side (each side)	None; however, if a side yard is provided; it shall be at least twelve (12) feet wide.	12	30	15	15
-rear	None	15	20	20	20

	<u>B-1C</u>	<u>B-2H</u>	<u>MC</u>	<u>I1L</u>	<u>I-2H</u>
<u>Minimum lot depth in feet</u>	None	100	200	100	100
<u>Maximum height in feet</u>	None; however, every building erected or structurally altered to exceed fifty (50) feet in height, be set back from the front lot line on the ratio of one (1) foot per two (2) foot rise above fifty (50) feet.			no structure shall exceed 35 feet in height unless the depth in front and total width of side yard required herein shall be increased 5 feet for each 10 feet of fraction thereof, of building height in excess of 35 feet.	

Gasoline pumps and canopies shall be considered part of a principal use, not an accessory use, and shall meet all applicable yard requirements for a principal use. However, if existing pumps must be replaced because of the requirements of State Law, they may be replaced in their existing location.

Section 308 Special Uses – Requirements

Special Uses add flexibility to the Zoning Ordinance. Subject to higher development standards, the special uses are allowed in certain districts where these uses would not always be acceptable. The Special Use Permit review procedure provides controls that minimize any ill effects a proposed special use might have on surrounding properties. The special uses are listed below with the zone classification that they are permitted in and requirements for approval. In addition to the listed requirements, the proposed special use shall meet the following requirements. The Town Board of Commissioners may attach additional requirements to ensure that the development meets these criteria.

- (a) will not endanger the public health or safety
- (b) will not injure the value of the adjoining property;
- (c) will be in harmony with the area in which it is located; and
- (d) will be in conformity with the future land use plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners.

The application for approval of a Special Use shall be in accordance with Section 802 and Site Plan in accordance with Section 702. The process for review of the Special Use Permit application is the same as the process to review an application for a zoning amendment in accordance with Article VIII.

308.1 Requirements for Specific Special Uses
308.1.1 Residential Special Uses

Use – Condominium

Zone TND, R6, R6MH

Requirements –

Density shall not exceed 6 units per gross acre

Compatibility with neighborhood

Screening of large parking areas

Buffer type C if adjoining single family or duplex

Maximum number of floors shall be three, including a basement or attic level.

Where more than one (1) building is to be located on the site, building separation shall be determined as follows:

The minimum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to other building.

<u>Height of Taller Building</u>	<u>Minimum Horizontal Distance Between Vertical Projections</u>
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

Distance Related to Windows. The minimum distance between the centers of facing windows of different dwelling units shall be twenty (20) feet.

Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

The maximum number of townhouse units attached to each other shall be eight (8).

The Board may approve the inclusion of leasing offices and of coin- operated laundry facilities, swimming pools, snack bars, and similar service uses for residents of the multi-family dwelling or townhouse project provided that they are intended to serve residents of the dwelling project, or complex only, and will not attract outside traffic to the site.

Recreation space or fees in lieu of dedication shall be provided in accordance with Section 712 of this ordinance.

The following additional items shall be included on the site plan.

Unit location, approximate square feet and number of rooms and garage

Total number of units

Description of common areas, improvements

Proportionate interest in common area of each unit

Parking

Landscaping

Fencing

Signage

Lighting

Solid waste facilities

Sidewalks

Adjoining properties use and zoning

Include the declaration establishing ownership.

Use – Congregate living facility

Zone -TND

Conditions –

Located on individual lot

Located at least ½ mile from another congregate living facility

Licensed by the State of NC for type of residence

Use -Nursing or convalescent facility

Zone – RA, TND, R6

Requirements –

Compatibility with neighborhood

Screening of large parking areas

Buffer Type C

Architecture of a residential type, roof pitch, building materials, porch

Adequate access

Use – Multifamily or apartment

Zone – TND, R6MH

Requirements -

Compatibility with neighborhood

Density shall not exceed 6 units per gross acre

Access within 500 feet of a major thoroughfare

Safe access, on-site and off-site improvements may be required

Minimum side and rear yard shall be 30 feet

Type C buffers if next to single family or duplex zoning or use

The maximum number of floors is three including basement and attic.

Dimensional requirements shall be in accordance with Section 307.2.

Where more than one (1) building is to be located on the site, building separation shall be determined as follows:

The minimum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to other building.

<u>Height of Taller Building</u>	<u>Minimum Horizontal Distance Between Vertical Projections</u>
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

Distance Related to Windows. The minimum distance between the centers of facing windows of different dwelling units shall be twenty (20) feet.

Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

The maximum number of townhouse units attached to each other shall be eight (8).

The Board may approve the inclusion of leasing offices and of coin- operated laundry facilities, swimming pools, snack bars, and similar service uses for residents of the multi-family dwelling or townhouse project provided that they are intended to serve residents of the dwelling project, or complex only, and will not attract outside traffic to the site.

Recreation space or fees in lieu of dedication shall be provided in accordance with Section 712 of this ordinance. If development includes greater than 4 units, an improved play area for children shall be provided a minimum rate of 60 square feet per unit.

The following additional items shall be included on the site plan.

- Unit location, approximate square feet and number of rooms
- Total number of units
- Parking
- Landscaping
- Fencing
- Signage
- Lighting
- Solid waste facilities
- Sidewalks
- Adjoining properties use and zoning

Use - Neighborhood Center – private

Zone- RA, R8.5S, R-6, R6 MH

Requirements:

Minimum building setbacks - 30 feet from all property lines

Minimum parking setback – 20 feet, screen parking from adjoining residences

Screen activities from adjoining residences

Buildings are of a compatible style and scale with homes in the neighborhood

Lights are shielded from adjoining properties and mounted at or below 16 feet.

Use – Single family not meeting Section 211. Criteria for Single Family House

Zone – RA, R 8.5S, R-6

Requirements: In addition to the general requirements for all special uses, the following minimum requirements shall be met.

All the requirements of Section 211.2 shall be met.

If the roof pitch is less than 6/12, the roof shall be a hip roof.

At least 2 of the features of Section 211.3 shall be satisfied.

The Board shall consider input from adjoining property owners in their evaluation of the request for a special use permit.”

308.1.2 Public and civic special uses

Use – Airplane landing strip

Zone – RA, HI

Requirements

Setbacks - 2000 feet distance from residence, school, churches, etc.

Must meet state and federal requirements

Lighting – cannot be directed towards adjoining properties

Use – Airport

Zone – HI

Requirements

Setbacks- runways and aircraft access ways shall be at least 2000 feet distance from school, residences

Minimum lot area – 50 acres for an airport with a runway up to 2,000 feet. Airport size and layout shall conform to FAA Advisory Circular 150/53004B.

Adequate on-site parking, access for vehicles

Lighting – cannot be directed towards adjoining properties

Meets Federal and State requirements

Use – Assembly Hall – nonprofit

Zone – TND

Requirements

Architecturally compatible with surrounding area

Does not adversely affect traffic, on-site and off-site improvements may be required

Parking is screened

Landscape buffers – provide a Type C Buffer when Use abuts a residentially zoned property or property with a residential use

Use – Church or place of worship

Zone – RA, R8.5S, TND, B1C, B2H, MC

Requirements

Parking is screened

Landscape buffers – Provide a Type C Landscape Buffer when Use abuts a residential zoned property or property with a residential use.

Building shall be free standing with a traditional building form with central meeting room and street side entrance.

The building shall be set back from property lines with a yard.

On-site parking shall be provided.

The church may not occupy a building built for residential use.

Church may locate in a school facility.

Use - Heliport or helipad

Zone – HI

Requirements – safety

100 feet distance from property line

Meets Federal and State requirements

Use – Hospital

Zone – B2H, MC

Requirements –

Traffic study, mitigate onsite and off-site impacts

308.1.3 Utility Special Uses

Use - Communication Tower, commercial

Zone – RA, B2H, MC, HI, LI

Requirements –

Buffers – Type D in RA

Type C in B2H, MC

Type B in LI

Setbacks – 100 feet

Fencing of tower

Meets Federal and State requirements

Use - Electric power facility

Zone – RA, B2H, MC, LI

Requirements – Esthetic compatibility

Control of off-site noise, light,

Safe access and on-site parking for service vehicle

Type D buffer in RA zone, Type C buffer in B2H or MC

Use – Recycling center

Zone- LI

Requirements – Must be located entirely within a building or completely screened

Control of offsite noise, odor

Use - Utility – minor

Zone – TND

Requirements

Sited to mitigate impacts of compatibility with neighborhood, and esthetics

Landscaping is provided to screen Use and fit in with the area context

Use -Sanitary landfill

Zone – HI

Requirements

Adequate buffering from adjoining residential properties

Location adjacent to thoroughfare or collector

Access and operation do not adversely impact residential properties

Use – Stump dump

Zone – HI

Requirements

Adequate buffering from adjoining residential properties

Location adjacent to thoroughfare or collector

Access and operation do not adversely impact residential properties

Use – Water or wastewater plant
Zone – RA, LI, HI
Requirements – Setback of 100 feet for all processing areas
Screening – Type D in RA
Mitigation of noise, odor
Meet State and Federal Requirements

308.1.4 Recreation Special Uses

Use – Arena, auditorium or stadium
Zone – MC, LI
Requirements
Traffic study
Mitigate on-site and off-site traffic impacts
Noise mitigation for nearby residential uses, may limit hours of operation
Screening of parking areas

Use - Campground, institutional or commercial
Zone – RA
Compatibility with neighboring properties
Site conditions are appropriate for a campground
Minimum lot area – 20 acres
Buffers – 200 feet to campsite, parking, building, or another campground facility
Internal roads improved, access for emergency vehicles
Adequate water and waste water
Adequate parking
Security fence
Onsite office, manager, or staff 24 hours per day when open
Sanitation facilities including bathrooms, solid waste
Adequate space between cabins, camp spaces, parking, roads, other facilities etc.
Adequate recreation facilities provided.
Quarters for camp manager may be located on site
No camping spaces can be sold.
Continuous occupancy extending beyond 3 months in a 12-month period is not permitted.
Accessory uses such as recreational facilities, showers, laundry facilities, convenience stores shall be permitted subject to the following conditions.
 Such uses are restricted to use by occupants of the campground and their guests.
 Such uses are not visible from adjoining properties.

Use – Entertainment, indoor
Zone – TND, B1C, B2H, MC
Requirements:
Does not adversely impact residential areas
Hours of operation

Use - Entertainment, outdoor

Zone – B2H, MC

Requirements

Does not adversely impact residential areas

Hours of operation

Traffic study - provide additional facilities to handle traffic both on site and off site

Use – Game rooms and devices

Zone – B1C, B2H, MC

Requirements

Maintain public safety, morals

Control off site impacts including noise and light

Use does not cause traffic congestion

Hours of operation

Use – Recreational Vehicle Campground

Zone – B2H

Requirements

Compatibility with neighboring properties

Site conditions are appropriate for a recreational vehicle campground

Adequate on-site stacking or parking of recreational vehicles near entrance

Paved internal road and parking pads

Adequate provision of water and waste water and solid water services

Adequate campsite size of at least 1500 square feet

Provide 3 parking spaces for 2 campsite spaces. One space shall be located at each campsite.

The additional space shall be located within 100 feet of the campsite.

Security fence

Control of ingress and egress

50 feet perimeter buffer with Type D Screening

Improved paved internal roads, access for emergency vehicles

Lighting of common use areas

Adequate water and wastewater

Provide common areas both indoor and outdoor, minimum of 8 percent of gross campground area.

Maximum length of stay requirements

Staffed 24 hours or on-site resident manager, manager quarters may be located on site.

Use - Par three golf and driving range

Zone – RA, MC, LI

Requirements

Adequate buffers next to residential, Type D and additional 100-foot setback

Fencing/netting to contain balls and keep them onsite

Control of off-site impacts – lighting, traffic

Use – Shooting range outdoor

Zone – HI

Requirements –

Minimum lot area – 30 acres

Adequate parking is provided

The range shall be designed and constructed so that the distance measured from the firing point(s) in the direction of fire to any adjacent property is not less than 300 yards

Hours of operation are limited to daylight hours

Ranges shall be designed to provide safety for users of the ranges and adjoining properties. Use shall meet recommendations of local law enforcement officials.

Use – Swimming pool – neighborhood

Zone – RA, R8.5S, TND, R6, R6MH

Requirements – Adequate buffering, security fence, adequate parking, compatible with neighborhood

308.1.5 Commercial and adult special uses

Use – Adult establishment

Zone – LI

Requirements

1000 feet separation from residential use, church, school

No adult message visible from exterior of building

Maintain public safety, police and fire access

Private security may be required

Parking and walkway lighting adequate

Special requirements – private security

Traffic study – facilities provided to handle traffic impacts

Use – Bar or nightclub

Zone – TND, B1C, B2H, MC

Requirements –

Adequate lighting of parking and walkway

Lighting is shielded from neighboring properties

No adverse impact to residential areas

Hours of operation

Maintain public safety – police and fire access

Buffer type D if next to residential use or zoning

Traffic study – facilities provided to handle traffic impacts

308.1.6 Food and Beverage Service Special Uses

Use - Restaurant general

Zone – TND

Requirements – Buffer type C if next to residential use

Mitigate offsite impacts to residential areas, odor, noise

Compatible with neighborhood – size and scale, materials of construction

308.1.7 Public Accommodation Special Uses

Use - Bed and Breakfast

Zone – RA, R 8.5S, TND

Requirements

Compatibility with neighborhood

Parking in back yard and screened from adjoining residential uses and right of way

Scale of operation not detrimental to neighborhood

Adequate water supply and wastewater treatment

Use - Boarding House

Zone – RA, R 8.5 S

Requirements –

Resident manager

Compatibility with neighborhood, building looks like a single-family residence

Use fits building – adequate sanitation facilities, safe structure, adequate egress for fire, etc.

Prohibit food preparation in individual sleeping rooms

Adequate parking, in back yard and screened from adjoining properties

No more than 3 rooms for rent

308.1.8 Retail Sales and Services Special Uses

Use – Building supplies, retail

Zone B1C

Requirements – Compatibility with neighborhood, adjoining properties

Adequate loading

Maximum building size – 7,000 square feet

Use – Convenience store

Zone - B1C

Requirements

Compatibility with area, building material should be brick or other traditional building material in the downtown area. Building components (parapet, roof line, awnings, etc.) shall not be illuminated to bring attention to the building.

Adequate parking and loading space shall be provided.

Exterior lighting shall be mounted at less than 18 feet and not project upward. Sidewalks shall connect the parking to front entrance and to adjoining properties along all public rights of way.

Use - Convenience store w/gas

Zone – B1C

Requirements –

Compatibility with area, building material should be brick or other traditional building material in the downtown area. Building components (parapet, roof line, awnings, etc.) shall not be illuminated to bring attention to the building.

Adequate parking and loading space shall be provided.

Exterior lighting shall be mounted at less than 18 feet and not project upward. Sidewalks shall connect the parking to front entrance and to adjoining properties along all public rights of way.

Use – Pharmacy

Zone – B1C

Requirements

Compatibility with area with regards to building design and location on the property

Building should be set back less than 15 feet from the primary street right of way with entrance along primary street side. Parking should be to the side or back of the building.

Building material should be brick or other traditional building material in the downtown area.

Lighting shall be mounted less than 18 feet and not project upward. Building components (parapet, roof line, awnings, etc.) shall not be illuminated to bring attention to the building.

Sidewalks shall connect the parking to front entrance and to adjoining properties along all public rights of way.

Use – Retail sales large store (big box)

Zone – MC

Requirements

Traffic study and on and off-site improvements including possible right of way dedication to mitigate traffic impacts

Lighting – maximum pole height of 18 feet and lights are shielded from adjoining properties

For projects with multiple buildings and businesses, the building design, materials and style shall be coordinated. Signs shall use similar materials, letter style and colors.

Use – Retail sales – exterior sales

Zone – B2H

Requirements

Display area shall be organized and attractive

Fencing may be required

Lighting shall be mounted no higher than 18 feet and shielded from adjoining properties

Adequate screening shall be provided

The use shall be compatible with neighboring properties

Use – Retail sales – vehicles
Zone - B2H
Requirements – Screen sales lot from residential properties
Lighting – maximum pole height of 18 feet
Type C Buffer

Use – Swimming Pool – public
Zone - B2H
Requirements – Security fencing, health department approval, adequate parking

308.1.8 Vehicle Repair and Service Special Uses

Use - Automobile Service station
Zone – B1C
Requirements – compatibility with neighborhood, Building shall be constructed of brick or other material traditional to downtown Four Oaks with traditional detailing and design.
Roof over the pump area shall be sloped or be flat with edging or parapet of traditional design to downtown Four Oaks.
Building components (parapet, roof line, awnings, etc.) shall not be illuminated to bring attention to the building. Sidewalks shall connect the parking to front entrance and to adjoining properties along all public rights of way.
A maximum of 4 pump stations

Use – Truck Terminals
Zone – B2H, MC, LI
Requirements –
Located on major thoroughfare or collector with quick access to Interstate away from neighborhoods
Location at least 500 feet from existing residence
Traffic study and on and offsite improvements adequate to provide safe ingress and egress
Lighting is provided for safety and shielded from abutting properties
Type C buffer

Use – Vehicle inspection center
Zone – B1C
Requirements – compatibility with downtown area
Building shall be constructed of brick or other material traditional to downtown Four Oaks with traditional detailing and design.
Building components (parapet, roof line, awnings, etc.) shall not be illuminated to bring attention to the building. Sidewalks shall connect the parking to front entrance and to adjoining properties along all public rights of way.

Use - Vehicle sales and rental, light
Zone – B2H
Requirements – Screen sales lot from residential properties
Lighting – maximum pole height of 18 feet
Type B Buffer

308.1.9 Industrial Uses, Industrial Services Special Uses

Use – Building Supplies, wholesale
Zone – MC
Requirements – All sales activity and display shall be within an enclosed building or area screened by a solid fence from public right of way and adjoining property.
Provision of adequate egress and access including onsite and off-site improvements and dedication of right of way as needed.

Use – Contractor’s office with outdoor storage yard.
Zone – LI
Requirements – All exterior storage shall be fenced
All exterior storage of material shall be screened from public right of way and residential properties by a solid fence or dense vegetation.

308.1.6 Industrial Production

Use – Asphalt or concrete plant
Zone – HI
Requirements
Location shall be on a major thoroughfare or collector
Restrict truck routes to facility from routinely traveling through residential areas
Provide buffers to mitigate offsite impacts including odors and noise and dust

308.1.10 Agricultural Special Uses

Use - Commercial Greenhouses
Zone RA
Requirements – Parking and loading per Article IV.
Limit hours of operation
100 feet setback from residential uses
50 feet setback from public right of way

308.1.11 Miscellaneous Special Uses

Use – Temporary Uses

Zone – All

Requirements –

The Board of Commissioners will consider granting temporary use permits only in the following situations:

In granting any such permit, the Board shall indicate whether normal lot area and other dimensional requirements apply, or shall set dimensional requirements appropriate to the use.

- (a) For uses such as flea market, temporary vehicle sales, carnivals, and similar short-term events.
- (b) For temporary construction, sales and similar offices associated with new developments.
- (c) For situations involving fire, flood or other disasters or emergencies.
- (d) For cases of extreme hardship associated with the care of an ill or elderly relative.

Section 308.2 Traditional Neighborhood Development

308.2.1 Intent

The purpose of this district is to allow for a fully integrated neighborhood development with residential and complementary business uses. The development shall be visually unified and contain a variety of housing types and lots sizes with centrally located open space. Walkways shall be located throughout to encourage walking for pleasure and to destinations. The streets shall be interconnected with small blocks.

308.2.2 Special Use. The Traditional Neighborhood Development District is a Special Use District. All development shall conform to the plans approved with the issuance of the Special Use Permit establishing the district. Any amendments to the Special Use District Permit shall be reviewed in accordance with Section 805.

Section 308.2.3. Development Provisions

Minimum Development Size: 10 acres

Maximum development size: 100 acres

The maximum density shall not exceed six (6) units per gross acre. The maximum densities and the total number and type of dwelling units shall be established during the rezoning process.

Uses permitted are those listed in section 307. Four Oaks Table of Permitted Uses in the TND column as P- Permitted Uses and S- Special Uses.

Section 308.2.4 Development Permitted by Type – Standards which Apply

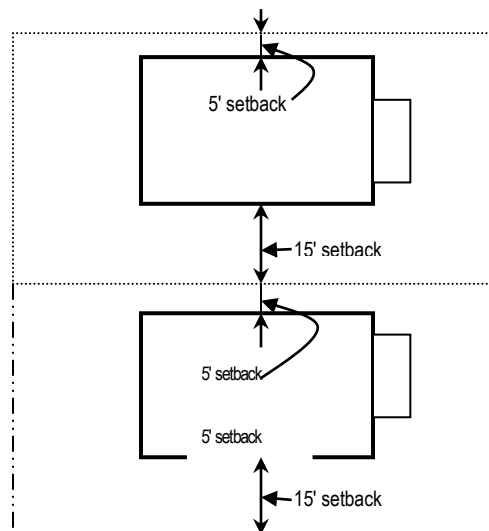
Recreation Fees: Recreation fees shall be required on any new subdivision or multi-family development subject to the Town's subdivision ordinance in the amount of \$800.00 per lot for a major subdivision (4 or more lots) or per unit for a multi-family development. The recreation fee shall be dedicated for parks and recreation use by the Town. The Board of Commissioners may grant an exception to this policy if the developer demonstrates a willingness to construct an active recreation facility that will serve the needs of the community. All projects will need to meet the guidelines set forth by the respective permit issuing authority. (Amended 3/10/21)

B. Single Family

A minimum of 60% of the gross area of the TND shall be single family. Single family residences, bed & breakfast establishments with the issuance of a special use permit, and freestanding garages are permitted on the single-family lot portion of the development. The minimum lot depth shall be 100 feet and minimum lot width shall be 50 feet.

The front building setback shall be between 15 feet and 20 feet. The principal structure including attached garages shall be at least 30 feet from the rear property line. Each home shall have a front entrance with a covered porch of at least 70 square feet. Garages if attached must be set back a minimum of 24 feet from the front building line of the house. The side yard shall total a minimum of 20 feet. They may be allocated symmetrically or shifted on a block-by-block basis. Shifting of the side yard allows each house to have useable side yard space. The minimum side yard on a given side shall be three feet. Detached garages shall be a minimum of 5 feet from rear and side property lines. Parking shall not be permitted in the front yard. A single lane driveway may cross the front yard. A private alley along the rear property lines may provide access to garages and back yards.

Example of side yard setback allocated asymmetrically to provide each house a larger useable yard.



Homes shall have a roof pitch of at least 30%. Roof style may be gable, hip or gambrel or a combination. Dormers are encouraged. Decorative architectural features in keeping with the heritage of Four Oaks are encouraged. Single family homes shall have a minimum of 1200 square feet of heated space.

Accessory apartments are permitted either above the garages or as part of the house. Accessory apartments may not exceed 25 % of the heated area of the house. There may not be second entrance to an accessory apartment on the front façade.

A minimum 5 feet wide sidewalk shall be located along all public streets on both sides in residential areas. A lawn strips a minimum of 6 feet wide shall be located adjacent to the street and planted with street trees.

C. Multifamily.

Condominiums and apartments can be located above business uses or on parcels devoted entirely to multifamily residential use. Up to 15 % of the gross acres of the development can be freestanding townhomes, condominiums, or apartments. Duplex and triplex housing is not permitted. If a development includes a multifamily (attached housing) component, the location and design shall be integrated with the entire development plan and located in proximity to the business portion.

All multifamily housing shall have the main entrance facing the street. Windows shall face the street. Townhomes shall have a front porch with a minimum of 50 square feet. Homes shall have a roof pitch of at least 30%. Roof style may be gable, hip or gambrel or a combination. Dormers are encouraged. Decorative architectural features in keeping with the heritage of Four Oaks are encouraged. Garages cannot face the public street. All buildings shall not exceed 2 ½ stories excluding basement areas. Porches facing the street are encouraged. All mechanical equipment shall be located either to the rear of the building on ground and screened or on the roof and incorporated into the overall design of the structure. The enclosure of roof mounted mechanical equipment may not appear to be a “box” around the equipment.

The front building setback shall be between 10 and 20 feet. Set back area shall contain lawn and landscaping. No parking shall be permitted in front yard areas. On street parking is required. Additional parking shall be located to the side or rear of buildings and accessed either by a private alley or drive located mid-block. The setback from the alley or rear property line for residential structure shall be 15 feet. Setback for an accessory building such as a garage from an alley right of way shall be 5 feet. Any additional buffer yard requirements shall be met.

Sidewalks a minimum of 5 feet wide shall link the parking to all building entrances. Sidewalks in a multifamily section shall be located on all sides of public rights of ways and be a minimum of 6 feet wide. A grass strip of at least 6 feet shall be located between the street and the sidewalk and shall be planted with street trees. The street may contain a median.

D. Business area

A maximum of 15% of the gross area of the TND may be developed as a business area. The business area shall be unified and located central to the development adjacent to the village green or on a thoroughfare with existing or planned mixed use. The business area may contain retail, office, institutional and service uses as allowed in Section 307.5.3 Permitted Uses. Uses classified as Special Uses on the Table of Permitted Uses shall be delineated on the Special Use Permit application and meet all requirements in Section 308. Uses classified as permitted may locate in the portion of the building designated for business use. Residential uses are allowed on upper floors of structures.

Buildings may be single story or up to two and one-half stories excluding basement level. Buildings may have roofs with a minimum slope of 30% or be a traditional form with a flat roof and decorative cornice along front façade. The decorative front cornice shall extend above the roof line at least 3 feet. Decorative treatment of the rear and side façade cornice area is required if visible from walkways and parking used by the public or from adjoining properties. All mechanical equipment shall be located either to the rear of the building on ground and screened or on the roof and incorporated into the overall design of the structure. The enclosure of roof mounted mechanical equipment may not appear to be a “box” around the equipment.

Buildings shall be setback 5-10 feet from the right of way. The setback area can be developed with landscaping, sidewalks or other amenities including benches, fountains and sculpture and trash receptacles. The entrance to businesses shall be located on the front façade. Windows shall be located along the front façade. Buildings may be attached. The minimum lot width is 20 feet. The maximum building foot print shall be 20,000 square feet. The maximum square feet of each suite of offices or individual shop accessed from a separate entrance shall be 5,000 square feet.

Limited outdoor retail activity and dining may be permitted, but must be a pedestrian oriented and depicted in detail on the Special Use Permit.

On street parking is required. Additional parking shall be shared and located behind the buildings or between buildings. If located between buildings, the view of parking shall be shielded by a wall or fence of at least 3½ feet height, hedge or combination of wall/fence and landscaping. Parking may be accessed via private alleys or a single drive located between buildings at a mid-block location. Pedestrian walkways a minimum of 6 feet wide shall be provided mid-block.

A sidewalk of at least 12 feet located along the public right of way is required. The sidewalk may be located on a combination of street right of way and private property. Landscaping to meet street yard planting requirements shall be located in this area. Additional landscaping is encouraged to provide seasonal interest and to brighten the business area.

E. Mixed use.

These areas may contain a mix of business, civic and residential uses that are planned in a coordinated manner. For example, a multifamily building might contain a coffee shop on a prominent corner or a suite of professional offices. A site might have a building with retail on the front, office to the side and residential on the second floor. The standards for development shall be the same as the predominant ground floor use. Mixed use shall not exceed 20% of the gross area of the development.

F. Visual Landmark Structures.

Buildings such as churches and civic buildings with predominate architectural features may have greater minimum setbacks. These buildings shall either face the street or be located at the terminus of a vista down a street or across an open space. The form of these buildings shall be derivative of a traditional building with a similar function. Parking shall not be located in the front yard of a visual landmark structure. It shall be located to the side or rear of the building and screened from public right of way.

Section 308.2.5 General Design Standards

A. Layout of Traditional Neighborhood Development.

The streets shall connect to existing streets and stub out to adjoining properties. Internally the streets shall follow a connective grid like pattern with provisions for the natural topography. Multiple stream crossings shall be avoided. Private streets which service the rear of properties and parking are permitted and encouraged.

Utilities shall be located underground.

Lighting shall be of a traditional style and mounted on poles not to exceed 14 feet in height. Block length shall not exceed 500 feet.

Medians are encouraged, particularly on the more predominate streets serving schools, businesses, or civic uses.

The traditional neighborhood development shall incorporate greenway plans, thoroughfare plans, land use plans and other officially adopted plans.

B. Design of structures.

Buildings in the Traditional Neighborhood Development shall be constructed of quality materials that are traditional to the Four Oaks area. These materials include brick, wood and materials made to look like wood, and stone. The form and trim of buildings shall reflect the vernacular pre1940 building styles of the area. No concrete block or sheet metal structures shall be permitted. No contemporary styled buildings shall be permitted in the Traditional Neighborhood Development Zone. All mechanical equipment including electrical transformers shall not be located in front yards. All mechanical equipment shall be screened from view with vegetation and/or fencing.

Fencing shall be traditional in style. Wooden picket fencing, iron fencing, decorative metal fencing, vinyl clad, brick walls, and lattice fencing are encouraged. Board on board fences, concrete block walls, stucco walls, chain link, bob wire, stockade fencing and log fencing are not permitted. In single family areas, welded wire fencing and chain link fencing is permitted in back yards.

C. Landscaping.

Article XI shall apply. The Street Yard requirements may be met by tree planting in the landscape strip located along public rights of ways or in tree wells located in the sidewalks on public rights of way adjoining business and mixed-use areas. The minimum tree well size for a shade tree is 6 feet by 6 feet. The minimum tree pit size for an ornamental tree is 4 feet by 4 feet. All trees must be planted a minimum of 4 feet from the face of curb. No trees may be planted within 30 feet of an intersection on public right of way.

The following Planting Yards shall be required when different types of land use abut on another.

Planting Yards where property lines abut.

Adjacent Use	Adjacent Use			
	Single family	Multi-family	Mixed use	Business/civic
Single family	NA	C	C	C
Multi family	C	NA	B	B
Mixed use	C	B	NA	A
Business /civic	C	B	A	NA

When different types of land use abut opposite sides of a private alley, the following Planting Yards shall apply.

Adjacent Use	Adjacent Use to alley			
	Single family	Multi-family	Mixed use	Business/civic
Single family	NA	A	B	B
Multi family	A	NA	A	A
Mixed use	B	A	NA	NA
Business /civic	B	A	NA	NA

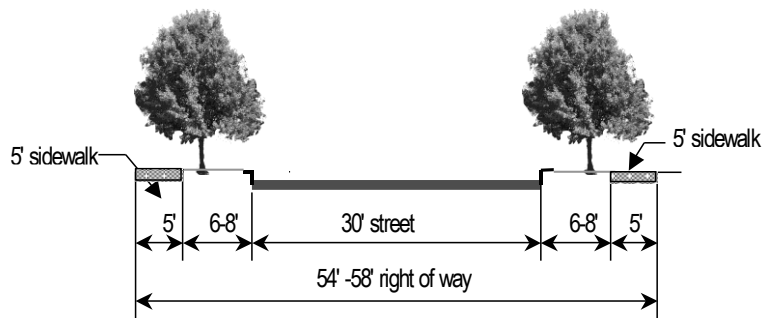
D. Street Sections

The following street sections including landscaping requirements shall be used in a TND. The sidewalk width, median width and landscape strip width may be increased. The pavement width may not be increased by more than four feet. Street sections shall be shown on the master development plan.

Residential Street – Low Traffic

This street section is appropriate where single family is located on both sides of the street and traffic is predominately local. Lots which this street serves should be large enough to provide onsite parking for 2 vehicles. This is not the cross section for a collector or through street. This street section will generally not be used on a street greater than 4 blocks in length.

This section provides for 2-way traffic and parking on either side of the street. Cars will have to negotiate movements around parked cars.



Low Traffic Residential Street

Characteristics:

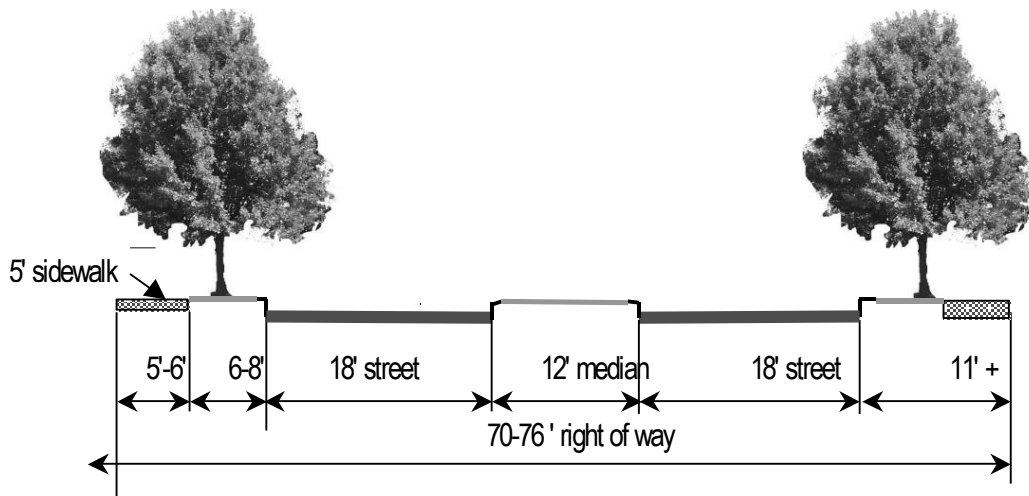
- 54 -58 feet right of way

- 30 feet of pavement with curb and gutter

- Each side shall contain a 5-foot sidewalk and a 6 –8-foot planting strip for trees and lawn.

Residential Street – With Median

This is a section for single family or multifamily especially a collector street or through street where there is traffic in addition to that generated by the homes abutting the street. No cuts are permitted mid-block through the median. Area for on street parking is dedicated on both sides of the street.



Residential Street with Median

Characteristics:

70- 74 feet right of way if abutting single family

72-76 feet right of way if abutting multifamily

12 feet median with street trees

each side: 18 feet of pavement for parallel parking and a single direction travel lane

6 feet landscape strip

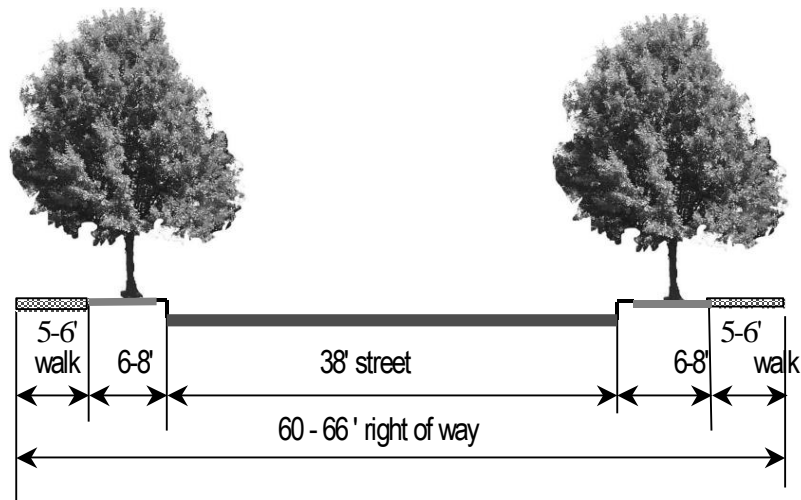
5 feet sidewalk if abutting single family

6 feet sidewalk if abutting multifamily

This street section can be modified to provide a one-way street around a natural area with parking.

Residential Street with Parking on Both Sides

This street section is desirable where lots are small with little area for on site for more than 2 cars and in multifamily areas, on streets greater than 4 blocks and in multifamily areas. There is dedicated parking on both sides of the street. In single family areas, the minimum sidewalk width is 5 feet. In multifamily areas, the minimum sidewalk width is 6 feet.

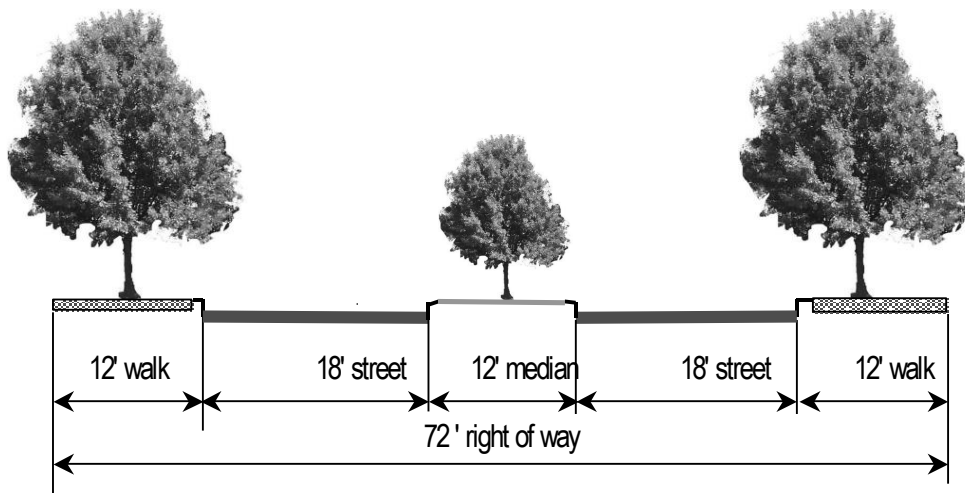


Residential Street – Parking both sides

Characteristics

- Right of way width: 62-66 feet in multi-family areas
60 –64 feet in single family areas
- Street width: 36 feet, provide 2 lanes of traffic and dedicated parking on each side of the street
- Sidewalk: 6 feet wide if adjoining land use is multifamily
5 feet wide if adjoining single family land use
- Planting strip for street trees and lawn: 6-8 feet wide on each side

Business Street with Median



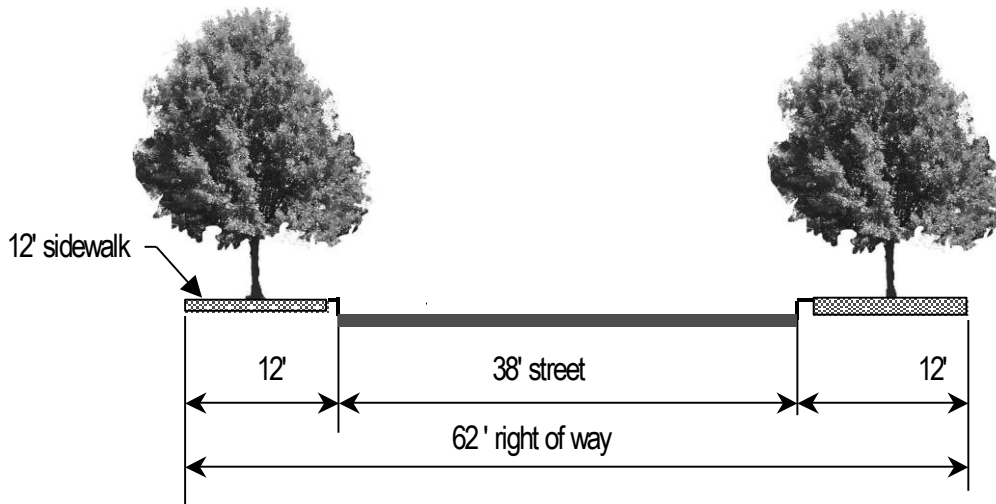
Street with Median in Business or mixed-use area

Characteristics in business or mixed-use area.

- 72 feet right of way
- 12 feet median with street trees each side
- 18 feet of pavement for parallel parking and a single direction travel lane
- 12 feet area for sidewalk with trees planted in tree pits

Business or Mixed-Use Street

This section is recommended for areas where adjoining uses are for business or mixed use. This street section provides for 2 lanes of traffic and parking on both sides of the street.

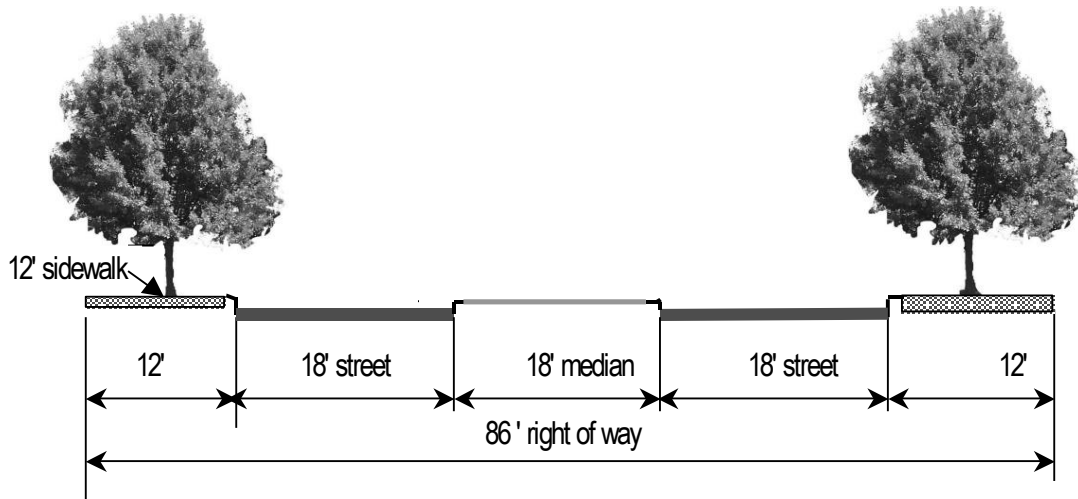


Characteristics in business or mixed-use areas.

- 62 feet minimum right of way
- 36 feet of pavement with curb & gutter for 2 travel lanes and parking on each side of the street
- Each side shall contain a 12-foot sidewalk and landscape section to accommodate street trees and sidewalk.

Avenue:

The cross section is for a street serving a business or mixed-use area. It has a wide median to accommodate turning movements at a mid-block location into driveways for parking lots or alleys. Each side has a travel lane and parallel parking.



Avenue

Characteristics:

- 78 feet right of way
- 18-foot median each side:
- 18 feet of pavement for travel lane and parallel parking
- 12 feet for sidewalk and landscaping – trees

Private Alley

This street is private and provides additional access to the rear or side of properties. Parking and garages can be accessed from an alley. Alleys can be located along rear property lines or alongside property lines at a mid-block location. Alleys shall be deeded private streets rather than easements. Maintenance shall be by property owner’s association.

Private Alley

Characteristics

- 20 right of way
- 13 feet of pavement minimum
- garage or accessory building setback a minimum of 5 feet from property line

Section 308.2.6 Procedure for Approval of Traditional Neighborhood Development

The property must be zoned to the TND-SUD zoning classification. At the time of the rezoning the applicant shall file simultaneously for approval of a preliminary subdivision plat.

The application for TND-SUD and Subdivision Approval shall contain the following minimum information. Additional information may be required during the review process if needed to make a determination.

1. Master development plan containing the following
 - Metes and bounds description of the property, including all easements
 - Project location map
 - Existing owner and use of adjoining properties
 - Topography at 2-foot contours
 - Delineation of streams, required buffers, flood plains, floodways
 - Delineation of historic features
 - North arrow and scale
 - Name address, phone number of owners, mortgagees, surveyors, engineers, landscape architects, attorneys and other professionals that represent the developer.
 - Master development plan drawn to a scale not greater than 1"= 100' indicating types of uses for each area of the development.
 - Proposed streets with street sections including private alleys
 - Proposed lot lines with use: single family, business, civic, multifamily, mixed use
 - For single family areas, indicate building setbacks
 - Proposed stormwater management and erosion control structures
 - Proposed sidewalks
 - Proposed open space, ownership, improvements, and maintenance responsibility
 - Lighting on public right of ways including light fixture and pole, and proposed light levels
2. Property owners association documents including deed restrictions
3. Phasing Plan
4. Development Summary including the following
 - Total gross acres
 - Number of single-family lots
 - Area of single family lots in acres. The adjoining area of streets including private alleys shall be included in calculation. The right of way area shall be split if use on one side of the street is not single family.
 - Area of multifamily including area adjoining right of way
 - Number of multifamily units
 - Area of open space in acres not including area of adjoining right of way.
 - Area of mixed-use including area of adjoining right of way
 - Number of residential uses in mixed use area
 - Area of business use including area of adjoining right of way

5. For non-single-family areas, detailed site plans in accordance with requirements of Section 702 shall be submitted. These shall be drawn at a scale not to exceed 1"= 50'.

In addition to the requirements of Section 702, the following shall be provided.

- Parking summary indicating required parking and how the parking requirements are met, using shared parking provision and on-street parking.
- Lighting plan including fixtures, pole, and light levels
- Building square footage and use by category (single family, multifamily, public & civic, utility, recreation, commercial: office, retail including restaurants, day care)
- For multifamily and mixed use, provide the number of residential units
- Elevation of buildings, with exterior materials
- Location of trash containers
- Delineation of areas with exterior dining or retail oriented to the pedestrian w/ description of management
- Street tree planting plan
- Landscape plan shall include summary indicating requirements and conformance with those requirements

ARTICLE IV

PARKING AND LOADING REQUIREMENTS

Section 401. Off-Street Parking Requirements

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

The following regulations concerning required parking shall apply:

- 401.1 Each zoning permit application filed with the Zoning Administrator shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to determine whether or not the requirements of this Section are met. No Certificate of Occupancy shall be issued until the parking requirements and regulations are fully met.
- 401.2 The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use, except that one-half (1/2) of the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
- 401.3 If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, a special use permit is required. Such space shall be provided on any land within four hundred (400) feet of the main entrance to such principal use by recorded legal instrument. Within the Central Business District parking for all employees, residents or lodgers shall be provided on private property. The applicant for a Special Use Permit must demonstrate that public parking is adequate for customers if parking is not provided on private property.
- 401.4 Parking space sizes shall be governed by the following dimensions:

Parallel stall – 20' x 9.0'

Angle stall – 19' x 8.5'

90° stall – 19' x 9.0'

401.5 Minimum aisle widths shall be:

<u>Parking Angle</u>	<u>Aisle Width in Feet</u>	
	<u>One-Way Traffic</u>	<u>Two-Way Traffic</u>
0-15°	11	24(0° only)
16-37°	12	-
38-57°	13	-
58-74°	18	-
75-90°	24	24

401.6 A safe means of ingress and egress shall be provided for all parking spaces and driveways for uses other than single and two-family residential and shall be at least twenty-four (24) feet wide.

401.7 When off-street parking for more than five (5) vehicles is provided, the following regulations shall apply in addition to all other regulations in this Article.

401.7.1 Surfacing: All such parking lots shall be graded and surfaced with blacktop, concrete, or other such surfacing material to ensure a dustless surface condition.

401.7.2 Markings: Each parking stall shall be marked off and maintained so as to be distinguishable.

401.7.3 Lighting: Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

401.7.4 Yard: Parking lots in residential-agricultural and residential districts shall have front yards of not less than fifteen (15) feet and side and rear yards of not less than five (5) feet and meet requirements of Article XI. Landscaping When a parking lot is adjacent to residential-agricultural or residentially zoned or used property, and a Planting Yard as defined in Article XI. is not required, natural planting, hedge, or a decorative fence to a height of at least six (6) feet shall screen the residential property.

401.7.5 Curbs or Bumpers: The required yards shall be set off from parking areas by either continuous curb or one (1) non-continuous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five (5) inches or more than two (2) feet high.

- 401.7.6 Drainage: Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage.
- 401.7.7 Separation of Bumper and Walkways: In the event any parking stall abuts upon a walkway, there shall be a space of three and one-half (3-1/2) feet between the wheel bumper or curb and the edge of the walkway.
- 401.7.8 Entrances and Exits: On all corner lots, all vehicular openings shall be located at least twenty (20) feet from the point of intersection of established street right-of-way lines. No entrance and exit, whether or not on a corner lot, shall exceed thirty (30) feet in width at the property line or forty (40) feet in width at the curb line. There shall be a minimum distance between driveways of twenty-five (25) feet measured along the curb line unless such driveways are less than five feet apart.
- 401.7.9 Internal Circulation: Sufficient areas shall be provided within the property lines of the parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion.

401.8 Exceptions

- 401.8.1 The Zoning Administrator may withhold a permit or Certificate of Occupancy if a parking layout not specifically prohibited by this Section would be likely to cause avoidable safety or traffic congestion problems until modification is made. The applicant may appeal the Zoning Administrator’s decision to the Board of Adjustment under the normal procedure for an appeal.
- 401.8.2 If a peculiar characteristic of an establishment makes the requirements in this Section clearly unrealistic, the Board of Adjustment may grant the applicant a parking modification.
- 401.8.3 The Zoning Administrator may allow a new use to be established in an existing building even if all parking requirements of this Article cannot be met for the new use, provided that as much off-street parking as can reasonably be provided is provided by the use, and no foreseeable traffic congestion problems will be created.

401.9 The minimum number of required off-street parking spaces shall be calculated as provided in Subsection 401.10. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one (1) use in a single structure, or on a single tract, or two (2) or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers which are expressly provided for.

401.10 The following shall be the minimum number of off-street parking spaces which shall be provided:

<u>Use</u>	<u>Number of Required Off-Street Parking Spaces</u>
<u>Residential Uses</u>	
Dwelling, single and two-family	2 per dwelling unit
Dwellings, multi-family	2 spaces for each dwelling unit plus 1 visitor spaces for each 4 dwelling units
Townhouses	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Group housing, such as bed and breakfast establishments, boarding houses, dormitories, and similar establishments	1.2 for each bedroom
Mobile homes on individual lots	2 per mobile home
<u>Office & Institutional Uses</u>	
Financial institutions	1 for each 150 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines, if any

<u>Use</u>	<u>Number of Required Off-Street Parking Spaces</u>
Hospitals	1 spaces for each 150 squares feet of gross area or fraction thereof
Libraries	1 spaces for each 200 squares feet for use by the public or fraction thereof
Museums and art galleries	1 spaces for each 800 squares feet of gross floor area or fraction thereof
Nursing homes, family care homes, and similar institutions	.5 times the maximum lawful number of occupants
<u>Offices:</u>	
-Doctor or dentist	6 for each doctor or dentist plus 1 for each other employee
-Other	1 for each 300 squares feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges, churches, funeral parlors, auditoriums, gymnasiums, amusement parks and similar places auditorium/gymnasium parking requirement if applicable.	1 for each 3 seats, plus 1 for each 100 square feet of floor area used for assembly, but not containing fixed seats, or fraction thereof
<u>Schools and Colleges:</u>	
Day nurseries, kindergartens, elementary, junior highs	2 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus, auditorium/gymnasium parking if applicable

<u>Use</u>	<u>Number of Required Off-Street Parking Spaces</u>
Senior highs, and colleges, trade, vocational with dormitories	5 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus, auditorium/gymnasium/dormitory parking requires- mint if applicable.
Colleges, trade, vocational without dormitories	10 for each 750 square feet of classroom floor area or fraction thereof, plus
<u>Commercial Uses:</u>	
Bowling alley	5 per lane
<u>Campground:</u>	
Tent	1 for each campsite plus office parking requirement
Recreational vehicle	1 for each campsite plus office parking requirement
Car wash	5 per wash lane
Golf course (not including putting greens accessory to multi-family dwellings or hotels or motels)	4 per hole
<u>Restaurant:</u>	
Drive-in or take-out with fewer than thirty (30) seats	Minimum of 15 spaces, plus 1 additional for each 50 square feet of gross floor area or fraction thereof
Other	1.2 for each 100 squares feet of gross floor area or fraction thereof.

<u>Use</u>	<u>Number of Required Off-Street Parking Spaces</u>
Service stations	2 for each gas pump, plus 3 for each grease rack or similar facilities
Shopping centers (in lieu of individual store parking requirements)	5.5 per 1,000 square feet of gross leasable area or fraction thereof,
Low generator retail and service establishments such as furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractors, showrooms, drapery, paint and wallpaper, upholstery, interior decorator, motor vehicles sales, plant nurseries	1 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area
All other commercial uses such as retail stores, wholesale outlet stores, department stores, discount stores, drugstores, coin- operated laundries, variety stores	1 for each 200 square feet of gross floor area or fraction thereof, including any outdoor sales area.
<u>Industrial Uses:</u>	
Industrial and research uses, warehousing, and very low customer volume wholesaling operations	1 for each employee on premises at any one time

Section 402. Off-Street Loading Requirements

402.1 Every building or structure used for business, trade, industry, or office and institutional purposes, shall provide loading space as indicated in this Section. Each loading space shall be no less than fifteen (15) feet in width, and thirty (30) feet in depth. Each space shall also be no less than fifteen (15) feet in height if such space is covered. It shall have access driveways to public streets or alleys which driveways shall be at least twenty-four (24) feet wide and with adequate turning radii for the delivery vehicles customarily associated with the particular use. If there is not more than one (1) delivery and pick-up during the hours when a retail trade, office, or institutional establishment is open to patrons, such space may be combined with the existing parking space on the premises. Loading space shall be provided in accordance with the following schedule:

- 402.1.1 Retail Business – 1 space for each 20,000 square feet of gross floor area or fraction thereof.
 - 402.1.2 Wholesale Trade and Industry – 1 space for each 10,000 square feet of gross floor space or fraction thereof.
 - 402.1.3 Office and Institutional Uses including Hotels and Motels -1 space for each 50,000 square feet of gross floor areas or fraction thereof.
 - 402.1.4 As well as meeting the requirements of 402.1.3, elementary, junior high, high schools, kindergartens, nurseries, and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.
- 402.2 Exceptions
- 402.2.1 If a peculiar characteristic of an establishment makes the requirements in this Section clearly unrealistic, the Board of Adjustment may grant the applicant a modification of the loading requirements in regard to that particular establishment.
 - 402.2 The Zoning Administrator may allow a new use to be established in an existing building even if all loading requirements of this Section cannot be met for the new use, provided that as much loading space as can reasonable be provided is provided by the use and traffic or safety hazards will not be created.

ARTICLE V

SIGNS

Section 501. Signs

No sign or sign structure may be erected, posted, hung, painted, re-hung, repainted, repaired, replaced, changed, or maintained in any district except in compliance with this Section.

501.1 General Sign Regulations

- 501.1.1 No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in Section 204.
- 501.1.2 No ground sign structure may be placed in the right-of-way.
- 501.1.3 Individual stores in a shopping center may not have separate ground sign structures. The shopping center as a whole may display signs in accordance with this Section.
- 501.1.4 Signs and sign structure shall meet all requirements of the North Carolina State Building Code. Signs do not require separate zoning permits unless a building permit is required for the sign by the County or unless otherwise noted in Section 501.3 or 501.5 of this ordinance.
- 501.1.5 Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors, supporting frames, and fastening free from deterioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling or chipping.
- 501.1.6 Obsolete signs and their supporting structures shall be removed within ninety (90) days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which the sign refers. This provision does not refer to billboards, until the commercial use of the billboard for rent has ceased. An extension of the ninety (90) days' time limit for removal may be granted by the Zoning Administrator for reasonable cause.

- 501.1.7 Illuminated signs shall be limited to those lighted from behind to silhouette letters and internally illuminated and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination, or glare from being cast directly on any building or on traffic.
- 501.1.8 Strings of light bulbs uses in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug repellent bulbs and shall not cause glare on traffic or adjoining premises.

501.2 Prohibited signs. The following types of signs are expressly prohibited:

- 501.2.1 Signs with moving, revolving, or rotating parts, or any sign which moves or gives an illusion of movement, except for time and temperature units and traditional barber poles, shall be prohibited in all districts.
- 501.2.2 Signs with lights or illumination which flash, move, rotate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature units.
- 501.2.3 Signs which obstruct the view of or could be confused with any authorized traffic sign, signal, or device or make use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- 501.2.4 Signs which obstruct openings required to be left uncovered or unobstructed by building codes, the housing code, or other laws relating to buildings

501.3 Off-premise advertising signs. Off-site advertised signs (billboards) shall be permitted only as a special use in the I-1L and I-2H districts. The conditions in Section 710 of this ordinance are not applicable to off-site advertising signs. A Special Use Permit shall be granted provided the following conditions are met:

- 501.3.1 The property on which the sign is to be located must be adjacent to an interstate.
- 501.3.2 The sign must be located within 200 feet of the edge of the right-of-way of such highway.

- 501.3.3 The sign shall comply with all regulations of the North Carolina Department of Transportation and with the North Carolina General Statutes.
- 501.3.4 An off-premise sign shall be supported by a metal monopole.
- 501.3.5 The maximum area shall be 600 square feet (per side).
- 501.3.6 No double decker or stacked billboards shall be permitted.
- 501.3.7 The off-premise sign shall be located greater than 200 feet from a residence not on the parcel where the sign is located. Lighting of an off-premise sign shall be shielded from existing residents located on parcels different from the one where the sign is sited.
- 501.4 Nonconforming signs. Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.
- 501.5 Permitted signs. Signs shall be permitted in accordance with Table 501.5.

TABLE 501.5

Type of Sign	<u>Dimensions</u>		District	Other Requirements
	Maximum Area in Sq. Ft. In Feet	Maximum Height		
Advertising off-site (billboards)	See Section 501.3		Special Use in B-2H, I	See Section 501.3
Agricultural, advertising products produced on premises	32	8	Permitted uses in R districts	
Awning, silk screened or sewn on front of awning	NA	NA	Permitted use in B1C, B2H, TND, MC, LI, HI districts	
Bulletin board, church or public	32	8	Permitted uses in all districts	
Canopy signs (may also be placed on non-raising marquess)	4		Permitted use in B1C, B2H, TND, & MC districts	Identification only. 1 per establishment entranceway. Bottom of sign must be 7 ft. above sidewalk level - more over public right-of-way if required by Town regulations.
Construction site placards	64	12	Permitted use in all districts	Must be removed when construction have been completed

TABLE 501.5 (continued)

Type of Sign	Dimensions		District	Other Requirements
	Maximum Area in Sq. Ft.	Maximum Height in Feet		
Directional signs containing no advertising matter:				
Traffic, safety, utility warning, public			Permitted use in all districts	
Pedestrian, public			Permitted use in all districts	
Traffic and pedestrian, private			Permitted use in all districts	
No trespassing			Permitted use in all districts	
Off-site directional to churches, meeting halls, civic clubs		12 4	Permitted use in all districts	
Temporary directional to garage sales and similar events in residential area, excluded portable commercial signs	4		Permitted use in all districts	Must be posted no more than 24 hours before sale and removed within 24 hours after sale
Entrance or monument type signs to subdivisions, neighborhoods public, commercial industrial, institutional, establishments	10 for area enclosing actual lettering of each sign.	Freestanding monument signs may not exceed 4 feet in ht. Pillars signs on them may not exceed 8 ft in height	Permitted use in all districts	No more than 2 per entrance allowed May not be placed where they obstruct vision for vehicles exiting site.

TABLE 501.5

Type of Sign	<u>Dimensions</u>	Maximum Height in Feet	District	Other Requirements
	32 for sign face of freestanding monument sign which is not attached to a fence, wall, or pillars.			Ground signs are permitted in accordance with this table in addition to monument type signs 4 ft. or less in height.
The flag, pennant, or insignia of any nation or organization of nations, state, county, city, religious, civic, or fraternal organizational or educational institution, when not used in connection with a commercial promotion, or as an advertising device or as an integral part of another sign		Permitted use in all districts Flagpole may not exceed 35 ft. in height in I districts and 20 ft. in height in other districts		Wall and projecting insignia may not exceed 10 sq. ft. in area nor may they project more than 9 ft. from wall at farthest point. In business and industrial districts, insignia may be placed on signs permitted in those districts in any district, flags or pennants shall not exceed fifteen (15) sq. feet or, if on a pole, one-fourth height of pole, whichever gives the

TABLE 501.5 cont.

Type of Sign	Dimensions		District	Other Requirements
	Maximum Area in Sq. Ft.	Maximum Height in Feet		
				flag the greater permitted area
Ground signs	100	35	Permitted use LI, B1C, B2H, MC & TND districts	No more than 1 per street containing frontage entrance to use.
Ground signs	40	20	Permitted use in LI districts	May be used only for identification or on-site advertising. Must be at least 30 feet from any other ground sign. Must meet vision clearance of Section 204 and may not be placed where they would obstruct vision for vehicles exiting site.
House number	4		Permitted use In all districts	May contain no advertising matter
Memorial signs, tablets, name of building and date of construction			Permitted use in all districts	Must be cut into a masonry surface or cast of metal and affixed flat against a surface

TABLE 501.5 cont.

Type of Sign	<u>Dimensions</u>		District	Other Requirements
	Maximum Area in Sq. Ft.	Maximum Height in Feet		
Name of occupant of residential premises	2		Permitted use in all districts	
Newspaper name on newspaper tubes			Permitted use in all districts	
No vacancy signs			Permitted use in all districts	
Political signs	4			Must be remove within 15 days after last election to which they pertain
Professional or announcement	4		Permitted use in all districts	One per establishment
Projecting signs	20		Permitted use in B1C, B2H, MC & LI, HI,TND districts	Sing may be no more than 9 feet from wall at farthest point. 1 such sign per face on street, or 2 per establishment, whichever is less. Such sign may be hung on corner of building but shall count against the maximum allowed above.

TABLE 501.5 cont.

Type of Sign	<u>Dimensions</u> Maximum Area in Sq. Ft.	Maximum Height in Feet	District	Other Requirements
Real estate signs - on-site	6		Permitted use in residential districts	Establishment may not also have a wall or roof sign on same face as projecting sign. Corner sign shall count as one face
	32		Permitted uses in B1C, B2H, MC, TND, LI & HI districts	
Religious symbols at formal place of worship			Permitted use in all districts	
Roof signs – see wall signs				
Service station signs, automobile or truck:			Permitted use in all districts when accessory to a service station	
*Signs on racks for the orderly display of engine oil, provided such signs are no longer than the rack				
*Signs on pumps and or pump island concerning the type, price and dispensing of fuel				
*Sign on open portable tire racks provided the signs are no longer than the rack				

TABLE 501.5 cont.

Type of Sign	<u>Dimensions</u> Maximum Area in Sq. Ft.	Maximum Height in Feet	District	Other Requirements
*A sign may be painted on the inside and outside front door face or the closed tire rack, but shall not be painted on the side or rear.				
*One double-faced or two single-faced on-site advertising signs per street frontage showing the current price of fuel sold on the premises. Such sign shall be located off the right-of-way	20	5		
*Signs on canopy over tanks will be treated as a wall or roof sign				Either canopy frontage or building frontage may be counted in determining frontage on a street; not both.
Temporary banners, streamers, including portable signs			Permitted use in B1C, B2H, MC, TND, HI & LI districts	Only for pennants, opening of new commercial business or special promotion. May remain for no more than 4 weeks. No flashing lights permitted
Temporary signs relating to farm auctions, Agricultural production sales, annual charitable, civic or fraternal events, excluding portable commercial signs	10 off-site 4 on-site		Permitted use in all districts	Off-site. No more than 1 per lot. On-site. No more than 3 per lot. May remain for no more than 45 days in all.

TABLE 501.5 cont.

Type of Sign	<u>Dimensions</u>		District	Other Requirements
	Maximum Area in Sq. Ft.	Maximum Height in Feet		
Vending machine signs painted or mounted on the machine related to the products in the machine; bank machine or book depository signs which instruct customers or patrons			Permitted use in all districts	
Wall or roof signs	1.25 sq. ft. of sign area per running foot of bldg. frontage	Such signs shall not project over the roof line of the building to which they are attached.	Permitted use in B1C, B2H, MC, TND, LI & HI districts	Wall signs must be mounted on area of wall free of windows, doors, or other architectural detail. May not interrupt or cover major architectural features. Only one wall, roof, or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this table. Such signs may be used only for identification or on-site advertising and at least 80% of sign face shall be for identification.
Window signs			Permitted use in B1C, B2H, MC, TND, LI & HI districts.	

ARTICLE VI

MANUFACTURED HOME PROVISIONS

Housing Codes and Regulations.

All residential housing to be placed or constructed in Four Oaks shall conform to the appropriate standards for the type of housing:

Site-Built or Modular Housing.

All site-built or modular housing or any part thereof shall be constructed, altered, expanded, extended, converted, or structurally altered in conformity with the most current North Carolina State Building Code Council and enforced by State and local code enforcement officials, and including all appropriate volumes.

Manufactured Homes.

All manufactured homes shall be manufactured or constructed in conformity with the National Manufactured Home Construction and Safety Standards, with the authority of 42 United States Code Section 5401, the most current State of North Carolina Regulations for Manufactured/Mobile Homes; and this ordinance.

Any manufactured home that is to be altered (other than cosmetically), expanded, extended, converted, or structurally altered, said construction shall conform and with the most current State of North Carolina Regulations for Manufactured/Mobile Homes, except where the wording for inspection by local officials reads “may be inspected: shall read :shall be inspected:; and in conformity with the most current North Carolina State Building Code, as adopted by the Building Code Council and enforced by State and local code enforcement officials, and including all appropriate volumes. Such alteration, expansion, extension, or conversions shall only occur with permit obtained from the local building official.

Section 601. Manufactured Home on Individual Lots

No mobile home with a manufactured date prior to June 15, 1976 can be set up as a residence unless it is already legally set up as a residence, unless it can be meet all specifications of dimensional and appearance requirements set forth in this Ordinance.

All Manufactured homes (Mobile) shall be a permitted in the R6MH districts and shall comply with the following requirements:

- (1) All requirements for the location of a single-family dwelling on an individual lot shall meet.
- (2) Any manufactured home constructed before July 1, 1970 must be approved by Underwriter's Laboratories and any mobile home constructed after that time must meet all applicable State and Federal standards.
- (3) All manufactured homes shall be tied down in accordance with the State of North Carolina Regulations for Manufactured Homes and Modular Housing.
- (4) All applicable Johnston County Health Department requirements shall be met.
- (5) The manufactured home shall be over forty (40) feet in length and over eighteen (18) feet in width.
- (6) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting, and roofing, exceed that of gloss white paint.
- (7) The manufactured home shall have a roof slope with a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run.
- (8) A continuous, uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or wood, vinyl, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.
- (9) Permanent steps shall be constructed at all exterior doors as necessary and a permanent porch or patio measuring at least three (3) feet in width and five (5) feet in length shall be constructed at the front or main entrance to the home.
- (10) The running lights shall be removed and hitch shall either be removed or screened with shrubbery.

- (11) At least two (2) off-street parking spaces shall be provided.
- (12) All areas not used for parking, manufactured home, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion.
- (13) All standards must be met prior to issuance of a Certificate of Occupancy, and no home may be parked on a lot for more than sixty (60) days with or without a Certificate of Occupancy unless all of the above requirements are met.

ARTICLE VII
ADMINISTRATIVE PROVISIONS

Section 701. Zoning Administrator

701.1 The Zoning Administrator who shall be appointed by the Four Oaks Town Board is duly charged with the enforcement of the provisions of this ordinance. If the Zoning Administrator(s) finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation, and ordering the action(s) necessary to correct it. He shall also take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 702. Zoning Permit

702.1 No building or structure or any part thereof shall be erected, extended enlarged, or structurally altered or moved until a zoning permit has been issued by the Zoning Administrator(s) or his authorized representative, except that signs shall require a zoning permit only if required in Article V of this ordinance. A fee in accordance with the town's fee schedule shall be charged for the issuance of each zoning permit.

702.2 Application for permit. All applications for permits shall be in the form prescribed by the Zoning Administrator and shall include a plot or site plan drawn to scale which shall clearly show:

- 702.2.1 The actual shape and dimensions of the lot to be built upon or used and total acreage in the lot.
- 702.2.2 The location of the proposed structure or use on the lot.
- 702.2.3 The exact location and size of existing structure and uses.
- 702.2.4 The existing and intended use of each structure or part of structure.
- 702.2.5 The number of dwelling units the building is designed to accommodate, if applicable.

- 702.2.6 The height and number of stories of the structure.
 - 702.2.7 The location and design of any off-street parking and/or loading.
 - 702.2.8 The location and dimensions of driveway. Driveway approval procedures as required by the North Carolina Department of Transportation shall be initiated.
 - 702.2.9 Date of plan preparation.
 - 702.2.10 Location and descriptions of landscaping, buffering, and signs.
 - 702.2.11 Such other information as may be necessary for determining whether the provisions of this ordinance are being met.
 - 702.2.12 Location of perennial streams, intermittent streams, modified natural streams and lakes and ponds located within a natural drainage way connected by surface flow to a stream with riparian buffers in accordance with Neuse River Basin requirements in NC Administrative Code, Sub Section 15A NCAC2B.
 - 702.2.13 Location of any Flood Hazard Areas as defined by Article XII.
- 702.3 In addition to the information required in Subsection 702.2, any use which involves the grouping of more than one (1) principal building or use on the same lot shall include the following information:
- 702.3.1 A vicinity map showing the relationship of the proposed development to the surrounding area.
 - 702.3.2 North arrow and declination.
 - 702.3.3 Detailed layouts for all utilities, rights-of-way, and road and other improvements.
 - 702.3.4 Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, stream or stream beds, and any other similar features affecting the site.
 - 702.3.5 A copy of any proposed deed restrictions or similar covenants.

702.3.6 For projects over an acre in size, or if otherwise required by the Zoning Administrator, a topographic map showing vertical contours every two (2) feet.

702.3.7 The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.

702.4 The Zoning Administrator may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

702.5 Cancellation of permit. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one (1) year.

702.6 Record of zoning permits. A record of all zoning permits shall be kept on file and open to the public, subject to State law.

Section 703. Certificate of Occupancy/Compliance

No land shall be used or occupied, and no building or structure erected or altered, or changed in use until a Certificate of Occupancy/Compliance has been issued by the Zoning Administrator stating that the building and/or the proposed use complies with the provisions of this ordinance. A certificate of the same shall be required for the purpose of changing any existing use; as well as for maintaining, reviewing, changing, or extending any nonconforming use. The aforementioned Certificate shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten (10) working days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all such certificates shall be kept on file and open to the public, subject to State law.

Section 704. Conformance with Plans

Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction.

Section 705. Enforcement

- 705.1 Violation-Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with State law. Each day a violation continues shall be deemed a separate offense.
- 705.2 Violation – Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure, or land is used in violation of this ordinance, the Zoning Administrator or any other appropriate Town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.

Section 706. Right of Appeal

If the zoning permit and/or Occupancy/Compliance Certificate are denied, the applicant may appeal the action of the Zoning Administrator to the Board of Commissioners.

Section 707. Board of Adjustments – Powers of Board of Commissioners. Effective 2-13-23

- 707.1 Quorum. The concurring vote for four-fifths (4.5) of the members of the Board of Commissioners is necessary to reverse any order, requirements, decisions, or determination of any administrative official charged with the enforcement of this ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance.
- 707.2 Every decision by the Board shall be subject to review by superior court by proceeding in nature of certiorari. Any appeal to the superior court shall be taken within thirty (30) days after the decision of the Board is filed in the Office of the Zoning Administrator, or after a written copy thereof is delivered to the appellant by personal service or registered mail or certified mail, return receipt requested, whichever is later.
- 707.3 Administrative Review: To hear and decide appeals were it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Town Board, that a stay would, cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this ordinance. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by Johnston County Superior Court.

707.4.2

Variations. To authorize upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulty, or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Town Board that the following conditions exist:

- a. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district.
- b. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this ordinance would deprive the applicant of a rights commonly enjoyed by other properties in the district.
- d. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance is not a request to permit a use which is not a permitted or special use in the district involved.

Conditions imposed on variations: In granting any variance, the Town Board may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare have been assured. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

- 707.4.3 Special Uses. To hear and decide whether to allow specific conditional uses to be established in the districts indicated; to decide such questions as are involved in determining whether a conditional use should be granted; to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance.
- 707.4.4 Map Interpretation. To interpret the official zoning map in accordance with Section 303 of this ordinance.

Section 708. Special Uses

708.1. General Conditions. A special use is permitted not as a matter of right use in a specific zone, but only after the Town Board makes specific findings of fact following a Public Hearing. The following general findings of fact must be met.

- 1). That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- 2) That the use meets all zoning requirements and conditions
- 3) That the use will not substantially injure the value of adjoining or abutting properties, or
- 4) That the use is a public necessity, and the location, character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the area.

708.1.2 Specific Conditions. The Town Board may require that the following specific findings be met.

- 1) All applicable specific conditions pertaining to the proposed use have been or will be satisfied.
- 2) Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
- 3) Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties and the general neighborhood.

- 4) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

708.1.3 Conditions for specific uses. The Town Board shall find that the specific conditions for a use are met prior to issuance of a conditional use permit for that use as applicable.

708.1.3.1 Residential Conditional Uses

Use - Accessory apartment

Zone – RA

Conditions-

No second front entrance

Area of accessory apartment shall not exceed 25 percent of the total heated area of the entire residence

Residence looks like a single-family residence.

Use – Congregate living facility

Zone – RA, R 8.5S, Traditional Neighborhood Development, R 6 MH

Conditions –

Located on an individual lot

Located at least ½ mile from another congregate living facility

Licensed by State of NC for type of residence

Use – Replacement manufactured home

Zone – RA, R6

Conditions

Replacement manufactured home shall substantially have the appearance of an on-site stick built single family dwelling and be an improvement in esthetic appearance and condition to the unit it is replacing. The replacement manufactured home shall meet the follow standards:

The roof pitch shall equal or exceed 3 feet rise for 12 feet of horizontal run.

The length of the manufactured home shall not exceed 4 times its width unless the dimensions and setbacks of the lot do not allow.

The eave projection shall exceed 6 inches including the gutter if applicable.

The exterior siding shall consist of vinyl or aluminum horizontal lapped siding.

A continuous permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access is installed under the perimeter of the manufactured home.

The moving hitch, wheels, axles and transporting lights are removed.

Use – Security or care takers quarters

Zone – B2H, MC, HI, LI

Conditions – may be associated with the following uses: funeral home, mini storage, manufacturing, hotel/motel, boarding house

Use must be incidental to the facility where it is located. One dwelling unit is permitted.

708.1.3.2 Public or Civic Conditional Uses

Use-Assembly Hall, non-profit

Zone – RA, R8.5S, TND, B1C

Conditions –

Compatible with neighboring properties

Does not adversely impact traffic

Parking is screened

Landscape buffers - Provide a Type C Landscape Buffer when Use abuts a residential zoned property or property with a residential use.

Use - Government Service

Zone – RA, R8.5S, TND, R6

Conditions-

Compatible with neighboring properties

Does not adversely impact traffic

Parking is screened

Landscape buffers - Provide a Type C Landscape Buffer when Use abuts a residential zoned property or property with a residential use.

Use – Police, fire, or emergency medical services

Zone – RA, R8.5S, TND, B1C

Conditions -

Compatible with neighboring properties

Parking is screened

Use has adequate access to street network

Landscape buffers - Provide a Type C Landscape Buffer when Use abuts a residential zoned property or property with a residential use.

Use – Post Office

Zone – B1C

Conditions –

Compatible with character of the area

708.1.3.3 Utility Conditional Uses

Use -Communication Tower, stealth

Zone – RA, B2H, MC, LI

Conditions – Esthetic compatibility

Use - Recycling collection station

Zone – RA, R8.5S, TND, R6MH, B1C

Conditions – Esthetic compatibility, adequate security lighting, parking, adequate buffer

Use - Utility, minor

Zone – RA, R8.5S, TND, R6MH, B1C

Conditions - Sited to mitigate impacts of compatibility with area, and esthetics, landscaping to screen and fit in with area context.

708.1.3.4 Recreation Conditional Uses

Use - Turkey shoots, temporary

Zone – RA

Conditions –

Located a minimum of 1000 feet from residence

Adequate parking, access

Safety provisions

Limit hours of operation

Compatible with neighboring properties

708.1.3.5 Parking, Commercial Conditional Use

Use – Parking garage, commercial

Zone – B1C, B2H, MC

Conditions –

Traffic study is required. – Adequate on-site stacking for entrance is provided.

Roads receiving vehicles from parking garage are adequate or will be improved

Pedestrian improvements between garage and destinations

Lighting inside garage is adequate for safety

Public safety – access for police and fire, recommendations from police and fire are met.

Hours of operation

Private security may be required

Use – Parking lot, commercial

Zone – B1C, B2H, MC

Conditions

Traffic study is required. – Adequate on-site stacking for entrance is provided.

Roads receiving vehicles from parking garage are adequate or will be improved

Pedestrian improvements between parking lot and destinations are provided. May require upgrade or construction of pedestrian improvements on public or private property.

Lighting for safety. Lighting does not impact adjoining properties.

Public safety – access for police and fire, recommendations from police and fire are met.

708.1.3.6 Retail Sales and Services Conditional Uses

Use – Day care facility

Zone – RA, TND, B1C

Conditions –

Compatibility with neighborhood
Adequate onsite parking and drop of and pick up areas provided on site
Fenced play area
Provision of Type C landscape buffer if next to residential use or property zoned for residential use

Manufactured home sales
Zone – MC
Conditions –
Minimum lot area – 1.4 acres
Type C Buffer
Lighting shielded from illuminating adjoining properties

Use - Landscape maintenance service
Zone – LI
Conditions - Screening of equipment and material from public right of way

Use – Tattoo Parlor
Zone – B1C, B2H, MC
Conditions
Hours of operation are in keeping with the neighborhood
Business is compatible with neighboring properties

708.1.3.7 Vehicle Repair and Service Conditional Uses

Use -Car wash – self service
Zone – B2H, MC
Conditions –
Hours of operation – limit to between 7:00 a.m. to 9:00 p.m.
Screening from adjoining property with solid fencing or dense vegetation
Restrictions on sound systems, music cannot be heard offsite
Site shall be illuminated by fixtures mounted no higher than 18 feet. Lighting shall be shielded from adjoining properties

Use – Vehicle repair and maintenance conditional use
Zone – B2H, MC, LI
Conditions – Repairs shall be entirely within an enclosed building
Parking area for vehicles to be repaired shall be screened from adjoining properties
Parking area may not be used to store inoperable or non-registered vehicles for greater than 10 days.

Use – Towing service vehicle storage conditional use

Zone – LI

Conditions – Must be at least 500 feet from existing residence, land zoned residential, a church or school

Parking storage area shall be fenced and secured

Parking storage area shall be screened from view by solid fence or dense vegetation. Chain link fencing or wire fencing with slats is not acceptable screening.

Parking area shall be kept clear of overgrown vegetation.

708.1.3.8 Agricultural Conditional Uses

Use – Horse boarding and riding stable conditional use

Zone - RA

Minimum lot area – 10 acres

Waste management plan required

Conditions – 100 feet minimum distance from property line to stable and to riding rink,

If riding rink is lit, must be 200 feet from property line

Lighting shall be shielded from adjoining properties

Minimum lot size - 10 acres

Provision of adequate drop off and parking on site

Use – Kennel outdoor

Zone – RA, LI

Requirements – Distance (500 feet) from off-site residential use or property zoned for residential use

Screening of kennel from adjoining right of way and property

708.1.3.9 Miscellaneous Conditional Uses

Use - Satellite dishes not meeting requirements in Section 206.11

Zone – All

Conditions –

(a) If compliance with the requirements of Section 206.11 would result in the destruction of the antenna's reception window; and such obstruction involves factors beyond the control of the applicant, the minimum exception needed to prevent the obstruction may be granted provided that in a watershed or residential district, no such antenna shall be placed in a front yard.

(b) If a larger antenna than that allowed by this ordinance is needed for business use, the minimum exception needed may be granted.

Section 709. Accidental Good Faith Violation of the Zoning Ordinance Involving Mistake by Town Official or Employee

The Town Board may authorize as a special use, a use which involves a modification of any of the standards of the zoning ordinance to the extent necessary to accommodate an accidental good faith violation of the zoning ordinance involving a mistake by a town official or employee. The normal procedures and conditions for special use permits contained in the zoning ordinance shall not apply to this type of special use. Instead, the Town Board shall hold a hearing in accordance with State Law. In order for a special use permit to be granted, all of the following findings must be made:

- (1) One or more provisions of the zoning ordinance have already been violated.
- (2) A mistake in interpretation of the ordinance or in the process of an inspection by a town official or employee was made which led to the violation or substantially contributed to the extent of the violation.
- (3) The violation was accidental and made in good faith by the applicant.
- (4) Correction of the violation would result in substantial expenditures by the applicant, or the violation is minor in nature compared to the expenditure which would be needed to correct the violation.

In granting the special use permit, the Board of Commissioners may impose reasonable conditions to protect the interests of the town and the surrounding area.

**ARTICLE VIII
AMENDMENTS AND SPECIAL USE PERMITS**

Section 801. Amendments in General

This zoning ordinance, including the official zoning map, may be amended only by the Town Board of the Town of Four Oaks, according to the procedures of this Article.

No land owned by the State of North Carolina may be included within a Special Use District without approval of the Council of State.

Section 802. Application for Amendments and Special Use Permits

Proposed amendments may be initiated by the Town Board and Planning Board of the Town of Four Oaks and any person or organization. Only the owner(s) of property to be affected or the owner's authorized agent may submit a request for a special use district.

Applications for Subdivisions, Amendments and Special Use Permits shall be submitted to the Zoning Enforcement Officer by the first day of the month to get on the following months Planning Board and Board of Commissioners Agenda. The Planning and Zoning Administrator shall e-mail, mail or deliver a copy of applications to members of the Planning Board by the Friday before the Tuesday meeting.

The application shall contain the following:

- (1) The name, address, and phone number of the applicant.
- (2) For map amendments the application shall contain the following:
 - a. The tax parcel identification number of the property affected by the amendment
 - b. A metes and bounds description of the property affected and a scaled map.
 - c. The names and addresses of all owners of the property to be affected.
 - d. Current zoning classification of the property to be affected.
 - e. Proposed zoning classification of property to be affected.
 - f. The tax parcel identification number, names and addresses of all properties adjoining the property to be affected.
 - g. The zoning classification and existing land use of all adjoining properties.
- (3) For zoning ordinance text amendments, the Section number and proposed text.
- (4) If the application is for special use district, the applicant shall simultaneously apply for a Special Use Permit and file a site plan in accordance with Section 702 of this ordinance. All conditions the request entails shall be described in detail. A site plan shall be included in the application.

(5) A Special Use Permit application shall include the items in (1) and (2) above in accordance with Section 702 and a description of how the proposed special use will comply with ordinance requirements of Article III.

(6) Zoning amendment application fee and or special use permit application fee shall be paid to the Town for each application not initiated by an agency of the Town. A fee schedule shall be established by the Town Board to cover the administrative expenses and the costs of advertising.

Section 803. Notice to property owners.

The Planning and Zoning Administrator shall mail notice of the application for amendment to the zoning map or application for special use permit to the owner(s) of property affected by the application and to adjoining property owners within 10 days of planning board meeting by first class to the latest owner and address listed on the Johnston County GIS.

Notice for zoning amendment shall include the following:

- 1) A description of the property with location and existing zone classification.
- 2) Proposed zone classification.
- 3) Date, time, and location of Planning Board meeting when they will consider the application.
- 4) Date, time, and location of the public hearing by the Town Board.
- 5) Notice shall also state that the public may comment on the application for amendment at the Planning Board meeting and at the public hearing.

Notice for special use permit shall include items 1,3,4,5 listed above and a description of the proposed development including uses and building square footage.

Section 804. Action by the Planning Board.

The Planning Board shall consider the application at their first regularly scheduled meeting after the request for amendment has been filed. If the applicant does not provide information to complete the application within eight (8) weeks, the application shall be considered withdrawn.

The Planning Board shall make recommendation to the Town Board within 60 days of the filing of a complete application. The Planning Board may recommend approval, denial, or approval with conditions if application is for special use district or special use permit. The Planning Board shall include with their recommendation's reasons considered in their deliberations.

Section 805 Notice of Public Hearing

No amendment or special use permit shall be adopted by the Town Board until after public notice and hearing. The Planning and Zoning Administrator shall submit notice to the newspaper in accordance with this Section.

Notice of public hearing shall be published in a newspaper of general circulation in the Town of Four Oaks at least one week for two (2) successive weeks prior to hearing. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five days before the date fixed for the public hearing. In computing this period, the date of publication shall not be counted but the date of public hearing shall be.

Published notice of public hearing shall include the following:

- 1) The time date and place of public hearing.
- 2) The nature and character of the proposed change.
- 3) For zoning map amendments, identify the property whose classification will be impacted by the amendment.
- 4) For zoning text amendments, state that the full text of the amendment can be obtained from the Town Clerk.
- 5) For special use permits identify the property and use(s) proposed.
- 6) Statement that substantial changes to the proposed amendment or special use may be made following the public hearing.

Notice may also be made by posting the property concerned.

The notice of public hearing is not required in the following situations.

- 1) The total rezoning of all property within the corporate boundaries of Four Oaks, unless the rezoning involves zoning of parcels of land to less intense or more restrictive uses. If the rezoning involves zoning of parcels of land to less intense or more restrictive uses, notification to owners of these parcels shall be made by mail in accordance with Section 803.
- 2) The zoning reclassification action directly affects more than 50 properties, owned by at least 50 different property owners.
- 3) The rezoning is an amendment to the zoning text.

In any case where notice to the property owner is not required, the town shall publish once a week for four (4) successive calendar weeks in a newspaper having general circulation in Four Oaks, maps showing the boundaries of the area affected by the proposed amendment. The map shall be not less than one half of a newspaper page in size. Property owners whose address on the most recent property tax listing for the affected property, shall be mailed notice per Section 803 by the Planning and Zoning Administrator. Additionally, the Town shall post one or more prominent signs adjacent to the subject area to give public notice of the proposed rezoning.

Section 806. Action by the Town Board

The Town Board shall hold a public hearing at their regular meeting in the month following the Planning Board meeting. They shall delay action until a public hearing has been held and a

recommendation has been made by the Planning Board or 60 days has lapsed since the filing of a complete application if the Planning Board has not made a recommendation.

806.1 Public Hearing

Each person that submits evidence or testimony shall be sworn and provide name, address and affiliation if appearing on behalf of a person or organization and state the name and address of the person or organization.

The burden shall be upon the applicant to demonstrate by competent testimony or evidence the validity of the facts and opinions stated in the application and that the application complies with relevant standards and that the proposed amendment or special use is in the public interest.

The applicant for a zoning map amendment to any district other than Special Use District shall not offer any testimony or evidence at the hearing concerning the specific manner the property will be used or developed.

Once notice of a public hearing has occurred pursuant to 805.1 Notice of Public Hearing, any request for withdrawal of application by the applicant shall be placed on the public hearing agenda and acted upon by the Town Board.

806.2 Consideration by the Town Board of Zoning Amendment or Special Use Request.

806.2.1 Zoning Amendment. After the close of the Public Hearing, the Town Board may weigh the facts, evidence and testimony presented at the Public Hearing and the reasons stated in the recommendations of the Planning Board before acting on a request for amendment to this ordinance. In the course of reviewing the request, the Town Board may request additional information to provide a complete analysis of the proposal. In deciding whether or not to adopt an amendment, the issue before the Town Board is whether the proposed amendment advances the public health, safety or welfare and is in compliance with the Town's Future Land Use Plan. Except for special use district amendment request, the Town Board is prohibited from considering any representations of the specific nature of the future development. The Board should consider all development and uses permitted in the proposed zone.

806.6.2 Special Use Permit District. Requests for special use permit district shall include a request for a special use permit. Both the request for a zoning map amendment and special use permit shall be considered simultaneously. The Town Board shall determine if the proposed zone advances the public, health, safety and welfare and is in accordance with the Town's Future Land Use Plan. The special use permit application shall be reviewed concurrently with the zoning amendment in accordance with Section 806.2.3.

806.2.3 Special Use Permit. Before approving the Special Use Permit, the Town Board shall determine the following findings of fact.

The application is complete.

The application meets requirements in Section 308.

The Town Board may impose reasonable conditions and requirements to ensure that the purpose and intent of this ordinance is served including the requirements in Section 308. Any such conditions should relate to the relationship of the proposed use to surrounding property, off site impacts including light, odor and noise, impacts to vehicular and pedestrian circulation, screening and buffering, the timing of development, utilities, storm water and drainage, the provision of open space and other items that the Town Board or petitioner may propose.

The petitioner shall be provided a reasonable opportunity to respond to any such conditions proposed prior to final action by the Town Board. If all the requirements and conditions are accepted by the applicant, the Town Board may authorize the issuance of the special use permit and special use district. All additional conditions shall be entered on the permit. Any special use permit so authorized shall be perpetually binding upon the property included in the permit unless subsequently amended by the Town Board following the procedures in this Section.

The Town Board shall enter its findings of fact, conclusion of law and decision into the minutes. The Town Clerk shall retain possession of all exhibits submitted and recordings of testimony of the public hearing which shall constitute the recorded until the time limit for appeal or petition for certiorari to the General Court of Justice has expired.

Section 807 Rehearing

If a request for zoning amendment or special use permit is denied, a request for rezoning the property to the same district or special use permit for the same use shall not be considered by the Town Board for six (6) months following the denial. This waiting period may be waived if substantial changes to the request are made or if substantial changes surrounding the request occur within the waiting period.

ARTICLE IX
LEGAL STATUS PROVISIONS

Section 901. Legal Status Provisions

In its interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants are at variance with the requirements of this ordinance, the most restrictive, or that imposing the highest standards, shall govern.

This ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or structures shall not be affected hereby. Whenever any condition or limitation is included in an order authorizing a Zoning Permit, Special Use Permit, Variance, Certificate of Zoning Compliance, Certificate of Occupancy, or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirements of some provisions hereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 902. Statute of Limitation

In accordance with G.S. 160A-364.1, a cause of action as to the validity of this ordinance, or amendment thereto, shall accrue upon the adoption of this ordinance or amendment thereto, and shall be brought within nine (9) months as provided in G.S. 1-54.1.

Section 903. Re-enactment and Repeal of Existing Zoning Ordinance

This ordinance in part carries forward by re-enactment some of the provision of AN ORDINANCE PROVIDING FOR THE ZONING OF THE TOWN OF FOUR OAKS adopted on June 16, 1972 as amended and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced. All provisions of the zoning ordinance which are not re-enacted herein are hereby repealed.

All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Section 904. Administrator

The holder of the Office of Town Clerk is hereby appointed to serve as Zoning Administrator.

Section 905. Effective Date

This ordinance shall take effect and be in force from and after July 1, 2002.

Section 906. Adoption Date

Duly adopted by the Board of Commissioners of the Town of Four Oaks, North Carolina, this the 10th day of June, 2002.

Clerk

Mayor

ARTICLE X

DEFINITIONS

Section 1001. Generally

For the purposes of interpreting this ordinance, certain words or terms are defined in this Article. Except as defined herein or in other Sections of this ordinance, all words used in this ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this ordinance shall have the meaning indicated below:

Section 1002. Interpretation of Commonly Used Terms and Words

Words used in present tense include the future tense.

Words used in the singular number include the plural and words used in the plural include the singular. Words used in the masculine gender include the feminine gender.

“Person” includes a firm, association, organization, partnership, corporation, trust, and company, as well as an individual.

“Lot” include the words “plot”, “parcel”, and “tract”.

The word “structure” includes the word “building”.

The word “shall” be always mandatory and not merely directory.

“Used”, as applied to any land or building, shall be construed to include the word “intended, arranged, or designed to be used”.

“Map”, “zoning map”, or “Four Oaks Zoning Map” shall mean the Official Zoning Map, Four Oaks, North Carolina.

The words “town board”, “governing body”, and “Four Oaks Town Council” shall refer to the Board of Commissioners of the Town of Four Oaks, North Carolina.

The words “planning board” shall refer to the planning board to the Town of Four Oaks, North Carolina.

Section 1003. Definition of Commonly Used Terms and Words

“Abutting” means that the property directly touches another piece of property.

“Accessory building, structure, or use” means a building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

“Alley” means a strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

“Building” means any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or chattels.

“Building, height of” means the vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.

“Condominium” means a project meeting the requirements of the North Carolina General Statutes, Chapters 47A and 47C as appropriate. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

“Dish” antenna (or earth station)” means an accessory structure and shall mean a combination of (1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; (2) a low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and (3) a coaxial cable whose purpose is to carry the signals into the interior of the building.

“Dish antenna (or earth station) height” means that distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which support the antenna.

“Dish antenna (or earth station) setback” means the distance measured from the center mounting post supporting the antenna.

“ Dwelling, multi-family” means a building arranged to be occupied by more than two (2) families, the building having more than two (2) dwelling units but excluding mobile homes and townhouses.

“Dwelling, single-family” means a building arranged to be occupied by one (1) family, the building housing only one (1) dwelling unit, but excluding mobile homes and townhouses.

“Dwelling unit” means a building or portion thereof designed, arranged, and/or used for the living quarters for one (1) or more persons living as a single family, with cooking facilities, excluding units in rooming, boarding, and tourist houses, family or group care homes, or hotels or motels or other buildings designed for transient residence.

“Family” means one (1) or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five (5) living together as a single housekeeping unit though not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home have approved by the State.

“Family care home” means a facility as defined in G.S. 168-21

“Floor area, gross” means the number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies, and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising storage, assembly or similar uses, and excluding off-street parking and loading areas.

“Greenway” means a linear park network left in its natural state except for the introduction of trails used by pedestrians and bicyclists.

“Home occupation” means an incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. The term “home occupation” shall not be deemed to include a tourist home.

“Junk yard” means the use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

“Kennel” means an establishment for the keeping or breeding of dogs for profit.

“Loading area” means a completely off-street space (or) berth on the same lot for the loading and unloading of freight carriers with ingress and egress to a public street or alley.

“Lot” means a single lot of record, or more than one (1) contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when severed from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this ordinance.

“Lot, corner” means a lot which occupies the interior angle at the intersection of two (2) or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

“Lot coverage, maximum in percent” means the maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

“Lot depth” means the distance between the midpoints of straight lines connecting the foremost point of the side lot lines in front and the rearmost point of the side lot lines in the rear. On lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 210 of this ordinance, the foremost points of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.

“Lot of record” means a lot which is part of a subdivision recorded in the Office of the Register of Deeds of the appropriate county or a lot described by metes and bounds, the description of which has been so recorded.

“Lot width” means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 210 of this ordinance, at the place where the access strip joins the main portion of the lot) shall not be less than eighty percent (80%) of the required lot width, except in the case of the turning circle of cul-de-sacs where the eighty percent (80%) requirement shall not apply.

“Manufactured home” means a dwelling that (i) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two-family dwellings; and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. A dwelling meeting the above definition shall be considered a manufactured home, even if placed on a permanent foundation.

“Manufactured home park” means any lot of record upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. (Manufactured home parks are not permitted to be established within the zoning jurisdiction of the Town of Four Oaks).

“Net acreage, acres, land area, square footage of land area” means land area with streets, rights-of-way, driveway which serve as access to more than two (2) units or uses, and major transmission line easement not included in its measurement.

“Planned unit development” is defined in Section 307.5

“Principal building, use, or structure” means the main use of a lot or the building or structure in or on which the main use of the lot takes places.

“Restaurant” mans an establishment whose primary purpose is serving meals to patrons.

“Restaurant, drive-in or take-out” means any restaurant which makes provision for curb service, outdoor service, or a drive-in-window, or any restaurant more than ten percent (10%) of whose average daily customers take their food or beverage out of the restaurant.

“Restaurant, indoor” means any restaurant except a drive-in or take-out restaurant.

“Right-of-way street” means a strip of land, owned publicly or privately which affords the principal means of access to abutting property.

“Right-of-way, street means a strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

“Roof line” means the top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

“Service station” means a building or lot dedicated to the rendering of services such as the sale of gasoline, oil grease, and accessories and the minor repair of automobile, excluding body working, overhauling, and painting.

“Setback lines” means the line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained; according to the district regulations.

“Shopping center” means two (2) or more commercial establishments planned, and constructed, as a single unit with off-street parking and loading facilities provided on the property.

“Sign” means any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, or any of the above when placed inside a window facing out, and any background material, coloring, shapes, or other trim shall be considered a signs, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

“Sign, area” means the area of the smallest regular polygon composed of eight (8) lines or less, circle, half-circle, ellipse, or combination thereof, which will encompass the entire sign, excluding the base or apron, supports, or other structural members unless some part of the message appear on them, in which case they shall be included. Where symbols, letters, or numbers are attached separately to a structure, including a sign structure or to separate surfaces, the area between the separate items or letters, whether open or solid, shall be computed as part of the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where three-dimensional figures are used as signs, the largest dimensions of such figure shall be projected on a vertical plane and measured in the standard manner.

“Sign, height” means the vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

Type of Signs

“Identification sign” mean a sign which contains any or all of the following: the name of the occupants, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation, and house number, when located on the site of the establishment.

“On-site advertising sign” means a sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

“Off-site advertising sign (billboard)” means a sing which contains information about an establishment, business, commodity, activity, or service not conducted, sold, or offered upon the premises where such sign is located and not otherwise allowed in Table 501.5, and which is not specifically regulated in Table 501.5 as a directional sign to churches, meeting halls, civic clubs, or garage sales, or a temporary sign.

“Ground sign” means a sign erected on a freestanding frame, mast, and/or pole and not attached to any building, fence, or wall.

“Wall sign” means a sign which is attached flat to the wall or facade of a building, or to a fence or wall.

“Projecting sign” means a sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

“Roof sign” means a sign attached to and extending upward from a roof of a structure.

“Stream” means any drainageway draining twenty-five (25) or more acres of land.

“Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs, and swimming pools.

“Townhouse” means a dwelling unit constructed in a series or group of attached units with property line separating such units.

“Variance” means a relaxation of the terms of this ordinance under the specific conditions set forth in Section 707.4.2.

“Yard” means an open space on the same lot with a principal structure or use unobstructed and unoccupied by and structure or portion thereof or parking or loading area, except as provided in this ordinance.

“Yard, front” means a yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersection shall be assumed to be the point at which the side and front lines would have met without such rounding. The foremost points of the side lot line in the case of lots having a access strip expending from the front of the main portion of the lot in order to comply with the requirements of Section 210 of this ordinance shall measure at the place where the access strip joins the main portion of the lot. However, nothing may be place in the access strip that is not permitted by this ordinance to be placed in a front yard. Front and rear yard lines shall be parallel.

“Yard, rear” means a yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

“Yard, side” means a yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

“Zoning Administrator” means the official charged with the enforcement of this ordinance.

ARTICLE XI. LANDSCAPING REGULATIONS

Section 1101 Purpose and scope

This article is intended to establish minimum standards for the design of landscapes for uses other than single family and two-family residential so as to improve the community aesthetically, economically and environmentally.

Section 1102 Definitions

The following definitions shall apply to the regulation and control of landscaping within this article:

Caliper: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

Critical Root Zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

Deciduous: Those plants that annually lose their leaves.

Drip Line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Evergreen: Those plants that retain foliage throughout the year.

Evergreen Screen: A plant growing to over 20 feet in height at maturity that retains foliage year-round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.

Ground Cover: A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

Landscaping: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover.

Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

Planting Area: The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Planting Yard: The required installation of landscaping and screening materials between zoning districts and sometimes individual uses.

Type A Planting Yard: A planting strip having minimum width of 8 feet which is intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

Type B Planting Yard: A medium density screen having a minimum width of 15 feet which is intended to partially block visual contact between zoning classifications and create spatial separation.

Type C Planting Yard: A medium density screen having a minimum width of 20 feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. A Type C Planting Yard reduces lighting and noise that would otherwise intrude upon adjacent zoning classifications.

Type D Planting Yard: A very high-density screen having a minimum width of 30 feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. A Type D Planting Yard reduces lighting and noise that would otherwise intrude upon adjacent zoning classification.

Shrub, Large: An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Medium: A plant growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Small: A plant growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Street Tree: A tree planted along the street behind the right-of-way.

Street Yard: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of the development by providing a pleasing view from the road.

Tree, Ornamental: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Tree, Shade: A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

Section 1103 Applicability

The provisions of this ordinance shall apply to all uses other than single family and two-family residential.

Section 1104 Planting Yards

Planting Yards are intended to separate different land uses and zoning districts from each other and are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas. Planting yard types are determined by five different levels based on zoning districts. The zoning districts have been divided into the following five levels:

LEVEL 1: RESIDENTIAL – SINGLE FAMILY

RA Residential-Agricultural – excluding duplex
R-8.5S Medium Density Single Family – excluding duplex

LEVEL 2: RESIDENTIAL – DUPLEX & MULTI-FAMILY

RA Residential-Agricultural – duplex only
R-8.5S Medium Density Single Family – duplex only
R-6 Residential 6
R- 6MH Mobile Home Residential

LEVEL 3: BUSINESS

B-1C Center Business
B-3N Neighborhood Business District
MC Major Commercial

LEVEL 4: INDOOR MANUFACTURING

I-1L Light Industrial District

LEVEL 5: HEAVY INDUSTRY

I-2 Heavy Industry

In the case of a group development, the outer boundaries shall be landscaped according to the requirements of Table 2 and Table 3. The interior boundaries abutting out parcels within a group development must comply with the requirements of Table 2 and Table 3 at the time of their development.

TABLE 1 PLANTING YARD CHART

		Existing Adjacent Zoning Districts					
		Least Intensive			Most Intensive		
Proposed Development	Least Intensive	Zoning Level	1	2	3	4	5
		1	N/A	N/A	N/A	N/A	N/A
		2	C	A**	A	A	A
	Most intensive	3	C	B	A**	A	A
		4	C	C	C	A**	B
		5	D	D	C	B	B

Table 1 shows how the five different levels of zoning classification relate to one another to determine the type of Planting yard that is required.

** Where like zoning abuts one another the planting yard requirement for the Type A Yard shall be a minimum average width of 8 feet, but at no time shall the width be less than four (4) feet.

TABLE 2

PLANTING YARD LANDSCAPING					
Yard Type	Minimum Width (in feet)	Shade Trees	Ornamental Trees	Shrubs	Required Points per Linear Foot
A	8	N/A	1/100'	optional	0.4
B	15	1/75'	1/100'	optional	0.7
C	20	1/50'	1/75'	optional	0.9
D	30	1/50'	1/50'	optional	1.0

Table 2 shows the planting requirements of the Planting Yard Types A-D and Street Yards. Each Planting Yard has a specified width, type of plant material and quantity of plant material that is required. The width and density of the Planting Yard increases as the difference in zoning classifications increase.

POINTS FOR PLANTING YARDS	
	POINTS
SHADE TREE	12
ORNAMENTAL TREE	6
LARGE SHRUB	3
MEDIUM SHRUB	2
SMALL SHRUB	1

- (a) A wall or fence, a minimum of six (6) feet in height (constructed of masonry or pressure treated lumber) or densely planted vegetation a minimum of six (6) feet in height that would provide a complete visual separation within three (3) years of planting, may be used to reduce both the minimum width of the Planting Yards and the corresponding number of points per linear foot by 20%.
- (b) In Type B Planting Yards, ornamental trees may be substituted for shade trees at the rate of two (2) ornamental trees for each required shade tree.
- (c) All trees in Street Yards shall be planted no closer than four (4) feet from any public right-of-way.
- (d) For the purpose of this section, building setbacks (as listed in Section 1101) shall supersede Planting Yard landscaping requirements.

TABLE 3

STREET YARD LANDSCAPING					
	Minimum Width	Trees			Shrubs
		Shade	or	Ornamental	
Requirements	8'	1/35'	or	1/25'	Optional

TABLE 4 Planting yards

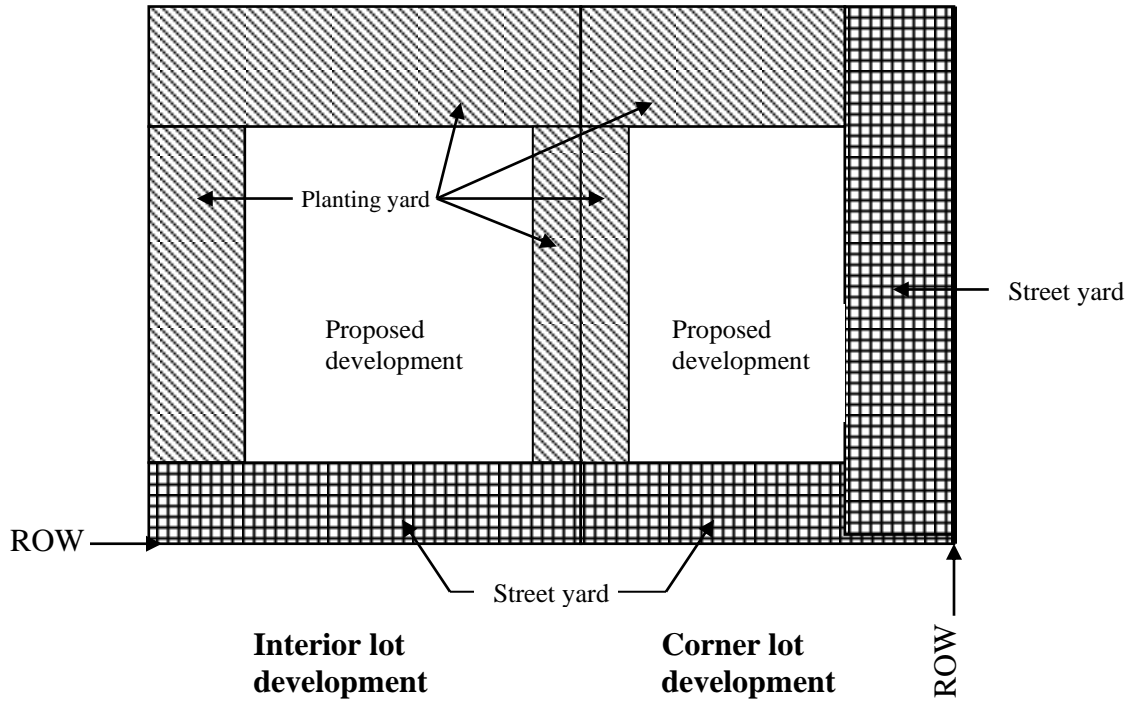
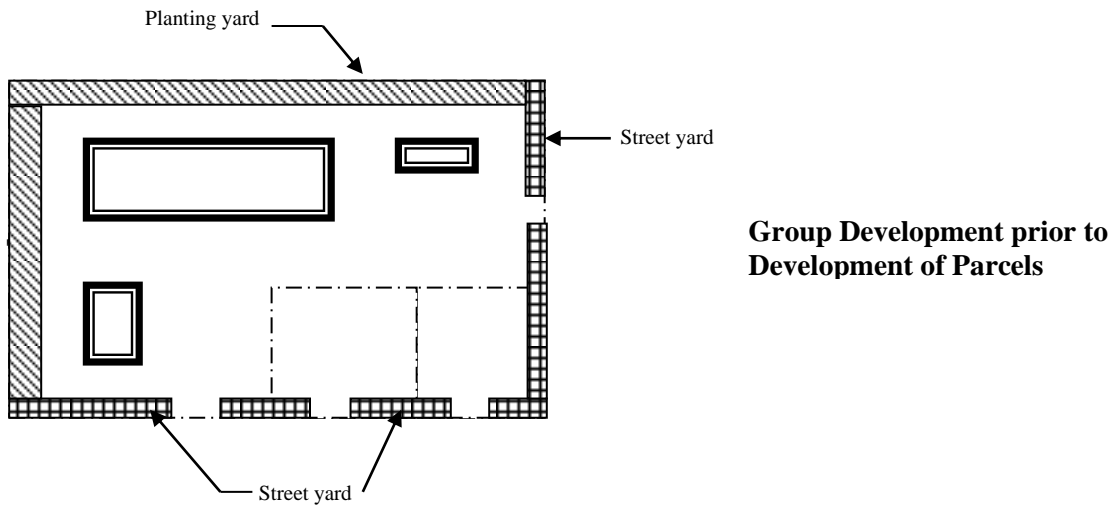
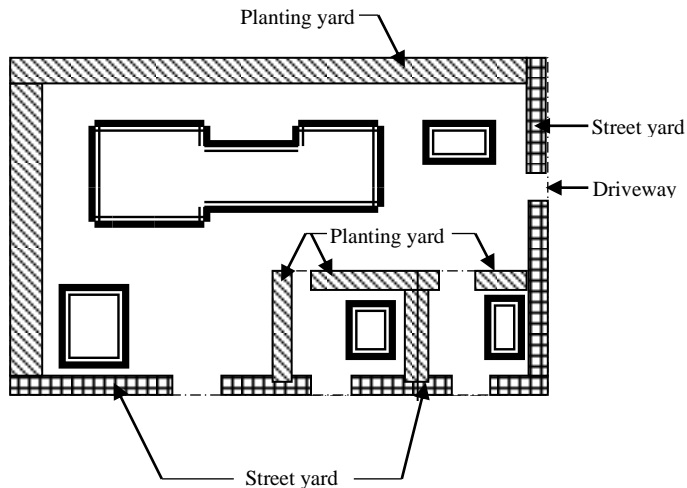


TABLE 5 Group Developments





Group Development at Time of Out Parcel Development

Section 1105 Landscaping and Design Standards for Street Yards

A Street Yard consists of a Planting Area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

1. Street Yards shall be a minimum of eight feet wide
2. Street Yards shall contain one shade tree per 35 linear feet or one ornamental tree per 25 linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical; however, the requirements of Table 3 shall be met.
3. Parking, merchandise display and off-street loading are prohibited in the street yard.
4. Any tree or shrub planted within a sight triangle shall comply with Section 204 Visibility at Intersections.

Section 1106 Standards for Landscaping within Parking Lots

1. All new or expanded (to add 12 or more spaces) parking lots with 12 or more spaces shall comply with this section of the landscape ordinance.
2. If an existing parking lot (paved or unpaved) is expanded or improved to add 12 or more spaces, it shall comply with the parking lot requirements of the landscape ordinance within the expanded or improved portion.
3. If a parking lot is expanded or developed, then Street Yard, Planting Yard, and parking lot requirements shall be applicable.
4. In parking lots with 12 or more spaces, trees shall be planted at a rate of one shade tree or two ornamental trees for every 12 spaces or fraction thereof.
5. Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
6. Trees required within the Planting Yards or Street Yards cannot be credited toward the parking lot requirements.
7. Planting Areas within the parking lots shall provide a minimum of 81 square feet with a minimum inside dimension of nine (9) feet and a minimum prepared depth of 18 inches.

Section 1107 Tree Preservation and Care During Construction

Existing trees shall be preserved whenever feasible. Credits for tree preservation are offered when a tree preservation plan is submitted to the Town Clerk prior to grading the site. A tree preservation plan must show that there will be no disturbance in the critical root zone (CRZ). A disturbance is considered trenching, placing backfill in the CRZ, driving or parking equipment in the CRZ, and dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).

When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.

Credit for existing trees within parking lots and Planting Yards will be given at the rate of 18 points per 4 inches in diameter at breast height (DBH) of existing plant material preserved. Minimum size requirement to qualify for tree preservation in 4 inches (DBH).

Should any tree designated for preservation in the tree preservation plan die at any time after approval of the plan or issuance of a Certificate of Occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within 180 days. In the event of a restricted site, the owner may request review by the Appearance Commission as stated in Section 1110. The replacement tree shall be a minimum of 2" in caliper for a shade tree and a minimum of 6' in height for an ornamental tree (six feet from the top of root ball to top of tree) at the time of planting.

Section 1108 Landscape Plan Submittal Requirements

In order for a plan to be reviewed, a site plan containing the following information must be submitted to the Town Clerk:

1. Site plan shall be drawn to scale and include a North arrow and necessary interpretive legends.
2. Property lines and zoning designation of adjacent properties
3. Location of proposed buildings, parking areas with spaces delineated, paving and sidewalks.
4. Existing plant materials and areas to be left in natural state
5. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
6. Locations, size and names for all proposed plants
7. Location and description of other landscape improvements, such as earth berms, walls, fences, sculptures, fountains, and paved areas
8. Planting and installation details as necessary to ensure conformance with all required standards
9. Location of overhead and underground utilities
10. Landscape Compliance Summary Table. This Table shall list required Planting Yards by Type, length, points required and plants to meet the points requirement. This Table shall include length of Street Yard and Trees by type (shade of ornamental) to meet the tree planting standard. This Table shall include the number of new parking spaces provided and the trees required and the trees proposed to meet Parking Lot Landscape requirements.

Section 1109 Landscape Standards and Specifications

1. The developer shall furnish and install all plant materials listed on the plan schedule.
2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
3. Plant materials must be from the Recommended Plant List or known to be hardy in USDA Plant Hardiness Zone 7.
4. Shade trees must be a minimum of 2 inches in caliper. Ornamental trees must be a minimum of 6 feet in height at the time of planting. (Six feet from top of root ball to top of tree.)
5. No tree may be planted in the sight triangle.
6. Do not use staking materials unless it is absolutely necessary. If staking is necessary, then the developer/property owner must remove the staking materials after one growing season.
7. Property owners ensure the survival and health of required tree in perpetuity.
8. A temporary Certificate of Occupancy may be issued when extremes in weather or soil conditions are not favorable for landscaping.
9. The developer shall ensure that all plant pits, vine pits, hedge trenches, and shrub beds are excavated as follows:
 - a. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above existing grade. Soil within the Planting Areas shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Soil shall be compatible with the composition of the existing sub-soil and sufficiently blended to ensure adequate exchange of air and water between the Planting Area and the adjacent soil strata. Plants shall rest on well-compacted surface. The tree pit shall be a minimum of nine inches larger on every side than the ball of the tree.
 - b. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth.
10. Each tree or shrub, shall be pruned in an appropriate manner, in accordance with accepted standard practice.

11. All trenches and shrub beds shall be cultivated to the lines shown on the drawings. The areas around isolated plants shall be cultivated to the full diameter of the pit.
12. Existing trees shall be preserved whenever possible (see Section 1107).
13. All planting areas shall be mulched with a two-to-three-inch layer of bark or other similar material to cover the Planting Area.

Section 1110 Alternative Methods of Compliance

1. Use of Alternate Plan, Material, or Methods: Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or front lot configuration, utility easements, unified development design, or unusual site conditions.
2. Approval of Alternate Plan: The Four Oaks Appearance Commission may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening, height, spread, and canopy of the planting at maturity.
3. Appeal: Decision of the Four Oaks Appearance Commission regarding alternate methods of compliance may be appealed to the Four Oaks Town Board of Commissioners.

Section 1111 Plant Substitution

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting may be approved by the Chairman of Four Oaks Appearance Commission or his/her designee if the following are true.

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, or shrub) and have the same general design characteristics mature height, crown spread) as the materials being replaced.

Town of Four Oaks – Recommended Plant List

BOTANICAL NAME COMMON NAME	GROWTH RATE	CULTURE	NOTES
Ornamental Trees			
Acer buergeranum Trident Maple	medium-slow	sun, drought resistant	exfoliating bark, power line compatible
Acer griseum Paperbark Maple	slow	sun, adaptable to varied soil conditions	exfoliating cinnamon bark, 20'-30' ht., russet to red fall color, power line compatible
Acer palmatum Japanese Maple	medium	sun	many varieties & cultivars offer ornamental diversity, power line compatible
Cercis canadensis Eastern Redbud	medium	sun to light shade	spring bloom, seed pods unsightly in late summer, double cultivar "Flame" with no seedpods, power line compatible
Cercis reniformis 'Oklahoma' Oklahoma Redbud	medium	sun to light shade	dark flowers, magnificent glossy leaves, power line compatible
Cornus florida Flowering Dogwood	slow	part shade, acid soil, intolerant of pollution & drought	spring flower, needs good drainage, susceptible to disease, power line compatible
Cornus kousa	slow	part shade, not susceptible to anthracnose	creamy white flower bracts in June, horizontal branching, power line compatible
Ilex latifolia 'Mary Nell' Lusterleaf Holly	medium	sun to shade	large pyramidal evergreen tree, texture similar to Southern Magnolia
Ilex opaca 'Greenleaf' American Holly	medium	sun to shade, hardy	evergreen, many cultivars available
Ilex x attenuata Foster # 2 Fosters Holly	medium	sun to partial shade	evergreen, compact pyramidal growth
Juniperus scopulorum 'Skyrocket' Skyrocket Juniper	medium	sun, drought tolerant	evergreen conifer, narrow column, bluish green color, Pathfinder is similar, power line compatible
Juniperus tortulosa 'Hollywood' Hollywood Juniper	medium	sun	evergreen conifer, power line compatible
Koelreuteria bipinnata	medium	sun, drought and pollution tolerant	yellow summer flower, then pink fruit, power line compatible
Koelreuteria paniculata Goldenrain Tree	medium	sun drought and pollution tolerant	yellow panicle flowers in June, fruit attractive into Sept., power line compatible
Lagerstroemia indica Crepe Myrtle white - 'Natchez' lavender -'Muskogee' coral - 'Tuscarora'	rapid	sun, pest and disease resistant	US National Arboretum selections, summer flower, exfoliating bark, power line compatible
Magnolia kobus 'Wada's Memory'	medium	partial shade	regular form, attractive foliage
Magnolia soulangiana Saucer Magnolia	medium	sun to light shade	deciduous, lavender to white spring flower

BOTANICAL NAME COMMON NAME	GROWTH RATE	CULTURE	NOTES
Magnolia X Galaxy Galaxy Magnolia	moderate	sun to part shade	deciduous, spring flower, upright form, nice texture
Magnolia stellata Star magnolia	slow	sun to part shade	deciduous with spring flower, power line compatible
Magnolia virginiana Sweetbay magnolia	moderate	shade, tolerates wet	semi-evergreen, spring flower
Malus hybrid Flowering Crabapple	moderate	sun, disease resistant variety	spring flowering, crabapples are available in vast color range, many are susceptible to pests and diseases, power line compatible, 'Callaway' is one of many disease resistant varieties, many varieties are power line compatible
Pinus thunbergii Black Pine	medium	Sun	Evergreen pine with twisted foliage, drought tolerant, 30-40' height
Pistache chinensis Chinese Pistache	medium	sun, drought resistant	orange fall color, uniform shape, medium size
Prunus serrulata 'Kwanzan' Kwanzan Cherry	medium	sun to part shade	uniform shape, double pink spring flower, 30'ht., 20'spr.
Prunus x yedoensis Yoshino Cherry	medium	sun to part shade	rounded & spreading form, avoid weeping varieties for street trees
Prunus x Okame Okame Cherry	medium	Sun to part shade	Small upright, early deep pink flower, power line compatible, 15-25' height
Prunus caroliniana Carolina Cherry Laurel	fast	sun to part shade	broadleaf evergreen shrub that prunes well to small tree with attractive color, texture & form, power line compatible
Prunus cerasifera 'Autropurpurea' Pissarii Plum	fast	sun, pests include aphids, borers, scales	upright branching, red new foliage hardening to purple, pink flowers, power line compatible, other cultivars are available
Prunus mume Japanese Flowering Apricot	fast	sun, hardy, drought resistant	small size, attractive winter flowering, power line compatible
Prunus campanulata x incisa 'Okame' Okame Cherry		sun	25'ht, 20'spr., spring flowers, bronze to orange red fall color, power line compatible
Prunus x 'Hally Jolivette'	fast	sun	dense rounded small tree, long spring flowerer, power line compatible
Stewardia pseudocamellia Japanese Stewardia	slow	sun with midday shade, few pests	summer flower, attractive winter bark, Stewartia koreana is similar, power line compatible
Styrax japonica Japanese Snowbell	moderate	Sun to light shade	Late spring bell shape flowers, power line compatible

BOTANICAL NAME COMMON NAME	GROWTH RATE	CULTURE	NOTES
Shade Trees			
Acer platanoides 'Crimson Sentry' Norway Maple	rapid	sun, tolerate of extreme soils, pollution	'Crimson Sentry' is narrow columnar form w/ dark purple foliage in spring and summer, many cultivars available
Acer rubrum Red Maple	rapid	sun, tolerant of heavy clay soils, intolerant of pollution	early spring red flower, fall red orange color, many cultivars available with specific forms and fall color
Acer saccharinum Silver Maple	rapid	sun, vigorous roots	greenish-yellow fall color, select cultivar for uniformity
Acer saccharum Sugar Maple	slow	sun, needs space for roots	brilliant fall color, select cultivar for specific form and color
Betula nigra River Birch	rapid	sun to part shade	hardy native plant, exfoliating bark, 'Heritage' is recommended cultivar
Carpinus betulus 'Fastigata' European Hornbeam	medium	sun to light shade	no serious pests
Carpinus carolina Ironwood, American Hornbeam	slow	partial shade	yellow to red fall color
Cedrus deodara Deodara Cedar	moderate	sun, needs good drainage	Blue green evergreen foliage, conical form,
Cryptomeria japonica 'Yoshino' Yoshino Japanese Cedar	rapid	sun to part shade	dense upright evergreen conifer, makes good screen
Fraxinus americana White Ash	moderate	sun to part shade, sensitive to drought	Select a cultivar for uniformity, needs a large area, can grow 50 to 100'
Fraxinus Pennsylvania Green Ash	rapid	Full sun, tolerates adverse conditions	Select a cultivar for uniformity and hardiness, not as large as the white ash
Ginkgo bilboa Ginkgo	slow to medium	full sun, pollution tolerant	open form, large, plant only male trees, 'Lakeview' & 'Princeton Sentry' are recommended cultivars
Gleditsia triacnathos inermis Thornless Honey Locust	rapid	full sun, tolerant species, recommend varieties - Skyline & Imperial	open spreading crown, 'Moraine' was first thornless introduction
Leyland Cypress	rapid	sun to part shade, spray for bagworms	dense upright evergreen conifer, makes good screen
Magnolia grandiflora 'Spectrum' Columnar Southern Magnolia	medium	partial shade, but tolerates full sun, disease resistant	broadleaf evergreen, recommend columnar cultivars, litter from leaf drop
Pterocarya stenoptera Chinese Wingnut	rapid	sun, tolerates drought	disease free, excellent summer foliage, needs space
Pyrus Calleryana 'Bradford' Bradford Pear	rapid	sun to part shade, disease resistant	spring flower, uniform shape, fall color, may split with age, 'Capital' & 'Chanticleer' cultivars are pyramidal for narrower sites and not likely to split
Quercus alba White Oak	slow to moderate	sun	Attractive bark, native

BOTANICAL NAME GROWTH RATE	COMMON NAME	CULTURE	NOTES
Quercus coccinea Scarlet Oak	moderate	adaptable	red fall color
Quercus phellos Willow Oak	rapid	sun	large
Quercus laurifolia 'Darlington'	medium	sun to part shade, pest resistant	semi-evergreen
Quercus palustris Pin Oak	rapid	sun, pest resistant, pollution and wet soil tolerant	pyramidal form, orange-red fall color
Quercus prinus Chestnut Oak	moderate	sun	
Sophora japonica 'Regent' Japanese Pagoda Tree	rapid	sun to part shade, tolerant of drought and pollution	showy summer flowers on established trees (6-8 years for Regent)
Taxodium distichum Bald Cypress	medium	sun to part shade, tolerant of pollution & wet feet	conical form, feathery foliage, late fall color
Ulmus parvifolia cultivar Lacebark Elm	moderate	Sun to part shade	Select cultivar for the form and fall color desired
Zelkova serrata 'Village Green' Japanese Zelkova	medium-rapid	sun, drought tolerant	vase shape, open, handsome bark
<u>Shrubs – Large</u>			
Calycanthus Sweetshrub	rapid	large	deciduous, sun or shade
Camellia japonica or sasanqua Camellia	slow	large	evergreen with fall, winter or spring flowers
Chamaecyparis obtusa 'hinokii', 'Crippsii'	moderate	large	evergreen conifer, other varieties may not be large, check individual variety for size and color
Cryptomeria japonica 'Black Dragon', 'monstrosa', etc.	moderate	medium to large	Evergreen conifer, check cultivar for size and color
Eleagnus pungens 'Fruitlandii'	rapid	large	Evergreen, sun to shade
Ilex cornuta "Burfordii" Burford Holly	rapid	large	sun to part shade, evergreen, shiny foliage
Juniperus chinensis 'Tortulosa', 'Robusta Green', 'Spartan'	moderate	large	sun to part shade
Juniperus virginiana Red Cedar	rapid	large	sun to shade
Leucothoe populifolia	rapid	large	shade, deer tolerant
Ligustrum lucidum Ligustrum	rapid	large	sun to part shade, deer tolerant Davidson Hardy Ligustrum is recommended.
Myrica cerifera Wax Myrtle	rapid	large	hardy native, evergreen, deer tolerant

BOTANICAL NAME GROWTH RATE	COMMON NAME	CULTURE	NOTES
Osmanthus x fortunei Fortune's Osmanthus	rapid	large	hardy evergreen
Osmanthus fragrans Fragrant Tea Olive	rapid	large	hardy evergreen
Prunus caroliniana Carolina Cherry Laurel	moderate	large	evergreen native
Thuja occidentalis 'Emerald' Emerald Arborvitae	moderate	large	upright conifer, fresh green color
Viburnum opulus roseum Snowball Viburnum	moderate	large	showy white flower, deciduous
Shrubs Medium			
Abelia X grandiflora	rapid	medium	semi-evergreen, arching, small white summer flower, sun
Aucuba japonica	rapid	medium	evergreen, shade, variegated cultivars available
Azalea japonicum	moderate	part shade to shade	many sizes and colors, spring flower
Berberis thunbergii Barberry	rapid	medium	semi-evergreen, chartreuse and burgundy cultivars, very hardy
Euonymus alatus 'Compactus' Dwarf Burning Bush	rapid	medium	deciduous, red fall color
Euonymus japonica Japanese Euonymus	moderate	medium	variegated cultivars available, sun to part shade
Hydrangea quercifolia Oakleaf Hydrangea	moderate	medium	shade, naturalizes well, deciduous
Ilex cornuta "Burfordii nana" Drawf Burford Holly	rapid	medium	sun to part shade, evergreen
Ilex cornuta 'Carissa' Carissa Holly	moderate	medium	sun to part shade, evergreen
Ilex crenata 'Compacta' Japanese Holly including other cultivars	rapid	medium	sun to part shade, evergreen
Ilex glabra Inkberry Holly	moderate	medium	part shade to shade
Illicium parviflorum Anise	moderate	large	sun to shade, deer tolerant, hardy native
Nandina domestica Nandina	moderate	medium	evergreen, red fall color
Prunus laurocerasus 'Zabeliana', 'Otto Luyken' or 'Schipkaensis' Zabel and Schip Laurel	moderate	medium	evergreen

BOTANICAL NAME GROWTH RATE	COMMON NAME	CULTURE	NOTES
Spirea japonica, vanhouttei varieties	moderate	medium	deciduous, early spring flower
Small shrubs			
Cotoneaster all varieties	moderate	small	low spreading
Gardenia radicans Dwarf Gardenia	moderate	small	evergreen, late spring flower
Ilex vomitoria 'nana' Dwarf Yapoon Holly	moderate	small	sun to part shade
Juniperus "Blue Pacific", horizontalis, procumbens, squamata, 'Blue Star', 'Nicks Compact', 'Old Gold'	moderate	groundcover	evergreen
Nandina domestica – dwarf Dwarf nandina	slow	small	many dwarf nandina varieties are in the trade
Taxus x media Yew	moderate	low spreading	evergreen
Thuja occidentalis 'Hetz Midget' or 'Rheingold'	moderate	small	globe shaped conifer

Article XII.
FLOOD DAMAGE PREVENTION ORDINANCE

Section 1201 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION 1201.1. STATUTORY AUTHORIZATION.

Municipal: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

County: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Article 6 of Chapter 153A of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Town Board of Commissioners of the Town of Four Oaks, North Carolina, does ordain as follows:

SECTION 1201.2. FINDINGS OF FACT.

- (1) The flood hazard areas of the Town of Four Oaks and its Extraterritorial Jurisdiction_ are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

SECTION 1201.3 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging, and other development which may increase erosion or flood damage; and,
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 1201.4 OBJECTIVES.

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,
- (7) to insure that potential home buyers are notified that property is in a flood area.

Section 1202. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure" means structures which are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures.

Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the **initial** Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

"Appeal" means a request for a review of the administrator's interpretation of any provision of this ordinance.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means, for floodplain management purposes, any area of the building having its floor subgrade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means, for floodplain management purposes, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated building" means, for floodplain management purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

"Existing construction" means for the purposes of determining rates, structures for which the start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

"Existing manufactured home park or manufactured home subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and,
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the engineering study performed by the Federal Emergency Management Agency to identify flood hazard areas, flood insurance risk zones, and other flood data in a community. The study includes Flood Boundary and Floodway Maps (FBFMs), Flood Hazard Boundary Maps (FHBMs), and/or Flood Insurance Rate Map (FIRMs).

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

"Historic Structure" means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

"Lowest Floor" means, for floodplain management and flood insurance purposes, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a FIRM are referenced.

"New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this ordinance and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after the effective date of this ordinance.

"Nonconforming building or use" means any legally existing building or use which fails to comply with the provisions of the ordinance.

"Recreational vehicle" means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means, for floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

"Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Substantially improved existing manufactured home park or subdivision" means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

Section 1203. GENERAL PROVISIONS.

Section 1203.1. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Four Oaks.

Section 1203.2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard are those identified by the Federal Emergency Management Agency (FEMA) in its Flood Hazard Boundary Map or Flood Insurance Study and Flood Insurance Rate Map(s), for Johnston County and the Town of Four Oaks dated, October 20, 2000 which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this ordinance. The Areas of Special Flood Hazard also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes detailed flood information generated as a requirement of Article 4, Section C (10) this Ordinance.

In addition, upon annexation to the Town of Four Oaks or inclusion in the Extra-territorial Jurisdiction, the Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map or Flood Insurance Study and Flood Insurance Rate Map(s) for Unincorporated Johnston County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

Section 1203.3. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

Section 1203.4. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations

Section 1203.5. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 1203.6. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and, (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section 1203.7. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Four Oaks or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 1203.8. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Four Oaks from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 1204. ADMINISTRATION.

Section 1204.1. DESIGNATION OF ADMINISTRATOR.

The Zoning Administrator, hereinafter referred to as the "administrator", is hereby appointed to administer and implement the provisions of this ordinance.

Section 1204.2. DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Application for a Development Permit shall be made to the administrator on forms furnished by the administrator prior to any development activities. The Development Permit shall include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- (1) A plot plan that shows the 100 year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either Article 4, Section C(10) or Article 5 Sections C and D. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

- (2) The plot plan required by Article 4, Section B(1) must show the floodway as identified by the Federal Emergency Management Agency or pursuant to either Article 4, Section C(10) or Article 5, Section C, or the setback required for streams without designated floodways as required by Article 5, Section C (2).
- (3) Where base flood elevation data is provided as set forth in Article 3 Section B, or Article 4, Section C (10), the application for a Development Permit within the flood hazard area shall show:
 - (a) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - (b) if the non-residential structure will be floodproofed in accordance with Article 5, Section B (2), the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- (4) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least 2 feet above the highest adjacent grade.
- (5) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- (6) When a structure is floodproofed, the applicant shall provide a Floodproofing Certificate (FEMA Form 81-65) from a registered professional engineer or architect that the non- residential floodproofed structure meets the floodproofing criteria in Article 5, Section B (2).
- (7) An Elevation Certificate (FEMA Form 81-31) or a Floodproofing Certificate (FEMA Form 81-65) is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification

shall be at the permit holder's risk. The administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Section 1204.3. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR.

Duties of the administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 5 are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B (7).
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Article 4, Section B (7).
- (8) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 5, Section B (2).
- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (10) When base flood elevation data or floodway data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(4), in order to administer the provisions of this ordinance.
- (11) When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the administrator in the permit file.
- (12) Make on-site inspections of projects in accordance with Article 4, Section D.
- (13) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Article 4, Section D.
- (14) Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

Section 1204.4. ADMINISTRATIVE PROCEDURES.

- (1) Inspections of Work in Progress: As the work pursuant to a permit progresses, the administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (2) Stop-Work Orders: Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (3) Revocation of Permits: The administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

- (4) Periodic Inspections: The administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (5) Violations to be Corrected: When the administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law in the property he owns.
- (6) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service,
 - (a) that the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) that a hearing will be held before the administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - (c) that following the hearing, the administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (7) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (8) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (9) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Section 1204.5. VARIANCE PROCEDURES.

- (1) The Four Oaks Board of Adjustments as established by the Four Oaks Board of Commissioners, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

- (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for Variances:
 - (a) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (c) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
 - (e) The administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Section 1205. PROVISIONS FOR FLOOD HAZARD REDUCTION.

Section 1205.1. GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- (8) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (10) Non-Conforming Buildings or Uses. Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway or stream setback, provided that the bulk of the building or structure below base flood elevation in the floodway or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

Section 1205.2. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 3, Section B, or Article 4, Section C (10), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than 1 feet above the base flood elevation.

Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than 1 feet above the level of the base flood elevation. Structures located in A Zones may be floodproofed to the flood protection level in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (7).

- (3) Manufactured Homes.

- (a) Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or, (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than 1 feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Article 5, Section B(3)(a) of this ordinance must be elevated on reinforced piers or other structural elements so that the lowest floor of the manufactured home is no lower than 1 feet above the base flood elevation and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

- (c) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the *State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition*, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the administrator and the local Emergency Management coordinator.
- (4) Recreational Vehicles. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:
 - (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
 - (b) meet the requirements of Article 4, Section B and Article 5, Sections A and B (3).
- (5) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all required openings shall be no higher than one-foot above grade; and,

- (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (6) Temporary Structures. Prior to the issuance of a development permit for a temporary structure the following requirements must be met:
- (a) All applicants must submit to the administrator prior to the issuance of the development permit a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
 - (i) a specified time period for which the temporary use will be permitted;
 - (ii) the name, address and phone number of the individual responsible for the removal of the temporary structure;
 - (iii) the time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (iv) a copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and
 - (v) designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
 - (b) The above information shall be submitted in writing to the administrator for review and written approval.

- (7) Accessory Structure. When accessory structures (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall be designed to have low flood damage potential;
 - (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (d) Accessory structures shall be firmly anchored in accordance with Article 5, Section A (1);
 - (e) Service facilities such as electrical and heating equipment shall be installed in accordance with Article 5 Section A (4); and
 - (f) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article 5 Section B (5).
- (8) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
- (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the administrator.
 - (b) If Article 5, Section B(8)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
 - (c) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article 5, Section B (3) and the encroachment standards of Article 5, Section B(8)(a) are met.

Section 1205.3 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASEFLOOD ELEVATIONS AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Article 5, Section C(1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article 5 and shall be elevated or flood proofed in accordance with elevations established in accordance with Article 4, Section C(10). When base flood elevation data is not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

Section 1205.4 STANDARDS FOR SUBDIVISION PROPOSALS AND MAJOR DEVELOPMENTS.

- (1) Proposals for subdivisions and major developments shall be consistent with the need to minimize flood damage;
- (2) Proposals for subdivisions and major developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) Proposals for subdivisions and major developments shall have adequate drainage provided to reduce exposure to flood hazards; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty lots or five acres.

Section 1206. LEGAL STATUS PROVISIONS

Section 1206.1. EFFECT UPON OUTSTANDING BUILDING PERMITS.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

Section 1206.2. EFFECTIVE DATE

This ordinance shall become effective upon adoption.

Section 1206.3 ADOPTION CERTIFICATION

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of the Town of Four Oaks, North Carolina, on the 10th day of June, 2002.