TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: BUILDINGS

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AMENDING CHAPTER 150, BUILDINGS

AN ORDINANCE PROVIDING MINIMUM HOUSING STANDARDS OF FITNESS: THE CODE OF ORDINANCES OF THE TOWN OF ROCKWELL

BE IT ORDAINED by the Board of Aldermen of the Town of Rockwell, North Carolina:

Part 1. That Chapter 150, Section 150.001 through 150.002 Buildings, of the Code of Ordinances, Town of Rockwell, North Carolina, is hereby amended as follows:

Section 150.001. Findings; Purpose; Authority

Pursuant to Section 160A-441, of the General Statutes of North Carolina, it is hereby found and declared that there exist in the ~~**Town and its area of extraterritorial jurisdiction**~~ Incorporated limits of the Town dwellings which are unfit for human habitation due to dilapidation, defects, increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe and unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the Town.

In order to protect the health, safety, and welfare of the residents of the Town, as authorized by Part 6 of Article 160A of the General Statutes of North Carolina, it is the purpose of this Chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation as expressly authorized by Section 160A-444 of the General Statutes of North Carolina.

In addition, it is hereby found and declared, under the authority of North Carolina General Statutes 160A-174 that there exist in the ~~**Town and its area of extraterritorial jurisdiction**~~ Incorporated limits of the Town dwellings which although not meeting the classification as unfit for human habitation, fail to fully comply with all the minimum standards for housing fitness as established herein and therefore have present one or more conditions which are inimical to the public health, safety and general welfare. Such conditions, if not corrected can lead to deterioration and dilapidation of dwellings which render them unfit for human habitation.

Section 150.002 Scope.

(a) This Chapter is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or buildings, structures or premises used or intended for use as such.

(b) The provisions of this Chapter shall apply to all existing housing and to all housing hereafter constructed within the Town's Incorporated Jurisdiction ~~and Extraterritorial Jurisdictions~~. Portable, mobile, or demountable buildings or structures, including trailers, manufactured

homes and mobile homes when used or intended for use for housing within the jurisdiction, shall be subject to the applicable provisions of this Chapter. This Chapter establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for construction, repair, alteration or use of buildings, equipment of facilities except as provided in this Chapter.

(c) The provisions of this Chapter shall also apply to abandoned structures which are found by the Board of Aldermen to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary conditions.

Part 2. All Ordinances in conflict with the provisions of this Chapter are hereby repealed to the extent of such conflict.

This Ordinance shall become effective upon it adoption by the Board of Aldermen of the Town of Rockwell, North Carolina.

Adopted this **13** day of **December, 2017.**

Beauford N. Taylor, Mayor

ATTEST:

Marlene E. Dunn, Town Clerk

Approved as to form:

Malcolm Blankenship
Town Attorney

AMENDING CHAPTER 150, BUILDINGS

AN ORDINANCE PROVIDING MINIMUM HOUSING STANDARDS OF FITNESS THE CODE OF ORDINANCES OF THE TOWN OF ROCKWELL

BE IT ORDAINED by the Board of Aldermen of the Town of Rockwell, North Carolina:

Part 1. That Chapter 150, Sections 150.001 through 150.085, Buildings, of the Code of Ordinances, Town of Rockwell, North Carolina, is hereby amended, renamed and rewritten in its entirety to read as follows:

"CHAPTER 150; MINIMUM HOUSING STANDARDS

Section 150.001. Findings; Purpose; Authority.

Pursuant to Section 16OA-441 of the General Statutes of North Carolina, it is hereby found and declared that there exist in the Town and its area of extraterritorial jurisdiction dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe and unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the Town.

In order to protect the health, safety and welfare of the residents of the Town, as authorized by Part 6 of Article 19, Chapter 160A of the General Statutes of North Carolina, it is the purpose of this Chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by Section 16OA-444 of the General Statutes of North Carolina.

In addition, it is hereby found and declared, under the authority of North Carolina General Statutes 16OA-174, that there exist in the Town and its area of extraterritorial jurisdiction dwellings which, although not meeting the classification as unfit for human habitation, fail to fully comply with all the minimum standards for housing fitness as established herein and therefore have present one or more conditions which are inimical to the public health, safety and general welfare. Such conditions, if not corrected can lead to deterioration and dilapidation of dwellings which render them unfit for human habitation.

Section 150.002. Scope.

(a) This Chapter is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or buildings, structures or premises used or intended for use as such.

(b) The provisions of this Chapter shall apply to all existing housing and to all housing hereafter constructed within the Town's Incorporated and Extraterritorial Jurisdictions. Portable, mobile or demountable buildings or structures, including trailers, manufactured homes and mobile homes when used or intended for use for housing within the jurisdiction, shall be subject to the applicable provisions of this Chapter. This Chapter establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this Chapter.

(c) The provisions of this Chapter shall also apply to abandoned structures which are found by the Board of Aldermen to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary conditions.

Section 150.003. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

Abandoned Structure. Any structure, whether designed and intended for residential or other uses, which has been vacant or not in active use, regardless of purpose or reason, for the past two-year period and which is determined by the Housing Inspector to be unfit for human habitation or occupancy based upon the standards as set forth in this Chapter.

Basement. A portion of a building, which is located partly underground, having access to light and air from windows located, above the level of the adjoining ground.

Cellar. A portion of a building located partly or wholly underground having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Deteriorated Dwelling. A dwelling that is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this Chapter, *at a cost not in excess of fifty percent of the dwelling value*, as determined by finding of the Housing Inspector using the County Tax Office valuation of the structure.

Dilapidated Dwelling. A dwelling that is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this Chapter, *at a cost not in excess of fifty percent of the dwelling value*, as determined by finding of the Housing Inspector using the County Tax Office valuation of the structure.

Dwelling. Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any accessory buildings and structures and appurtenances belonging thereto or usually enjoyed therewith.

Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Housing Inspector.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

Housing Inspector. The person appointed by the Board of Aldermen to carry out the administration and enforcement of this Chapter.

Infestation. The presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

Manufactured Home (Mobile Home). A structure as defined in G.S. 143-145(7).

Multiple Dwelling. Any dwelling containing more than two dwelling units.

Occupant. Any person over one year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator. Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

Owner. The holder of the title in fee simple and every mortgagee of record.

Parties in Interest. All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

Public Authority. Any housing authority or any officer who is in charge of any department or branch of the government of the Town, County, or State relating to health, fire, building regulations, or other activities concerning dwellings in the Town.

Rooming House. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

Rooming Unit. Any room or group or rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials except garbage and ashes, and the term

shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Supplied. Paid for, furnished or provided by, or under the control of, the owner or operator.

Whenever the words "dwelling", "dwelling unit", "rooming house", “rooming unit" or "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

Section 150.004. Office of Housing Inspector Created; Powers and Duties.

For the purposes of Administering and enforcing the provisions of this Chapter, the office of Housing Inspector is hereby created. The Housing Inspector shall be appointed by the Board of Aldermen, and shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

(a) Investigations

To investigate the dwelling and building conditions in the Town in order to determine which dwellings therein are unfit for human habitation and dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this Chapter.

(b) Oaths, witnesses, etc.

To administer oaths and affirmations and to examine witnesses and receive evidence.

(c) Right of Entry

To enter upon and within premises and dwellings for the purpose of making examinations and investigations; provided, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.

(d) Warrants; Citations, etc.

To swear criminal warrants, issue civil citations and to take such other actions as may be necessary to carry out the enforcement procedures of this Chapter.

(e) Delegation of functions, etc.

To delegate any of his functions and powers under this Chapter to such officers and agents as he may designate.

Section 150.005. Inspections.

For the purpose of carrying out the intent of this Chapter, the Housing Inspector, upon proper

identification, is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and premises, including abandoned structures. The owners or occupants of every dwelling, dwelling unit, rooming unit, or rooming house, or the person in charge thereof, shall give the Housing Inspector free access to such dwelling, dwelling unit, rooming house or rooming unit, and its premises, at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful order issued pursuant to the provisions of this Chapter.

Section 150.006. Preliminary Investigations; Notices; Hearings.

Whenever a petition is filed with the Housing Inspector by a public authority or by at least five (5) residents of the Town charging that any dwelling is unfit for human habitation or whenever it appears to the Housing Inspector (on his own motion) that any dwelling is unfit for human habitation, the Housing Inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Housing Inspector (or his designated agent) at a place within the Town therein fixed not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Inspector.

Upon the issuance of a complaint and notice of hearing pursuant to this Section, the Inspector may cause the filing of a notice of list pendens, with a copy of the complaint and notice of hearing attached thereto, in the Office of the Clerk of Superior Court of Rowan County, to be indexed and cross-indexed in accordance with the indexing procedures of the North Carolina General Statutes. The Inspector shall cause a copy of the notice of lis pendens to be served upon the owners and parties in interest in the dwelling at the time of filing in accordance with Section 160A-445 of the North Carolina General Statutes, as applicable. Upon compliance with the requirements of any order issued based upon such complaint and hearing, the Inspector shall direct the Clerk of Superior Court to cancel the notice of lis pendens.

Section 150.007 Dwelling Unfit for Human Habitation.

The Housing Inspector shall determine that a dwelling is unfit for human habitation if he finds that any one of the following conditions exist in such dwelling:

(a) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.

(b) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.

(c) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(d) Such damage by fire, wind or other causes as to render the dwelling unsafe.

(e) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people in the Town.

(f) Inadequate facilities for egress in case of fire or panic.

(g) Defects significantly increasing the hazards of fire, accident or other calamities.

(h) Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.

(i) Lack of proper electrical, heating or plumbing facilities required by this Chapter which constitutes a definite health or safety hazard.

(j) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

In addition to the ten (10) conditions stated above, any <u>one</u> of which renders a dwelling unfit for human habitation, the Housing Inspector shall determine that a dwelling is unfit for human habitation if he finds that a dwelling fails to fully comply with <u>seven (7) or more</u> of the following enumerated standards of dwelling fitness:

STRUCTURAL STANDARDS

<u>Structural Integrity</u>

(1) Walls, partitions, supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

<u>Supports</u>

(2) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

<u>Foundations</u>

(3) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or

damaged.

Steps

(4) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.

Egress

(5) Adequate facilities for egress in case of fire or panic shall be provided.

Interior Materials

(6) Interior walls and ceilings of all rooms, closets and hallways shall be furnished of suitable materials which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

Weatherization

(7) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.

Chimneys

(8) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

Floors

(9) There shall be no use of the ground for floors, or wood floors on the ground.

PLUMBING STANDARDS

Facilities

(10) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

Maintenance

(11) All plumbing fixtures shall meet the standards of the Plumbing Code and shall be maintained in a state of good repair and in good working order.

Accessible

(12) All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of the same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

HEATING STANDARDS

Generally

(13) Every dwelling shall have facilities for providing heat in accordance with either paragraph (a) or (b) below. Such facilities shall be maintained in a state of good repair and good working order.

(a) Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three (3) feet above the floor during average winter conditions.

(b) Other heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms, bathrooms and water closet compartments with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during average winter conditions.

ELECTRICAL STANDARDS

Wiring

(14) Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall type electrical convenience receptacles, connected in such manner as determined by the Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall type electric convenience receptacles.

Hall Lights

(15) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural light is not sufficient.

Maintenance

(16) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the Electric Code.

VENTILATION STANDARDS

Generally

(17) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructions are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such a room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

Habitable rooms

(18) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five percent of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.

Bathroom and water closet room

(19) Every bathroom equipped with more than one water closet compartment shall comply with the light and ventilation requirements for habitable rooms.

SPACE, USE AND LOCATION STANDARDS

Room sizes

(20) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the Residential Building Code. (Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one

occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

Ceiling Height

(21) At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

Cellar

(22) No cellar shall be used for living purposes unless:

(a) the floor and walls are substantially watertight;
(b) the total window area, total openable window area and ceiling height are equal to those required for a habitable room;
(c) the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or access way.

SAFE AND SANITARY MAINTENANCE STANDARDS

Exterior foundation, walls and roofs

(23) Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance of penetration of moisture or the weather.

Interior floors, walls and ceilings

(24) Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

Windows and doors

(25) Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water tight and rodent proof; and shall be kept in sound working condition and good repair.

Stairs porches and appurtenances

(26) Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and

capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

Bathroom and kitchen floors

(27) Every bathroom and kitchen floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in sound condition and good repair.

Supplied facilities

(28) Every supplied facility, piece of equipment or utility which is required under this Article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

Drainage

(29) Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

Smoke Detector Systems

(30) Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.

INSECT, RODENT AND INFESTATION CONTROL STANDARDS

Screens

(31) For protection against mosquitoes, flies and other insects every dwelling shall have:

(a) Supplied and installed screens on every door opening leading directly from the dwelling to outdoor space. Except, that sliding doors, doors with self closing devices, doors on mobile homes with self closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.

(b) Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year round with an operable and installed heating and air conditioning system.

Rodent control

(32) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

Infestation

(33) Every dwelling shall be maintained in a manner to be free of any infestations of insects, rodents or other pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

Rubbish storage and disposal

(34) Every dwelling shall be supplied with approved containers and covers for storage of rubbish as required by Town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

Garbage storage and disposal

(35) Every dwelling shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage container as required by Town ordinances.

ROOMING HOUSE STANDARDS

All of the provisions of this Chapter, and all of the minimum standards and requirements of this Chapter, shall be applicable to rooming houses, and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following Subsections:

Water closet, hand lavatory and bath facilities

(36) At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

Minimum floor area for sleeping purposes

(37) Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

Sanitary conditions

(38) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

Sanitary facilities

(39) Every water closet, flush urinal, lavatory basin and bathtub or shower required by Subsection (36) of this Section shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

[Note: Full compliance with a standard means that if any part of the stated standard is not complied with by a particular dwelling then that dwelling has failed to fully comply with the enumerated standard. For example, in regard to standard #10, if all standards are met in a dwelling except that a supply of hot water is not provided then the dwelling fails to fully comply with standard #10.]

Section 150.008. Dwellings Not in Compliance But Not Unfit for Human Habitation.

In any case where the Housing Inspector determines that a dwelling fails to fully comply with one or more, but less than seven (7) of the above enumerated standards of dwelling fitness, such dwelling shall not be found to be unfit for human habitation and shall not be subject to the procedures and remedies as provided for in this Chapter for dwellings unfit for human habitation. Each such failure of noncompliance, however, shall constitute a violation of the terms of this Chapter and shall subject the violator to the penalties and enforcement procedures, civil or criminal or both, of Section 10.99 of Town's Code of Ordinances. In making the determination as described in this Section, the Housing Inspector shall not be required to make notice and hold the hearing as called for in Section 150.006, but the Housing Inspector may do so if the determination of the severity and classification of dwelling fitness is not clear to the Housing Inspector upon preliminary investigation.

Section 150.009. Procedure After Hearing; Order.

If, after notice and hearing, the Housing Inspector determines that the dwelling under

consideration is unfit for human habitation in accordance with the standards set forth above, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the dwelling can be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation, based upon the Housing Inspector's standards for closing dwellings;

OR

(b) If the repair, alteration or improvement of the dwelling cannot be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve the dwelling in order to render it fit for human habitation or to remove or demolish such dwelling.

If, after notice and hearing the Housing Inspector determines that the dwelling under consideration is not unfit for human habitation but is not in full compliance with one or more standards of dwelling fitness as set forth above, he may proceed with the enforcement procedures of Section 10.99 of Town's Code of Ordinances, civil or criminal or both.

Whenever a determination is made pursuant to Subsections (a) or (b) of this Section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of Chapter, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Inspector shall certify the mailing of the notices, and the certifications shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Inspector to wait forty-five (45) days before causing removal or demolition.

Section 150.010. Failure to Comply with Order.

(a) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Housing Inspector may:

(1) Cause the dwelling to be repaired, altered or improved or to be vacated and closed.

(2) Cause to be posted on the main entrance of any such dwelling, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a violation of this Chapter.

(b) If the owner fails to comply with an order to repair, alter or improve or to remove or demolish the dwelling, the Housing Inspector may:

(1) Cause such dwelling to be vacated and removed or demolished.

(2) Cause to be posted on the main entrance of any such dwelling, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a violation of this Chapter.

(c) The duties of the Housing Inspector set forth in Subsections (a) and (b) shall not be exercised until the Board of Aldermen shall have by ordinance ordered the Housing Inspector to proceed to effectuate the purpose of this Chapter with respect to the particular property or properties which the Housing Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the Housing Code. For the purposes of this subsection, a period of ninety (90) days following the date of the Housing Inspector's order shall constitute a reasonable opportunity. This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

(d) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Housing Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes of North Carolina. If the dwelling is removed or demolished by the Housing Inspector, he shall sell the materials of the dwelling, and any personal property, fixture or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Housing Inspector, shall be secured in a manner directed by the Court, and shall be disbursed by the Court to the persons found to be entitled thereto by final order of the decree of the Court.

(e) If any occupant fails to comply with an order to vacate a dwelling, the Housing Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any persons occupying such dwelling. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the Housing Inspector produces the certified copy of an ordinance adopted by the Board of Aldermen pursuant to Subsection (c) authorizing the Housing Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment

ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Board of Aldermen has ordered the Housing Inspector to proceed to exercise his duties under Subsections (a), (b) and (c) of this Section to vacate and close or remove and demolish the dwelling.

Section 150.011. Service of Complaints and Orders.

Complaints or Orders issued by the Housing Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the inspector makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the town at least not later than the time at which personal service would be required under the provisions of this Chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Section 150.012. Appeals.

(a) The Board of Adjustment is hereby appointed as the Housing Appeals Board to which appeals from any decision or order of the Housing Inspector may be taken. Except where this Chapter provides for different rules or procedures, the Board of Adjustment acting as the Housing Appeals Board shall follow its rules of procedure, which may be amended to provide specifically for this function.

(b) An appeal from any decision or order of the Housing Inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the Town. Any appeal from the Housing Inspector shall be taken within ten days from the rendering of the decision or service of the order by filing with the Housing Inspector and with the Board a written notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Housing Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Housing Inspector refusing to allow the person aggrieved thereby to do any such act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the Housing Inspector requiring the person aggrieved to do any act, the appeal shall

have the effect of suspending the requirement until the hearing by the Board, unless the Housing Inspector certifies to the Board after the notice of appeal is filed with him, that because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that case, the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Housing Inspector, by the Board, or by a court of record upon petition made pursuant to Subsection (e) of this Section.

(c) The Board of Adjustment shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Housing Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Housing Inspector. The Board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the Chapter, to adapt the application of the Chapter to the necessities of the case to the end that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.

(d) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(e) Any person aggrieved by an order issued by the Housing Inspector or a decision rendered by the Board may petition the Superior Court for an injunction, restraining the Housing Inspector from carrying out the order or decision and the Court may, upon such petition, issue a temporary injunction restraining the Housing Inspector pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the Court on a petition within 20 days, and shall be given preference over other matters on the Court's calendar. The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Subsection.

Section 150.013. Alternative Remedies.

Nothing in this Chapter nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in Section 10.99 of the Code of the Town of Rockwell.

No dwelling shall be hereafter erected, altered, moved, or changed in occupancy without a Certificate of Occupancy. In any case where the Housing Inspector, after notice and hearing as

required herein, finds that a dwelling or dwelling unit is unfit for human habitation, he shall withhold issuance of a Certificate of Occupancy for such dwelling or dwelling unit: until such time that he determines that it is fit for human habitation. In addition, in any case where the Housing Inspector, after preliminary investigation as provided for herein, concludes, based upon that investigation, that a dwelling or dwelling unit is unfit for human habitation and believes that the occupancy of such dwelling or dwelling unit could cause imminent peril to life or property from fire or other hazards, he shall withhold issuance of a Certificate of Occupancy for such dwelling or dwelling unit until such time that he determines that it is fit for human habitation.

If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Chapter or of any valid order or decision of the Housing Inspector or Board made pursuant to any ordinance or code adopted under authority of this Chapter, the Housing Inspector may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or occupancy, to restrain, correct or abate the violation, to prevent the occupancy of the dwellings, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Section 150.014. Conflict with Other Provisions.

In the event any provision, standard or requirement of this Chapter is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town's jurisdiction shall prevail. The North Carolina Building Code, current edition, shall serve as the standard for all alterations, repairs, additions, removals, demolitions and other acts of building made or required pursuant to this Chapter.

Section 150.015. Violations.

In addition to the conditions, acts or failures to act that constitute violations specified in this Chapter above, it shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to Section 150.009, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition.

Section 150.016. Validity.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Aldermen hereby declares that it would have passed this Chapter and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid."

Part 2. All ordinances in conflict with the provisions of this Chapter are hereby repealed to the extent

of such conflict.

This Ordinance shall become effective upon its adoption by the Board of Aldermen of the Town of Rockwell, North Carolina.

Adopted this 6th day of June 2007.

CHAPTER 151: SUBDIVISIONS

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GENERAL PROVISIONS

§ 151.001 INTRODUCTION.

(A) Land subdivision regulations have been described as "the guidance of land subdivision development by a public authority, enforced through the power to uphold the privilege of public record from plats that do not meet the establishment requirements and standards."

(B) The town, in enforcing subdivision regulations is ensuring sound community growth for the Town of Rockwell and its extraterritorial jurisdictions, and it is safeguarding the interests of the homeowner and the subdivider. The decision of a subdivider to convert vacant land to housing

development, for example, is a serious one. This action indelibly places development in a town that is permanent and has a lasting influence for many years. For these reasons, it is of primary importance that a municipality adopt and enforce subdivision regulations.
(Ord. passed 9-9-1996)

§ 151.002 WORD TO DEVELOPER.

Any property owner, real estate agent or builder who anticipates subdividing land in Rockwell should become familiar with these regulations. They have been designed and drawn up to achieve equal, impartial treatment for all, and to provide clear-cut procedures for the preparation, submission and review or approval of subdivision plans. The Town of Rockwell encourages any and all developers to retain a qualified technician such as land planner, landscape architect, engineer, surveyor, or the like, to prepare the plan. This recommendation is made by the town because it is important that a person subdividing land possess the necessary skill and imagination to produce the best design under given conditions.
(Ord. passed 9-9-1996)

§ 151.003 TO AVOID DELAYS.

(A) Consult the Rockwell Subdivision Administrator who administers the Subdivision Chapter for the Town of Rockwell, before proceeding with subdivision plans.

(B) Make sure that the design of the subdivision meets the minimum standards of design.

(C) Submit all items as required when presenting a preliminary plat or a final plat for review or approval. Submit plans to the Rockwell Town Clerk.
(Ord. passed 9-9-1996)

§ 151.004 AMENDMENTS.

(A) The Rockwell Subdivision Administrator may, from time to time, and at the request of the Rockwell Town Board or the Rockwell Planning Board, prepare certain improvements to the text of the Subdivision Chapter to correct errors, update or modify the requirements or otherwise improve the operation of the chapter in regulating the subdivision of land.

(B) The Rockwell Subdivision Administrator will prepare an amendment application.

(C) The Rockwell Subdivision Administrator will schedule the amendment to be considered at the next scheduled meeting of the Rockwell Planning Board.

(D) The Subdivision Administrator will review the amendment and send written comments and a recommendation to the Rockwell Planning Board setting forth whether the amendment should be approved or denied and the reasons for the recommendation. In making the recommendation, the Subdivision Administrator may consult with other town or county agencies and may allow them to review the proposed amendment. The recommendation of the Subdivision Administrator will be submitted to the Rockwell Planning Board at least 5 days prior to their scheduled meeting.

(E) The Rockwell Planning Board shall have 45 days from the date at which it first met, to review the proposed amendment, the recommendation from the Subdivision Administrator and submit its recommendation to the Town Board. If a recommendation is not made during the 45-day period, the amendment shall be forwarded to the Rockwell Town Board without a recommendation from the Rockwell Planning Board.

(F) (1) Upon receipt of the recommendation on the amendment from the Rockwell Planning Board, the Rockwell Subdivision Administrator will schedule a public hearing for the Rockwell Town Board.

(2) No amendment shall be adopted by the Rockwell Town Board unless a public hearing has been held on the amendment. Notice of the public hearing shall be published in a newspaper of general circulations in Rockwell at least once a week for 2 successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than 10 days prior to the hearing date. In computing the 10- to 25-day period, the date of publication is not to be counted, but the date of the hearing is counted.

(G) After the public hearing, the Rockwell Town Board may approve, deny or modify the proposed amendment.
(Ord. passed 9-9-1996)

§ 151.005 ENFORCEMENT.

(A) After the effective date of this chapter, a plat of a subdivision filed or recorded in the office of the Register of Deeds of Rowan County without the approval of the Rockwell Planning Board or the Rockwell Town Board, as required by this chapter, will be null and void for purposes of this chapter.

(B) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this chapter, subdivides land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the Office of the Register of Deeds of Rowan County shall, upon conviction, be guilty of a misdemeanor which shall be punishable by a fine not to exceed $500, or imprisonment for not more than 30 days for each and every offense. The Town of Rockwell through its attorney may enjoin the transfer or sale by action for injunction. All administrative actions relating to the land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This chapter will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this chapter.

(C) In order to properly enforce the provisions of the subdivision regulations as stated in this chapter prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained. No permit will be issued unless there has been a determination made that the proposed use, building or structure complies with the requirements of this chapter.

(D) No street shall be recommended for maintenance by the town nor by the North Carolina State Department of Transportation upon any land for which a plat is required, unless and until the requirements of this chapter have been complied with and approval granted in accordance with this chapter.
(Ord. passed 9-9-1996)

§ 151.006 APPLICATION AND PROCESSING FEES.

(A) Fees for the submittal of preliminary and/or final subdivision plats shall be in the same amount as established by the Town of Rockwell, and shall be collected by the Rockwell Town Clerk at the time of submittal (of the initial subdivision application).

(B) Fees for variances and appeals of Rockwell Planning Board decisions shall be in accordance with a fee schedule adopted by the Rockwell Town Board and shall be collected by the Rockwell Town Clerk at the time a variance or appeal is submitted.
(Ord. passed 9-9-1996)

PURPOSE AND APPLICABILITY

§ 151.020 SHORT TITLE.

This chapter will be known and may be cited as the Rockwell Subdivision Chapter.
(Ord. passed 9-9-1996)

§ 151.021 PURPOSE.

The provisions of this chapter are adopted pursuant to the authority conferred by G.S. §§ 160A-371 *et seq.* for the purpose of promoting the orderly development of the town, and for the purpose of coordinating streets within subdivisions with existing or planned streets or with public facilities; to secure adequate rights-of-ways or easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to secure adequate open spaces for recreational purposes; to provide for the

distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; and to create conditions essential to health, safety convenience and the general welfare.
(Ord. passed 9-9-1996)

§ 151.022 AUTHORITY.

The enactment of this chapter is authorized under provisions pursuant to G.S. §§ 160A-371 *et seq.*
(Ord. passed 9-9-1996)

§ 151.023 JURISDICTION.

This chapter shall govern the platting and recording of any subdivision of land lying within the Town of Rockwell and the town's extraterritorial jurisdictional area as shown on the official zoning map of the Town of Rockwell.
(Ord. passed 9-9-1996)

§ 151.024 APPLICATION OF CHAPTER.

This chapter is applicable to all divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
(Ord. passed 9-9-1996)

§ 151.025 COMPLIANCE WITH CHAPTER.

(A) All plats for the subdivision of land must conform to the requirements of this chapter, and be submitted in accordance with the procedures and specifications established herein.

(B) The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this chapter.
(Ord. passed 9-9-1996)

§ 151.026 SEPARABILITY.

If any section, paragraph, subdivision, clause or provision of this chapter is judged invalid by a court of competent jurisdiction, the jurisdiction will apply only to the section, paragraph, subdivision, clause or provision so judged and the remainder of this chapter will be deemed valid and effective. (Ord. passed 9-9-1996)

§ 151.027 SUBDIVISIONS AND EXCEPTIONS.

The following shall not be included nor be subject to the regulations prescribed by this chapter:

(A) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as described herein;

(B) The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved;

(C) The public acquisition by purchase of strips of land for the widening or opening of street or the location of public utility rights-of-way;

(D) The division of a tract in single ownership the entire area of which is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification;

(E) The division of land into plots or lots for use as a cemetery;

(F) Easements for the purpose of utilities, driveways, parking, foot paths, trails or other similar purposes; and

(G) (1) Transfers of tracts or parcels by inheritance or bona fide gift; and

(2) Plats not subject to the provisions of this chapter may be recorded provided the owner desiring to record those plats shall obtain a certificate of exception from the Subdivision Administrator and shall present the certification to the recorder as proof the exception condition is present:

> Certificate of exception. I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which are conveyed to me (us) by deed recorded in Book___, Page___, and that the property qualifies as an exception to the Rockwell Subdivision Chapter of North Carolina.

_____	_____
Owner(s)	Date
_____	_____

Subdivision Administrator Date
Town of Rockwell
(Ord. passed 9-9-1996)

§ 151.028 RELATION TO OTHER ORDINANCES.

(A) It is not intended that this chapter will in any way interfere with the provisions of any other law or ordinance. In addition, it is not intended that this chapter will repeal, annul or interfere with any rules, regulations, permits or conditions which were legally adopted or issued under the Zoning Chapter, and which may conflict with any requirements in this chapter.

(B) Any Subdivision Chapter requirement which is inconsistent or conflicts with any Zoning Chapter requirement or condition, shall defer to the requirements and/or conditions stated in the Zoning Chapter or shall be attached as conditions under the conditional use provisions.
(Ord. passed 9-9-1996)

§ 151.029 EFFECTIVE DATE.

This chapter will take effect and be in force from and after the date of its adoption by the Town Board of Rockwell, North Carolina.
(Ord. passed 9-9-1996)

DEFINITIONS AND RULES OF CONSTRUCTION

§ 151.040 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEAL. An action relating to a dispute involving an administrative interpretation or application of or ordinance standard to a particular parcel of land.

BUILDING SETBACK LINES. A line parallel to the street right-of-way line or front property line, side property lines and rear property line of a lot. Buildings and structures shall not be erected within the area between the lot lines and the building setback lines.

EASEMENT. A grant by the property owner for use by the public, a corporation, or person(s), of a strip of land for a specific purpose.

LARGE-LOT SUBDIVISION. A subdivision in which all lots are 40,000 or more square feet in size.

LOT. A portion of a subdivision, or any other parcel of land, intended as a unit for a transfer of ownership or for development.

(1) ***CORNER LOT.*** A lot abutting upon 2 or more streets at their intersection.

(2) ***DOUBLE FRONTAGE LOT.*** A continuous lot between 2 streets accessible from both of the streets upon which it fronts. Corner lots are not included unless they front on 3 streets.

(3) ***LOT DEPTH.*** The distance of a line connecting the mid-points of the front and rear lines of a lot.

(4) ***LOT WIDTH.*** The distance between the sidelines of a lot measured on a line drawn perpendicular to the line used in measuring the lot depth and bisecting the line at its mid-point.

(5) ***REVERSE FRONTAGE LOT.*** A continuous lot between 2 streets accessible from only 1 of the streets upon which it fronts.

MINOR SUBDIVISION. A subdivision:

(1) Involving not more than 4 lots on an existing approved street;

(2) Not involving any new street or prospectively requiring any new street for access to interior property;

(3) Not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear; and

(4) Creating no new or residual parcels not conforming to the requirements of these regulations and related chapter.

OFFICIAL PLANS AND ORDINANCES. Any plans and ordinances officially adopted by an appropriate governmental body to guide and implement orderly physical development.

PLANNED UNIT DEVELOPMENT. A group of 2 or more principal structures built on a single lot or parcel of land, not subsequently to be subdivided into conventional streets and lots, and designed for occupancy by separate families, business firms, or other enterprises. A ***PLANNED UNIT DEVELOPMENT*** can also mean the unconventional subdivision and development of land, not subsequently to be subdivided into conventional streets and lots and designed for occupancy and ownership by separate families, business firms, or other enterprises with significant areas of common properties owned and maintained by private ownership associations.

SHALL. The word ***SHALL*** as herein used is always mandatory and not merely directory.

STREETS AND ROADS. A dedicated and accepted public right-of-way for vehicular traffic. The following functional classifications are used for roads and streets by the North Carolina Department of Transportation in the preparation of thoroughfare plans:

(1) ***CUL-DE-SAC.*** A local street which is permanently terminated by a vehicular turn-around.

(2) ***LOCAL STREET.*** A local street serves primarily to provide access to adjacent land and for travel over relatively short distances.

(3) ***MAJOR COLLECTOR.*** A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

(4) ***MINOR ARTERIAL.*** A link in a network joining cities and larger towns and providing interstate and intercounty service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

(5) ***MINOR COLLECTOR.*** A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland.

(6) ***PRINCIPAL ARTERIAL.*** A link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

SUBDIVIDER. Any person or firm, or official agent thereof, who subdivides any land deemed to be a subdivision.

SUBDIVISION.

(1) A subdivision will include all divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential planned development of multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets.

(2) The following will not be included within this definition nor be subject to the requirements of this chapter:

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this chapter;

(b) The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved;

(c) The public acquisition by purchase of strips of land for the widening or opening of streets or the location of public utility rights-of-way;

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

(e) The division of land into plots or lots for use as a cemetery;

(f) Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes; or

(g) Transfers of tracts or parcels by inheritance or bona fide gift.

THROUGH STREET. Any street not ending in a permanent deadend. A cul-de-sac is not a ***THROUGH STREET***. A street ending at a property boundary is a ***THROUGH STREET***.

VARIANCE. An action requesting consideration for relief from the strict enforcement of the standards of the chapter where special circumstances or unusual considerations may exist on the parcel of land.
(Ord. passed 9-9-1996)

§ 151.041 RULES OF CONSTRUCTION.

For the purposes of these regulations, the following rules of construction will apply.

(A) These regulations will be construed to achieve the purposes for which they are adopted.

(B) In the event of a conflict between the text of these regulations and any caption, figure, illustration, table or map, the text of these regulations will control.

(C) In the event of any conflict in limitations, restrictions or standards applying to a project, the more restrictive provision will apply.

(D) The words ***SHALL***, ***MUST***, and ***WILL*** are mandatory in nature, implying an obligation or duty to comply with the particular provision.

(E) The word ***MAY*** is permissive in nature except when used in the negative.

(F) Words used in the present tense include the future tense.

(G) Words used in the singular number include the plural number and the plural number includes

the singular number, unless the context of the particular usage clearly indicates otherwise.

(H) Words used in the masculine gender include the feminine gender.

(I) References to ***DAYS*** will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
(Ord. passed 9-9-1996)

ADMINISTRATION AND DECISION MAKING BODIES

§ 151.055 ADMINISTRATION.

This chapter shall be administered by the Subdivision Administrator.
(Ord. passed 9-9-1996)

§ 151.056 SUBDIVISION ADMINISTRATOR.

(A) This chapter shall be administered by the Subdivision Administrator who shall be appointed by the Town Board. The Subdivision Administrator is hereby authorized and it shall be his or her power and duty to implement the provisions of this chapter.

(B) The Subdivision Administrator will have the following powers and duties to be carried out in accordance with these regulations:

(1) To review and provide written comments to the Rockwell Planning Board on all subdivisions of land within the authority and jurisdiction of these regulations, excluding minor subdivisions;

(2) To approve minor subdivisions as defined in § 151.040;

(3) To review and provide written comments to the Rockwell Planning Board on variance petitions;

(4) To review and provide written comments to the Rockwell Town Board on notices of appeal;

(5) To maintain files and other public records related to the administration and enforcement of these regulations;

(6) To prepare amendments to the text of the regulations at the request of the Rockwell Town Board or Planning Board;

(7) To comment on proposed amendments to these regulations;

(8) To work to coordinate all local, state, and other appropriate agency reviews and comments on all subdivisions proposed under these regulations;

(9) To establish the rules of procedure as necessary and proper for the administration of their responsibilities under these regulations;

(10) To determine the completeness of appeals; and

(11) To place appeals and variances on Planning Board and/or Town Board agendas, and schedule public hearings when needed.
(Ord. passed 9-9-1996)

§ 151.057 ROCKWELL PLANNING BOARD.

(A) The Rockwell Planning Board will have the following powers and duties to be carried out in accordance with these regulations:

(1) To review the recommendations made by the Subdivision Administrator and provide a recommendation to the Rockwell Town Board on all subdivisions of land within the authority and jurisdiction of these regulations;

(2) To recommend and comment on proposed amendments to these regulations to the Town Board;

(3) To interpret the provisions of these regulations;

(4) To hear and decide requests for variances from the standards of this chapter in accordance with the provisions of §§ 151.145 *et seq.*; and

(5) To hear and decide appeals regarding the action of the Subdivision Administrator in the administration of this chapter.

(B) In deciding variances, the Rockwell Planning Board, acting in a quasi-judicial manner, may approve the request, deny the request or approve the request with conditions relating to the intent and standards of the chapter.

(C) In hearing appeals, the Rockwell Planning Board may reverse or modify any action under appeal upon finding an error in the application of these regulations.
(Ord. passed 9-9-1996)

§ 151.058 ROCKWELL TOWN BOARD.

(A) The Rockwell Town Board will have the following powers and duties to be carried out in accordance with these regulations:

(1) To review the recommendations made by the Planning Board and to make decisions regarding all subdivisions of land within the authority and jurisdiction of these regulations;

(2) To hear and decide appeals regarding the action of the Rockwell Planning Board in the approval or disapproval of any variance proposed under these regulations;

(3) To hear and decide appeals from any determination or interpretation of any provisions of this chapter from the Rockwell Planning Board; and

(4) To hear and decide on proposed amendments to these regulations.

(B) In reviewing subdivisions and proposed amendments, the Rockwell Town Board may approve the request, deny the request or approve the request with conditions relating to the intent and standards of the chapter.

(C) In deciding appeals, the Rockwell Town Board may reverse, or modify the order, decision, determination or interpretation under appeal upon finding an error in the application of these regulations.

(D) In deciding on proposed amendments, the Rockwell Town Board may approve the amendment, deny the amendment, or approve the amendment with conditions relating to the intent and standards of the chapter. On matters relating to text changes the Town Board may refer a matter back to the Planning Board for further review and may call for a new public hearing based on the recommendation then forwarded by the Planning Board.
(Ord. passed 9-9-1996)

§ 151.059 ROCKWELL TOWN CLERK.

The Town Clerk will have the following powers and duties to be carried out in accordance with these regulations:

(A) To maintain the text of these regulations;

(B) To accept and file notices of appeals within 10 days of the day a preliminary plan approval is issued or denied; and

(C) To accept and file petitions for variances.
(Ord. passed 9-9-1996)

SUBDIVISION PROCESS

§ 151.070 COMPLIANCE REQUIRED.

After the effective date of this chapter, no plat of a subdivision of land subject to the jurisdiction of this chapter will be filed or recorded by the County Register of Deeds until it has been submitted to and approved by the Rockwell Town Board. This includes all divisions of land as defined in § 151.040.
(Ord. passed 9-9-1996)

§ 151.071 GENERAL REQUIREMENTS.

(A) The following statements provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this chapter.

(B) Questions of interpretation of any of these provisions should be discussed with the Subdivision Administrator at the earliest possible time in the development of a subdivision proposal.

(1) *Consistency with adopted public plan and policies.* All subdivision of land approved under these regulations should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools and other similar facilities. Plans and policies for the community are on file in the offices of the Rockwell Town Clerk.

(2) *Conformity.* All proposed subdivisions should be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with existing development, new subdivisions should be planned so as to protect and enhance the stability, environment, health and

character of the neighboring area. All new non-residential developments or uses should be planned so as to prevent access to the new development through existing residential neighborhoods or areas zoned residentially.

(3) *Extension of existing streets.* The proposed street system should extend existing streets on their proper projections at the same or greater width than the minimum required by this chapter unless the extensions would result in the potential for undesirable traffic or land use relationships for existing or future development. Emphasis will be placed on the adopted thoroughfare plan and any adopted plans in the determination of street extensions and connections.

(4) *Access to adjoining unsubdivided property.* The proposed street system should be designed to provide for desirable access to and not to impose undue hardship upon unsubdivided property adjoining the subdivision and to provide interconnection to similar adjacent uses when the connection would facilitate traffic movement in the area. Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property are not permitted. However, the provision for or the existence of a potential access point does not mean that access at that point will be required or allowed in subsequent development of the area.

(5) *Relationship to topography.* In sloping terrain, streets should parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of storm water surface runoff.

(6) *Mature trees and natural vegetation.* Streets and development sites should be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.

(7) *Access to parks, schools, greenways and the like.* Streets should be designed or walkways dedicated to assure convenient access to parks, greenways, playgrounds, schools and other places of public assembly. Dedicated walkways may not be less than 15 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.

(8) *Discourage through traffic.* Streets should be laid out so as to discourage through traffic unless the street is designated as a thoroughfare in the adopted thoroughfare plan or is a designated collector street.

(9) *Relationship to railroad rights-of-way.* When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.

(10) *Parallel streets along thoroughfares.* Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for the lots to be developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means should be provided to prevent private driveways from having direct access to the highway or street.

(11) *Public school and public park sites.* When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway or open space site falls within an area proposed to be subdivided, the Subdivision Administrator will notify the appropriate agency of the proposed subdivision and its affect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without the reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18 month period, none of the actions listed above have commenced the subdivider may consider the land free of any reservation.

(12) *Public facilities.* When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing, or other public use sites falls within an area proposed to be subdivided, the Subdivision Administrator will notify the appropriate agency of the proposed subdivision and its affect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without the reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18 month period, none of the actions listed above have commenced the subdivider may consider the land free of any reservation.

(13) *Street names.* Proposed street names should not duplicate nor too closely approximate phonetically the name of any street within the county or town. Where proposed streets are extensions of existing streets, the existing street names should be used.

(14) *Easements.* Easements established to the width and in the locations required by the utility department, but in no case less then 10 feet wide, should be provided for open or piped storm drainage, sanitary sewers and water lines. This requirement applies to the lines installed at the time of the development of the subdivision, and to easements for the lines which may reasonably be expected to be installed in the future.

(15) *Proposed water and sewerage system.* The preliminary subdivision plan should be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

(a) Where these systems are to be a part of the public water and sanitary sewerage system, the acceptability of the proposed systems should be attested by the approval of the preliminary subdivision plan by the utility department or a letter from the utility department stating the availability of water and/or sewer service and that the subdivision will be allowed to connect to the system upon completion and dedication of the systems in the development.

(b) 1. When the proposed system to serve more than 1 structure does not contemplate the use of public facilities, the proposed systems will be reviewed and approved by the agency or agencies with jurisdiction over the approval. Evidence must be provided by the developer prior to the preliminary plan approval of the required discharge permit or perk test for sewer disposal whichever is applicable. Prior to the approval of the final plat evidence must be provided that both the sewer and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

2. Where local standards exceed those of state or federal agencies and where those standards may be enforced over those of state or federal agencies, then the Department of Environmental Protection will coordinate all reviews for the standards. However, the approval of the proposed systems remains with the responsible agency or agencies, which may include the Department of Environmental Protection.

(16) *Restrictions on the subdivision of land subject to flooding.* Lots that are subject to flooding should not be established in subdivisions except as provided in § 151.105.
(Ord. passed 9-9-1996)

§ 151.072 MINOR SUBDIVISION APPROVAL.

(A) (1) Minor subdivision as defined in § 151.040 may be submitted through an abbreviated procedure.

(2) A subdivider may submit a general sketch plan to the Subdivision Administrator to be determined if the proposed subdivision meets the definition of a minor subdivision.

(3) If the Subdivision Administrator determines that the proposed subdivision is a minor subdivision and the sketch plan does conform to the requirements and standards of this chapter, the Subdivision Administrator is authorized to allow the subdivider to prepare a final plat to be submitted as stated in §§ 151.077 and 151.078.

(B) Plans which are not approved may be revised and resubmitted or follow the standard procedure for subdivision review.
(Ord. passed 9-9-1996)

§ 151.073 PRELIMINARY PLAT REQUIREMENTS.

(A) The preliminary subdivision plat must be drawn to the following specifications and must contain or be accompanied by the information listed below.

(B) No processing or review of a preliminary plan will proceed without all of the information listed.

(1) The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements or other significant features of the tract.

(2) The location, sizes, elevations of existing sanitary sewers, storm drains and culverts within the tract and immediately adjacent thereto.

(3) Original contours at intervals of not less than 4 feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic survey and as extended by the city through its primary control system or to a bench mark that is within 2,000 feet of the subdivision. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make the information unnecessary.

(4) The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines and building setback lines with street dimensions, tentative lot dimensions, other property lines and the location of any building restriction flood lines required by § 151.105.

(5) The location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, and the building restriction floodline and flood protection elevation for each lot subject to flooding as defined in § 151.105.

(6) The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Subdivision Administrator.

(7) The scale of the plan which shall not be smaller than 100 feet to the inch and shall be a minimum of 18 inches by 24 inches in size, unless each lot in the proposed subdivision is more than 3 acres in size, in this case, the scale shall not be less than 200 feet to the inch. The plan shall include a north arrow and the date of submission.

(8) Typical cross sections of proposed streets showing width and proposed construction of roadways.

(9) Where a proposed street is an extension of an existing street, the profile shall be extended to include 300 feet of the existing roadway and storm drains if present and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where the street may be expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of adjoining tract.

(10) The proposed method of water supply and sewer disposal and the number of housing units proposed.

(11) A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(12) The location of any existing demolition landfills on the site and the location of any proposed demolition landfill sites if the information is available.

(13) A timetable for estimated project completion of the area covered by the preliminary plat. (Ord. passed 9-9-1996)

§ 151.074 PROCEDURES FOR PRELIMINARY PLAT APPROVAL.

(A) (1) A preliminary plat of the proposed subdivision developed in accordance with the specifications set forth in § 151.073, must be submitted to the Subdivision Administrator.

(2) The plat must be accompanied by an application in duplicate signed by the owner and/or his or her duly authorized agent for approval of the plans on application forms to be furnished by the Subdivision Administrator.

(3) At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in §§ 151.070 *et seq.* must be submitted with the application. (More copies will be required before the preliminary plat is forwarded to the Town Board.)

(B) (1) The Subdivision Administrator shall have 30 working days to review and comment on the initial preliminary plat.

(2) If subsequent corrections or changes to the initial preliminary plat are necessary, the Subdivision Administrator shall have 20 working days to review any revised plan.

(3) (a) The preliminary plat time limits listed above do not apply to plans which contain any proposed school, park, greenway or other public facility for which reservation is required.

(b) The applicant may consent to an extension of any of the time limits.

(4) Once the Subdivision Administrator has deemed the submitted preliminary plat complies with all requirements of the chapter, he or she shall schedule the plat for Planning Board review at their next regularly scheduled meeting date. (The Rockwell Subdivision Administrator must receive the plan and staff comments at least 14 days before the next regularly scheduled meeting of the Rockwell Planning Board in order to place the plan on their agenda.)

(C) (1) The Rockwell Planning Board shall review the proposed preliminary plat and shall then make a recommendation to the Town Board. If no recommendation is made within 45 days from the date on which the Planning Board initially reviewed the plat, it shall be forwarded to the Town Board without a recommendation. In reviewing the preliminary plat, the Planning Board can recommend:

(a) Approval of the plat;

(b) Approval of the plat with conditions; or

(c) Disapproval of the plat.

(2) The recommendation of the Planning Board will be forwarded to the Town Board by the Subdivision Administrator.

(D) The Subdivision Administrator will schedule the preliminary plat to be reviewed by the Town Board at their next scheduled meeting date.

(E) (1) The Town Board shall review the preliminary plat after the expiration of the 45 days or after reviewing the Planning Board's recommendation. In reviewing the preliminary plat, the Town Board action may be approval, tentative approval with conditions, or denial of the preliminary plat.

(2) When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with those conditions.

(3) If the Town Board disapproves a preliminary plat of a subdivision, the grounds for the disapproval will be stated in writing to the applicant by the Subdivision Administrator. After the disapproval, an appeal from the decision of the Rockwell Town Board may be taken to the Superior Court as per § 151.134.

(4) (a) If the Rockwell Town Board approves the preliminary plat, it shall be noted on a copy of the plat and the copy shall be filed with the Subdivision Administrator. In approving the subdivision plat, the Town Board may attach fair and reasonable conditions which are deemed to be in the interest of the public's health, safety and welfare which shall be noted on the subdivider's and Subdivision Administrator's copies.

(b) These conditions may include, but are not limited to, the following:

1.Alignment of roads within the subdivision to allow for an improved flow of traffic;

2. Provision of improvements or roads which provide direct access to the

subdivision, at the subdivider's expense. The improvements may include the installation of deceleration lanes, road widening work, intersection improvements, and left-hand turn lanes;

3. Requirements that certain lots be limited to access off interior local streets within the subdivision rather than off collector or thoroughfare roads; and

4. Requirements that roads be stubbed so that they can be extended at some point in the future.
(Ord. passed 9-9-1996)

§ 151.075 EFFECT OF APPROVAL OF PRELIMINARY PLAT.

(A) A preliminary plat approved under the provisions of this chapter will be valid for a period of 3 years from the date of approval.

(B) If no work on the site in furtherance of the plat has commenced within the 3-year period, the preliminary plat approval will become null and void and a new application will be required to develop the site.

(C) If work on the site in furtherance of the plat has commenced that involves any utility installations or street improvements except grading, the plan will remain valid and in force and the subdivision may be completed in accordance with the approved plat.
(Ord. passed 9-9-1996)

§ 151.076 GRADING OF THE SITE.

Preliminary plat approval is required for any grading work on the site for the installation of any improvements in furtherance of the development.
(Ord. passed 9-9-1996)

§ 151.077 FINAL PLAT REQUIREMENTS.

(A) The final plat shall be prepared by a registered surveyor and must be drawn to scale not smaller than 100 feet equal 1 inch, and be a minimum of 18 inches by 24 inches in size unless each lot in the proposed subdivision is more than 3 acres in size.

(B) In that case, the scale shall not be less than 1 inch equals 200 feet, and must contain the following information.

(1) The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.

(2) (a) The lines and names of all streets, alley lines, lot lines, lot and block numbers, building setback lines, easements, reservations, on-site demolition landfills and areas dedicated to

public purpose with notes stating their purposes. Also, the plat for all lots subject to flooding shall include a statement as follows: "This lot is subject to flooding during heavy rainfall and the construction of buildings or structures below the flood protection elevation of_____is prohibited, as further described by § 151.105 of the Rockwell Subdivision Chapter." Plats for multiple lots may include the flood protection elevations in tabular form.

(b) In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat: "Any construction or use within the areas delineated as floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by the Floodway Regulations".

(c) Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

(3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, building line, easements required hereunder or of record in Rowan County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.

(4) As built drawings and plans of all water system, sewer system, and storm drainage system facilities. These plans should show all easements and/or rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.

(5) The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(6) The accurate location of monuments which must be established along the rear property lines of lots with a minimum of 2 per block located along a common line, including coordinates computed from the North Carolina Plane Rectangular Coordinate System and the Town of Rockwell Primary Control System as extended therefrom, provided a control monument is within 2,000 feet of the subdivision. The corners of all lots and parcels must be marked with iron posts driven flush with the ground. The iron posts must be placed where lot boundaries intersect railroad and public street rights-of-way. As an alternative the iron posts for the lot corners intersecting street rights-of-way may be placed behind the curb and gutter on the same line as the property line if the locations of these irons are noted on the record plat.

(7) The final plat shall meet all applicable specifications required in § 151.070 *et seq.* and the following signed certificates shall appear on each copy of the plat:

(a) *Certificate of approval for recording.*

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Chapter of the Town of Rockwell and that this plat has been approved by the Town Board of Rockwell_____ for recording in the Rowan County Deeds Office within 90 days of the approval date below. Therefore, this plat shall be valid for recording until_____. After the date, this approval shall be null and void.

_____ _____

Subdivision Administrator Date
Rockwell, North Carolina

(b) *Certificate of ownership and dedication.*

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Rockwell and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewers to_____, all storm sewer systems to_____, and all water lines to_____.

_____ _____

Owner(s) Date

(c) *Certificate of survey and accuracy.*

1. a. On the face of each map for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map, including deeds and any recorded data shown thereon.

b. The certificate shall include a statement of error of closure calculated by latitudes and departures.

c. Any lines on the map which were not actually made by survey must be clearly indicated on the map and a statement included in the certificate revealing the source of the information.

2. The certificate shall take the following form:

I,_____certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made

under my supervision) (deed description recorded in Book____, Page_____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:_____, that the boundaries not surveyed are shown as broken lines plotted from information found in Book_____, Page_____; that this map was prepared in accordance with G.S. § 47-30, as amended.

Witness my hand and seal this_____day of_____, A.D. 20_____.

_____
Registered Land Surveyor

Official Seal

_____
Registration Number

I (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the_____day of_____(year).

_____
Signature of Officer

Official Seal

(d) *Certificate of approval of the design and installation of streets, utilities, and other required improvements.*

I hereby certify that all streets, public drainage and utilities, and other improvements have been installed in an acceptable manner and according to town standards or as otherwise provided for in the Subdivision Chapter, or that guarantees for the installation of the required improvements in the amount and manner satisfactory to the Town of Rockwell have been received.

_____ _____
Public Works Department Date

(C) Final written approval by the Subdivision Administrator must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this chapter. A copy of the sealed and recorded final plat must be delivered to the Subdivision Administrator within 5 days of recording.
(Ord. passed 9-9-1996)

§ 151.078 PROCEDURES FOR FINAL PLAT APPROVAL.

(A) Upon approval of the preliminary subdivision plat by the Rockwell Town Board, the subdivider may proceed to comply with the other requirements of this chapter, and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan. However, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by Rockwell or the State Department of Transportation, minimum improvements (including drainage, soil erosion and streets) must have been completed by the developer in accordance with this standards and specifications of this chapter. The final subdivision plat must be developed in accordance with the specifications set forth in § 151.077. When the final plat is submitted to the Subdivision Administrator for review, it must be accompanied by an application in duplicate signed by the owner and/or his or her duly authorized agent for final plat approval on an application form to be supplied by the Subdivision Administrator. The official plat for recording, together with a sufficient number of copies for distribution shall be presented for review to the Subdivision Administrator along with a fee set by the Rockwell Town Board to review the final plat.

(B) (1) The Subdivision Administrator shall have 30 working days to review and comment on the final plat. The Subdivision Administrator comments along with final plat copies will be forwarded by the Subdivision Administrator to the Planning Board for review at their next scheduled meeting date. The Subdivision Administrator must receive the final plat and staff comments at least 14 days before the next regularly scheduled meeting of the Rockwell Planning Board in order to place the final plat on their agenda.

(2) If subsequent corrections or changes to the initial final plat are necessary, the Subdivision Administrator shall have 20 working days to review any revised plan.

(C) (1) The Rockwell Planning Board shall review the proposed final plat and shall then make a recommendation to the Town Board.

(2) If no recommendation is made within 45 days from the date on which the Planning Board initially reviewed the plat, it shall be forwarded to the Town Board without a recommendation.

(3) In reviewing the final plat, the Planning Board can recommend:

(a) Approval;

(b) Approval with conditions; or

(c) Disapproval.

(4) The recommendation of the Planning Board will be forwarded to the Town Board by the Subdivision Administrator.

(D) The Subdivision Administrator will schedule the preliminary plat to be reviewed by the Town Board at their next scheduled meeting date.

(E) (1) The Town Board shall review the final plat after the expiration of the 45 days or after reviewing the Planning Board's recommendation. In reviewing the final plat, the Town Board action may be approval, tentative approval with conditions, or denial of the final plat.

(2) When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with those conditions.

(3) If the Rockwell Town Board disapproves a final plat of a subdivision, the grounds for the disapproval will be stated in writing to the applicant by the Subdivision Administrator. After the disapproval, an appeal from the decision of the Rockwell Town Board may be taken to the superior court as per § 151.134.
(Ord. passed 9-9-1996)

§ 151.079 PLATS ALREADY ESTABLISHED BY SURVEY.

Plats already established by survey and recorded in the Rowan County Register of Deeds prior to the effective date of this chapter will be eligible for development and other administrative permits without complying with the requirements of this chapter.
(Ord. passed 9-9-1996)

§ 151.080 PLANNED DEVELOPMENTS.

The following requirements will apply for the preparation, submission, and approval of preliminary site plans for planned developments, cluster developments, subdivisions involving 1-family attached dwellings and planned multi-family developments.

(A) (1) A pre-preliminary site plan conference will be arranged by the developer with the Subdivision Administrator prior to the submission of a preliminary site plan for a planned development or a cluster development. At this meeting, the developer shall submit a concept plan of the planned development or cluster development. The concept plan should be on a topographical survey and should show in simple sketch form the proposed layout of streets, lots, buildings, and other features in relation to existing conditions.

(2) It should include the following information:

(a) The boundary lines of the property being developed;

(b) Water courses on the land to be developed;

(c) The location, names, and right-of-way width of any existing streets on or within 300 feet of the land to be developed; and

(d) The location of all property lines which intersect the boundaries of the property being developed.

(B) Subdivisions for nonresidential development must conform to the provisions of this chapter and to the provisions of the applicable zoning district.

(C) The Subdivision Administrator shall have 20 working days to review and comment on the concept plan before placing the concept plan, and comments, on the Planning Board's agenda for their next scheduled meeting. As long as the concept plan is received by the Subdivision Administrator at least 14 days before the next regular meeting date of the Planning Board, it can be reviewed by the Planning Board at their next regularly scheduled meeting date.

(D) The Rockwell Planning Board shall have 45 consecutive days from their first meeting to review and make a recommendation on the concept plan. The Planning Board shall advise the developer of any deficiencies that must be corrected prior to submission of a preliminary plat.

(E) (1) Once the concept plan is approved, the developer can submit a preliminary site plan and supplemental documents to the Subdivision Administrator for review along with a fee set by the Rockwell Town Board for review.

(2) The preliminary site plan must be prepared in accordance with the requirements of § 151.072 and must include the following additional information:

(a) The use, approximate height, bulk, and location of all buildings and structures other than 1-family detached and semi-detached dwellings, except that 1-family detached dwellings using a zero side yard shall be shown;

(b) All proposed land use and dwelling unit densities;

(c) In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed;

(d) The proposed location, use, improvements, ownership and manner of maintenance of common open space areas;

(e) Final drafts of legal documents dedicating and restricting the common areas and establishing a homeowners association or similar organization; and

(f) Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

(F) (1) The Subdivision Administrator shall have 30 working days to review and comment on the preliminary site plan to ensure conformance with the requirements of the Rockwell Zoning Chapter and with this chapter.

(2) In addition, the Subdivision Administrator will evaluate the plan in accordance with the standards listed below:

(a) The character, amount and arrangement of common open space areas must adequately serve the needs of the residents;

(b) Proposed means of dedication, ownership, and maintenance of all common areas, the restrictions of its uses, and the organization and authority of the homeowner associations as may be established for ownership and maintenance of the common area to assure the continuance of the space for its designed purpose;

(c) Site planning for the overall development which provides protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development;

(d) The terms and conditions proposed for development over a period of years sufficient to protect the interests of the public and the residents of the development; and

(e) 1. Deviation from these requirements is justified by the high quality of design of the development.

2. If subsequent corrections or changes to the initial preliminary site plan are necessary, the Subdivision Administrator shall have 20 working days to review any revised plan(s).

3. The preliminary site plan time limits listed above do not apply to plans which contain any proposed school, park, greenway or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits.

(G) Once the Subdivision Administrator staff has deemed the submitted preliminary plan complies with all requirements of the chapter, the Subdivision Administrator shall forward the preliminary site plan with staff comments to the Rockwell Planning Board review at their next regularly scheduled meeting date. The Rockwell Subdivision Administrator must receive the site plan and staff comments at least 14 days before the next regularly scheduled meeting of the Rockwell Planning Board in order to place the plan on their agenda.

(H) (1) The Rockwell Planning Board shall have 45 consecutive days from their first meeting to review and take action on the preliminary site plan.

(2) (a) The Planning Board shall review the proposed preliminary site plan and shall then make a recommendation to the Town Board.

(b) If no recommendation is made within 45 days from the date on which the Planning Board initially reviewed the site plan, it shall be forwarded to the Town Board without a recommendation.

(c) In reviewing the preliminary plan the Planning Board can recommend:

1. Approval of the site plan;

2. Approval of the site plan with conditions; or

3. Disapproval of the site plan.

(d) The recommendation of the Planning Board will be forwarded to the Town Board by the Subdivision Administrator.

(e)The Subdivision Administrator will schedule the preliminary site plan to be reviewed by the Town Board at their next scheduled meeting date.

(f) The Town Board shall review the preliminary site plan after the expiration of the 45 days or after reviewing the Planning Board's recommendation. In reviewing the preliminary site plan, the Town Board action may be approval, tentative approval with conditions, or denial of the preliminary site plan.

(g) 1. When granted tentative approval with conditions, the developer must submit a revised site plan that is in conformance with those conditions.

2. If the Town Board disapproves the preliminary site plan, the grounds for the disapproval will be stated in writing to the applicant by the Subdivision Administrator. After the disapproval, an appeal from the decision of the Rockwell Town Board may be taken to the Superior Court as per the provisions in § 151.134.

(I) (1) Upon approval of the preliminary site plan by the Rockwell Town Board, the subdivider may proceed to comply with the other requirements of this chapter, and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary site plan. However, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by Rockwell and the State Department of Transportation, minimum improvements, including drainage, soil erosion, and streets, must have been completed by the developer in accordance with the standards and specifications of this chapter or bonded in accordance with the provisions of §§ 151.170 *et seq*.

(2) The final subdivision plat must be developed in accordance with the specifications set forth in § 151.077. When the final plat is submitted to the Subdivision Administrator for review, it must be accompanied by an application in duplicate signed by the owner and/or his or her duly authorized agent for final plat approval on an application form to be supplied by the Subdivision Administrator. The official plat for recording, together with a sufficient number of copies for distribution shall be presented for review by the Subdivision Administrator along with a fee for review, set by the Town Board.

(3) The Subdivision Administrator staff shall have 30 working days to review and comment on the initial final plat.

(4) If subsequent corrections or changes to the initial final plan are necessary, the Subdivision Administrator shall have 20 working days to review any revised plat.

(5) Once the Subdivision Administrator has deemed the submitted final plat complies with all requirements of this chapter, the staff shall forward the final plat copies along with the staff comments to the Planning Board for review at their next scheduled meeting date. The Rockwell Subdivision Administrator must receive the final plat and staff comments at least 14 days before the next regularly scheduled meeting of the Rockwell Planning Board.

(J) (1) The final plat for planned developments, cluster developments, and subdivisions involving 1-family attached dwellings shall be prepared in accordance with the requirements of § 151.077.

(2) It shall contain the following additional information:

(a) The use, bulk, and location of all buildings and structures other than 1-family detached and semi-detached dwellings;

(b) All land uses; and

(c) The location, use, improvements, ownership, and manner of maintenance of all common areas.

(K) (1) The Rockwell Planning Board shall review the final plat and shall then make a recommendation to the Town Board. If no recommendation is made within 45 days from the date on which the Planning Board initially reviewed the plat, it shall be forwarded to the Town Board without a recommendation.

(2) In reviewing the plat, the Planning Board can recommend:

(a) Approval of the plat;

(b) Approval of the plat with conditions; or

(c) Disapproval of the plat.

(3) The recommendation of the Planning Board will be forwarded to the Town Board by the Subdivision Administrator.

(L) The Subdivision Administrator will schedule the final plat to be reviewed by the Town Board at their next scheduled meeting date.

(M) (1) The Town Board shall review the final plat after the expiration of the 45 days or after reviewing the Planning Board's recommendation. In reviewing the final plat, the Town Board action

may be approval, tentative approval with conditions, or denial of the final plat.

(3) When granted tentative approval with conditions, the developer must submit a revised plat that is in conformance with those conditions.

(3) (a) If the Rockwell Town Board disapproves a final plat, the grounds for the disapproval will be stated in writing to the applicant by the Subdivision Administrator.

(b) After the disapproval, or appeal from the decision of the Rockwell Town Board may be taken to the Superior Court as per the provisions of § 151.134.
(Ord. passed 9-9-1996)

SUBDIVISION DEVELOPMENT REQUIREMENTS

§ 151.095 GENERAL.

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed.
(Ord. passed 9-9-1996)

§ 151.096 STREETS AND ROADS.

Streets and roads in subdivisions shall comply with the following.

(A) *Street names.*

(1) Street names shall not duplicate or closely approximate, phonetically, existing street names in the Town of Rockwell and the area covered by this chapter.

(2) Street names shall be approved by the Subdivision Administrator.

(B) *Coordination with existing and proposed streets.* Streets shall be designed in coordination with existing and proposed streets in the surrounding area providing for the continuation of appropriate streets.

(C) *Large lot subdivisions.* If land is to be subdivided into tracts larger than typical building lots, streets and roads shall be graphically arranged on the preliminary plan so as to allow for future resubdivision and opening of streets.

(D) *Cul-de-sacs.*

(1) Cul-de-sacs or other dead-end streets designed to be permanently closed shall be no longer than 800 feet, except that a variance may be granted for cul-de-sacs or dead-end streets of between 800 and 1200 feet. In any new proposed subdivision containing any street in excess of 1,200 feet, the entire subdivision shall have streets with a minimum of 24 feet in width of pavement and a right-of-way of at least 50 feet.

(2) Cul-de-sacs or other dead-end streets shall be provided at the closed end with sufficient right-of-way for vehicular circulation. Circular right-of-way at the closed end shall have a minimum radius of 45 feet and the surfaced area shall have a minimum radius of 35 feet. Temporary dead-end streets shall be provided with a turnaround radius of at least 1/2 the right-of-way of the streets.

(E) *Parkways.* Parkways or double streets may be required to traverse a drainage way, watercourse or stream. The width of the right-of-way shall be adequate to accommodate the flow of stormwater.

(F) *Parallel access streets.* Parallel access streets may be required along existing or proposed arterials and major collectors to afford separation of local traffic from through traffic.

(G) *Streets of nonresidential area.* The width of right-of-way and roadway surfacing on streets adjacent to existing or proposed nonresidential property may be increased by the Subdivision Administrator up to 15 feet to ensure the free flow of traffic without interference of vehicles entering or leaving the property.

(H) *Private streets and reserve strips.* Private streets or reserve strips shall not be platted in any subdivision.

(I) *Rights-of-way.* A proposed street right-of-way shall be of sufficient width to accommodate the required cross section but in no instance shall a street right-of-way be less than the following:

Arterial Roads	60 feet
Major Roads	60 feet
Minor Roads	40 feet
Collectors	40 feet
Local Streets	40 feet

(J) *Street standards.* Subdivision streets shall be a minimum width of 22 inches from curb back to back. Otherwise, all subdivision streets shall conform to the following requirements and minimum standards of design as set forth in the most current North Carolina Department of Transportation Standards as set forth from time to time and published by North Carolina Department of Transportation.

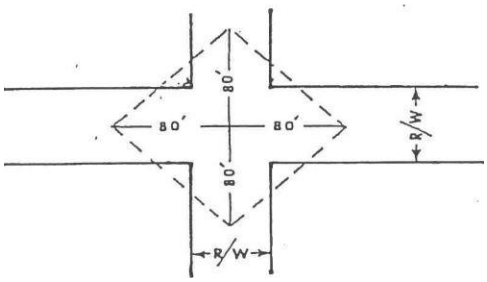
(K) *Intersections.* The following minimum standards shall apply to street intersections:

(1) *Angle intersections.* Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than a 60-degree angle.

(2) *Frequency of intersections.* Intersections, whether full or tee intersections, shall not occur at less than the distances indicated:

Street type	***Minimum distance between intersections***
Arterial	1,000 feet
Major Roads	800 feet
Minor Roads	400 feet
Collectors	200 feet
Local Streets	200 feet

(3) *Right-of-way at street intersections.* Right-of-way on each corner at an intersection shall be enlarged by constructing a triangle. One point of the triangle shall be the intersection of the center lines of the 2 streets abutting the corner lot. The other points shall be a minimum distance of 80 feet distant from the first point on minor collectors and local streets and shall be located on the center lines of the 2 streets abutting the corner lot.



(L) *Topography.*

(1) All topography for streets within subdivisions shall be as shown on town topography mapping, when available.

(2) Prior to availability, the topography shall be field done for centerline of streets and shall be shown as a street profile in vertical scale.

(3) If within town limits, it may be referenced from the town's existing sewer manholes or from the federal elevation points that are located within the town.

(M) *Maintenance.* The developer shall be responsible for the repairs to streets within subdivisions for up to 12 months from date of acceptance by the town.
(Ord. passed 9-9-1996)

§ 151.097 BLOCKS.

(A) *Generally.* Blocks shall be laid out with due consideration to the traffic circulation pattern and the contemplated use.

(B) *Width.* Blocks shall have sufficient width to provide 2 tiers of lots of minimum size, except blocks may be 1 lot in width where reverse frontage lots are required to separate residential development from nonresidential uses.

(C) *Distance between through streets.* Along each side of each street the distance between through streets shall fall between the minimum and maximum specified below, provided that the minimum distance specified shall not prevent access from adjoining property to a street.

Street type	***Distance***		
	Minimum	***Maximum***	
		Regular subdivision	***Large lot subdivision***
Arterial	1,000 feet	-	-
Major Road	800feet	-	-
Minor Road	600 feet	2,000 feet	2,000 feet
Collector	200 feet	1,400 feet	1,800 feet
Local	200 feet	1,400 feet	1,800 feet

(D) *Medians.* Whenever a median is to be located within an arterial road or major road right-of-way, the following regulations shall be applicable:

(1) The pavement width shall be no less than 13 feet from the edge of the median to the outer edge of the pavement.

(2) (a) The right-of-way width shall be a minimum of 70 feet from the intersection to the end of the median.

(b) At a point 10 feet beyond the end of the median, the right-of-way width can taper to 60 feet over a minimum distance of 60 feet.

(3) Medians shall not exceed 9 feet width unless additional right-of-way is provided as may be needed.

(4) The median shall be no closer than 15 feet from the center of any 2 intersecting streets.

(5) Medians shall only be allowed when provisions have been made for persons or parties other than the town to be responsible for the medians. The responsible party shall be identified on the final plat.
(Ord. passed 9-9-1996)

§ 151.098 LOTS.

(A) *Generally.* Lots shall be designed in shape, size, and location with due regard to topographic conditions features of the surrounding area, contemplated use and official plans and ordinances.

(B) *Frontage on a public street.* Every lot shall front or abut on a public street for a minimum width of 50 feet.

(C) *Double and reverse frontage.* Double and reverse frontage shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from nonresidential development.

(D) *Side lot lines.* Side lot lines shall be substantially at right angles or radial to street lines.

(E) *Area of lots.* All lots shall conform with the minimum standards contained in the Zoning Chapter.
(Ord. passed 9-9-1996)

§ 151.099 BUILDING SETBACK LINES.

The building setback from the lot line shall be in conformance with the Zoning Chapter.
(Ord. passed 9-9-1996)

§ 151.100 EASEMENTS.

(A) *Utility.*

(1) Utility easements when and where required shall be a minimum of 20 feet in width along rear lot lines and subdivision boundaries and 10 feet in width along side lot lines.

(2) Where possible, these easements shall be centered on lot lines providing 10 feet on each side of rear lot lines and 5 feet on each side of the side lot line.

(3) An easement of 10 feet along a subdivision boundary is sufficient if there is an easement of like or greater size on the opposite side of that boundary.

(B) *Drainage.*

(1) Where a drainageway, watercourse or stream traverses borders of a subdivision, it shall be shown on the preliminary plan and the final plat conforming substantially with the lines of the watercourse and at a width adequate to accommodate the flow of stormwater.

(2) For presentation on preliminary plans and final plats, watercourse boundaries are to be interpreted as approximations of actual boundaries.

(3) For example, a 20-foot watercourse shall be deemed to extend approximately 10 feet on each side of the center of the water flow, unless otherwise specified.

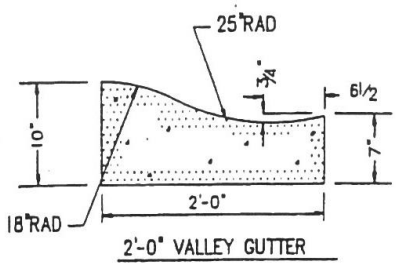
(C) *New and relocated watercourses.*

(1) Where a subdivider proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be indicated on the preliminary plan and the final plat.

(2) Any channels, diversions, or other improvements needed to carry water to or along this new course shall be constructed or guaranteed prior to final plat approval.
(Ord. passed 9-9-1996)

§ 151.101 CURB AND GUTTER.

Valley-type roll curb and gutters must be constructed on all roads and streets within the town limits, and designed to the standards shown in detail below.



(Ord. passed 9-9-1996)

§ 151.102 STREET LIGHTS.

(A) Street lights are required in all new subdivisions within the town limits.

(B) The street lights shall be located at every street intersection and spaced no further than 400 feet apart.
(Ord. passed 9-9-1996)

§ 151.103 UNDERGROUND UTILITIES.

Unless specifically waived by the Town Board due to topography, location of underground rock, and the like, all utility lines shall be constructed underground for all new subdivisions. All service lines to individual lots shall be installed prior to the paving of any streets.
(Ord. passed 9-9-1996)

§ 151.104 MINIMUM THICKNESS OF BASE COURSE AND PAVEMENT SURFACE.

(A) The minimum thickness specified below are applicable at the passage of this chapter.

(B) Minimum design will be as follows:

base course	8 inches of ABC *
pavement surface	2 inches of I-2 **
* ABC - Aggregate Base Course, No. 7	
** I-2 - Bituminous Concrete Surface Course, Type I	

(C) The base course and pavement course shall require a proof roll by the Town of Rockwell. (Ord. passed 9-9-1996)

§ 151.105 LOTS SUBJECT TO FLOODING.

A registered engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, the subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of 1 time in 100 years (the 100-year flood) in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the County Engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation 1 foot above the 100-year flood crest. That line shall be known and identified on the final plat as the ***BUILDING RESTRICTION FLOODLINE***. In addition, a ***FLOOD PROTECTION ELEVATION*** for each lot subject to flooding shall be noted on the lot plan as determined by the County Engineer based on the building restriction floodline, or for lots upstream of street crossings, the low elevation of the street plus 1 foot, whichever is greater. All habitable buildings or structures shall be located outside the building restriction floodline or the lowest usable and functional part of the structure shall not be below the flood protection elevation. ***USABLE AND FUNCTIONAL PART OF THE STRUCTURE*** shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached, carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the flood

protection elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, the lot may be approved only if there will be available for building a usable lot area of not less than 1,200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the building restriction floodline. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the town or within its jurisdiction, that are covered by the provisions of the floodway regulations, the floodway regulations will supersede the provisions of this chapter regarding land within the regulatory floodplain.
(Ord. passed 9-9-1996)

APPEALS

§ 151.120 AUTHORITY OF THE ROCKWELL TOWN BOARD.

The Rockwell Town Board will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by the Rockwell Planning Board pursuant to or regarding these regulations.
(Ord. passed 9-9-1996)

§ 151.121 AUTHORITY OF THE ROCKWELL PLANNING BOARD.

The Rockwell Planning Board will have the authority to hear and decide appeals from any action of the Subdivision Administrator pursuant to or regarding these regulations.
(Ord. passed 9-9-1996)

§ 151.122 STANDARDS FOR GRANTING AN APPEAL.

(A) The Rockwell Town Board may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the application of these regulations on the part of the Rockwell Planning Board rendering the order, decision, determination or interpretation.

(B) In modifying the order, decision, determination, or interpretation, the Rockwell Town Board will have all the powers of the Rockwell Planning Board from whom the appeal is taken.

(C) The Rockwell Planning Board may reverse or modify any action or decision under appeal

upon finding an error in the application of these regulations on the part of the Subdivision Administrator.

(D) In modifying the action, the Rockwell Planning Board will have all the powers of the Subdivision Administrator from whom the appeal is taken.
(Ord. passed 9-9-1996)

§ 151.123 INITIATION.

(A) An appeal from any order, decision, determination or interpretation made by the Rockwell Planning Board may be initiated by any person aggrieved, or by any officer or department of the Town of Rockwell.

(B) An appeal from any action or decision made by the Subdivision Administrator may be initiated by any person aggrieved, or by any officer or department of the Town of Rockwell.
(Ord. passed 9-9-1996)

§ 151.124 FILING OF NOTICE OF APPEAL.

(A) (1) A notice of appeal in the form prescribed by the Rockwell Town Board must be filed with the Rockwell Town Clerk within 10 days of the day a preliminary plan approval is issued or denied by the Rockwell Planning Board or within 10 days of the day an action or decision by the Subdivision Administrator is taken.

(2) The notice filed with the Rockwell Town Clerk must be accompanied by a nonrefundable filing fee as established by the Rockwell Town Board. Failure to file the notice and fee in a timely manner will constitute a waiver of any rights to appeal under this section.

(B) The filing of an appeal of an order, decision, determination or interpretation made by the Rockwell Planning Board will require the Subdivision Administrator and the Rockwell Planning Board to transmit to the Rockwell Town Board all administrative papers, records, and other information regarding the subject matter of the appeal.

(C) The filing of an appeal of an action or decision taken by the Subdivision Administrator will require the Subdivision Administrator to transmit to the Rockwell Planning Board all administrative papers, records and other information regarding the subject matter of the appeal.

(D) Except as provided below, the filing of this notice shall stay any proceedings in furtherance of the contested action.
(Ord. passed 9-9-1996)

§ 151.125 DETERMINATION OF COMPLETENESS.

(A) (1) Within 10 working days of receiving a notice of appeal, the Rockwell Subdivision

Administrator will determine whether the notice is complete. If the Subdivision Administrator determines that the notice is not complete, he or she will notify the appellant specifying the notice's deficiencies. The Town Clerk and the Subdivision Administrator will take no further action on the notice of appeal until the deficiencies are remedied.

(2) If the Rockwell Subdivision Administrator fails to notify the appellant, the notice will be deemed complete.

(B) Once the notice of appeal of any order, decision, or determination or interpretation taken by the Rockwell Planning Board is deemed complete, the Rockwell Subdivision Administrator shall schedule the appeal for consideration at a public hearing as per § 151.128 before the Town Board within the next 45 consecutive days.

(C) Once the notice of appeal of any action or decision made by the Subdivision Administrator is deemed complete, the Rockwell Subdivision Administrator will schedule the appeal to be heard at the next scheduled meeting of the Rockwell Planning Board. (The Subdivision Administrator must have deemed the appeal complete at least 14 days before the next regularly scheduled meeting of the Rockwell Planning Board in order to place the plan on their agenda.)

(D) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal to proceed under this section. In the event that the notice of appeal is automatically deemed complete due to the failure of the Rockwell Subdivision Administrator to notify the appellant or petitioner of any deficiencies in the notice of appeal, the deficiency of information may result in rejection of the appeal by the Rockwell Town Board or the Rockwell Planning Board.
(Ord. passed 9-9-1996)

§ 151.126 SUBDIVISION ADMINISTRATOR REVIEW.

After receipt of a complete appeal petition of any order, decision, determination or interpretation taken by the Rockwell Planning Board, the Subdivision Administrator will review the appeal and send a written recommendation to the Rockwell Town Board setting forth whether the appeal should be granted or denied and the reasons for the recommendation. In making the recommendation, the Subdivision Administrator may consult with other town or county agencies and may allow them to review the appeal. The recommendation of the Subdivision Administrator will be mailed to the petitioner at least 5 days prior to the scheduled public hearing.
(Ord. passed 9-9-1996)

§ 151.127 NOTICE OF APPEALS OF AN ACTION OR DECISION MADE BY THE SUBDIVISION ADMINISTRATOR.

(A) The Rockwell Subdivision Administrator will place the appeal on the next regularly scheduled meeting date of the Rockwell Planning Board.

(B) The Rockwell Subdivision Administrator will mail written notice of the date, time, and place of the Rockwell Planning Board meeting to the owners of the subject property at least 10 days in advance of the meeting date.
(Ord. passed 9-9-1996)

§ 151.128 NOTICE AND HEARINGS APPEALS OF AN ACTION OR DECISION MADE BY THE ROCKWELL PLANNING BOARD.

(A) The Rockwell Town Board will hold a public hearing on any appeal which comes before it in accordance with division (B) below.

(B) The Rockwell Subdivision Administrator will mail written notice of the date, time, place, and subject of the public hearing to the person or persons filing the notice of appeal to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 10 days prior to the hearing.
(Ord. passed 9-9-1996)

§ 151.129 ACTION BY ROCKWELL TOWN BOARD.

The Rockwell Planning Board may reverse, affirm or modify any action or decision made by the Subdivision Administrator under appeal by adopting a resolution in the minutes of the meeting. The resolution must state the reasons that the Rockwell Planning Board used to reach its decision.
(Ord. passed 9-9-1996)

§ 151.130 ACTION BY ROCKWELL PLANNING BOARD.

(A) The Rockwell Planning Board may reverse, affirm or modify any action or decision made by the Subdivision Administrator under appeal by adopting a resolution in the minutes of the meeting.

(B) The resolution must state the reasons that the Rockwell Planning Board used to reach its decision.
(Ord. passed 9-9-1996)

§ 151.131 REHEARING.

The Rockwell Town Board and the Rockwell Planning Board shall refuse to rehear an appeal which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.
(Ord. passed 9-9-1996)

§ 151.132 APPEAL FROM ROCKWELL PLANNING BOARD ACTION OR DECISION.

(A) If there is an appeal from the order or decision of the Rockwell Planning Board taken to the Rockwell Town Board, then the person filing the appeal may not file a revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal to the Town Board or any final judicial determination.

(B) The Rockwell Planning Board may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.
(Ord. passed 9-9-1996)

§ 151.133 APPEAL FROM SUBDIVISION ADMINISTRATION ACTION OR DECISION.

If there is an appeal from an action or decision of the Subdivision Administration, then the person filing the appeal may not file a revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal to the Rockwell Planning Board or any final judicial determination. The Rockwell Planning Board may approve a preliminary plan or a final plat for that portion of the property not affected by the action of the appeal.
(Ord. passed 9-9-1996)

§ 151.134 APPEAL OF A DECISION BY THE ROCKWELL TOWN BOARD.

Any appeal of a decision rendered by the Rockwell Town Board under this section must be to the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court must be filed with the Clerk of Superior Court within 30 days after the decision of the Rockwell Town Board is filed in the office of the Rockwell Town Clerk or after a written copy thereof is mailed to every aggrieved party who has filed a written request for the copy with the Rockwell Town Clerk at the time of the hearing, whichever is later.
(Ord. passed 9-9-1996)

VARIANCES

§ 151.145 AUTHORITY OF THE ROCKWELL PLANNING BOARD.

The Rockwell Planning Board will have the authority to hear and decide petitions for variances from the requirements of these regulations which relate to subdivision of land or any development standards and requirements of this chapter not inconsistent with other codes or ordinances.
(Ord. passed 9-9-1996)

§ 151.146 STANDARDS FOR GRANTING A VARIANCE.

Before granting a variance, the Rockwell Planning Board, acting in a quasi-judicial manner must determine that at least 1 of the following findings of fact are met:

(A) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property;

(B) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes;

(C) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question;

(D) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or

(E) The granting of a variance would permit the preservation of an historic structure or site.
(Ord. passed 9-9-1996)

§ 151.147 INITIATION.

A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.
(Ord. passed 9-9-1996)

§ 151.148 FILING OF VARIANCE PETITION.

(A) A petition for variance, in the form prescribed by the Rockwell Town Board, must be filed with the Rockwell Town Clerk accompanied by a nonrefundable filing fee as established by the Rockwell Town Board.

(B) A petition for variance may be filed at any time, including during the time a preliminary plan has been submitted for review. However, the filing of a variance petition shall stay any proceedings in furtherance of that portion of the property affected by the variance request.
(Ord. passed 9-9-1996)

§ 151.149 DETERMINATION OF COMPLETENESS.

(A) (1) Within 10 working days of receiving a variance petition, the Rockwell Subdivision Administrator will determine whether the petition is complete. If the Rockwell Subdivision Administrator determines that the petition is not complete, he or she will notify the petitioner specifying the petition's deficiencies. The Rockwell Subdivision Administrator will take no further action on the petition until the deficiencies are remedied.

(2) If the Rockwell Subdivision Administrator fails to notify the variance petitioner, the petition will be deemed complete.

(B) Once the variance petition is deemed complete, the Rockwell Subdivision Administrator will review and comment on the variance petition.

(C) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the variance to proceed under this section. In the event that the variance petition is automatically deemed complete due to the failure of the Rockwell Subdivision Administrator to notify the appellant or petitioner of any deficiencies in the variance petition, the deficiency of information may result in rejection of the variance by the Rockwell Planning Board.
(Ord. passed 9-9-1996)

§ 151.150 ROCKWELL PLANNING BOARD SCHEDULING.

After the variance petition is deemed complete, the Rockwell Subdivision Administrator, shall schedule the variance for consideration at a public hearing before the Rockwell Planning Board within the next 45 consecutive days.
(Ord. passed 9-9-1996)

§ 151.151 SUBDIVISION ADMINISTRATOR REVIEW.

(A) After receipt of a complete variance petition, the Subdivision Administrator will review the variance petition and send a written recommendation to the Rockwell Planning Board setting forth whether the variance should be granted or denied and the reasons for the recommendation.

(B) In making the recommendation, the Subdivision Administrator may consult with other town or county agencies and may allow them to review the variance petition.

(C) The recommendation of the Subdivision Administrator will be mailed by the Subdivision Administrator to the petitioner at least 5 days prior to the scheduled public hearing held by the Rockwell Planning Board.
(Ord. passed 9-9-1996)

§ 151.152 NOTICE AND HEARING ON VARIANCES.

(A) The Rockwell Planning Board, acting in a quasi-judicial manner, will hold public hearings on any variance petition which comes before it in accordance with division (B) below.

(B) The Rockwell Town Clerk will mail written notice of the date, time, place, and subject of the public hearing to the person or persons filing the variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 10 days prior to the hearing.
(Ord. passed 9-9-1996)

§ 151.153 ACTION BY ROCKWELL PLANNING BOARD.

(A) The Rockwell Planning Board may grant or deny the variance by adopting a resolution and placing the resolution in the minutes of the meeting.

(B) The resolution must state the reasons that the Rockwell Planning Board used to reach its decision.

(C) The Planning Board shall also record that at least 1 finding of fact was met as per § 151.146.
(Ord. passed 9-9-1996)

§ 151.154 REHEARING.

The Rockwell Planning Board shall refuse to hear a variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.
(Ord. passed 9-9-1996)

§ 151.155 EFFECT OF GRANTING A VARIANCE.

(A) After the approval of a variance by the Rockwell Planning Board, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property.

(B) All decisions made by the Rockwell Planning Board under those procedures will comply with the variation in these regulations granted to the petitioner by the Rockwell Planning Board or court.
(Ord. passed 9-9-1996)

§ 151.156 PLANNED UNIT DEVELOPMENTS (PUDS).

(A) To accommodate the difference between traditional, lot-by-lot subdivisions, and PUDs, the Town may waive or modify some of the standards of this chapter and incorporate design standards applicable only to PUDs, thus not requiring a variance.

(B) (1) Some of the subdivision design standards may be waived or modified for PUDs provided that the intent of this chapter is not lessened and provided that sufficient proof is given to substantiate adequacy of attentive design.

(2) Only the following provisions may be waived or modified on a case by case basis for PUDs:

(a) Street right-of-way and paving widths;

(b) Ownership of streets;

(c) Lot sizes in accordance with Zoning Chapter;

(d) Sidewalks, curbs, and gutters; and

(e) Other design standards deemed appropriate.

(C) All PUDs shall follow all applicable procedures set forth for the review and approval of the subdivisions.
(Ord. passed 9-9-1996)

IMPROVEMENT GUARANTEES

§ 151.170 INSTALLATION OF IMPROVEMENTS AS PREREQUISITES TO APPROVAL OF FINAL PLATS.

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this chapter.
(Ord. passed 9-9-1996)

§ 151.171 CONSTRUCTION OF GUARANTEE OF BOND.

Within the jurisdiction of this chapter, construction or guarantee by bond or committed funds of the following improvements shall be required prior to final plat approval:

(A) *Streets and roads: clearing, grubbing, grading, and drainage.*

(1) *Clearing.* Rights-of-way shall be cleared and grubbed in accordance with the requirements set forth in the most recent published requirements of the North Carolina Department of Transportation.

(2) *Grading and draining.* Street grading and drainage shall be completed in accordance with the approved construction plans and in accordance with the most recent published requirements of the North Carolina Department of Transportation.

(B) *Streets and roads: base and surface.*

(1) *Requirements.* All materials, the construction of the shoulder and disturbed portions of the right-of-way, and the application of the base course and pavement surface shall meet the requirements set forth in this chapter.

(2) *Paving of streets required.* In all subdivisions, paving of streets is required. Paving of streets shall be done in accordance with this chapter.

(3) *Stabilization.* All unsurfaced disturbed portions of street rights-of-way shall be stabilized by seeding, fertilizing, and mulching or by another equally effective method.
(Ord. passed 9-9-1996)

§ 151.172 CLEARING OF DRAINAGE COURSES.

All debris, fallen trees, junk and other accumulations of a nature that will impede the passage of waters in their downstream course or cause flooding shall be removed from the channel and banks of any stream, creek, and drainageway of the subdivision site.
(Ord. passed 9-9-1996)

§ 151.173 REMOVAL OF RUBBISH.

All fallen trees, stumps, junk and rubbish of any nature resulting from the grading of streets or the clearing of lots in the subdivision shall be completely buried, destroyed or removed from the subdivision site. In no case shall materials be buried on the construction site of a structure.
(Ord. passed 9-9-1996)

§ 151.174 MONUMENTS AND MARKERS.

Monuments and markers shall be located and installed as required and in accordance with the rules and regulations of the *North Carolina Manual of Practice for Land Surveying, Volume I*, and G.S. § 39-32.1—39-32.4, as amended. Monuments and markers shall be of the design and type described in the rules and regulations.
(Ord. passed 9-9-1996)

§ 151.175 COMMUNITY UTILITIES.

Installation of town water and sewer facilities is required within the corporate limits of the town at the expense of the developer. Water and sewer taps on each individual lot shall be installed to the edge of the right-of-way and shall be installed at the expense of the developer. Utilities shall be located according to regulations found in the Municipal Code of Rockwell.
(Ord. passed 9-9-1996)

§ 151.176 IMPROVEMENT GUARANTEES.

(A) *Agreement and security required.*

(1) In lieu of requiring the completion, installation and dedication of any and all improvements (e.g., water, sewer, street lights, and the like) prior to final plat approval, the Town of Rockwell may enter into a written agreement with the subdivider whereby the subdivider shall agree to complete all required improvements.

(2) Once the agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Town Board, if all other requirements of this chapter are met.

(3) To secure this agreement, the subdivider shall provide as approved by the Town Board either 1, or a combination of the following guarantees not exceeding 1-1/2 times the entire cost of the improvements secured:

(a) *Surety performance bond(s).*

1. The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina.

2. The bond shall be payable to the Town of Rockwell and shall be in an amount equal to but not exceeding 1-1/2 times the entire cost, as estimated by an independent registered engineer and approved by the Town Board, of installing all required improvements.

3. The duration of the bond(s) shall be until the time as the improvements are accepted by the Town Board.

4. Any expenses associated with the bond estimate shall be paid entirely by the subdivider.

(b) *Cash or equivalent security.*

1. a. The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the town.

b. The use of any instrument other than cash shall be subject to the approval of the Town Board. The amount of deposit shall be equal to but not exceeding 1-1/2 times the entire cost, as estimated by an independent registered engineer and approved by the Town Board.

c. Any expenses associated with the bond estimate shall be paid entirely by the subdivider.

2. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Town Board an agreement between the financial institution and himself or herself guaranteeing the following:

a. That the escrow amount will be held in trust until released by the Town Board and may not be used or pledged by the subdivider in any other transaction during the term of the escrow; and

b. That in the case of a failure on the part of the subdivider to complete the improvements, the financial institution shall, upon notification of the town to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately pay to the town the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town. The cost of the engineers estimate shall be deducted from the escrow account.

(B) *Default.*

(1) Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the town, pay all or any portion of the bond or escrow fund to the Town of Rockwell up to the amount needed to complete the improvements based on an engineering estimate.

(2) Upon payment, the town, in its discretion, may expend the portion of the funds as it deems necessary to complete all or any portion of the required improvements.

(3) The cost of the engineering estimate may be deducted from the escrow account.

(4) The town shall return to the subdivider any funds not spent in completing the improvements.

(C) *Release of guarantee security.*

(1) The town may release a portion of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator.

(2) Within 30 days after receiving the Subdivision Administrator's recommendation, the Town Board shall approve or disapprove the improvements.

(3) When the Town Board approves the improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements approved by the Town Board, minus any cost for engineering estimates not paid by the subdivider.
(Ord. passed 9-9-1996)

CHAPTER 152: ZONING

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Zoning Permit	Under 2,500 Sq. Ft.	$25
	Over 2,500 Sq. Ft.	$50
Variance		$100
Appeal		$100
Conditional Use Permit		$100
Rezoning		$150
Sign Permit	Under 5 Sq. Ft.	$15
	Over 5 Sq. Ft.	$25
Text Amendments		$100
Annexation Request		$10
Subdivision Reviews	Minor	$25
	Major - Preliminary Plat	$25
	Major- Final Plat	$50
Copy of Zoning Book		$20
Subdivision Chapter		$20
Land Use Plan		$20

(Ord. passed 11-11-1995)

***** REPEALED 2018 ****** See NEW ZONING FEE SCHEDULE

2018 REVISED ZONING FEES

FEE TYPE	**FEE SCHEDULE**
Zoning Permit < 2500 sq. ft.	*$50.00
Zoning Permit Accessory Structure	$25.00
Zoning Permit > 2500 sq. ft.	*$50.00/review/meeting; $225 + $5/acre Final
Site Plan Review	
Zoning Permit Multi-Family	*$50.00 + $5.00 / unit
Change of Use	-
Conditional Use Permit	*$500.00 + Ad Cost
Conditional Use Rezoning	*$600.00 + Ad Cost
Conditional Use Multi-Family	*$500.00 + Ad Cost
Zoning Map Amendment	$500.00 + Ad Cost
Text Amendment	$500.00 + Ad Cost
Variance	$300.00 + Ad Cost
Appeal	$300.00 + Ad Cost
Annexation	-
Subdivision Major, Preliminary Review	$450.oo 1-49 Lots; $500.00 + $10.00/lots
50+ lots	
Subdivision – Exempt	$20.00
Subdivision – Minor	*$50.00 per map sheet
Subdivision Major, Final Plat	*$175.00 per map sheet
Sign Permit	$25.00 <50 Sq. Ft.; $50.00 >50 Sq. Ft.
Copy of Zoning Book	Actual Cost of Printing and Binder
Subdivision Ordinance	Actual Cost of Printing and Binder
Land Use Plan	Actual Cost

*Indicates a maximum of two reviews by the Planning & Zoning Administrator before the application is denied or forwarded to the appropriate board for action with comments as to where it continues to not meet the standards of the ordinance.

ADOPTED 7/09/2018

PURPOSE AND APPLICABILITY

§ 152.015 AUTHORITY AND PURPOSE.

(A) In pursuance of authority granted by the General Assembly of North Carolina in G.S. §§ 160A-381 to 160A-392, and for the purpose of promoting the public health, safety, morals, and general welfare of the residents of the Town of Rockwell by promoting the orderly development of the community; lessening congestion in the roads and streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; preserving and enhancing the natural environment; ensuring the development of a future environment that realizes the greatest possible use and enjoyment of individual properties and protecting overall property values within the town.

(B) The zoning districts and maps have been made with due consideration of future growth, development and change in land development according to objectives expressed in the comprehensive plan, as well as with due consideration of existing development and uses of land in the Town of Rockwell.

(C) These regulations and districts represent reasonable consideration of the character of the particular suitability for particular uses of land and have been made with a view to preserve the existing environment and/or assure the development of a future environment that realizes the greatest use and enjoyment of the land on individual properties. This is balanced against the necessary protection of values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.
(Ord. passed 11-11-1995)

§ 152.016 TITLE.

This chapter is referred to as the Zoning Chapter of the Town of Rockwell, North Carolina and shall be known as the Zoning Code and the map referred to, which is identified by the title official zoning map, Rockwell, North Carolina, shall be known as the zoning map, or official zoning map.
(Ord. passed 11-11-1995)

§ 152.017 JURISDICTION.

(A) These regulations govern the development and use of all land and structures within the corporate limits of the Town of Rockwell, North Carolina and within the extraterritorial area as may be established and defined by ordinance. These areas shall be properly depicted on the official zoning map of

Rockwell, North Carolina. This map and its boundaries shall be incorporated and made part of this chapter, and shall be on file and available for public viewing in the office of the Zoning Enforcement Officer.

(B) The official zoning map shall be identified by the signature of the Mayor, be attested by the Clerk, and bear the seal of the Town of Rockwell together with the effective date of adoption of this chapter.
(Ord. passed 11-11-1995)

§ 152.018 COMPLIANCE.

No building, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered, unless in conformity with the provisions of this chapter for the zoning district(s) in which it is located and other applicable local, state or federal regulations.
(Ord. passed 11-11-1995)

§ 152.019 RELATION TO OTHER ORDINANCES.

It is not intended that this chapter shall in any way repeal, annul or interfere with the existing provisions of any other law or ordinance except the zoning ordinance which this chapter specifically replaces. In addition, it is not intended that this chapter shall interfere with any easements, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, for yards or for the size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this chapter will take precedence over the others and will control the use or development.
(Ord. passed 11-11-1995)

§ 152.020 SEVERABILITY.

If any section or specific provision or standard of this chapter or any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard or district boundary of these regulations except the provision in question. The other portions of this chapter not affected by the decision of the court shall remain in full force and effect.
(Ord. passed 11-11-1995)

§ 152.021 EFFECTIVE DATE AND DATE OF ADOPTION.

These regulations shall become effective on 11-22-1995. Upon the date, these regulations shall replace the Rockwell Zoning Ordinance adopted on 4-14-1975 and any amendments to the ordinance made after that date. All suits of law 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 chapter but shall be prosecuted to their finality, the same as if this chapter had not been adopted, and any and all violations of the existing Zoning Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted. Nothing in this chapter shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted. (Ord. passed 11-11-1995)

INTERPRETATIONS, RULES OF CONSTRUCTION AND DEFINITIONS

§ 152.035 INTERPRETATION OF TERMS AND WORDS.

The following rules of construction shall be used in interpreting words contained in this chapter.

(A) Words used in the present tense include the future tense.

(B) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise.

(C) The word ***PERSON*** includes a firm, association, organization, partnership corporation, trust and company as well as an individual.

(D) The word ***LOT*** includes the word plot or parcel or tract.

(E) The words ***SHALL***, ***MUST*** and ***WILL*** are mandatory in nature, implying an obligation or duty to comply with the particular provision.

(F) The word ***MAY*** is permissive in nature, except when the context of the particular use is negative, then it is mandatory.

(G) The word ***STRUCTURE*** shall include the word building.

(H) The words ***USED*** or ***OCCUPIED*** as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

(I) The word ***ZONING MAP*** or ***ROCKWELL ZONING MAP*** or ***OFFICIAL ZONING MAP*** shall mean the official zoning map of Rockwell, North Carolina.

(J) Words used in the masculine gender include the feminine gender.

(K) The term ***TOWN BOARD*** shall mean the Town Board of Rockwell, North Carolina.

(L) The term ***PLANNING BOARD*** shall mean the Planning Board of Rockwell, North Carolina.

(M) The term ***BOARD OF ADJUSTMENT*** shall mean the Board of Adjustment of Rockwell, North Carolina.

(N) The term ***ZONING ENFORCEMENT OFFICER*** shall mean the Zoning Enforcement Officer of Rockwell, North Carolina.

(O) The term ***STREET*** shall mean road.

(P) In the event of a conflict between the text of these regulations and any caption, figure, illustration or table, the text of these regulations shall control.

(Q) In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more stringent or restrictive provision shall apply.

(R) Any reference to section shall mean a section of this chapter, unless otherwise specified.

(S) Where uncertainty exists on the part of the Zoning Enforcement Officer with regard to the meaning of any portion of the Zoning Chapter text, the Zoning Enforcement Officer may request the Board of Adjustment to render an interpretation in accordance with § 152.285 of this chapter.
(Ord. passed 11-11-1995)

§ 152.036 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the Zoning Enforcement Officer shall employ the following rules of interpretation.

(A) *Centerline.* Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way or utility easement, the boundary shall be construed to be in the center of the street or alley right-of-way, railroad right-of-way or utility easement. If the street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between 2 separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement

(B) *Edge line.* Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of the street or alley right-of-way, railroad right-of-way, or utility easement. If the street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between 2 separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

(C) *Lot line.* Boundaries indicated as approximately following lot lines shall be construed as following the lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this chapter for the district in which the part is located.

(D) *Town limits.* Boundaries indicated as approximately following town limits or extraterritorial boundary lines shall be construed as following the town limits or extraterritorial boundary lines.

(E) *Watercourses.* Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerlines.

(F) *Extensions.* Boundaries indicated as parallel to or extensions of street or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, city limits, county lines or extraterritorial boundaries shall be so construed.

(G) *Scaling*. In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance, the boundary shall be determined by the use of the scale appearing on the map.

(H) Where the Zoning Enforcement Officer determines that: (1) physical features existing on the ground; or (2) actual property lines or other man-made boundary lines used to depict zoning district boundaries, are at variance with those shown on the official zoning map, the Board of Adjustment shall have the authority to interpret zoning district boundaries in accordance with §§ 152.280 *et seq.*
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.037 FRACTIONAL REQUIREMENTS.

(A) When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the next lowest whole number shall apply if the fraction is less than 1/2.

(B) If the fraction is 1/2 or greater, the fraction shall be rounded to the next highest whole number.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.038 DISTANCE MEASUREMENTS.

(A) Distance separations for various uses are required for many uses in this chapter.

(B) Unless otherwise specified, the following rules shall apply in determining the measurements:

(1) Measurements shall be made from lot line to lot line, rather than from the edge of a building footprint.

(2) Measurements shall be made using the shortest straight-line distance (i.e., as the crow flies) between lots.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.039 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED. A use shall be deemed to be abandoned when:

(1) The use is discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature);

(2) The premises are devoted to another use;

(3) When the characteristic equipment and furnishings of a non-conforming nonresidential use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days; or

(4) Failure to take all positive action to resume the non-conforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease for a period of at least 2 years.

ABC STORE. A retail establishment at which liquors are sold to the general public and which is run under the auspices of the local Alcohol and Beverage Control (ABC) Board.

ADJACENT. Having common property boundaries or lot lines which are not separated by a street or alley or body of water.

ADULT ESTABLISHMENT. Refer to G.S. § 14-202.10.

AGRICULTURAL USES. The commercial production, keeping or maintenance of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products: livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of these animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as ***AGRICULTURAL USES*** include: zoos; animal kennels; and riding stables and academies.

ALLEY. A public or private way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation. An ***ALLEY*** shall not be considered a street.

ALTERATION. A change in the size, configuration, or location of a structure, or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

AMUSEMENT PARK. A permanent, outdoor, pedestrian-oriented facility containing structures and facilities which house devices for entertainment, including rides, booths for the conduct of games, food and souvenir stands, and buildings for shows and entertainment.

ANIMAL HOSPITAL. A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use.

ANIMAL KENNEL. A commercial enterprise where more than 6 dogs or other domesticated animals are bred or boarded.

ANIMAL SHELTER. A public, non-profit or not-for-profit facility at which dogs, cats and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

ANIMAL SUPPLY STORE. A retail establishment whose business is limited to the sale of supplies (e.g., feeds and pharmaceuticals) and equipment (e.g., bridles, barbed wire) related to the keeping of horses and farm animals.

ART GALLERY. A commercial establishment where individual pieces of art are sold to the general public on a retail basis.

AUCTION HOUSE. A facility which is used for the purpose of having auctions on a regularly established basis.

AUTOMOBILE BODY SHOP. Any business which primarily involves the painting and/or external repair of damaged vehicles. These uses are commonly referred to as ***AUTOMOBILE BODY SHOPS***.

AUTOMOBILE BROKER. A business dealing with the trading of automobiles without the use of a sales lot.

AUTOMOBILE CLUB. An establishment which contracts out emergency auto services (e.g., fixing of flat tires, opening locked doors) to members through a network of independent automobile service stations. Travel services, including the role of travelers checks, travel guides and travel agency services, may also be provided to club members and the general public.

AUTOMOBILE DETAILING SHOP. An establishment primarily engaged in the hand-cleaning and waxing of automobiles. These activities may take place both indoors and outdoors. These facilities are distinguished from automobile washes in that there is typically no automated equipment involved with the cleaning or waxing of vehicles.

AUTOMOBILE PARTS AND REPAIR STORE. A retail establishment primarily engaged in the selling of automobile and automotive parts. On-site repair and maintenance of vehicles and the retail sale of (pumped) automotive fuels maybe provided.

AUTOMOBILE PARTS AND SUPPLY STORE. A retail establishment engaged in the selling of automobile and automotive parts, supplies and accessories. The sale of automotive fuels (in pumps) and on-site repair and maintenance of vehicles shall be prohibited.

AUTOMOBILE REPAIR SHOP. A commercial establishment whose primary purpose involves the maintenance and servicing of vehicles. Auto body work (i.e., work normally associated with an automobile body shop) may not be performed on-premises unless the zoning district in which the use is located allows for an automobile body shop. The sale of automotive fuels and accessory automobile parts to the public may be provided on an accessory basis. Notwithstanding, an ***AUTOMOBILE REPAIR SHOP*** is differentiated from an auto parts store or automobile parts and repair store in that the sale of automotive parts is not the primary service being offered.

AUTOMOBILE SALVAGE YARD. See junk yard and automobile salvage yard.

AUTOMOBILE SERVICE STATION (i.e. ***GAS STATION*****).*** A retail establishment primarily engaged in the sale of automotive fuels to the general public. Other products which may be sold on-premises include accessory automobile supplies including, but not limited to, vehicle lubricants, batteries, tires and convenience items (e.g., sodas, candy, newspaper, tobacco products). Vehicle repair services, except for paint and body work, may be conducted on-premises. An automatic car wash may be provided on-site so long as it meets all of the criteria in that zoning district for automobile wash, Class 2. This use shall be distinguished from a convenience store or mini-mart given that the primary product for sale is automotive fuels.

AUTOMOBILE TOWING AND WRECKER SERVICE. An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard nor an automobile salvage yard.

AUTOMOBILE WASH, CLASS 1 (i.e. ***SELF-SERVICE CAR WASHES).*** A commercial establishment primarily engaged in the washing of automobiles, motorcycles and pick-up and panel trucks. This washing shall be done manually by the customer or by fully automated machines. (i.e., the use of chain conveyors or other devices which move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.

AUTOMOBILE WASH, CLASS 2 (i.e. ***AUTOMATIC CAR WASH).*** A commercial establishment primarily engaged in the washing of automobiles, motorcycles and pick-up and panel trucks using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods may also be provided on-premises on an accessory basis.

AUTOMOBILE WRECKER SERVICE. See automobile towing and wrecker service.

AWNING. A structure made of cloth, metal or other material affixed to a building in a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

BAKERY (RETAIL). The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries and doughnuts. When identified in this chapter as a retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this chapter, are considered a manufacturing use.

BANK. See financial institution.

BANK TELLER MACHINE. A self service facility, normally accessible 24 hours daily, where patrons can access cash and certain other banking services. The machines may be housed outdoors or within its own enclosed booth.

BANNER. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational or corporate organizations.

BARBER / BEAUTY SHOP. Barber shops are primarily engaged in cutting, trimming, and styling boys and men's hair; and/or shaving and trimming men's beards. Beauty shops are primarily engaged in one or more of the following: (1) cutting, trimming, shampooing, weaving, coloring, waving, or styling hair; (2) providing facials; and (3) applying makeup (except permanent makeup)

BED AND BREAKFAST INN. A use that:

(1) Takes place within a building that prior to the establishment, was designed and used as a single-family residence;

(2) That consists of renting 1 or more dwelling rooms on a daily basis to tourists, vacationers and similar transients; and

(6) Where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit.

BLOOD RELATIVE. The great grandparents, grandparents, parents, children, brothers, sisters and their spouses and the parents-in-law of the owner/occupant of the principal structure.

BOOK STORE. A commercial establishment where books are the primary item sold. An establishment which sells books and meets the definition of adult use, as herein defined, shall not be considered a ***BOOK STORE***.

BUFFER. A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of 2 adjacent land uses or properties from one another. A ***BUFFER AREA*** may include any required screening for the site.

BUILDING. A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. The term ***BUILDING*** shall be construed as if followed by the words "or parts thereof."

BUILDING AND HOME MATERIALS CENTER (i.e. ***HARDWARE STORES).*** A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g. lawn mowers, appliances and the like). That establishment is commonly referred to as a hardware store. The establishment shall have a gross leasable area of no greater than 15,000 square feet. All retail stock (except plant materials) which is stored outside must be screened in accordance with §§ 152.098 through 152.110.

BUILDING HEIGHT. The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs. Roof appurtenances such as sky lights; roof structures for elevators; stairways: tanks; heating, ventilating and air-conditioning equipment; or similar operating and/or maintenance equipment shall be excluded from this measurement. In computing the height of a building, the height of a basement, if below the grade from which the height is measured, shall not be included.

BUILDING, PRINCIPAL. A building in which is conducted the principal use on the lot on which the building is situated. In any Residential (R) Zoning District, any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof) including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

BUILDINGS, ACCESSORY. See ***STRUCTURE***, ***ACCESSORY***.

BULLETIN BOARD. A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center or similar noncommercial places of public assembly.

BUSINESS PARK. A development on a tract of land which contains 2 or more separate office buildings, constructed and managed in an integrated and coordinated basis. A ***BUSINESS PARK*** may also be cited as an office park.

CALIPER. Quantity in inches of the diameter of trees measured at the height of 6 inches above the ground for trees less than 4 inches in trunk diameter and 12 inches above the ground for trees over 4 inches or more in trunk diameter.

CAMPING AND RECREATIONAL VEHICLE PARK. Land containing 2 or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. A manufactured home park shall not be deemed a ***CAMPING AND RECREATIONAL VEHICLE PARK.***

CAMPSITE. Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreation vehicle or tent.

CANOPY. A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A ***CANOPY*** is not a completely enclosed structure.

CAR WASH. See automobile wash.

CARNIVAL. A traveling enterprise offering outdoor amusements, games, rides and shows for entertainment purposes.

CATALOGUE SALES STORE. A store where a large variety of household items are sold to the general public on a retail basis primarily through the use of in-store catalogues.

CEMETERY. Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts or vaults for use exclusively on the subject property. A ***CEMETERY*** shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for ***CEMETERIES*** shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries. A cemetery may also include a columbarium.

CERTIFICATE OF OCCUPANCY. A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this chapter and all other applicable regulations.

CHANGEABLE COPY. The display area of a sign where characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

CHURCH or ***HOUSE OF WORSHIP.*** A building / structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Certain customary accessory.uses shall be allowed to take place on church premises. These include book shops, thrift shops and certain types of day care centers and schools. The overnight lodging of transient persons shall not be considered as a customary accessory use. These accessory uses shall be subject to any applicable supplemental regulations located elsewhere in this chapter.

CIRCUS. A large enclosed area used especially for sports and animal performance which operates on an itinerant basis.

COLLEGE or ***UNIVERSITY.*** A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A ***COLLEGE*** or ***UNIVERSITY*** shall not be considered a vocational school or a school for the arts.

COMMERCIAL VEHICLE STORAGE AND/OR OPERATIONS CENTER. A facility specifically designated for routine storing and/or servicing of 6 or more commercial vehicles, except septic tank and solid waste vehicles, operated by the same entity.

COMMUNICATION TOWER. A tower facility, including, but not limited to, radio and television transmission towers or similar utilities, microwave towers, and mobile home telephone or radio towers. This term shall not include radio transmission facilities for use by ham radio operators or 2-way local radio facilities for business or governmental purposes that are under 100 feet in height and that, at a height of 50 feet above the base, have a maximum horizontal measurement of 18 inches, nor shall it include any tower erected by a public authority for public safety or emergency services communication purposes.

COMMUNITY CENTER. A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

CONDITIONAL USE. A use permitted in a particular zoning district by the Town Board after having held a public hearing and determined that the use in a specified location complies with certain findings of fact as specified in this chapter.

CONDITIONAL USE PERMIT. An authorization issued by the Town Board for a conditional use and which may be subject to any specific restrictions or conditions on its size, location, construction, hours of operation, character of use and other fair and reasonable conditions as specified by the Town Board.

CONSTRUCTION TRAILER. A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office and/or storage purposes.

CONTIGUOUS. Next to, abutting or touching and having a boundary or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term ***CONTIGUOUS*** shall also mean abutting or adjacent.

CONTINUING CARE FACULTY. A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

CONTRACTORS STORAGE AND EQUIPMENT YARDS. A place where construction equipment used by building contractors is externally stored.

CONVENIENCE STORE. A 1-story, retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages and other household supplies to customers who purchase a relatively few items (in contrast to a food store. It is designed to attract and depends upon a large volume of stop-and-go traffic. Fuel may also be sold at such a facility. If fuel is sold, no greater than 4 fuel stations may be located on-site. Any facility containing more than 4 fuel stations shall be deemed a mini-mart which can accommodate more than 4 vehicles simultaneously for fueling.

CORRECTIONAL FACILITY, CLASS 1. A facility operated by Rowan County (or a private contractor thereof) used for the temporary incarceration of persons after arrest or pending hearing or trial or for the incarceration and or housing of persons serving sentences or incarceration or housing of persons serving criminal sentences. The sentences are generally shorter than those assigned to state institutions and may involve work release or other types of overnight and/or weekend only incarceration in the facility.

CORRECTIONAL FACILITY, CLASS 2. A facility operated by the State of North Carolina (or a private contractor thereof) used primarily for the incarceration or housing of persons serving criminal sentences. State prisons, prison camps and penitentiaries are examples of such a facility.

COUNTRY CLUB. A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a ***COUNTRY CLUB*** frequently include golf courses, swimming pools (outdoors) and club-houses. Meal service may be available, but is generally limited to members and their guests. A ***COUNTRY CLUB*** may be developed as a free-standing entity or as part of a residential community or planned residential development.

CRAFT STUDIO. An establishment where works of art are individually created on-premises by no more than 5 artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers and air brushers.

CREMATORIUM. A facility designed for the cremation of human bodies.

CUL-DE-SAC. A street with a single common point of ingress and egress and with a turnaround at its end.

CUSTOMARY HOME OCCUPATION. A nonresidential use conducted within a dwelling unit which is dearly incidental and subordinate to the residential use and, when observed from beyond the lot on which it is located, does not give visual, audible, sensory or physical evidence (other than minimal signage) that the property is used for any nonresidential purpose.

DAY CARE CENTER. An establishment where attendant care is provided in a group setting on a regular basis to persons on a fee basis. Persons are normally left off at the facility and picked up at a designated time later that day. This facility may be a principal or accessory use, in accordance with the regulations of this chapter.

DAY CARE CENTER, ACCESSORY. A day care center facility located on the premises of an office use, institutional use, commercial use, industrial use or unified development for the primary purpose of care for the dependents of employees of commercial, office, institutional or industrial use. At least 66% of the clients enrolled shall be dependents of employees of the establishment(s) to which the day care center is accessory. In locating an ***ACCESSORY DAY CARE CENTER***, consideration shall be given to the safe access of clients entering and leaving the facility.

DAY CARE CENTER, CLASS 1. A detached single-family residence in which day care is regularly provided to 5 or less children, handicapped persons, or senior citizens, unrelated by blood or marriage and who are not the legal wards or foster children of the attendant adult(s). Persons who are related by blood or marriage or who are the legal wards or foster children of the attendant adult(s) shall not be counted as patrons of the ***DAY CARE CENTER, CLASS 1***. A ***DAY CARE CENTER, CLASS 1*** shall be deemed an accessory use to the residence. The principal use of the dwelling shall be the single-family residence. A day care center operation in a detached single-family residence in which day care is regularly provided to 6 or more children, handicapped persons, or senior citizens, unrelated by blood or marriage and who are not the legal wards of foster children of the attendant adult(s) shall be deemed a day care center, class 4.

DAY CARE CENTER, CLASS 2.

(1) A day care center run by a church or school where day care is provided to up to 50 children, handicapped persons or senior centers. Enrollment limits are determined by State of North Carolina licensing requirements, as applicable. The day care center may be located on the grounds of the church or school; located on a piece of property owner by the church or school which lies within 500 linear feet of the lot containing the church or school; or, on another lot owned by the church or school where religious or educational activities are regularly conducted. A church or school day care center which provides care to more than 50 clients shall be deemed a day care center, class 3.

(2) A pre-school operation shall not be deemed a ***DAY CARE CENTER, CLASS 2*** provided its hours of operation are limited to no more than 5 hours per day. After-school care programs shall

also not be deemed a ***DAY CARE CENTER CLASS 2*** provided the after school care program is located in a public or private elementary or secondary school.

DAY CARE CENTER CLASS 3. A day care center run by a church or school where day care is provided to more than 50 children, handicapped persons or senior citizens. Enrollment limits are determined by State of North Carolina licensing requirements, as applicable. The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within 500 linear feet of the lot containing the church or school; or, on another lot owned by the church or school where religious or educational activities are regularly conducted.

DAY CARE CENTER, CLASS 4. A commercial establishment serving as a principal use or as a separate use within a unified development where care is regularly provided to children, handicapped persons or senior citizens or a day care center operating from a detached single-family residence in which day care is regularly provided to 6 or more children, handicapped persons, or senior citizens. A ***DAY CARE CENTER, CLASS 4*** is distinguished from others that it is not located on the grounds of a church or school.

DENSITY, GROSS. A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be developed.

DOCTOR'S OFFICE. An office facility containing space for patient waiting rooms and laboratory space for up to 2 medical doctors (M.D.s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, psychologists, licensed nurse/midwife, licensed physical therapist, licensed respiratory therapist or optometrist.

DRIVE-IN SERVICE WINDOW. A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for customers to exit their motor vehicles.

DRUGSTORE. See pharmacy.

DRY CLEANING AND LAUNDRY PLANT. A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning services. This facility may be a free-standing use or may be combined with a dry cleaning service outlet.

DRY CLEANING SERVICES OUTLET. An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may take place at that facility. If laundering and/or dry cleaning of clothes from other service outlets takes place, it shall be considered a dry cleaning and laundry plant.

DUPLEX. See dwelling, 2-family.

DWELLING, 2-FAMILY. Two dwelling units, including modular homes, attached along and

sharing 1 or more common walls and located on a single lot. This shall also include the term ***2-FAMILY DWELLING***.

DWELLING, ATTACHED. A dwelling unit attached side-by-side to 2 or more other dwelling units by common vertical walls. Each dwelling unit shall be located on a separately deeded lot.

DWELLING, DETACHED. A dwelling unit not attached to another dwelling unit that is developed with open yards on at least 3 sides.

DWELLING, MULTI-FAMILY. Three or more dwelling units placed on top of another or side by side and sharing common walls, floors, and ceilings. These units shall generally be developed in a unified manner and shall be located on 1 lot, unless the individual dwelling units are under condominium ownership.

DWELLING, SINGLE-FAMILY. A detached dwelling unit designed for or occupied exclusively by 1 family, but not to include manufactured homes as defined by this chapter.

DWELLING UNIT. A room or combination of rooms designed for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities, and designed for or used as a residence by 1 family. Unit located within motels or hotels or travel trailers shall not be included as ***DWELLING UNITS.***

ELECTRONIC GAMING/INTERNET CAFÉ/SWEEPSTAKES CAFÉ. The following definitions shall apply unless the context clearly indicates or requires a different meaning. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games of chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. The term includes, but is not limited to internet sweepstakes, internet sweepstakes café, video sweepstakes, or cybercafés, who have a finite pool of winners. This does not include any lottery endorsed by the State of North Carolina.

Access

At all times while open for business and while patrons are on the premises, electronic gaming operations shall be open for direct, unobstructed access by police officers, fire department personnel, and emergency response personnel and shall be visible from the exterior front of the establishment. Entrance doors shall remain unlocked at all times while patrons are on the premises. Police officers, fire department personnel, and emergency response personnel shall have direct access to the premises without requiring assistance from an employee, agent, or owner of the establishment.

Hours of Operation

No person or entity engaged in electronic gaming operations as defined herein shall engage

in the business before 10:00 a.m. or after 11:00 p.m.

Age Restrictions

No electronic gaming establishment shall allow, permit, or condone any person under the age of 18 to engage in electronic gaming operations. All electronic gaming terminals/computers/machines/gaming stations shall be open and visible from the exterior front of the establishment.

ELECTRONIC MESSAGE BOARD (EMB) SIGNS. A sign, display or device or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED's), fiber optic, or other similar new technology where the message change sequence is accomplished immediately. EMP signs include computer programmable, microprocessor controlled electronic static images, static graphics, or static pictures, with or without textural information. EMB signs do not include animated images, graphics, or video active images (Similar to television images) but do permit scrolling. EMB signs: (1) continuously show one message a minimum of two seconds in time before switching to other message, (2) do not dim, flash, or fade messages, (3) has no moving, rotating, fluttering, blinking or flashing elements, (4) has no animation, video, audio, pyrotechnic components, or blue casting technology.
EMB signs may only be utilized as ground mounted or monument signs in B-1,B-2, B-3, O, & I, and Industrial Zones. The total number of signs and total area must comply with Sections 152.199, 152.200, and 152.201.

ESSENTIAL SERVICES.

(1) Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or 2-way radio facilities for business or governmental communications shall be deemed accessory uses and not ***ESSENTIAL SERVICES***.

(2) ***ESSENTIAL SERVICES*** are divided into the following 3 classes:

(a) *Class 1.* Transmission lines (whether subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; telephone switching facilities (up to 100 square feet gross floor area).

(b) *Class 2.* Elevated water storage tanks; booster stations, package treatment plants, telephone switching facilities (over 100 square feet gross floor area), substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities, and solid waste/recycling transfer stations; towers erected by a public authority for public safety or

emergency services communication purposes.

(c) *Class 3.* Generation, production, or treatment facilities such as power plants, water treatment plants, sewage treatment plants (excluding package treatment plants), radio and television cellular towers, (not otherwise classified as a communications tower nor cited as an essential services, class 2) or similar utilities; microwave towers; cellular telephone communication towers; sanitary landfills; septic tank waste disposal facilities.

ESSENTIAL SERVICES OPERATION CENTER. A facility where trucks, goods and/or equipment for an essential service operation (e.g., a public utility) are stored, either indoors or outdoors. The facility may also serve as a base of operations for certain workers employed by the essential service operation.

FAIRGROUNDS. An open area where an outdoor fair, circus or exhibition is held.

FAMILY. An individual, or 2 or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than 6 persons who need not be related by blood, marriage or adoption living together as a single housekeeping unit.

FAMILY CARE HOME. A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than 6 resident handicapped persons.

FARM SUPPLY STORE. An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

FARMER'S MARKET. A market, normally conducted outdoors, conducted on pre-established dates at which locally and regionally grown fruits and vegetables are sold on a retail basis. Baked good items, hand-made crafts and produce items not native to this region may also be sold but may not constitute a majority of total sales.

FENCE. A device made of chain links, posts, wires or boards designed to serve as a barrier or otherwise to mark off the boundaries of a piece of property, or portion thereof.

FINANCIAL INSTITUTION. A commercial bank, a mortgage bank, a savings bank, a saving and loan association or a credit union any of which are licensed, insured or chartered by the United States of America or the State of North Carolina.

FLAG. A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

FLEA MARKET. An outdoor or indoor market held on pre-established dates where individual sellers offer goods for sale to the public. The sellers may set up temporary stalls or tables for the sale of their products. The sales may involve new and/or used items and may include the sale of fruits,

vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A ***FLEA MARKET*** is different from a farmers market in that the majority of goods sold at a flea market are non-edible.

FLOOR AREA RATIO. The gross floor area of all buildings and structures on a lot divided by the lot area. When computing this figure, the gross floor area of all enclosed parking deck buildings shall be excluded.

FLORIST, RETAIL. A retail commercial establishment where flowers or ornamental plants are sold indoors.

FOOD CATERING FACILITY. A facility at which a pre-arranged amount and type of food is prepared for consumption off-premises or in a meeting room on-premises. A ***FOOD CATERING FACILITY*** differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

FOOD STORE. An establishment greater than 3,000 square feet in area which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping. The sale of fuel at fuel stations shall not be permitted. A ***FOOD STORE*** may be open 24 hours a day.

FORTUNE TELLER. A commercial establishment where people go to have their fortunes predicted through the use of astrology, card reading, numerology and the like. If located in a Residential (R-1, R-2) Zoning District, it may only take place on a customary home occupation basis only.

FRATERNAL AND SERVICE ORGANIZATION MEETING FACILITY (NON-PROFIT AND NOT-FOR-PROFIT). A facility operated by an association of persons for activities which include, but are not limited to social, literary, political, educational, fraternal, charitable or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

FUEL STATION. A fuel dispensing pump, which may contain more than 1 fuel nozzle, designed to accommodate 1 or 2 vehicles at a time. If 2 vehicles are accommodated at the same time, fuel nozzles serving the 2 vehicles shall be located on opposite sides of the fuel pump.

FUNERAL HOME. A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GAME ROOM or ***VIDEO ARCADE.*** A commercial facility providing recreational activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and pinball machines. A facility shall be deemed a ***VIDEO ARCADE*** if it has 8 or more machines. If 3 or more pool tables are provided, the facility shall also be deemed a pool hall.

GARAGE SALE. See yard sale.

GARDEN SUPPLY AND SEED STORE.

(1) A retail establishment at which animal feed, crop seeds and related products are sold. The milling and grinding of feed or flour at these establishments shall be prohibited as shall the storage of milled products.

(2) The sale of agricultural chemicals shall be limited to general retail use (as distinguished from an animal supply store where large quantities of agricultural chemicals are sold for agricultural purposes).

GAS STATION. See automobile service station.

GLASS CONTRACTOR. An establishment which provides mobile on-site glass repair and/or installation services.

GOLF COURSE. A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters. A ***GOLF COURSE*** may also include par-3 facilities.

GOLF COURSE, MINIATURE. A commercial enterprise consisting of a golf course open to the general public where each hole is enclosed in a contained area.

GRADE OF STREET. The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

GROSS FLOOR AREA. The sum of the gross horizontal areas of each floor of the principal building and any accessory building or structures, measured from the outside of the exterior walls or from the center line of the party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping facilities.

GROSS LEASABLE AREA. The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

GROUND COVERS. Low growing plants such as grasses, ivys, creeping bushes and similar decorative plantings. Where required by this chapter, ground covers shall have the capability of soil stabilization and erosion control.

GROUP CARE FACILITY. A facility licensed by the State of North Carolina, by whatever name it is called, (other than a family care home, as herein defined) with support and supervisory personnel

that provides room and board, personal care or habilitation services in a family environment for not more than 30 handicapped persons.

GROUP DEVELOPMENT. A group of 2 or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses or other enterprises. Examples of a ***GROUP DEVELOPMENT*** include multi-family developments, school and hospital campuses, shopping centers, business parks and the like.

GUNSMITH. A commercial facility limited to the repair and servicing of guns and rifles.

HANDICAPPED PERSON. A person with a physical or mental impairment which substantially limits 1 or more of a person's major life activities; a person with a record of having an impairment; or a person who is regarded as having an impairment. This term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802.

HARDWARE STORE. See building and home materials center.

HOME CENTERS (i.e., HOME IMPROVEMENT STORE). An establishment which may sell various household goods, tools and building materials, durable household goods (e.g., refrigerators, lawn care machines, washing machines) electronic equipment, household animal supplies, nursery products and the like. Retail stock (e.g., nursery items, lumber goods) may be kept outdoors. All this stock (except plant materials) shall be screened in accordance with § 152.101. At least 75% of all indoor floor-good space shall be for retail sales. Likely examples of these uses include Home Depot, Home Quarters and the like.

HOME DECORATING CENTER. A commercial establishment which sells decorating items (e.g., paint, wallpaper, carpet, linoleum, tile and the like) and may also supply in-house professional home decorating assistance.

HOME FOR THE AGED. A facility licensed by the State of North Carolina to provide basic living needs to 7 or more elderly or disabled in-house residents who need assistance in meeting their day-to-day basic needs. Congregate meals are served on site to residents and 24-hour in-house services are provided.

HOME IMPROVEMENT STORES. See home centers.

HOSPITAL. An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, nurses dormitories and staff offices.

HOTEL. See motel.

INDEPENDENT LIVING CENTER. An establishment which provides living facilities to 7 or more persons with physical or mental disabilities, irrespective of age. Congregate meals may be

provided at the facilities. However, residents are expected to provide other basic living services.

INSTITUTIONAL USES. Where used in this chapter to identify a group of similar uses, the term shall include, but not be limited to schools, churches, libraries, governmental offices and other uses at which a service is provided to the public, primarily on a not-for-profit basis.

INTERIOR DECORATOR. A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered.

JUNK YARD and ***AUTOMOBILE SALVAGE YARD.*** The use of more than 600 square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, vehicles or machinery or parts thereof.

KENNEL, ANIMAL. A commercial enterprise where more than 6 dogs or other domesticated animals are groomed, bred, boarded, trained or sold.

LANDFILL, DEMOLITION. A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or raconteur land using only soil or a fill operation, as defined by G.S. § 130A-294(m), which consists of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous materials shall not be construed to be a ***DEMOLITION LANDFILL.***

LANDFILL, DEMOLITION (ON-SITE). A demolition landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed.

LANDFILL, SANITARY. A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse as defined by state standards is disposed of by utilizing acceptable landfill engineering technology.

LAUNDROMAT. A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

LINEN SHOP. A retail establishment where towels, sheets and other domestics items are sold on a retail basis.

LOADING SPACE, OFF-STREET. An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

LOT. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of

transfer of title.

LOT, AREA. The total area circumscribed by the boundaries of a lot, except that:

(1) When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line; or

(2) If the right-of-way line cannot be determined, a line running parallel to 30 feet from the center of the traveled portion of the street shall be used to calculate the area.

LOT, CORNER. A lot which occupies the interior angle at the intersection of 2 street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the 2 street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A line of record bounding a lot which separates 1 lot from another lot or separates that lot from a public or private street or any other public space.

LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.

LOT LINE, HOUSE. A single-family detached dwelling unit which is placed against 1 of the side lot lines. The dwelling unit has a front and rear yard but only 1 side yard.

LOT LINE, INTERIOR. A lot line which does not have street frontage.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE. Any lot line abutting another lot and which is not a front or rear lot line.

LOT OF RECORD. A lot or combination of contiguous lots described pursuant to the most current plat or metes and bounds description(s) recorded in the office of the Rowan County Register of Deeds.

LOT, THROUGH. A lot which fronts upon 2 parallel streets, or which fronts upon 2 streets which do not intersect at the boundaries of the lot line.

LOT, WIDTH. The horizontal distance between side lot lines at the front building line measured parallel with the front lot line.

LOUNGE. (1) An establishment (e.g., bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food, if provided, is accessory to the primary use. Any ***LOUNGE*** which provides facilities or services which satisfy any portion of the definition of adult establishment per G.S. § 14-202.10 shall be considered an adult establishment.

(2) ***LOUNGES*** located within restaurants, motels, bowling alleys and the like shall be considered as accessory uses to the use and are allowed in a particular zoning district to the same extent that the principal use is allowed.

LUMBER AND BUILDING MATERIALS YARD. An establishment where lumber and building materials goods are the primary products sold.

MACHINE SHOP. A workshop in which work is machined to size and assembled.

MANUFACTURED GOODS, CLASS 1.

(1) Manufacturing, refining, processing or assembly of goods or products subject to the following limitations (Note: The term SIC shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this chapter, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term establishments primarily engaged in defining types of manufacturing operations, this chapter shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a conditional use as opposed to a permitted use.)

(2) All manufacturing industries (i.e., those industries shown in the SIC Manual under Division D, and including Major Groups 20-39) except those listed herein as manufactured goods, class 2, shall be considered a class 1 manufacturing goods industry.

MANUFACTURED GOODS, CLASS 2.

(1) Manufacturing, refining, processing or assembly of goods or products subject to the following limitations (Note: The term SIC shall refer to the Standard industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this chapter, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed while the SIC Manual uses the term establishments primarily engaged in defining types of manufacturing operations, this chapter shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a conditional use as opposed to a permitted use.)

(2) The following uses are subject to the issuance of a conditional use permit, and are classified as Class 2 uses:

(a) Meat packing plants and poultry dressing plants (SIC #2011, 2013, 2015);

(b) Pickled fruits and vegetables (SIC #2035);

(c) Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063);

(d) Animal feeds and pet foods (SIC #2047, 2048);

(e) Fats and oils (SIC group #207);

(f) Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095);

(g) Processing and packing of canned, cured, fresh or frozen fish and seafood (SIC #2091, 2092);

(h) The following manufacturing listed under SIC #2099:

1. Yeast;

2. Molasses and sweetening syrups; and

3. Vinegar.

(i) Tobacco products (SIC major group #21);

(j) Dying and finishing textiles, except wool fabrics and knit goods (SIC group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers;

(k) Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)

(l) Logging (SIC #2411);

(m) Sawmills and planing mills, general (SIC #2421);

(n) Wood building and mobile homes (SIC group #245);

(o) Wood preserving, reconstituted wood products, pulp mills, paper mills, paperboard mills (SIC #2491, 2493; SIC group #261; SIC group #262; SIC group #263);

(p) Industrial inorganic chemicals, plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC group #281; SIC group #282);

(q) Soaps, detergents and cleaning preparations, perfumes, cosmetics, and other toilet preparations (SIC group #284);

(r) Paints, varnishes, lacquers, enamels and allied products (SIC group #285);

(s) Industrial organic chemicals, agricultural chemicals (fertilizers, pesticides, and the like) (SIC group #286; SIC group #287);

(t) Miscellaneous chemical products (all products listed under SIC group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black and other chemical and chemical preparations listed in SIC #2899);

(u) Petroleum refining (SIC group #291);

(v) Asphalt paving and roofing materials (SIC group #295);

(w) Lubricating oils and greases (SIC #2992);

(x) Products of petroleum and coal (SIC #2999);

(y) Tires and innertubes (SIC group #301);

(z) Plastic products found under SIC group #308 when resins are made at the same facility;

(aa) Leather tanning and finishing (SIC group #311);

(bb) Flat glass, glass and glassware (SIC group #321; SIC group #322);

(cc) Cement, hydraulic (SIC group #324);

(dd) Structural clay products (SIC group #325);

(ee) Pottery and related products (SIC group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space;

(ff) Concrete gypsum and plastic products, cut stone and stone products (SIC group #327; SIC group #328);

(gg) Abrasive products, asbestos products, mineral wool (SIC #3291; SIC #3292; SIC #3296);

(hh) Minerals and earths, ground or otherwise treated (SIC #3295);

(ii) Non-clay refractories (SIC #3297);

(jj) Miscellaneous nonmetallic mineral products listed under SIC code #3299;

(kk) Steel works, blast furnaces, and rolling and finishing mills, iron and steel foundries, primary and secondary smelting and refining of nonferrous metals, rolling, drawing and extruding of nonferrous metals, nonferrous foundries (SIC group #331; SIC group #332; SIC group #333 and 334; SIC group #335; SIC group #336);

(ll) Metal heat treating, metal forging iron, steel and nonferrous, coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #347);

(mm) Manufacture of other primary metal products listed under SIC #3399;

(nn) Manufacture of ordnance (arms, ammunition and the like) and accessories, except vehicles and guided missiles (SIC group #348);

(oo) Farm machinery and equipment - external storage of finished product (SIC group #352);

(pp) Construction, mining, and materials handling machinery and equipment - external storage of finished product (SIC group #353);

(qq) Power, distribution and specialty transformers (SIC #3612);

(rr) Electrical industrial carbon and graphic products (SIC #3624);

(ss) Storage batteries, primary batteries, dry and wet (SIC #3691, SIC #3692);

(tt) Motor vehicles, truck, bus and passenger car bodies, truck trailers, motor homes; (SIC #3711, 3713; SIC #3715; SIC #3716);

(uu) Railroad equipment (SIC #3743);

(vv) Motorcycles (SIC #3751), except bicycles and bicycle parts;

(ww) Aircraft; guided missiles and space vehicles and parts (SIC #3721, SIC group #376);

(xx) Camping trailers (SIC #3792);

(yy) (Military) tanks (and related armored vehicles) (SIC #3795), but not tank components;??

(zz) Photographic supplies, but not photographic equipment (SIC #3861);

(aaa) Inks, paints, oils, enamels and crayons (SIC #3952);

(bbb) Carbon paper and inked ribbons (SIC #3955);

(ccc) Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996;

(ddd) Mining (all of SIC division B); and

(eee) Transportation equipment not elsewhere classified - external storage of finished product (SIC group #3799)

MANUFACTURED HOME.

(1) A residential dwelling unit that is;

(a) Not constructed in accordance with the standards set forth in the North Carolina State Building Code;

(b) Composed of 1 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; and

(c) Exceeds 40 feet in length and 8 feet width.

(d) ******REVISED DEFINITION AS OF 09/11/2017 ****** Unit was constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development (HUD) and has the affixed sticker in the unit. Travel trailers, RV's, or campers shall not be considered manufactured homes.

(7) A ***MANUFACTURED HOME*** may also be referred to as a mobile home.

MANUFACTURED HOME PARK or ***MOBILE HOME PARK.*** Any premises where 2 or more manufactured homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying to the public parking space for 2 or more manufactured homes for living and sleeping purposes.

MANUFACTURED HOME SPACE. Any premises within a manufactured home park used or intended to be used or occupied by 1 manufactured home, together with automobile parking space, utility structures and other required facilities incidental thereto.

MEDICAL CENTER. A facility housing the offices of 3 or more doctors (see definition of doctor's office) where out-patient medical services are routinely provided to the general public. Overnight stays of patients at these facilities shall not be allowed.

MEMBERSHIP WAREHOUSE CLUB. An establishment which sells a variety of consumer goods and services and items for small businesses and offices including small- and large-scale household appliances (e.g., refrigerators, washing machines), clothing items, electronic equipment, groceries, household animal supplies, nursery products and the like. Retail stock (e.g., nursery items, lumber goods) may be kept outdoors. All stock (except for plant materials) shall be screened in

accordance with § 152.101. Sales are generally limited to members and their guests.

MEMORIAL SIGN OR PLAQUE. A sign designating names of buildings and/or date of erection and other items such as architect, contractor or others involved in a buildings's creation, cut into or attached to a building surface.

MINI-MART, EXPRESS FUEL. A 1-story retail store containing less than 3,000 square feet gross floor area that is designed and stocked to sell primarily fuel, food, beverages and other household supplies to customers who purchase only a relatively few items, in contrast to a food store. A ***MINI-MART*** is different from a convenience store in that it may be open 24 hours. Any facility having an area of less than 3,000 square feet which contains greater than 4 fuel stations, irrespective of hours of operation, shall also be considered a ***MINI-MART.***

MINI-WAREHOUSE. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility. Use of the leased storage spaces shall be for storage purposes only.

MIXED USES. A project that may include an adaptive reuse of an existing structure, a new structure or combination of both that would house a combination of residential, commercial retail, or office/institutional uses in one or more building(s) or structure (s) developed as a single complex with specific requirements. (Adopted 9/11/2017)

MOBILE HOME. See manufactured home.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code (Uniform Residential Code for One- and Two-family dwellings) and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A ***MODULAR HOME*** shall be deemed to be a single-family dwelling as defined in this chapter.

MONUMENT SALES. A company where cemetery monuments may be engraved/finished/sold.

MOTEL. An establishment providing transient accommodations containing 6 or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

MULTI-FAMILY DEVELOPMENT. A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. The development shall consist of 2 or more duplex buildings, or 3 or more dwelling units sharing 1 or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

NEWSSTAND. An establishment which sells newspaper, magazines, candy and tobacco products at the retail level. A ***NEWSSTAND*** may not sell materials so as to conform with the term adult

establishment as defined in G.S. § 14-202.10.

NONCOMMERCIAL COPY. A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

NON-CONFORMING LOT. Any lot of record which does not meet the minimum yard or area requirements established in these regulations at the time of this chapter's adoption or any amendment thereto.

NON-CONFORMING SIGN. A sign that, on the effective date of this chapter or the date of any subsequent amendment thereto, does not conform to 1 or more of the regulations set forth in this chapter.

NON-CONFORMING STRUCTURE. Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering the structure non-conforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

NON-CONFORMING USE. A use or activity which does not conform to the use regulations of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments which are incorporated into this chapter at some future date.

NURSERY. A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. ***NURSERIES*** may include the use of greenhouses for growing purposes.

NURSING FACILITY. An institution licensed by the State of North Carolina to provide basic living and medical needs to 7 or more elderly in-house residents. Congregate meals are served to residents. These facilities have a 24-hour licensed in-house professional staff with doctors on call.

NURSING HOME. See home for the aged.

OFFICE. A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.

OFFICE BUILDING. A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand. Retail uses serving the general public may also be located in the structures but shall not constitute a majority of the building's gross leasable area.

OPEN SPACE, COMMON. An open space area of land within or related to a development, which is designed and intended for the common use and enjoyment of the residents of the development. Complementary structures and/or improvements as are necessary and appropriate may be

included as part of common open space facilities.

OPEN STORAGE. A unroofed storage area, whether fenced or not.

OUTDOOR/DISPLAY SALES. The outdoor display of products or merchandise requiring limited on-site assembly, in an unroofed and/or unenclosed area by a business permanently established on the premise of which the sale is located; either as a principal or accessory use. This would exclude the outside storage of lumber and building materials, equipment, and motor vehicles.

OUT PARCEL. A lot located within a planned multi-tenant development (e.g., shopping center) which does not have access from a public road abutting the development. The lot may contain no more than 1 principal use and the outparcel lot may be exempt from the yard and bulk requirements of the underlying zoning district.

PACKAGE TREATMENT PLANT. A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

PARAPET. That portion of a building wall or false front that extends above the roof line.

PARK. See recreation facility, outdoor.

PARKING BAY. A parking module consisting of 1 or more sets of 1 or 2 rows of parking spaces and the aisle from which motor vehicles enter and leave.

PARKING SPACE, OFF-STREET. An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles which meets all area requirements contained in §§ 152.165 *et seq.* of this chapter.

PATIO HOME. A single-family dwelling on a separate lot with open space on 3 sides on that lot.

PAWN SHOP. A shop where money is lent on the security of personal property pledged. That property may then later be sold at the shop.

PERMIT, BUILDING. Written permission issued for the construction, repair, alteration or addition to a structure.

PHARMACY. A retail store which sells prescription drugs and which may also sell other items at the retail level. A ***PHARMACY*** may have a maximum gross floor area of 15,000 square feet. Prescription drugs may also be sold in department stores, variety stores and food stores but that store shall not be deemed to be a pharmacy.

PHOTOCOPY SERVICE. An establishment which makes photocopies of items and related printing services and which may provide a variety of auxiliary services including the use of in-house computer services, or the sale of paper goods and other products for the office.

PLANNED UNIT DEVELOPMENT. A large, integrated development adhering to a comprehensive plan and located on a single tract of land or on two or more tracts of land that may be separated only by a street or other right-of-way. A PUD is capable of having exclusively residential, or mixing residential and nonresidential land uses or even an industrial or institutional campus design into a comprehensive design that may be developed in phases over years. Often a PUD is a means to permanently preserving open space. UPDATED 9/11/2017

POOL HALL. An establishment which provides 3 or more pool tables for use by the general public.

POSTAL STORE. A retail establishment that provides post office services (i.e., the vending of stamps, mailing of items and rental of post office boxes) and which may sell other auxiliary goods including boxes, envelopes and other paper products.

PREMISES. A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with 1 or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

PRIVATE RESIDENTIAL QUARTERS. An accessory dwelling either attached or part of the residential use or separate from the principal use in the form of a guest house or garage apartment provided that such dwelling is not rented or occupied for gain and provided that no accessory building containing such use is constructed on a lot until the construction of the main building has commenced. The principal dwelling on the lot containing the private residential quarters shall be owner-occupied.

PRODUCE STAND. The sale of any form of agricultural or horticultural products at a free-standing, retail structure.

PUBLIC SAFETY STATION. A facility operated by a public agency, a private contractor thereof, or by a private non-profit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. The facility may contain living quarters for on-duty personnel. It may also contain up to 4 holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed at the operation site are also permitted.

RACETRACK. A facility where vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance at which seating space and accessory food stands may be provided.

RECREATION CENTER, INDOOR. Public or private health or exercise clubs, tennis or other racquet ball courts, swimming pools, YMCAs, YWCAs or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor

recreation structures may include accessory uses, such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

RECREATION FACILITY, OUTDOOR. A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of this facility shall include a public park. The term shall not include the terms racetrack, outdoor firing range, stadiums, amphitheaters, amusement park, baseball hitting ranges, country club or golf course.

RECREATIONAL USES, ACCESSORY. A recreational facility (e.g., swimming pool, tennis court) accessory to a principal use such as a hotel, multi-family development, single-family residence, country club and the like.

RECREATIONAL VEHICLE. A self-propelled vehicular-type portable structure built on a single chassis without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A ***RECREATIONAL VEHICLE*** shall not be considered as a dwelling unit.

RECREATIONAL VEHICLE SALES. A facility where recreational vehicles are sold.

RECYCLING DEPOSIT STATION (PRINCIPAL USE). A structure or closable bin at which newspapers, aluminum cans, plastics products, glass, corrugated paper or backyard waste (i.e., grass cuttings, tree limbs and the like) are deposited for the purpose of being recycled. All these goods shall be housed at all times within the structure. The outdoor storage of all goods to be recycled shall be prohibited.

RECYCLING STATION, ACCESSORY. A recycling station facility which does not constitute the principal use on the lot upon which it is located and at which household goods are deposited for recycling purposes and which are later transferred to a recycling processing facility or deposit station. These facilities may or may not be manned and may be located both outdoors or within a principal building. If accessory to a principal residential use, it shall be available for use only by the residents thereof.

RENTAL CENTER, CLASS 1. A commercial establishment whose primary use is the rental of household items and goods which are offered for rent, and eventual sale, to the general public. This shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

RENTAL CENTER, CLASS 2. A commercial establishment primarily engaged in the rental of commercial and/or industrial supplies and equipment. Storage of rental items may be indoors or outdoors.

RESIDENCE, SINGLE-FAMILY. Any development where:

(1) Every dwelling unit is on a separate lot; and

(2) Where no lot contains more than 1 dwelling unit.

RESIDENTIAL DEVELOPMENT. Buildings for residence, such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages and the like and their associated outbuildings such as garages, storage buildings, gazebos and the like and customary home occupations.

RESTAURANT. A commercial establishment other than a drive-in, drive-through, or fast food restaurant where food is prepared, served and consumed primarily within the principal building.

RESTAURANT, DRIVE-IN. An establishment where food products are sold in a form ready for consumption and where consumption is designed to take place on-site outside the confines of a building. At ***DRIVE-IN RESTAURANTS***, customers may order their food from individual outdoor calling stations rather than at a centrally located drive-in service window commonly found at drive-through or fast food restaurants.

RESTAURANT, DRIVE-THROUGH. An establishment whose principal business is the sale of pre-cooked or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Unlike a fast food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from individual calling stations.

RESTAURANT, FAST FOOD. An establishment whose principal business is the sale of pre-cooked or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally located outdoor calling station. These restaurants may also have drive-in service windows for the picking up of food orders.

RIDING ACADEMY. A facility which provides horseback riding lessons.

RIDING STABLE. A commercial facility where horses are sheltered which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds.

ROAD, FRONTAGE. A road which is in close proximity to and parallels a limited access road and is designed to provide access to lots which abut the limited access road.

ROAD, PRIVATE. Any right-of-way used for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity.

ROAD, PUBLIC. A public right-of-way set aside for public travel and either which has been

accepted for maintenance by the State of North Carolina, has been established as a public road prior to the date of adoption of this chapter, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the Rowan County Register of Deeds Office.

ROOF LINE. The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

ROOMING HOUSE. A residential dwelling in which lodging is provided by the owner or operator to 3 or more lodgers. Bathroom and kitchen facilities are normally shared. Lengths of stay are by the week, month or longer.

RURAL HOME OCCUPATION. A nonresidential use conducted in an accessory structure by the occupants of the lot upon which is located.

SATELLITE DISH. A device incorporating a reflective surface that is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia. The device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's and satellite microwave antennas.

SCHOOL, ELEMENTARY, JUNIOR HIGH AND SENIOR HIGH. A public or private school licensed by the State of North Carolina to provide elementary or secondary education. If the school is located on the grounds of a church or house of worship, it shall be considered a separate principal use if it has a student body in excess of 50 students. Students enrolled in a day care center at the church shall not be separately counted as school students.

SCHOOL, VOCATIONAL. A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation (e.g., auto mechanics, secretarial studies, machine repair and the like).

SCHOOLS FOR ARTS. A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught to 4 or more persons at a time. As differentiated from a vocational school, these schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance. A school giving martial arts instruction (i.e., martial arts school) shall be considered a separate use.

SCREENING. A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. ***SCREENING*** may be located on the property line or elsewhere on the site.

SECOND-HAND AND CONSIGNMENT SHOP. A retail establishment where clothes, furniture and other household goods are sold to the general public on a consignment, retail or not-for-profit basis. A pawn shop shall not be considered as being a ***SECOND-HAND SHOP***.

SEPTIC TANK CLEANING SERVICE. A base of operations for a septic tank cleaning service. Areas designated for the disposal of septic tank waste shall be deemed a separate principal use.

SETBACK. A minimum distance specified for the various zoning districts measured inward from a property line which remain unoccupied and unobstructed upward except as may be permitted elsewhere in this chapter.

SETBACK, FRONT. The portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this chapter.

SETBACK, REAR. The portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this chapter.

SETBACK, SIDE. The portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this chapter.

SEWER, COMMUNITY. Any package treatment plant or other sewage treatment facility serving 2 or more sources not connected to individual or public systems and having a design capacity or greater than 3,000 gallons daily and/or a discharge to surface water, as permitted by the State of North Carolina. In addition, this definition shall include all connections to a system.

SEWER, PUBLIC. An approved municipal-sewage disposal system serving 2 or more connections, constructed to specifications approved by the State of North Carolina. In addition, the definition shall include all connections to a system.

SHOPPING CENTER. A group of 2 or more retail establishments constructed and developed in 1 or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A ***SHOPPING CENTER*** may be located and developed on 1 or more lots and may include 1 or more principal buildings. A ***SHOPPING CENTER*** differs from an office building in that the majority of gross leasable area in a shopping center is devoted to retail and service uses serving the general public; the majority of gross leasable area in an office building is composed of office uses. Any uses located on outparcels which have points of ingress or egress from within the shopping center shall be considered as being part of that ***SHOPPING CENTER***.

SHRUB, LARGE.

(1) An ornamental plant that is at least 2 feet tall above the highest root at the time of planting which can be expected to grow to a height of 5.6 feet within a 3-year period after planting.

(2) If large shrubs are to be planted as part of a required Grade 4, option 4 screen, these shrubs will be limited to the following varieties:

(a) Nelly R. Stevens holly;

(b) Burford holly;

(c) Wax myrtle;

(d) East Palatka holly;

(e) Savannah holly;

(f) Tea olives;

(g) Eleagnus;

(h) Ugustrums;

(i) Japanese black pines;

(j) Junipers; and

(k) Any other variety of shrub, approved by the Zoning Enforcement Officer, which has the capacity to provide an equivalent amount of growth and opacity.

SIGN. Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The term ***SIGN*** does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business, scoreboards located on athletic fields, or religious symbols.

SIGN, ADVERTISING. A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this chapter may display either a commercial or noncommercial copy.

SIGN AND BANNER SHOP. The manufacture and/or sales of banners, flags, neon signs, and similar decorative sign objects. These signs are normally produced on an individualized basis.

SIGN AREA. The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only 1 side of a double-faced sign shall be considered.

SIGN, BUSINESS IDENTIFICATION. A sign that directs attention to a business, profession or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to services or entertainment offered on the premises, but not a sign pertaining to the preceding if the activity is only minor and incidental to the principal use of the premises.

SIGN, CAMPAIGN OR ELECTION. A sign that advertises a candidate or issue to be voted upon on a definite election day.

SIGN, CANOPY AND AWNING. A sign attached to or painted or printed onto a canopy or awning.

SIGN, CONSTRUCTION. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier or others involved in the development of the project.

SIGN, DIRECTIONAL. A sign fronting on a road containing only the name of the principal use, insignia or trademark, directional arrow and/or distance to the principal use. The principal use shall not be visible to the motorist at the location at which the sign is placed.

SIGN, DIRECTORY. A sign on which the names and locations of occupants or the use of a building or property is identified.

SIGN, FACE. The portion of the sign used for display of sign copy including all background area, pictures, and any other advertising devices shown in the sign. Excluded from this definition are the sign frame and supports. Sign area shall be as computed in §§ 152.193 and 152.201.

SIGN, FLASHING. A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

SIGN, FREE-STANDING. Any sign that is not affixed to a building and is securely and permanently mounted in the ground. The sign may include a ground, pole or monument sign.

SIGN, GOVERNMENT. Any temporary or permanent sign erected and maintained for any government purposes.

SIGN, GROUND. Any sign which extends from the ground or which has supports which places the bottom thereof less than 2 feet from the ground directly beneath the sign. A monument sign shall be considered to be a ***GROUND SIGN***.

SIGN, IDENTIFICATION. A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or professional of an occupant or the name of any building on the premises.

SIGN, ILLUMINATED. A sign either internally or externally illuminated.

SIGN, INCIDENTAL. A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines or newspaper delivery boxes.

SIGN, INSTRUCTIONAL. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using words as "Entrance," "Exit," "Parking," "One-Way" or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

SIGN, LIGHTED. A sign illuminated only by light cast upon the sign from an external light source.

SIGN, LUMINOUS. A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

SIGN, MONUMENT. A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension. A ***MONUMENT SIGN*** shall be considered a ground sign.

SIGN, OFF-PREMISES. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

SIGN, ON-PREMISES. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity, that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

SIGN PAINTING SHOP. The printing and/or manufacture of signs normally which are displayed as pole signs, outdoor advertising signs, ground-mounted or monument signs.

SIGN, POLE. A detached sign erected and maintained on a free-standing frame, mast or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of this sign shall be greater than 2 feet from the ground directly beneath the sign.

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure, nor specifically constructed for the attachment, or a sign designed to be transported, including but not limited to the following: signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; gas or hot-air filled balloons; or umbrellas used for advertising.

SIGN, PROJECTING. Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

SIGN, PUBLIC INTEREST. A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public, such as "Warning" and "No Trespassing" signs.

SIGN, REAL ESTATE. A sign that is used to offer for sale, lease or rent the premises upon which the sign is placed.

SIGN, ROOF. A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

SIGN, SETBACK. The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting structure whichever is nearest to the property line or right-of-way.

SIGN, VEHICULAR. Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and the vehicles are not used in the normal day to day operations of the business. For the purposes of this chapter, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

SIGN, WALL. Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is effaced. Signs directly painted on walls shall be considered ***WALL SIGNS***.

STADIUM. A structure or facility designed, intended, or used primarily for outside and/or inside athletic events or other performances and containing seating for spectators of those events, but not including a racetrack. The sale of beverages, snack foods and sundries geared to on-premise consumption or usage by spectators shall be permitted.

STORAGE, OPEN-AIR. The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

STREET RIGHT-OF-WAY. An area of land occupied or intended to be occupied by a public street or areas claimed by a municipality or the State of North Carolina for these purposes, or actually used for these purposes.

STRUCTURE. A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above, or below the surface of land or water. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground.

STRUCTURE, ACCESSORY. A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An ***ACCESSORY STRUCTURE*** may also be referred to an accessory building.

STRUCTURE, PRINCIPAL. A structure containing the principal use which takes place on the lot. A ***PRINCIPAL STRUCTURE*** may also be referred to as a principal building.

SWIM CLUB. A private outdoor recreation facility featuring a swimming pool. The facility (depending on its zoning district) may be run either as a private club (in commercial and residential

districts) or as a business use (in business districts only).

THEATER, OUTDOOR MOVIE. A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

TOTAL CARE FACILITY. See continuing care facility.

TOURIST INFORMATION OFFICE. An office operated by a public agency to provide free travel information and pamphlets to the public.

TOWNHOUSE. A dwelling unit in a row of at least 3 units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by 1 or more common walls.

TREE, LARGE MATURING. A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least 8 feet and is of a species which, at maturity, can be expected to reach a height of more than 35 feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least 2-1/2 inches at the time of planting measured 6 inches up from the highest root of the tree.

TREE, SMALL MATURING. A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least 8 feet and is of a species which at maturity, can be expected to reach a height of up to 35 feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least 2-1/2 inches measured 6 inches up from the highest root of the tree.

TRUCK TERMINAL. A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

USE, ACCESSORY. A use customarily incidental and subordinate to the principal use or structure and located on the same lot with the principal use or structure.

USE, PRINCIPAL. The primary or predominant use of any lot.

VARIANCE. A relaxation of the strict terms of a specific provision of this chapter by the Board of Adjustment in accordance with the provisions of § 152.280 *et seq.* of this chapter.

VEHICLE, COMMERCIAL. A truck of any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a ***COMMERCIAL VEHICLE***, except for passenger vehicles having the affixation.

VEHICLE, INOPERABLE. A vehicle that for a period of more than 72 hours has been in a state of disrepair and is incapable of being moved under its own power.

VEHICLE, PASSENGER. An automobile, van, or pick-up truck used exclusively as a passenger

vehicle and/or for hauling property of the owner. Pick-up trucks may qualify as ***PASSENGER VEHICLES*** only when used exclusively as ***PASSENGER VEHICLES*** or for hauling property of the owner and not equipped as a camper or a commercial vehicle.

VIDEO ARCADE or ***GAME ROOM.*** A commercial facility providing recreational activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeet ball machines. A facility shall be deemed a game room if it has 8 or more of these machines. If 3 or more pool tables are provided, the facility shall also be deemed a pool hall.

WALL, BUILDING. The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this chapter, the area of a wall will be calculated for a maximum of 50 feet in height of a building.

WAREHOUSE. A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to 1 or more lessees of space in the facility or both, with access to contents only through management personnel.

WAREHOUSE-MINI. See mini-warehouse.

WATER, COMMUNITY. See water, public.

WATER, PUBLIC. Any water system defined as such by the North Carolina Division of Health Services which complies with the regulations of the North Carolina Division of Health Services.

WHOLESALE SALES OPERATION. A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of the businesses shall be for resale purposes. The Zoning Enforcement Officer may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed ***WHOLESALE SALES OPERATIONS***, but rather shall be considered a retail sales operation.

YARD. An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

YARD, FRONT. An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on a lot, the front yard shall be based on the architectural orientation of the building.

YARD, REAR. A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line and a line parallel thereto and passing through the point of the principal building nearest the rear lot line.

YARD, SIDE. A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

YARD SALE. An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by 1 or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants.

ZONING ENFORCEMENT OFFICER. A person or his or her designee appointed by the Town Board to administer the regulations contained in this chapter.
(Ord. passed 11-11-1995)

ESTABLISHMENT OF ZONING DISTRICTS

§ 152.050 INTRODUCTION.

In order to achieve the purpose of this chapter, the following zoning districts are hereby established. In addition to the primary uses which are permitted by right or through the issuance of a conditional use permit, other uses including accessory uses, off-street parking and signs are permitted as listed in this chapter.
(Ord. passed 11-11-1995)

§ 152.051 ZONING DISTRICTS.

General zoning districts are designated throughout the zoning jurisdiction and include numerous uses which are allowed by right subject to those uses meeting yard and height regulations. In addition, each zone allows for conditional uses which may be developed once a conditional use permit has been issued by the Town Board. The following zoning districts are hereby established. (passed 11-11-1995)

§ 152.052 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) This district is established to provide areas for low-density residential or agricultural purposes. Minimum lot size will depend on the provision of public water and sewer facilities.

(B) Single-family dwellings are permitted in this zoning district. In addition, a limited number of nonresidential uses are allowed in this district which are not permitted in other residential districts contained in this chapter. Some of these uses, which could potentially have a substantial effect upon adjoining properties, are subject to the issuance of a conditional use permit by the Town Board.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.053 R-2 GENERAL RESIDENTIAL DISTRICT.

(A) The R-2 Residential District is established primarily as a residential district for the location of single-family and multi-family dwellings along with their customary accessory uses so as to establish areas where development patterns can be somewhat more dense. In most cases, public or community water and/or sewer is available.

(B) In addition to single-family dwelling units, duplexes and multi-family dwellings are permitted along with a limited number of home occupations and public and private community uses. In order to ensure that multi-family developments are well planned and compatible with adjoining residential uses, density levels of developments in excess of 6 units per acre are allowed subject to the issuance of a conditional use permit by the Town Board. Some uses, such as manufactured homes and non-residential uses require the issuance of a conditional use permit by the Town Board.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.054 O-I OFFICE AND INSTITUTIONAL DISTRICT.

(A) This zone is intended to accommodate a variety of office and related light commercial uses. In addition, this district can create areas to serve as transitional buffers between residential districts and commercial or industrial areas.

(B) Unlike other commercial zoning districts, the number and type of retail uses permitted is limited. In addition, this district allows single-family residential dwellings on a permitted basis. The primary purpose of this zone, however, is to accommodate existing and new commercial areas as herein described, rather than to create new residential communities.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.055 B-1 NEIGHBORHOOD BUSINESS DISTRICT.

(A) This district is designed primarily for local retail business centers designed to serve relatively small trading areas in developed or developing portions of the Rockwell area. As a result, the list of commercial establishments allowed in this district is more limited than in other business zones. The standards designed for these business areas are designed to promote sound, permanent business development and to protect abutting and surrounding residential areas from undesirable aspects of nearby commercial development.

(B) Any area so zoned shall be at a location which conveniently serves the trading area population and does not create or expand problems associated with traffic volumes or circulation. Any B-1 area shown on the official zoning map must contain a contiguous area of at least 3 acres.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.056 B-2 CENTRAL BUSINESS DISTRICT.

This district is established as the centrally located trade and commercial service area of Rockwell. The regulations of this district are designed to encourage the continued use of land for community trade and commercial service uses and to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.057 B-3 GENERAL BUSINESS DISTRICT.

The purpose of this district is to provide a wide array of primarily retail and personal service uses to a large trading area for persons residing in and/or traveling through the Rockwell area. These uses shall be located and designed in a manner so as to promote aesthetics, the safe and efficient movement of traffic and to not unduly burden adjoining thoroughfares. Given the large traffic volumes generated by uses located in a district, any area so zoned shall have access onto an arterial or collector highway.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.058 I INDUSTRIAL DISTRICT.

This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of goods, product distribution facilities, and a broad variety of specialized commercial and industrial operations. The large majority of industrial uses are allowed by right. However, certain industrial uses which could potentially have a significant effect on the environment or public utilities, significantly increase traffic volumes on adjoining roads, or otherwise significantly impact adjoining properties shall be allowed only after a conditional use permit has been issued by the Town Board.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.059 R-A RESIDENTIAL AGRICULTURAL.

(A) The R-A District includes areas which consist of large tracts of vacant or developing land in transition.

(B) The district allows for a mix of residential and light commercial development.

(C) The regulations for this district are designed to allow for a mix of uses until a distinct land use pattern develops.

(D) More intense commercial uses are allowed only after a conditional use permit has been issued by the Town Board.
(Ord. passed 11-11-1995) Penalty, see § 152.999

DISTRICT REGULATIONS

§ 152.070 TABLE OF USES.

(A) The list of uses allowed in each zoning district is indicated in Table 1. Uses are listed under 1 of 4 general classifications:

(1) Residential uses;

(2) Public/semi-public uses;

(3) Commercial uses; and

(4) Industrial uses.

(B) For any use listed in Table 1, the Zoning Enforcement Officer shall be able to determine if the use is:

(1) Permitted;
(2) Permitted subject to the adherence of certain identified specifications;

(3) Permitted subject to the issuance of a conditional use permit; or

(4) Not permitted.

(C) A use shall be permitted in a certain zoning district if it is accordingly designated in Table 1 with an "X." For instance, single-family dwellings are permitted uses in the R-1 District. A use permitted subject to certain pre-established specifications which would not be applicable to other uses is designated by an "XS." For instance, an automobile service station (i.e. gas station) is subject to the supplemental regulations found in § 152.071 of this chapter. A use that is subject to the issuance of a conditional use permit is indicated by a "C." For instance, a golf course in the R-1 District would be a conditional use and would require the issuance of a conditional use permit by the Town Board. If additional findings of fact, or other supplemental requirements, pertain to a certain conditional use, this would be indicated by a "CS." That is the case of an animal kennel in the R-2 District. If a use does not have an "X," "C" or "CS" designation in a particular zoning district, that use shall not be allowed in that zoning district.

(D) In addition to the listings of uses within the various zoning districts, Table 1 shows the parking requirement listing for each use. These parking requirements are found in §§ 152.165 *et seq.* of this chapter. In many cases, parking requirements are the same for more than 1 use.

(E) Yard, bulk, height and screening requirements are found in § 152.072 through 152.080. In

general, these requirements shall pertain to all uses. However, if different requirements for a particular use are found in the supplemental regulations (most supplemental regulations are found in § 152.071), the stricter requirement shall prevail.

[Table 1 begins on next page]

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
ABC Store	Y		2.22				X	X	X		X
Adult Care Center (See Day Care Center)											
Adult Establishment	Y	§ 152.071	2.22						CS	CS	
Air Conditioning Supply and Service (See Electric, Heating, Supplies and Sales)											
Amusement Park (Outdoors)	Y	§ 152.071	3.13						CS	CS	
Animal Grooming Establishment	Y	§ 152.071	2.5				XS	XS	XS		XS
Animal Hospital (no outdoor runs)	Y	§ 152.071	2.15			XS	XS	XS	XS		XS
Animal Hospital (with outdoor runs)	Y	§ 152.071	2.15						XS	XS	CS
Animal Kennel	Y	§ 152.071	2.5	CS							CS
Animal Shelter	Y	§ 152.071	2.48							XS	
Animal Supply Store	Y		2.14				X	X	X		X
Antique Store			2.22				X	X	X		X
Apparel Store (See Clothing, Footwear, and Apparel Store)											

Table 1

Use	*Defined (c)*	*Supplemental Regulations When Applicable (a)*	*Parking (b)*	*R-1*	*R-2*	*0-1*	*B-1*	*B-2*	*B-3*	*I*	*R-A*
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached ** Attached***								
Appliance Sales and Repair		§ 152.071	2.49				XS	XS	XS		XS
Architect Service (See Engineering, Architect and Survey Services)											
Art Gallery	Y	§ 152.071	2.28			XS	X	X	X		X
Auction House	Y	152.071	2.22					X	X		
Auditorium, Assembly Hall as the principal use			2.16			C		X	X		C
Auto, Truck, Boat, Motorcycle Sales			2.25						X	X	C
Automobile Body Shop	Y	§ 152.071	2.10						XS	XS	CS
Automobile Broker	Y		2.43					X	X	X	C
Automobile Club	Y	§ 152.071	2.15			XS	X	X	X		X
Automobile Detailing Shops	Y	§ 152.071	2.28						XS	XS	CS
Automobiles Parking Lot and Structures (Principal Use)			.1			X	X	X	X	X	X
Automobile Parts and Repair Store	Y	§ 152.071	2.3						XS	XS	CS
Automobile Parts and Supply Store	Y		2.22					X	X	X	C
Automobile Repair Shop	Y	§ 152.071	2.10						XS	XS	CS

Table 1

Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Automobile Salvage Yard (See Junkyard and Automobile Salvage)											
Automobile Service	Y	152.071	2.26						XS	XS	CS
Automobile Towing and Wrecker Service	Y	§ 152.071	2.43							CS	
Automobile Wash Class 1 (Self-Serve)	Y	§ 152.071	.6					XS	XS	XS	CS
Automobile Wash Class 2 (Automatic)	Y	§ 152.071						XS	XS	XS	CS
Bakery (Retail)	Y	§ 152.071	2.22			XS	X	X	X		X
Banks, Savings and Loan, Credit Union (See Financial Institution)											
Bank Teller Machines, Outdoor (Principal or Accessory Use)	Y	§ 152.071	.7			XS	XS	XS	XS		XS
Barber/Beauty Shop											X
Beauty Supply and Cosmetics Store		§ 152.071	2.28			XS	X	X	X		X
Bed and Breakfast Inn	Y	§ 152.071	2.10	CS	CS	CS	XS	XS			XS
Bicycle Sales/Service			2.22				X	X	X		X
Billiard Parlor (See Pool Hall)											

Table 1 Table 1

Use	*Defined (c)*	*Supplemental Regulations When Applicable (a)*	*Parking (b)*	*R-1*	*R-2*	*0-1*	*B-1*	*B-2*	*B-3*	*I*	*R-A*
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Blueprint and Drafting Service		152.071	2.56			XS	X	X	X		X
Boat Sales (See Auto, Truck, Boat -Sales)											
Book Store	Y	152.071	2.22			XS	X	X	X		X
Bowling Lanes			2.32						X		C
Building and Home Materials Center	Y	152.071	2.22						XS	XS	CS
Cabinet and Woodwork Shops		152.071	2.43						XS	XS	CS
Camera and Photography Supply Store			2.22			XS	X	X	X		X
Camping and Recreational Vehicle Park	Y		2.13						CS		CS
Candy and Nut Store		§ 152.071	2.22			XS	X	X	X		X
Car Wash (See Automobile Wash)											
Card Shop (See Gift, Novelty, and Souvenir Shop)											
Carpet Store (See Floor Covering Store)											
Catalogue Sales Store	Y		2.22					X	X		C

Table 1

Use	*Defined (c)*	*Supplemental Regulations When Applicable (a)*	*Parking (b)*	*R-1*	*R-2*	*0-1*	*B-1*	*B-2*	*B-3*	*I*	*R-A*
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Catering (See Food Catering Facility)											
Cemetery/Columbarium (Accessory Use)	Y	§ 152.071	0.1	XS	XS	XS	XS	XS	XS	XS	XS
Cemetery/Columbarium (Principal Use)	Y	§ 152.071	3.50	CS	CS	CS	CS	XS	XS	XS	CS
China and Tableware Shop		§ 152.071	2.22			XS	X	X	X		X
Church/House of Worship	Y	§ 152.071	3.2	XS/ CS	XS/ CS	XS	XS	XS	XS	XS	XS
Cleaning and Maintenance Service, Building			2.65				X	X	X	X	X
Clock and Watch Sales and Repair Shop		§ 152.071	2.22			XS	X	X	X		X
Cloth Store (See Sewing, Cloth, and Notions Store)											
Clothing, Footwear, and Apparel Store			2.22				X	X	X		X
Coin and Stamp Shop		§ 152.071	2.22			XS	X	X	X		X
College/University	Y		3.09			C		C	C		C
Commercial Vehicle Storage and/or Operations Center	Y	§ 152.071	2.69						XS	XS	CS
Communication Tower	Y	§§ 152.096, 152.071	.1	XS/ CS	XS/ CS	XS/ CS	XS/ CS	XS/ CS	XS	XS	XS/ CS

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Community Center	Y	§ 152.071	2.16	XS	XS	XS/ CS	XS/ CS	XS/ CS	XS/ CS		XS
Computer and Data Processing Sales and Service		§ 152.071	2.15			XS	X	X	X		X
Computer Store (See Office Equipment and Computer Store)											
Consignment Shop (See Second Hand and Consignment Shops)											
Continuing Care Facility	Y	§ 152.071	1.5		CS						CS
Contractors' Storage and Equipment Yard	Y	§ 152.071	2.65						XS	XS	CS
Convenience Store (With Retail Fuel Sales)	Y	§ 152.071	2.8					XS	XS	XS	CS
Convenience Store (Without Retail Fuel Sales)	Y	§ 152.071	2.8				XS	XS	XS	XS	XS
Copying Service (See Photocopying Service)											
Correctional Facility, Class 1	Y	§§ 152.071, 152.111	3.6						XS	XS	CS
Correctional Facility, Class 2	Y	§§ 152.071, 152.111	3.6							XS	

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Cosmetics Store (See Beauty Supply and Cosmetics Store)											
Costume Rental Store (See Formal Wear and Costume Rental Store)											
Country Club	Y	§ 152.071	3.7	CS	CS			XS	XS	XS	CS
Craft Shop (See Hobby, Toy, and Craft Shop)											
Craft Studio	Y		2.54			X	X	X	X		X
Customary Home Occupation	Y	§ 152.096	.1	XS	XS	XS	XS	XS	XS	XS	XS
Dance School (See School for the Arts)											
Day Care Center, Class 1	Y	§ 152.071	1.1	XS	XS	XS	XS	XS	XS		XS
Day Care Center, Class 2	Y	§ 152.071	2.84	XS	XS	XS	XS	XS	XS		XS
Day Care Center, Class 3	Y	§ 152.071	2.84	CS	CS	XS	XS	XS	XS	XS	XS
Day Care Center, Class 4	Y	§ 152.071	2.84			XS	XS	XS	XS	XS	XS
Day Care Center, Accessory	Y	§ 152.071	2.84			XS	XS	XS	XS	XS	XS
Department Store			2.22				X	X	X		X
Detective Agency		§ 152.071	2.15			XS	X	X	X		X

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
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XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Discotheque (See Lounge)											
Distribution Center, Product			2.48						X	X	C
Doctors' and Dentists' Office	Y		2.35			X	X	X	X		X
Drapery and Linen Shop			2.22				X	X	X		X
Drug Store (See Pharmacy)											
Dry Cleaning and Laundry Plant (Principal Use)	Y		2.37					X	X	X	C
Dry Cleaning Service Outlet	Y	§ 152.071	2.22			XS	X	X	X		X
Duplex (See Dwelling, 2-family)											
Dwelling, Manufactured (See Manufactured Home)											
Dwelling, Single-Family	Y		1.1	X	X	X					X
Dwelling, 2-Family	Y		1.1		X	X					X
Dwelling, Multi-Family		§§ 152.071, 152.072	1.3		XS/ CS	XS/ CS					XS/ CS

Table 1											
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XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales and Service		§ 152.071	2.65						XS	XS	CS
Employment Agency		§ 152.071	2.15			XS	X	X	X		X
Engineering, Architect or Surveying Service		§ 152.071	2.15			XS	X	X	X		X
Essential Services Operations Center	Y		2.43						X		C
Essential Services, Class 1	Y		.1	X	X	X	X	X	X	X	X
Essential Services, Class 2	Y		.2	X	X	X	X	X	X	X	X
Essential Services, Class 3	Y	§ 152.071	2.43	CS					CS	CS	CS
Exterminators Office (See Pest Control)											
Fairground	Y	§ 152.071	3.13						CS	CS	
Family Care Home	Y	§ 152.071	1.9	X	X	X	XS	XS	XS	XS	X
Farm Equipment Sales		§ 152.071	2.25						XS	XS	CS
Farm Supply Store	Y		2.14						X	X	C
Farmers' Market (Outdoors)	Y		2.44						C	C	C
Finance Company		§ 152.071	2.19			XS	XS	XS	XS		XS

Table 1											
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XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Financial Institution	Y	§ 152.071	2.18			XS	XS	XS	XS		XS
Firing Range, Indoors (See Recreation Center, Indoors)											
Fitness Center (See Recreation Center, Indoors)											
Flea Market (Indoor)	Y		2.44					X	X	X	C
Flea Market (Outdoor)	Y		2.44						C	C	C
Floor Covering Store			2.49				X	X	X		X
Floral and Christmas Items Store		§ 152.071	2.22			XS	X	X	X		X
Florist, Retail	Y	§ 152.071	2.22			XS	X	X	X		X
Florist, Wholesale			2.49						X	X	C
Food Catering Facility	Y		2.48				X	X	X	X	X
Food Store	Y		2.22				X	X	X		X
Formal Wear and Costume Rental Store		§ 152.071	2.15			XS	X	X	X		X
Fortune Teller	Y		2.28				X	X	X		X
Fraternal and Service Organization meeting Facilities (Non-Profit and Not-for-Profit)	Y	§ 152.071	2.64		XS	XS	XS	XS	XS		XS

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C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Fuel Oil Sales (See Petroleum Distributor)											
Funeral Homes	Y		2.20			C		X	X		C
Furniture Repair Shop			2.75					X	X		C
Furniture Store (Retail)			2.53				X	X	X		X
Furrier		§ 152.071	2.22			XS	X	X	X		X
Game Room/Video Arcade	Y	§ 152.071	2.76				CS	XS	XS		CS
Garden Supply and Seed Store	Y		2.58				X	X	X		X
Gas Station (See Automobile Service Station)											
Gift, Novelty and Souvenir Store		§ 152.071	2.22			XS	X	X	X		X
Glass and Mirror Shop			2.22				X	X	X		X
Glass Contractor	Y		2.43						X	X	C
Golf Course (Public or Private)	Y		3.16	C	C				C	C	C
Golf Course, Miniature and Golf Driving Range	Y	§ 152.071	3.17						XS	XS	CS
Grocery Store (See Food Store)											

Table 1											
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C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Group Care Facility	Y		1.10		C	X		C	C		C
Gun and Ammunition Sales Shop			2.22					X	X		C
Gunsmith	Y		2.43					X	X		C
Hardware Store (See Building and Home Materials Center)											
Health Club, Spa, and Gymnasium (See Recreation Center, Indoors)											
Heating Supplies and Sales (See Electric, Heating - Supplies and Sales)											
Hobby, Toy, and Craft Shop			2.22				X	X	X		X
Home Center	Y		2.49					X	X	X	C
Home Decorating Center	Y		2.22				X	X	X		X
Home Electronics and Appliance Sales and Repair		§ 152.071	2.49			XS	X	X	X		X
Home Improvement Store (See Home Center)											
Hospitals	Y		2.21			X		X	X		C

Table 1											
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C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Hotel/Motel	Y	§ 152.071	2.71			CS		XS	XS	XS	CS
Home for Aged	Y	§ 152.071	2.2		CS	XS					CS
Independent Living Center	Y	§ 152.071	2.2		CS	XS					CS
Insurance Agency (Principal Use)			2.15			X	X	X	X		X
Interior Decorator	Y		2.22			X	X	X	X		X
Jewelry Sales (Principal Use) and Repair		§ 152.071	2.22			XS	X	X	X		X
Junkyard and Automobile Salvage Yard	Y	§ 152.071	2.43							CS	
Key Shop and Locksmith		§ 152.071	2.22			XS	X	X	X		X
Laboratories - Dental, Medical, Optical, and Research		§ 152.071	2.61			XS	X	X	X	X	X
Landfill, Demolition (Principal Use)	Y	§ 152.071	.1							CS	
Landfill, On-site Demolition (Accessory Use)	Y	§ 152.071	.1	XS	XS	XS	XS	XS	XS	XS	XS
Laundromat	Y		2.62				X	X	X	X	X

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XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Laundromat Plant (See Dry Cleaning and Laundry Plant)											
Lawn and Garden Service			2.65				X	X	X		X
Leather Goods Shop (See Luggage and Leather Goods Shop)											
Library, Public			3.12	C	C	X	X	X	X		X
Life Care Facility (See Continuing Care Facility)											
Linen Shop	Y	§ 152.071	2.22			XS	X	X	X		X
Liquor Store (See ABC Store)											
Locksmith (See Keyshop and Locksmith)											
Lounge (Principal Use)	Y	§ 152.071	2.29					XS	XS		CS
Luggage and Leather Goods Shop		§ 152.071	2.22			XS	X	X	X		X
Lumber and Building Materials Yard	Y	§ 152.071	2.49						CS	XS	
Machine Shop	Y	§ 152.071	2.43						XS	XS	CS

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
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C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Maintenance Service (See Cleaning and Maintenance Service)											
Manufactured Goods, Class 1	Y	§ 152.071	4.1							XS	
Manufactured Goods, Class 2	Y	§ 152.071	4.1							CS	
Manufactured Home Park	Y	§§ 152.071, 152.131			CS						CS
Manufactured Home Sales			2.5						X	X	C
Manufactured Homes	Y	§ 152.096	1.1		CS						CS
Manufacturing Machinery Sales and Service			2.49						X	X	C
Martial Arts School			2.80			X	X	X	X		X
Medical Center	Y		2.35			X	X	X	X	X	X
Medical Supply Shop		§ 152.071	2.22			XS	X	X	X		X
Membership Warehouse Club	Y								X	X	C
Message and Errand Service			2.43			X	X	X	X		X
Mini-Mart	Y	§ 152.071	2.8				XS	XS	XS	XS	XS
Mini-Warehouse	Y	§ 152.071	2.41						XS	XS	CS

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Mirror Shop (See Glass and Mirror Shop)											
Mixed Uses	Y							C			
Mobile Home (See Manufactured Home)											
Modular Home (See Dwelling, Single-Family)	Y										
Monument Sales	Y		2.63						X	X	C
Motel (See Hotel/Motel)	Y										
Moving and Storage Facilities			2.43						X	X	C
Museum			3.14			C	X	X	X		X
Music Store Sales and Service		§ 152.071	2.22			XS	X	X	X		X
Nail Salon (See Tanning And Nail Salon)											
News Stand (Principal Use)	Y	152.071	2.22			XS	X	X	X		X
Notions and Souvenir Store (See Gift, Novelty And Souvenir Store)											
Nursery (Horticultural), Greenhouses	Y		2.53						X	X	C

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Nursing Facility	Y		2.2			X		X			C
Office Equipment and Computer Store			2.22			X	X	X	X		X
Offices	Y		2.15			X	X	X	X		X
Optician and Optical Supply Store		§ 152.071	2.22			XS	X	X	X		X
Outdoor/Display Sales		152.071				X	X	X	X	X	
Park (See Recreation Facility, Outdoor)											
Parking Lot - Principal Use (See Automobile Parking Lot)											
Pawn Shop	Y		2.22					X	X		C
Personnel Agency (See Employment Agency)											
Pest Control Service			2.65					X	X		C
Pet Stores		§ 152.071	2.22				X	X	X		X
Pharmacy	Y	§ 152.071	2.22			XS	X	X	X	X	X
Photocopy Service		§ 152.071	2.22			XS	X	X	X		X
Photofinish Laboratory		§ 152.071	2.15			XS	X	X	X	X	X

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Photographic Studio			2.79			X	X	X	X		X
Picture Frame Shop		§ 152.071	2.22			XS	X	X	X		X
Planned Unit Development (PUD)	Y	§ 152.096	1.1 * 1.3 **		CS	CS					CS
Plumbing, Sales and Supplies (See Electric, Heating - Sales and Service)											
Pool Hall	Y		2.32					X	X		C
Post Office			3.11			X	X	X	X		X
Postal Store and Contract Station	Y	§ 152.071	2.22			XS	X	X	X		X
Produce Stand, Temporary (Accessory Use)	Y	§ 152.071	2.12	XS	XS	XS	XS	XS	XS	XS	XS
Produce Stand (Principal Use)	Y	§ 152.071	2.12				XS	XS	XS	XS	XS
Prosthetics and Medical Equipment Rental (See Rental Center)											
Public Safety Station	Y	§ 152.071	2.48	CS	CS	XS	XS	XS	XS	XS	XS
Racetrack	Y	§ 152.071	2.73							CS	
Radio Shop (See Home Electronics and Appliance Sales)											

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Railroad Terminal and Yards			2.43							X	
Real Estate Agency			2.15			X	X	X	X		X
Recreation Facility, Indoor (Public, Private and Non-Profit)	Y	§ 152.071	3.4		CS	XS/ CS	XS/ CS	XS/ CS	XS/ CS		XS/ CS
Recreation Facility, Outdoor (Public and Private)	Y	§ 152.071	3.4	XS/ CS	XS/ CS	XS/ CS	XS/ CS	XS/ CS	XS/ CS		XS/ CS
Recreational Uses, Accessory	Y	§§ 152.071, 152.095	3.4	XS	XS	XS	XS	XS	XS		XS
Recreational Vehicle Sales	Y		2.25						X	X	C
Recycling Deposit Station (Principal Use)	Y	152.071									
Recycling Processing Facility (Indoors)	Y		2.48							X	Rec
Recycling Station, Accessory	Y	152.071	0.1			XS	XS	XS	XS	XS	XS
Rental Center, Class 1	Y		2.22				X	X	X		X
Rental Center, Class 2	Y	§ 152.071	2.49						XS/ CS	XS	CS
Restaurant (Principal Use)	Y	§ 152.071	2.23			XS	X	X	X	X	X

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Restaurant, Drive-in	Y		2.24						X		C
Restaurant, Drive-Through	Y	§ 152.071	2.66				XS/ CS	XS/ CS	XS/ CS	XS/ CS	XS/ CS
Restaurant, Fast Food	Y	§ 152.071	2.23				XS/ CS	XS/ CS	XS/ CS	XS/ CS	XS/ CS
Restaurants, Within Other Facilities	Y	§ 152.071	2.23			XS	XS	XS	XS	XS	XS
Riding Academy	Y	§ 152.071	2.6	XS					XS		XS
Riding Stable	Y	§ 152.071	2.6	XS					XS		XS
Roofing Repair and Installation		§ 152.071	2.43						XS	XS	CS
Rooming and Boarding House	Y		1.7		C				X		C
School, Elementary and Junior High	Y		3.1	X	X	X		C	C		X
School, Senior High	Y		3.3	X	X	X		X	X		X
School, Vocational	Y		3.9					X	X	X	C
School for the Arts	Y		3.9	X	X	X	X	X	X	X	X
Second-Hand and Consignment Shops	Y		2.22					X	X		C
Seed Store (See Garden Supply and Seed Store)											

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Septic Tank Cleaning Service	Y		2.56							X	
Service Station (See Automobile Service Station)											
Sewing, Cloth, and Notions Store		§ 152.071	2.22			XS	X	X	X		X
Shoe Repair shop		§ 152.071	2.22			XS	X	X	X		X
Shopping Center	Y	§ 152.071	2.67				XS/ CS	XS/ CS	XS/ CS		XS/ CS
Sign and Banner Shop	Y	§ 152.071	2.22			XS	X	X	X		X
Sign Painting Shop	Y		2.43						X	X	C
Skating Rink, Indoor (See Recreation Center, Indoors)											
Solid Waste Vehicle and Septic Tank Vehicle Storage Facility			2.70							C	
Sporting Goods and Apparel Shop		§ 152.071	2.22			XS	X	X	X		X
Stadium	Y	§ 152.071	2.16	XS/ CS	XS/ CS	XS/ CS		XS/ CS	XS/ CS		XS/ CS
Stamp Shop (See Coin and Stamp Shop)											

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Stationery Shop		§ 152.071	2.22			XS	X	X	X		X
Stock or Security Brokerage Firm			2.15			X	X	X	X		X
Supermarket (See Food Store)											
Swim Clubs	Y	§ 152.071	3.7	CS	CS				XS	XS	CS
Swimming Pool Sales, Service and Supplies			2.49						X	X	C
Tailor and Alteration Shop		§ 152.071	2.22			XS	X	X	X		X
Tanning and Nail Salon (Principal Use)		§ 152.071	2.74			XS	X	X	X		X
Tattoo Parlor			2.22						X	X	C
Tavern (See Lounge)											
Tax Preparation Service			2.19			X	X	X	X		X
Taxidermist			2.15					X	X	X	C
Television Sales and Repair (See Home Electronics and Appliance Sales)											
Textile Machinery Sales and Service			2.49						X	X	C
Theater, Indoor Movie			2.73				X	X	X		X

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Theater, Outdoor Movie	Y		2.34						C	C	
Tire Recap or Repair Facility			2.69							X	
Tobacco Shop		§ 152.071	2.22			XS	X	X	X		X
Toy Shop (See Hobby, Toy, and Craft Shop)											
Trading Stamp Redemption Store			2.22					X	X		C
Travel Agency			2.15			X	X	X	X		X
Trophy and Plaque Shop			2.22				X	X	X		X
Truck Terminal	Y		2.70							X	
Truck and Utility Trailer Rental Facility (Principal Use)			2.72							X	
Truck Washing Facility			2.9							X	
Upholstery Shop			2.75					X	X	X	C
Variety Store		§ 152.071	2.22			XS	X	X	X		X
Vending Company Supply House			2.43						X	X	C
Veterinary Office (See Animal Hospital)											
Video Arcade (See Game Room)	Y										

Table 1											
Use	***Defined (c)***	***Supplemental Regulations When Applicable (a)***	***Parking (b)***	***R-1***	***R-2***	***0-1***	***B-1***	***B-2***	***B-3***	***I***	***R-A***
X - Use by Right			***(a) - Individual Supplemental Regulations are found in § 152.071***								
XS - Use by Right with Supplemental Regulations			***(b) - Individual parking requirements are found in § 152.174***								
C - Conditional Use			***(c) - The use is defined in § 152.039 if indicated with a "Y"***								
CS - Conditional Use with Supplemental Regulations			**** Single-family detached*** ***** Attached***								
Video Rental Shop (Principal Use)			2.31				X	X	X		X
Warehouse (Excluding Wholesales Sales Operations and Mini-Warehouses)	Y		2.43					C	X	X	C
Watch Repair and Sales (See Clock and Watch Sales and Repair)											
Welding Shop		§ 152.071	2.43							XS	
Wholesale Sales Operation	Y		2.49					X	X	X	C
Wrecker Service (See Automobile/Vehicle Towing Service)											

(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.070 Electronic Gaming/Internet Café/Sweepstake Café

Access

At all times while open for business and while patrons are on the premises, electronic gaming operations shall be open for direct, unobstructed access by police officers, fire department personnel, and emergency response personnel and shall be visible from the exterior front of the establishment. Entrance doors shall remain unlocked at all times while patrons are on the premises. Police officers, fire department personnel, and emergency response personnel shall have direct access to the premises without requiring assistance from an employee, agent, or owner of the establishment.

Hours of Operation

No person or entity engaged in electronic gaming operations as defined herein shall engage in the business before 10:00 a.m. or after 11:00 p.m.

Age Restrictions

No electronic gaming establishment shall allow, permit, or condone any person under the age of 18 to engage in electronic gaming operations.

Operations

If food or beverages (including alcoholic beverages) are served, the establishment must meet the requirements of the Rowan County Health Services or appropriate state agency requirements.

Firearms are prohibited in electronic gaming establishments.

Location

Said operations will be located only in the B2 Central Business District as a Conditional Use with Supplemental Requirements.

No establishment offering services under this section shall be located any closer than 300 feet in any direction from any Residential Zoning District.

No establishment offering services under this section shall be located any closer than 1,000 feet in any direction from any other establishment to which this section applies.

No establishment offering services under this section shall be located any closer than 500 feet in any direction from any cemetery, congregate care facility, religious institution, public or private child care center or child care facility, or public or private school. The required separation from the above listed uses applies whether the place of worship, school, child day care center, playground, or park is the principal use or an accessory use of the property.

§ 152.071 Supplemental Requirements

In addition to the foregoing requirements and those other requirements of general applicability found elsewhere in this Ordinance, the following supplemental requirements shall also apply to uses under this section.

At least one parking space shall be designated for each on-duty employee and every 2 electronic gaming terminals / computers / machines / gaming stations in the establishment. Designated parking spaces shall not include parking spaces allocated to other businesses within a combined development. In instances where the electronic gaming establishment is considered an accessory use, spaces allocated for the principal use may not be used to meet the requirements of this section.

The maximum number of terminals/computers/machines/gaming stations within an electronic gaming establishment is twenty (20).

All electronic gaming terminals/computers/machines/gaming stations shall be open and visible from the exterior front of the establishment.

§ 152.071 SUPPLEMENTAL USE REGULATIONS.

(A) (1) The following supplemental regulations shall pertain to the various uses listed in Table 1.

(2) If not otherwise listed, these regulations shall be applicable in all districts in which the individual uses are allowed. For any use which requires the issuance of a conditional use permit, the supplemental use regulations listed herein may be in addition to any other fair and reasonable conditions placed on the use by the Planning Board or Town Board.

(3) These conditions may impose greater restrictions on a particular use than those which are listed herein.

(B) (1) *Adult establishment.*

(a) Adult establishments, by their very nature, are recognized as having certain serious objectionable operational characteristics upon adjacent neighborhoods (especially residential neighborhoods); churches; schools; or when concentrated. Special regulation of these establishments is necessary to ensure that their adverse effects shall not contribute to the blighting or downgrading of the surrounding neighborhood. The following separation distances are therefore established.

1. No 2 adult establishments may be located within 1,000 linear feet from each other.

2. No adult establishment may be located within 1,500 linear feet of any Residential (R-1, R-2) Zoning District.

3. No adult establishment may be located within 1,500 linear feet of any church/house of worship or any public or private elementary, middle, junior high, or high school.

(b) Hours of operation will be set with the approval of a conditional use permit.

(2) *Amusement parks, fairgrounds.*

(a) All outdoor recreation facilities and vending stands shall be located at least 500 linear feet from a Residential (R-1, R-2) District.

(b) Otherwise, all buildings or structures, whether permanent or temporary, may not be located within 100 feet of any lot line.

(3) *Animal grooming establishment.*

(a) Animals must be kept indoors at all times.

(b) Animals boarding facilities shall not be permitted.

(4) *Animal shelter; animal kennels; animal hospital.*

(a) Any structure which houses animals for an animal hospital or animal shelter which is not fully enclosed and all animal runs shall be located at least 100 feet from any lot line and 300 linear feet from any pre-existing principal residential structure located on another lot.

(b) All pens and kennels (for all animals, excluding horses, ponies, and cows) must be surrounded by a chain link fence not less than 6 feet in height, and enclosed on top, or be located in an enclosed structure.

(c) An animal kennel may be only an accessory use on a lot containing a principal single-family residential use in the R-1 District subject to the regulations contained herein, and subject to a conditional use permit issued by the Town Board. An animal kennel may not be a principal use on a lot. Any structure which houses animals, which is not fully enclosed, and all animal runs shall be located at least 100 feet from any lot line and 500 linear feet from any pre-existing principal residential structure located on another lot.

(5) *Appliance sales and repair shop.*

(a) All outdoor storage of appliances shall be effectively screened from view from any adjacent lot or street right-of-way.

(b) The screening shall be in the form of a berm, wall or fence, or an appropriate amount of natural plantings to effectively screen the storage from view.

(6) *Auction House* – If all principal and accessory structures for the use exceed 25,000 square feet, a conditional use permit shall be required

(7) *Automobile body shop, automobile repair shop, automotive parts and repair store.*

(a) The lot containing the use shall be located at least 100 linear feet from any lot located in a Residential (R-1, R-2) Zone.

(b) All outside storage areas shall meet the requirements of § 152.101.

(c) Hours of operation may be from 7:00 a.m. to 10:00 p.m. only when adjoining a Residential (R-1, R-2) Zone, if repair and maintenance facilities are provided or if pumped automotive fuels are sold.

(d) Screening shall be in accordance with §§ 152.099 and 152.100 along all sides of the property which abut Residential (R-1, R-2) Zoning Districts.

8) *Automobile detailing shops.* Hours of operation of outdoor activities may be from 7:00 a.m. to 10:00 p.m. only when adjoining a residential zone.

(9) *Automobile service stations.*

(a) Gasoline pump islands shall be located no closer than 15 feet from any lot line.

(b) Pump island canopies may be constructed to extend to the street right-of-way.

(c) Suitable landscaping shall be provided along all sides of the property which abut Residential (R-1, R-2) Districts as per §§ 152.099 and 152.100.

(10) *Automobile towing and wrecking service.*

(a) Any outdoor vehicle storage area shall be located a minimum of 100 linear feet from any street right-of-way; and 200 linear feet from any Residential (R-1, R-2) Zoning District lots which contain a principal residential use.

(b) Vehicle storage facilities shall not be located at an elevation whereby the storage is visible from a public street after the required screening is in place.

(c) Screening shall be in accordance with §§ 152.099 and 152.100, along all sides of the property which abut Residential (R-1, R-2) Zoning Districts.

(d) All outside storage areas shall meet the requirements of § 152.101.

(e) No more than 50 vehicles may be stored on premises.

(f) All lighting shall be directed away from surrounding properties.

(g) Vehicles may only be stored in designated outdoor storage areas.

(11) *Automobile washes, class 1 (self-service car wash).*

(a) Vacuuming, drying and polishing facilities may not be located in any required yard or buffer area adjacent to a Residential (R-1, R-2) Zoning District.

(b) At least 2 staging spaces and 1 drying space per wash bay shall be provided.

(c) Hours of operation may be from 7:00 a.m. to 10:00 p.m. only when adjoining a Residential (R-1, R-2) Zone.

(d) All vehicular accessible areas on the lot shall be at least 50 feet from any interior lot line separating the lot from a Residential (R-1, R-2) Zone.

(12) *Automobile washes, class 2 (automatic car wash).*

(a) Hours of operation may be from 7:00 a.m. to 10:00 p.m. only when adjoining a Residential (R-1, R-2) Zone.

(b) All vehicular accessible areas on the lot shall be at least 50 feet from any interior lot line separating the lot from a Residential (R-1, R-2) Zone.

(13) *Bed and breakfast inn.*

(a) In any Residential (R-1, R-2) District, breakfast shall be the only meal served and shall be served to guests only. In any Office (O-I), or Business (B-1, B-2) District, meals to non-guests may be served, including lunch and/or dinner. Off-street parking, equal to that required for the bed and breakfast inn and for a restaurant shall be provided. Separate signage for both uses, however, shall not be permitted.

(b) In any Residential (R-1, R-2) Zoning District, no more than 2 off-street parking spaces shall be provided in the front yard.

(14) *Building and home materials center, lumber and building materials yard.*

(a) All outdoor storage areas shall meet the requirements of § 152.101.

(b) All outdoor storage areas shall be at least 100 feet from any adjacent Residential (R-1, R-2) Zoning District.

(15) *Camping and recreational vehicle parks.*

(a) All spaces for camping and recreational vehicles shall be located at least 100 feet from any adjoining lot line.

(b) Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time the campground is initially developed.

(c) Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages and the like).

(16) *Cemetery and columbarium.*

(a) Tombstones, columbarium, crypts, monuments and mausoleums shall be located a minimum of 20 feet from any side or rear lot line and at least 30 feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.

(b) 1. Sales of crypts or monuments shall be allowed as an accessory use on premises (for cemeteries as a principal use only).

2. No building in conjunction with these sales shall be located closer than 20 feet from any side lot line abutting a Residential (R-1, R-2) District and 40 feet from any rear lot line.

(17) *Churches and houses of worship.*

(a) If a school is operated on-premises, parking needs may be satisfied by that already provided by the church. A school having an enrollment certification of 100 or more students shall be considered a conditional use in the R-1 and R-2 Zoning District and shall be considered a separate principal use and may be allowed on the same lot so long as the school meets all applicable area, bulk and setback requirements.

(b) A single-family residential use, occupied by the pastor, priest, rabbi or the like of the facility, may be placed on the lot containing the church or house of worship. The structure shall meet all setback requirements for single-family dwellings for the zoning district in which the lot is located. The structure may not be used for day care facilities.

(c) If a day care center with an enrollment capacity in excess of 25 students is operated on-premises, the day care center shall be deemed a separate use and may be allowed subject to the regulations covering the uses in the underlying zoning district.

(18) *Community centers.*

(a) In Residential (R-1, R-2) Zones, a community center shall be allowed if interior assembly seating capacity is 500 persons or less.

(b) In all Office (O-I) or Business (B-1, B-2, B-3) Zoning District, any community center with a seating capacity of up to 500 persons shall be a use by right. All other community centers shall be a conditional use.

(19) *Commercial uses in the Office (O-I) District.*

(a) Except where noted, any individual commercial use shall have a maximum gross leasable area of 1,200 square feet.

(b) The structure housing the commercial use shall have more than 50% of its gross leasable area devoted to office uses.

(20) *Commercial or office use with outdoor speakers.* Outdoor speakers shall be at least 50 feet from property lines residential development or residentially zoned properties (R-1, R-2).

(21) *Continuing care facility.* The density levels and minimum yard requirements shall be based on the regulations of the underlying zoning district.

(22) *Contractors office and storage yards.* All outdoor storage areas shall meet the requirements of § 152.101.

(23) *Convenience store; mini-mart.*

(a) Vacuuming facilities may be located outside the building, but may not be located within any required yard or buffer area adjacent to a Residential (R-1, R-2) District.

(b) If a mini-mart is located adjacent to a Residential (R-1, R-2) District, hours of operation may be from 5:00 a.m. to 12:00 a.m. only.

(c) A mini-mart may contain a free-standing automatic car wash facility. All applicable supplemental regulations contained in division (11) above (R-1, R-2) shall be followed.

(d) Gasoline pump islands shall be located no closer than 15 feet from any lot line.

(e) Pump island canopies may be constructed to extend to the street right-of-way.

(f) Suitable landscaping shall be provided along all sides of the property which abut Residential (R-1, R-2) Zoning Districts as per §§ 152.099 and 152.100.

(24) *Correctional facility.*

(a) A 200 foot setback for all principal and accessory structures shall be observed if the facility is adjacent to any lot located in a Residential (R-1, R-2) Zoning District or any pre-existing principal residential structure.

(b) Any fence which is barbed or contains razors shall be located at least 20 feet from any lot line which abuts a lot containing a principal residential use or any lot located in a Residential (R-1, R-2) District.

(c) All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties.

(25) *Day care centers, class 1.*

(a) The facility is staffed by persons residing in the dwelling in which the day care center is located and up to 1 non-resident.

(b) Outdoor play areas shall be located in the rear or side yards only. In no case shall the play areas be located in the required side yard setback.

(c) All outdoor play areas shall be surrounded by a fence or wall at least 4 feet in height. Outdoor play areas shall not include driveways, parking areas or other land unsuitable for play use.

(d) One attached on-premise non-illuminated sign may be used to advertise the day care center. The sign shall have a maximum area of 1-1/2 square feet

(e) The day care center shall be located in a structure originally constructed is and designed for a single-family dwelling. The structure shall be the principal structure on the lot. The exterior of the structure, aside from the allowed day care signage, shall not be altered in a manner which diminishes its single-family dwelling characteristics.

(26) *Day care centers, class 2*

(a) Outdoor play areas shall be located in the rear yard or side yards only. In no case shall the play areas be located in a required side yard.

(b) All outdoor play areas are to be surrounded by a fence or wall at least 4 feet in height.

(c) Signage for the day care center shall be included in that which is allowed for the church or school.

(d) The property upon which the day care center is located shall be used primarily for church or school purposes. If located on the premises of a church, the day care center shall be an accessory use to the church and may not be conducted in any single-family residence located on the property. The number of persons regularly attending the church or school must equal or exceed the number of enrollees certified by the State of North Carolina to attend the day care center.

(27) *Day care centers, class 3.*

(a) Outdoor play areas shall be located in the rear yard or side yards only. In no case shall the play areas be located in a required side yard setback

(b) All outdoor play areas are to be surrounded by a fence or wall at least 4 feet in

height.

(c) Signage for the day care center shall be included in that which is allowed for the church or school.

(d) The property upon which the day care center is located shall be used primarily for church or school purposes. If located on the premises of a church, the day care center shall be an accessory use to the church and may not be conducted in any single-family residence located on the property. The number of persons regularly attending church or school must equal or exceed the number of enrollees certified by the State of North Carolina to attend the day care center.

(e) 1. The Planning Board or Town Board may issue a conditional use permit in accordance with §§ 152.215 *et seq.* If after having conducted a public hearing, and based on the evidence given at the public hearing, the findings of fact contained in § 152.219 are met.

2. In addition, the following findings of fact will have to be met:

a. There shall be adequate road ingress and egress to and from the site is approved.

b. Traffic generated by the facility shall not be disruptive to any adjacent residentially-developed properties.

3. The foregoing shall be applicable in the R-1 and R-2 zoning districts only.

(28) *Day care centers, class 4.*

(a) Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of 10 feet shall be observed. On corner or through lots, a minimum 20 foot setback as measured from the abutting street right-of-way line shall be observed. Greater setbacks may be required if otherwise called for in the underlying zoning district.

(b) All outdoor play areas shall be surrounded by a fence or wall at least 4 feet in height.

(29) *Accessory day care centers.*

(a) Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of 10 feet shall be observed. On corner or through lots, a minimum 20-foot setback as measured from the abutting street right-of-way line shall be observed. Greater setbacks shall be required if otherwise called for in the underlying zoning district.

(b) All outdoor play areas are to be surrounded by a fence or wall at least 4 feet in height. All outdoor day play areas shall be located in a manner which provides safe access for clients walking to and from the day care center.

(c) Signage for the accessory day care center shall be included in that which is allowed for the principal use.

(d) If the accessory day care center occupies the majority of the area of the structure in which it is located and provides care to more than 12 clients, 5 delineated staging spaces located within a 2-lane, 1-way drive shall also be provided.

(30) *Dry cleaning outlets.*

(a) Any dry cleaning plant associated with pick-up stations shall have less than 2,000 square feet of floor area in the B-2 district only.

(b) The emission of steam and other obnoxious byproducts shall be controlled in the B-2 district only.

(31) *Electric, heating, air conditioning, ventilating and plumbing supplies and equipment.* All outdoor storage areas shall meet the requirements of § 152.101.

(32) *Essential services, class 3.* All service and storage yards shall meet the requirements of § 152.101, and shall be surrounded by a sturdy fence not less than 6 feet in height.

(33) *Family care homes.* Family care homes allowed in pre-existing residences in these zoning districts.

(34) *Farm equipment sales and service, tire removal facility.* All activities shall be conducted within a completely enclosed building.

(35) *Racetrack.*

(a) No portion of the race course perimeter shall be located closer than 300 linear feet from any exterior lot line, except 500 linear feet from any lot line abutting a Residential (R) Zoning District.

(b) Hours of operation may be between the hours of 10:00 a.m. to 10:00 p.m. only (racetracks): and 10:00 a.m. to 1 hour prior to sunset (outdoor firing ranges).

(c) All race courses for any motorized vehicle shall be paved.

(36) *Fraternal and service organization meeting facility.* A side setback of 20 feet and a rear setback of 40 feet shall be required if a side and/or rear lot line abuts a Residential (R-1, R-2) District, unless a greater setback is otherwise required for the zoning district in which it is located.

(37) *Game room.* A game room, unless located within a shopping center or other planned commercial development shall be located at least 300 linear feet from any Residential (R-1, R-2) Zoning District, and any existing principal residential structure.

(38) *Golf courses (miniature) and golf driving range.*

(a) Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving or playing areas so as to prevent golf balls from going onto adjacent properties. These devices, where applicable, may be counted towards any required screening provided.

(b) No direct beam of light from outdoor lighting fixtures or signs shall shine onto any lots located in a Residential (R-1, R-2) District.

(39) *Hotels or motel.*

(a) Retail uses and restaurants may be located as an accessory use within any motel or hotel.

(b) Off-street parking facilities shall be separately computed at 75% of the required spaces for any retail use containing over 1,000 square feet of gross floor area and for any restaurant or lounge which is open to the general public.

(40) *Industrial equipment, sales, supplies and repair.* All service and open storage areas shall meet the requirements of § 152.101.

(41) *Junkyard and automobile salvage yard.* Any lot containing the use shall be located at least 300 linear feet from any lot in a Residential (R-1, R-2) District.

(42) *Laboratories and offices in the O-I District.* Laboratories and offices located in a O-I district shall be medically-related only.

(43) *Lounge (principal use).* Any lounge shall be located at least 300 linear feet from any lot in a Residential (R-1, R-2) District.

(44) *Mini-warehouse.*

(a) All storage compartments within the mini-warehouse shall front on a private drive having a minimum width of 25 feet to ensure sufficient room for vehicular circulation, loading and parking.

(b) Driveways providing ingress and egress to the site shall not permit any parking or loading extending to within 30 feet of the adjoining street right-of-way.

(c) If the mini-warehouse facility has a locked and keyed entrance 2 staging spaces must be provided directly in front of the entrance.

(45) *Monument sales.* The lot which the use is located shall be located at least 300 linear feet from any lot located in a Residential (R-1, R-2) District.

(46) *Motorcycle sales.* The lot which the use is located shall be located at least 300 linear feet from any lot located in a Residential (R-1, R-2) District.

(47) *Pet store.* All facilities associated with a pet store shall be located indoors.

(48) *Produce stand (accessory use).*

(a) A produce stand shall not be located in a road right-of-way.

(b) A produce stand shall not be located closer than 10 feet to any side lot line and 20 feet to any side lot line which is in or abuts a Residential (R-1, R-2) District, unless a greater setback is required for the zoning district in which it is located.

(c) Signs for a produce stand shall not be illuminated, nor have flashing lights, nor shall they exceed 4 square feet in area.

(d) During the times of the year in which the produce stand is not in operation, the stand and any structure associated with it shall not be visible from any public road.

(e) All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located.

(f) Screening shall not be required for any produce stand.

(49) *Produce stand (principal use).*

(a) Any produce stand structure shall not be located in a road right-of-way.

(b) If a free-standing structure is used, it shall not be located closer than 10 feet to any side lot line or 20 feet to any side lot line which abuts a Residential (R-1, R-2) District, unless a greater setback is required for the zoning district in which it is located.

(c) The produce stand may be a permanent or temporary structure.

(50) *Public and private elementary, junior high and senior high schools.* Any school which has greater than 100 students must have access onto a major or minor thoroughfare, or through a collector road.

(51) *Public safety station.* All buildings shall be at least 20 feet from all property lines unless a greater side or rear setback is otherwise required for the zoning district in which it is located and shall be designed and landscaped in a way as to blend in with the surrounding area.

(52) *Recreation facility, public or private; country club; swim club.*

(a) Outdoor recreational facilities (with the exception of swimming pools) shall be located at least 20 feet from any side or rear lot line, except 50 feet shall be required if in or adjacent to a Residential (R-1, R-2) District. Rear and side yard set backs for outdoor swimming pools shall be 50 feet each, unless adjacent to Residential (R-1, R-2) Districts. See division (b) below.

(b) Outdoor swimming pools shall be at least 100 feet from any adjoining Residential (R-1, R-2) Zoning District.

(c) If a facility is designed to accommodate 200 or more patrons at 1 time, a conditional use permit shall be required.

(d) Hours of operation may be between 7:00 a.m. and 10:00 p.m. only if located in a Residential (R-1, R-2) Zoning District.

(53) *Recycling deposit station (principal use).*

(a) Any pre-existing principal residential structure on another lot shall be located at least 100 linear feet from the building housing this facility or from any outdoor bins.

(b) No outdoor storage of goods to be recycled shall be permitted.

(54) *Recycling station, accessory.* If located outdoors and on a lot adjacent to a Residential (R-1, R-2) Zoning District, a 50-foot side and rear yard setback shall be retained.

(55) *Home for the aged, independent living center, nursing facility, convalescent home.* Any facility which is licensed to have greater than 50 residents shall maintain a side setback of at least 20 feet and a rear setback of at least 35 feet when the side or rear yard is in or abuts a Residential (R-1, R-2) District or a lot containing a principal residential use, unless a greater setback is otherwise required for the zoning district in which it is located.

(56) *Restaurant, fast food or drive-through.*

(a) Any fast-food, or drive-through restaurant proposed for a lot which abuts a Residential (R-1, R-2) District shall be a conditional use requiring the issuance of a conditional use permit by the Town Board.

(b) Sufficient on-site parking space (lane spaces) needed to accommodate cars that are awaiting to be served shall be provided. Cars should not back up onto streets during peak hours.

(c) The facility shall be screened from adjacent residential development

(d) Internal vehicular and pedestrian circulation shall be satisfactory.

(57) *Restaurants (within other facilities).*

(a) 1. A restaurant may be allowed as a permitted accessory use in a Office (O-I), Business (B-I, B-2, B-3) or Industrial (I) District where located within a use allowed in a district.

2. The restaurant shall be designed to serve customers or users of the use. Examples of these uses include snack shops in department or variety stores, employee cafeterias, snack shops or canteens in office buildings, bowling alleys and the like.

(b) Access to the restaurant shall not be directly available from the outdoors.

(c) Separate off-street parking spaces for the use shall not be required.

(d) 1. The restaurant shall be allowed up to 16 square feet of exterior wall identification signage.

2. The signage shall be included as part of the signage allowed for the principal use.

3. No free-standing signs for the restaurant shall be allowed.

(e) The aggregate gross area of all restaurants within any building shall occupy no greater than 10% of the gross floor area of the building.

(58) *Roofing repair and installation, sheet metal.* All open storage areas shall meet the requirements of § 152.101.

(59) *Riding stable; riding academy.*

(a) All buildings, structures and facilities (including riding rinks but excluding pasture lands) designed for use or occupancy by animals shall be located at least 100 feet from any lot line and 300 feet from any pre-existing principal residential structure located on another lot.

(b) These uses (where allowed) may be principal uses or accessory uses on a lot containing a principal single-family residence.

(c) These uses are only allowed in the extraterritorial jurisdiction (as may be established and defined by ordinance). These uses are not allowed within the town limits.

(60) *Shopping center.* Uses in a shopping center are limited to those which are allowed in the underlying zoning district. Any use shown as a conditional use shall require the issuance of a conditional use permit in a shopping center irrespective of the size of that shopping center.

(61) *Stadiums.*

(a) Stadiums located in a Residential (R-1, R-2) district shall be limited to those constructed for use primarily by teams representing junior high schools, middle schools, high schools, colleges or universities. These structures may be either principal or accessory structures.

(b) Access to the site shall be provided by major or minor thoroughfares only.

(c) No direct beam of light from outdoor lighting fixtures or signs shall shine onto any abutting lots which are located in a Residential (R-1, R-2) District or onto any adjoining residentially developed lot.

(d) All principal structures (including bleachers) shall be located a minimum of 100 feet from all lot lines.

(e) A Grade 4 or higher buffer will be required between the use and any abutting lot located in a Residential (R-1, R-2) District.

(f) Off-street parking requirements shall be met only if the stadium is free-standing and not an accessory use to a school.

(g) Stadiums shall be a use by right only if accessory (and on the premises of) a school. Otherwise, the use shall be conditional.

(62) *Bakeries, cabinet and woodwork shops, machine shops, manufactured goods (class 1), sign painting shop, welding shop.*

(a) The manufacturing, compounding, or processing of goods or materials shall be conducted within a completely enclosed building.

(b) Any outdoor, storage of materials, equipment, or supplies must meet the requirements of § 152.101.

(63) *Commercial vehicle storage and/or operations center.*

(a) Outdoor speakers shall be at least 50 feet from property lines, residential development, or residentially zoned properties (R-1, R-2).

(b) All outdoor storage areas shall meet the requirements of §§ 152.099 through 152.102.

(64) *Landfill, demolition (principal use).*

(a) The actual fill area shall be located at least 300 linear feet from any pre-existing principal residential structure and at least 50 feet from any lot line. All other structures and facilities (except access driveways) associated with the landfill shall be located at least 100 linear feet from any lot line.

(b) Direct access to the site shall be provided by major or minor thoroughfares only.

(c) All access driveways which serve the site for ingress or egress shall be wide enough to accommodate 2 lanes of traffic.

(d) Access to the site shall be controlled with gates, or other suitable devices to prevent unregulated dumping.

(e) All applicable state permits for the facility should be required.

(65) *Landfill, on-site demolition (accessory use).*

(a) Any on-site demolition landfill site must obtain a permit from and comply with all standards of the town, county and the State of North Carolina.

(b) Any site may not be operated for more than 24 months, after which time it must be closed in an approved fashion.

(c) The location of any site must be indicated on any required final subdivision plat Further, any parcel or lot which contains any part of the site must have notification of the existence and extent of the site recorded as part of the deed for the lot or parcel, even if no subdivision plan is required for development of the property.

(d) No portion of the fill area may be located within 25 feet of any exterior property lines. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area.

(e) Any on-site demolition landfill site which is located in an Industrial (I) Zoning District is exempted from the 24-month requirement, provided that no portion of the fill area is located within 100 feet of any adjoining Residentially (R-1, R-2) zoned lot or any pre-existing principal residential use.

(66) *Rental center (class 2).* Outdoor storage of equipment shall be screened in accordance with a Grade 3 or higher buffer if abutting on lot in a Residential (R-1, R-2) or Office (O-I) District.

(67) *Manufactured home parks.* The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector/non-arterial streets).

(68) *Manufacturing goods, class 2.*

(a) The use will not overly impact the ability of a public agency to collect and/or treat any wastewater generated by the use or the ability of the public agency to treat and distribute any potable water needed by the use.

(b) The use will not overly impact (impact beyond capacity) the system of streets serving the use or that improvements will be made to the streets in consort with the development of the use, the result of which will be adequate handling of the additional traffic generated.

(c) That not only will the use meet the minimum screening requirements of this chapter, but also that the additional screening will be installed, as necessitated by the visual characteristics of the particular use, that the use will be screened from view of adjoining residential districts, or that the nature of the topography makes the screening from distance view from the residential areas impossible and that other measures such as heavy on-site landscaping will be taken to lessen any near or distant visual impacts.

(69) *Multi-family developments.* The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector/non-arterial streets).

(70) *Communication towers.* That the tower will not result in interference with the safe operation of aircraft in relation to existing or planned airport facilities.
(Ord. passed 11-11-1995) Penalty, see § 152.999

- (71) Mixed Uses
  - Must be presented as a comprehensive site plan;
  - Proposed residential units must have access means directly to the outside of the building thru hallways, doorways, elevators, or stairs that do not pass through the commercial or office space;
  - Off-street parking must be provided per the Ordinance;
  - The project must meet ALL building, housing, fire, and accessibility codes.

Adopted this 11th day September 2017

- **(72) Outdoor/Display Sales**
  - Areas designated for outdoor/display sales shall not exceed six-percent (6%) of the lot area. Anything larger would require issuance of a conditional use permit.
  - Areas designated for outdoor/display sales shall:
    - not be placed within nor encroach upon any minimum required setback of the zoning district;
    - product placement must be a minimum of 20 feet back from edge of any street or

road right of way and may not obstruct visibility; or

- may not block a fire lane; a maneuvering aisle, or parking spaces necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.

➢ Outdoor/display sales may be located within parking areas, provided it:

- does not interfere with pedestrian or vehicular access or parking; and
- does not create a visibility obstruction to moving vehicles within a parking lot or from vehicles utilizing entrance & exit points of the parking lot.

§ 152.072 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS.

The following requirements shall be applicable to each use in the various zoning districts except as may be specifically provided for elsewhere in this chapter.
(Ord. passed 11-11-1995)

§ 152.073 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS FOR R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Minimum lot size (subject to increase per requirements of Rowan County Health Department).*

Use	***Minimum Lot Size***
Single-Family Dwellings	20,000 square feet, if public or community water and sewer are not available to serve the dwelling
	15,000 square feet if public or community water and sewer are available to serve the dwelling

Animal Kennel	3 acres
Bed and Breakfast Inn	20,000 square feet
Camping and Recreational Vehicle Park	5 acres
Church	1 acre
Day Care, Class 1	Same as single-family dwellings
Essential Services, Class 1	None
Essential Services, Class 2 and Class 3	5 acres
Family Care Home	Same as single family dwellings
Parks, Playgrounds	None
Produce Stand	None
Public Safety Station	None
Recreation Facilities (except parks, playgrounds)	1 acre
Riding Academy, Riding Stable	3 acres
School - Public and Private	5 acres
School for the Arts	1 acre
All Other Uses	1 acre

(B) *Minimum front setback (as measured from the edge of the street right-of-way line).*

Use	***Setback***
Single-Family Dwellings	40 feet
Day Care, Class 1	40 feet
Family Care Homes	40 feet
Bed and Breakfast Inn	40 feet
Essential Services, Class 1	None
Produce Stand	25 feet

(C) *Minimum side setback.* An additional 10 feet shall be required on all side yards which abut a public or private street.

Use	***Setback***
Single-Family Dwellings	12 feet
Bed and Breakfast Inn	20 feet
Home for the Aged	20 feet
Day Care, Class 1	12 feet
Essential Services, Class 1	None
Family Care Home	12 feet
Rooming and Boarding Houses	12 feet
All Other Uses	25 feet

(D) *Minimum rear setback.*

Use	***Setback***
Single-Family Dwelling	25 feet
Bed and Breakfast Inn	25 feet
Day Care, Class 1	25 feet
Essential Services, Class 1	None
Family Care Home	25 feet
Rooming and Boarding Houses	25 feet
All Other Uses	35 feet

(E) *Maximum building height.* All uses - 35 feet, except as provided in § 152.117 of this chapter.

(F) *Minimum lot width (as measured at the required front setback).*

Use	***Minimum Lot Width***
Single-Family Dwelling	100 feet
Bed and Breakfast Inn	125 feet
Day Care, Class 1	100 feet

Essential Services, Class 1	None
Family Care Home	100 feet
Rooming and Boarding House	100 feet
All Other Uses	150 feet

(G) *Screening.*

(1) Screening, in accordance with §§ 152.098 through 152.110 shall generally be required when a nonresidential use in this zoning district abuts a residentially developed or undeveloped lot in a Residential (R-1, R-2) District. A Grade 3 screen/buffer (at a minimum) shall be provided in these instances, except for uses listed below, which shall meet the screen/buffer grade listed:

Use	***Grade Screen/Buffer Required***
Animal and Kennel	5
Bed and Breakfast Inn	3
Day Care, Class 1	None
Essential Services, Class 1	None
Family Care Home	None
Produce Stand	None
Rooming and Boarding House	None
Other nonresidential uses not listed above	3

(2) Screening may also be required as provided for elsewhere in this chapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.074 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS FOR R-2 GENERAL RESIDENTIAL DISTRICT.

(A) *Minimum lot size (Subject to increase per requirements of Rowan County Health Department.).*

Use	***Minimum Lot Size***
Single-Family Dwellings and Manufactured Homes	8,000 square feet with public or community water and sewer
	20,000 square feet if no public or community water or sewer is available
2-Family Dwelling	9,000 square feet with public or community water and sewer
	22,000 square feet if no public or community water or sewer is available
Multi-Family Development	1 acre
Manufactured Home Park	5 acres
Bed and Breakfast Inn	20,000 square feet
Church	20,000 square feet
Day Care, Class 1	8,000 square feet
Essential Services, Class 1	None
Family Care Home	8,000 square feet
Home for the Aged	1 acre
Independent Living Center	1 acre
Nursing Facility	1 acre
Parks, Playgrounds	None
Produce Stand	None
Public Safety Station	None
Rooming and Boarding House	8,000 square feet
Schools	5 acres
All Other Uses	20,000 square feet

(B) *Minimum front setback (as measured from the edge of the street right-of-way line).*

Use	***Setback***
Essential Services, Class 1	None
Produce Stands	20 feet
All Other Uses	35 feet

(C) *Minimum side setback.* An additional 10 feet shall be provided on all side yards which abut a public or private street.

Use	***Setback***
Single-Family Dwelling and Manufactured Home	8 feet
2-Family Dwelling	10 feet
Multi-Family Dwelling	20 feet
Bed and Breakfast Inn	8 feet
Day Care, Class 1	8 feet
Essential Services, Class 1	None
Family Care Home	8 feet
Manufactured Home Park	See § 152.131
Public Safety Station	20 feet
Rooming and Boarding House	8 feet
Schools	20 feet
All Other Uses	20 feet

(D) *Minimum rear setback.*

Use	***Setback***
Single-Family Dwelling and Manufactured Home	20 feet
2-Family Dwelling	25 feet
Multi-Family Dwelling	30 feet
All Other Uses	25 feet

(E) *Maximum building height.*

Use	***Height***
Multi-Family Development	50 feet
All Other Uses	40 feet, except as provided in § 152.117

(F) *Maximum gross density.*

Use	***Maximum Gross Density***
Multi-Family Development	Up to 6 units per acre as a permitted use
	6.1-8.0 units per acre as a conditional use

(G) *Minimum lot width (as measured at the required front setback).*

Use	***Minimum Lot Width***
Single-Family Dwelling and Manufactured Home	60 feet
2-Family Dwelling	70 feet
Multi-Family Dwelling	80 feet
Day Care, Class 1	70 feet
Essential Services, Class 1	None
Family Care Home	60 feet
Rooming and Boarding House	60 feet
All Other Uses	100 feet

(H) *Screening.*

(1) Screening, in accordance with §§ 152.098 through 152.110, shall generally be required when a nonresidential use in this zoning district abuts a residentially developed or undeveloped lot in a Residential (R-1, R-2) District. A Grade 3 Screen/Buffer (at a minimum) shall be provided in these instances, except for uses listed below, which shall meet the screen/buffer grade listed.

Uses	***Grade Screen Required***
Bed and Breakfast Inn	2
Day Care, Class 1	None
Essential Services, Class 1	None
Family Care Home	None
Multi-family Development with 8 or more units per acre	4
Rooming and Boarding House	None
Produce Stand	None
Other Nonresidential Uses Not Listed Above	3

(2) Screening may also be required elsewhere in this chapter.

(I) *Open space.*

(1) *Multi-family or townhouse developments.* In projects where townhouses or multi-family units at a density of over 6.0 dwelling units per acre are proposed, there shall be an area or areas of common open space required on the project site. A minimum of 375 square feet per townhouse or multi-family unit is required, or 3,000 square feet, whichever is larger. Each required area of common open space shall be a minimum of 3,000 square feet in size, and no larger than 30,000 square feet.

(2) *Common open space.*

(a) Common open space shall be distributed throughout the development so that it is visually and physically accessible to the residents of the development.

(b) Each area designated for common open space per this section shall be relatively level (less than a 10% slope), well-drained, and accessible by streets and/or walkways, and shall also be attractively landscaped.

(c) In calculating area(s) for designated common open space, parks, playgrounds, picnic areas, swimming pools, tennis courts, basketball courts, golf courses, 50% of area of internal lakes or ponds, and other active or passive recreational areas or facilities can be counted towards the open space requirements. However, sidewalks, roads, driveways, packing areas, easements, or front side, and rear yards shall not be counted toward establishing the minimum amount of common open space.

(d) Maintenance of the common open space will be the responsibility of the property owner(s), management company, a homeowners association, or other similar organization that can maintain common property.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.075 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS FOR O-I OFFICE AND INSTITUTIONAL DISTRICT.

(A) *Minimum lot size (subject to increase per requirements of Rowan County Health Department).*

Use	***Minimum Lot Size***
Single-Family Dwelling	8,000 square feet
2-Family Dwelling	9,000 square feet
Multi-Family Development	1 acre
Bed and Breakfast	20,000 square feet
Auditorium	2 acres
Cemetery (principal use)	2 acres
Church	1 acre
College/University	5 acres
Community Center	1 acre
Essential Services, Class 1	None
Family Care Homes	8,000 square feet
Funeral Home	2 acres
Group Care Facilities	1 acre
Home for the Aged	1 acre
School	5 acres
Library	20,000 square feet

Multi-Family Development	1 acre
Nursing Facility	1 acre
Post Office	20,000 square feet
Public Safety Station	20,000 square feet
All Other Uses	15,000 square feet

(B) *Minimum front setback (as measured from the edge of the street right-of-way line).*

Use	***Setback***
Essential Services, Class 1	None
All Other Uses	35 feet

(C) *Minimum side setback.* An additional 10 feet shall be provided on all side yards which abut a private or public street.

Use	***Setback***
Single-Family Dwelling	8 feet
2-Family Dwelling	10 feet
Multi-Family Development	20 feet
Auditorium	20 feet
Colleges/Universities	20 feet
Essential Services, Class 1	None
Schools	20 feet
Public Safety Station	20 feet
All Other Uses	15 feet

(D) *Minimum rear setback.*

Use	***Setback***
Single-Family Dwelling	20 feet
2-Family Dwelling	25 feet

Use	*Setback*
Multi-Family Development	30 feet
Essential Services, Class 1	None
All Other Uses	25 feet

(E) *Minimum lot width (as measured at the required front setback).*

Use	*Minimum Lot Width*
Single-Family Dwelling	60 feet
2-Family Dwelling	70 feet
Multi-Family Development	80 feet
Essential Services, Class 1	None
All Other Uses	90 feet

(F) *Maximum building height.*

Use	*Height*
Multi-Family Development	50 feet
All Other Uses	40 feet, except as provided in § 152.117

(G) Screening in accordance with §§ 152.098 through 152.110 of this chapter, shall be provided.

(H) *Open space.*

(1) *Multi-family or townhouse developments.*

(a) In projects where townhouses or multi-family units at a density of over 6.0 dwelling units per acre are proposed, there shall be an area or areas of common open space required on the project site.

(b) A minimum of 375 square feet per townhouse or multi-family unit is required, or 3,000 square feet, whichever is larger.

(c) Each required area of common open space shall be a minimum of 3,000 square feet in size, and no larger than 30,000 square feet.

(2) *Common open space.*

(a) Common open space shall be distributed throughout the development so that it is visually and physically accessible to the residents of the development.

(b) Each area designated for common open space per this section shall be relatively level (less than a 10% slope), well-drained, and accessible by streets and/or walkways, and shall also be attractively landscaped.

(c) 1. In calculating area(s) for designated common open space, parks, playgrounds, picnic areas, swimming pools, tennis courts, basketball courts, golf courses, 50% of area of internal lakes or ponds, and other active or passive recreational areas or facilities can be counted towards the open space requirements.

2. However, sidewalks, roads, driveways, packing areas, easements, or front side, and rear yards shall not be counted toward establishing the minimum amount of common open space.

(d) Maintenance of the common open space will be the responsibility of the property owner(s), management company, a homeowners association, or other similar organization that can maintain common property.

(I) *Maximum gross density; multi-family or townhouse developments.* Up to 6 units per acre as a permitted use; 6.1 to 8.0 units per acre as a conditional use.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.076 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS FOR B-1 NEIGHBORHOOD BUSINESS DISTRICT.

(A) *Minimum lot area.*

(1) In no instance may the minimum aggregate area of any B-1 Zoning District be less than 3 acres.

(2) All uses - none.

(B) *Minimum lot width.* All uses - none.

(C) *Minimum front setback.* All uses - 35 feet as measured from the edge of the street right-of-way

(D) *Minimum side setback.* All uses - 10 feet, except 20 feet shall be required on all side yards which abut a public or private street or which abut a lot located in a Residential (R-1, R-2) District

(E) *Minimum rear setback.* All uses - 20 feet, except 30 feet shall be required on all lots whose rear yard abuts a Residential (R-1, R-2) District

(F) *Maximum building height.* All uses - 35 feet, except as provided in § 152.117.

(G) *Screening.* As required per §§ 152.098 through 152.110.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.077 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS FOR B-2 CENTRAL BUSINESS DISTRICT.

(A) *Minimum lot area.* All uses - none.

(B) *Minimum lot width.* All uses - none.

(C) *Minimum front setback.* All uses - none.

(D) *Minimum side setback.* All uses - none required, but if buildings do not share a common wall, each side yard shall be at least 4 feet in width, except 15 feet shall be required on all side yards which abut a Residential (R-1, R-2) District

(E) *Minimum rear setback.* All uses - none except 30 feet shall be required on all lots whose rear yard abuts a Residential (R-1, R-2) District.

(F) *Maximum building height.* All uses - 50 feet, except as provided in § 152.117. May be extended by Town Board if conditions for safety are met.

(G) *Screening.* As required per §§ 152.098 through 152.110.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.078 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS FOR B-3 GENERAL BUSINESS DISTRICT.

(A) *Minimum lot area.* All uses - none.

(B) *Minimum lot width.* All uses - none.

(C) *Minimum front setback.* All uses - 30 feet.

(D) *Minimum side setback.* All uses - 15 feet, except 25 feet shall be required on all side yards which abut a public or private street or which abuts a lot located in a Residential (R-1, R-2) District.

(E) *Minimum rear setback.* All uses - 20 feet, except 30 feet shall be required on all lots whose rear yard abuts a Residential (R-1, R-2) District.

(F) *Maximum building height.* All uses - 50 feet, except as provided in § 152.117.

(G) *Screening.* As required per §§ 152.098 through 152.110.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.079 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS FOR I INDUSTRIAL DISTRICT.

(A) *Minimum lot area.* All uses - none.

(B) *Minimum lot width.* All uses - none.

(C) *Minimum front setback.*

Use	***Setback***
Manufactured Goods, Class 1	40 feet
Manufactured Goods , Class 2	60 feet
All Other Uses	30 feet

(D) *Minimum side setback.* All uses - 20 feet, except 30 feet shall be required on all side yards which abut a public or private street or which abuts a lot located in a Residential (R-1, R-2) District.

(E) *Minimum rear setback.* All uses - 25 feet, except 35 feet shall be required on all lots whose rear yard abuts a Residential (R-1, R-2) District.

(F) *Maximum building height.* All uses - 50 feet, except as provided in § 152.117.

(G) *Screening.* As required per §§ 152.098 through 152.110.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.080 YARD, BULK, HEIGHT AND SCREENING REQUIREMENTS FOR R-A RESIDENTIAL-AGRICULTURAL DISTRICT.

(A) *Dimensional requirements for residential uses.*

(1) *Minimum lot area.* Twenty thousand square feet (15,000 square feet when either public water or public sewer is provided).

(2) *Minimum front setback.* Forty feet.

(3) *Minimum side setback.* Fifteen feet, except when the side yard abuts a public street, then the setback is 25 feet.

(4) *Minimum rear setback.* Forty feet.

(5) *Maximum building height.* Fifty feet, except as provided in § 152.117.

(6) *Minimum lot width.* One hundred feet (90 feet when either public water or public sewer is provided).

(B) *Dimensional requirements for non-residential uses.*

(1) *Minimum lot area.* One acre.

(2) *Minimum front setback.* Fifty feet.

(3) *Minimum side setback.* Twenty feet, except when the side yard abuts a public street, then the setback is 50 feet.

(4) *Minimum rear setback.* Forty feet.

(5) *Maximum building height.* None.

(Ord. passed 11-11-1995) Penalty, see § 152.999

GENERAL PROVISIONS

§ 152.095 APPLICATION.

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

(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.096 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

(A) No yard or lot existing at the time of passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein, except for street widening.

(B) Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.097 RELATIONSHIP OF BUILDING TO LOT.

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than 1 principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, industrial park as permitted in this chapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.098 SCREEN AND LANDSCAPING.

(A) The intent of these screening requirements shall be to separate certain zoning districts from other zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.

(B) (1) Screening and buffering shall be required under the following situations, and shall be selected from an approved species list found in Tables 3, 4 and 5.

(2) The Zoning Enforcement officer may approve alternative large or small maturing trees excluding sweet gum, catalpa, wild cherry, wild elm, princess, hackberry and tree-of-heaven.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.099 SCREENING AND BUFFERING REQUIREMENTS BETWEEN CERTAIN ZONING DISTRICTS.

(A) In the following situations, a prescribed screen/buffer shall be required.

(B) The standards for these screen/buffers are found in § 152.103.

(1) (a) When a lot in an Industrial District (I) abuts a lot in a Residential (R-A, R-1, R-2) District, screening must be provided on the industrial lot in the form of a Grade 6 screen/buffer.

(b) Grade 6 screen/buffers are listed and illustrated in Figure 6.

(2) (a) When a lot in a Business (B-1, B-2, B-3) District abuts a lot in a Residential District (R-A, R-1, R-2), screening must be provided on the business lot in the form of a Grade 5 screen/buffer.

(b) Grade 5 screen/buffers are listed and illustrated in Figure 5.

(3) (a) When a lot in an Office Institutional (O-I) District abuts a lot in a Residential District (R-A, R-1, R-2), screening must be provided on the Office-Institutional (O-I) lot in the form of a Grade 4 screen/buffer.

(b) Grade 4 screen/buffers are listed and illustrated in Figure 4.

(4) (a) When a lot in an Residential District (R A, R-1, R-2) abuts another lot which contains a multi-family development, screening must be provided on the lot containing the multi-family development in the form of a Grade 4 screen/buffer.

(b) Grade 4 screen/buffers are listed and illustrated in Figure 4.

(5) (a) When a lot in a Residential District (R-A, R-1, R-2) abuts another lot which contains a planned development where the dwelling units are attached and there are more than 6 dwelling units per acre, screening must be provided on the lot containing the planned unit development in the form of a Grade 4 screen/buffer.

(b) Grade 4 screen/buffers are listed and illustrated in Figure 4.

(6) (a) When a lot containing a use subject to the issuance of a conditional use permit in an Industrial District (I) abuts a lot in a Business District (B-1, B-2, B-3), or an Office-Institutional District (O-I), the Town Board may stipulate in the conditional use permit that a version of a Grade 1, 2 or 3 screen/buffer must be provided on the Industrial (I) lot.

(b) Grade 1, 2, 3 screen/buffers are listed and illustrated in Figures 1, 2 and 3, respectively.

(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.100 SCREENING REQUIREMENTS ON INDUSTRIAL PROPERTY LOCATED ACROSS FROM RESIDENTIAL PROPERTY.

(A) When the front yard of a lot developed in an Industrial (I) District is located directly across a public street from a Residential (R-A, R-1, R-2) District, screening, at a minimum, must be provided on the Industrial (I) lot at a minimum in the form of a Grade 2 screen/buffer.

(B) Grade 2 screen/buffers are listed and illustrated in Figure 2.

(C) Standards for the screen/buffers are found in § 152.103.

(D) Screening shall be in the front yard of the lot in the Industrial District (I) immediately behind the street right-of-way.

(E) In lieu of the screen, all principal and accessory structures and off-street parking facilities must be set back in the front yard at least 100 feet from the edge of the road right-of-way.
(Ord. passed 11-11-1995) Penalty, see § 152.999

[Figures begin on following page]

REQUIRED BUFFER STRIP ALTERNATIVES
(Per 100 Linear Feet)

FIGURE 1

GRADE 1

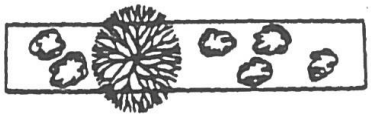
Plant Material/100'	Width	
1. 1.4 Large Trees 6 Shrubs	15'	
	OR	
2. 1.6 Large Trees 8 Shrubs	10'	
	OR	
3. 2 Large Trees 10 Shrubs	5'	

FIGURE 2

GRADE 2

Plant Material/100'		Width
1.	1.2 Large Trees .4 Small Trees 4 Shrubs	20'
	OR	
2.	1.8 Large Trees .6 Small Trees 6 Shrubs	15'
	OR	
3.	2.4 Large Trees .8 Small Trees 8 Shrubs	10'
	OR	
4.	3 Large Trees 1 Small Trees 10 Shrubs	5'

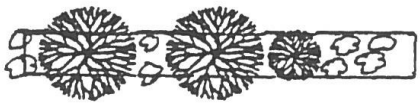
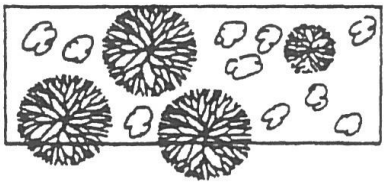


FIGURE 3

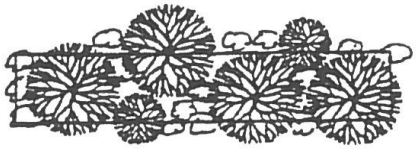
GRADE 3

Plant Material/100'			Width
1.	3	Large Trees	40'
	1	Small Trees	
	10	Shrubs	



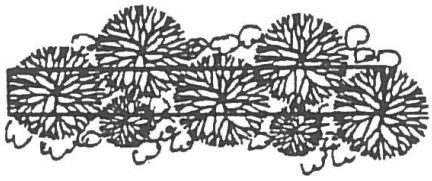
OR

2.	4	Large Trees	20'
	1.6	Small Trees	
	16	Shrubs	



OR

3.	5	Large Trees	10'
	2	Small Trees	
	20	Shrubs	



OR

4.	6	Small Trees	5'
	25	Shrubs	

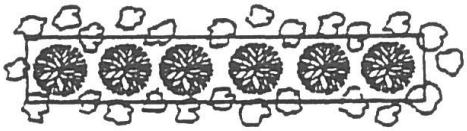
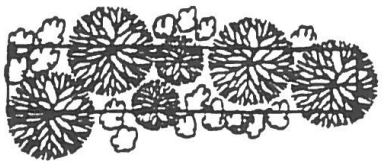


FIGURE . 4

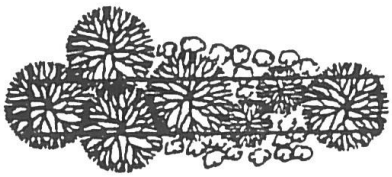
GRADE 4

Plant Material/100'			Width
1.	4	Large Trees	20'
	1.6	Small Trees	
	12	Shrubs	



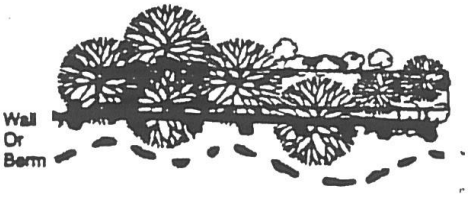
OR

2.	4	Large Trees	15'
	2	Small Trees	
	16	Shrubs	



OR

3.	5	Large Trees	10'
	2	Small Trees	
	20	Shrubs	
	Berm Wall Or Fence		



OR

4.	4	Large Trees	20'
	10	Large Shrubs	
	(Planted In A Triangular Manner Ten (10) Feet Apart At Centers)		

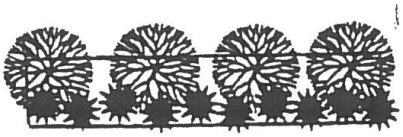
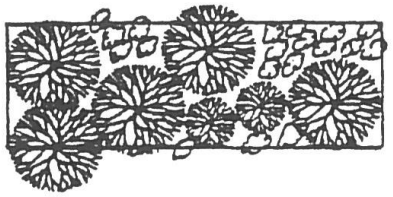
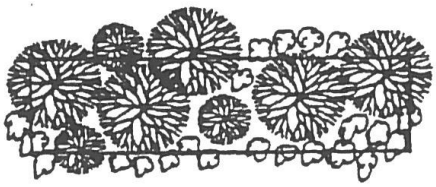


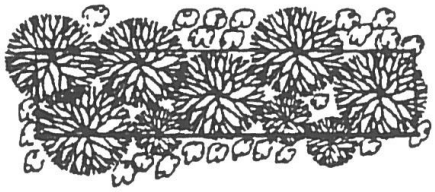
FIGURE 5

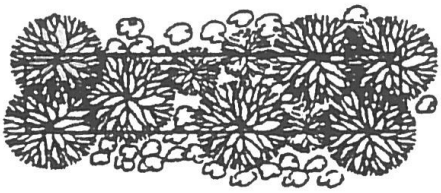
GRADE 5

Plant Material/100'		Width
1.	4.8 Large Trees 2.4 Small Trees 19 Shrubs	35'
	OR	
2.	5.4 Large Trees 2.7 Small Trees 22 Shrubs	30'
	OR	
3.	6 Large Trees 3 Small Trees 24 Shrubs	25'
	OR	
4.	6.6 Large Trees 3.3 Small Trees 28 Shrubs	20'
	OR	
5.	6 Large Trees 3 Small Trees 20 Shrubs 1 Wall, Fence or Berm	15'









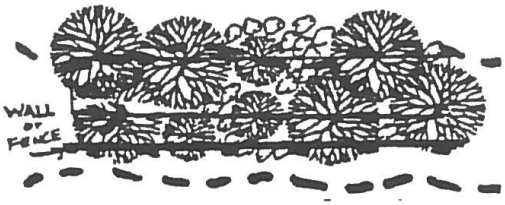
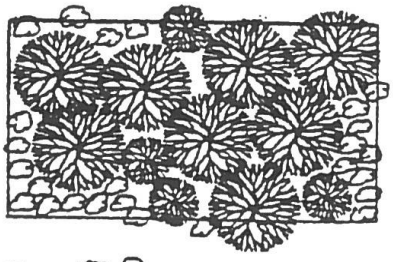


FIGURE 6

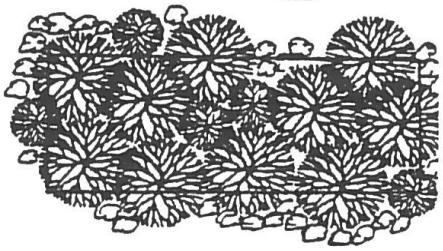
GRADE 6

Plant Material/100'			Width
1.	8	Large Trees	
	4	Small Trees	60'
	24	Shrubs	



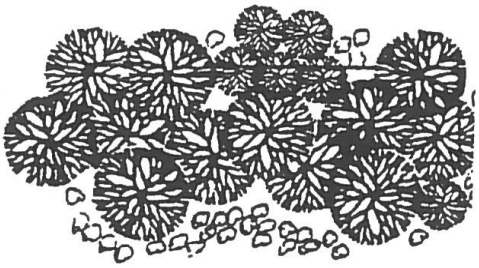
OR

2.	10	Large Trees	
	5	Small Trees	40'
	30	Shrubs	



OR

3.	12	Large Trees	
	6	Small Trees	30'
	36	Shrubs	



OR

4.	8	Large Trees	
	6	Small Trees	20'
	20	Shrubs	
	1	Berm, Wall or Fence	

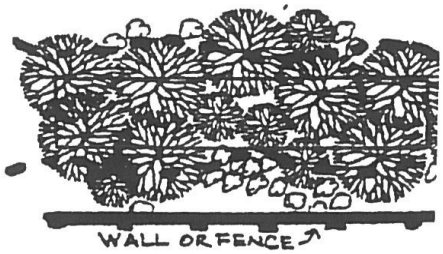
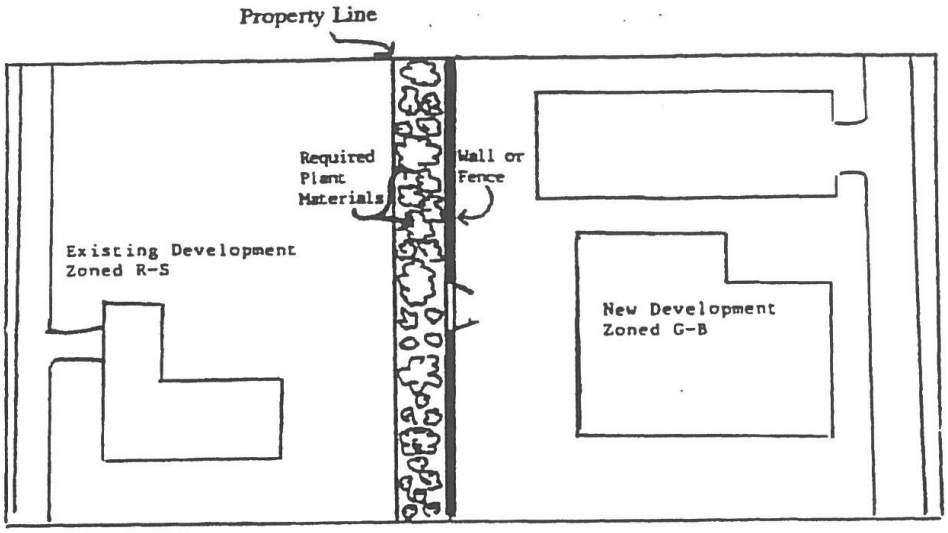
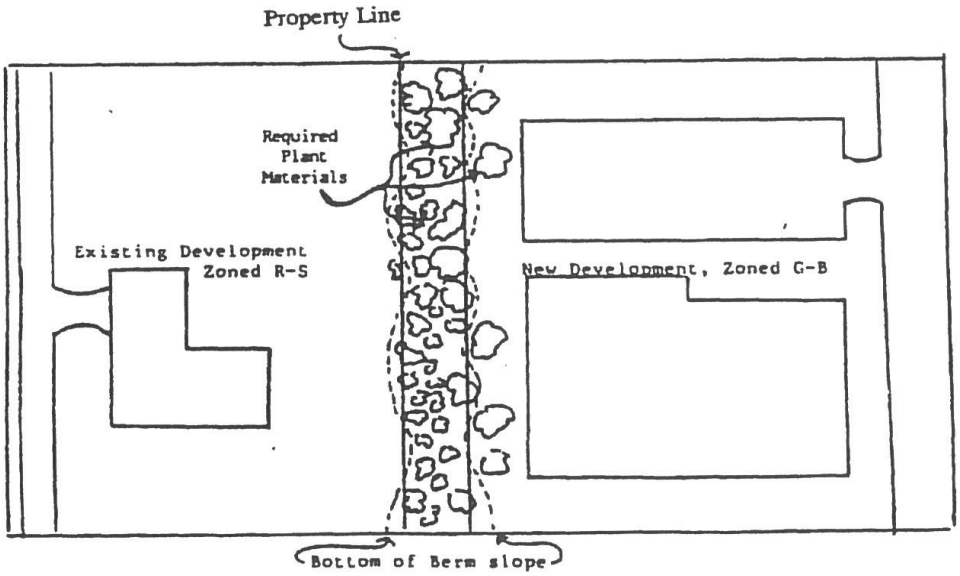


FIGURE 7
BUFFERS WITH WALLS, FENCES OR BERMS
(as seen from above)





APPROVED SPECIES LIST
ROCKWELL TREE PLANTING REQUIREMENTS

SMALL-MATURING TREES	GROWTH	HEIGHT	SHAPE	SCREEN	FULL COLOR	FLOWERS	BARK	POOR DRAINAGE	DISEASES	INSECTS	LITTER	COMMENTS
COMMON NAME/LATIN NAME												
FLOWERING												
GREEN ASH												
FRAXINUS PENNSYLVANICA	F	50'-80'	G					X	X	X		DO NOT PLANT IN HEAVY CLAY SOIL
WHITE ASH												
FRANXINUS AMERICANA	M	60'-80'	G		X				X	X		RESISTS HEAT & DROUGHT WELL/DO NOT PLANT IN CLAY SOIL
BALD CYPRESS												
TAXODIUM DISTICHUM	M	50'-100'	M				X	X		X		OFTEN USED IN POORLY DRAINED SITES/GROWS WELL IN AVERG.
RIVER BIRCH												
BETULA NIGRA	F	40'-70'	S				X	X				SUBJECT TO DROUGHT PROBLEMS/GROWS WELL ON HIGH/LOW GROUND
LACEBARK ELM												
ULMUS PARVIFOLIA	M	40'-50'	G				X					RESISTANT TO DUTCH ELM DISEASE
GINKGO												
GINKGO BILOBA	S	40'-70'	NP		X			X				PLANT GRAFTED MALE ONLY,PEST FREE,TOLERATES POLLUTION
RED MAPLE												
ACER RUBRUM	F	40'-60'	NP		X			X				SHADE TREE,EASILY TRANSPLANTED,LONG LIVED
SUGAR MAPLE												
ACER SUCCHARINUM	M	50'-70'	NP		X							EXCELLENT FALL COLOR, YOUNG TREES SUSCEPTIBLE TO SUN SCALED IF NOT PROTECTED. TOLERATES SHADE
LAUREL OAK												
QUERCUS LAURIFOLIA	M-F	60'-80'	NP									SEMI-EVERGREEN LEAVES, USE VARIETY-DARLINGTON
NORTHERN RED OAK												
QUERCUS RUBRA	M-F	60'-75'	NP		X			X				SHADE TREE, ROUNDED SHAPE,FULL SUN

APPROVED SPECIES LIST
ROCKWELL TREE PLANTING REQUIREMENTS

SAWTOOTH OAK												
QUERCUS ACUTISSIMA	M-F	35'-45'	G								X	HOLDS LEAVES IN WINTER,DROPS NUTS, TOUGHEST OF THE OAK TREE
SHUMARD OAK												
QUERUS SHUMARDII	M-F	40'-80'	NP		X			X				DARK RED FALL COLOR/THRIVES IN FULL SUN
SOUTHERN RED OAK												
QUERCUS FALCATA	M-F	70'-80'	NP		X			X				LARGE,FAST GROWING,VALUABLE SHADE TREE
WHITE OAK												
QUERCUS ALBA	S	70'-80'	NP		X		X					MAY HOLD LEAVES/VERY LONG LIVED
WILLOW OAK												
QUERCUS PHELLOS	F	70'-80'	NP									MAJESTIC TREE,EXCELLENT SHADE,EASILY TRANSPLANTED
JAPANESE PAGODA TREE												
SOPHORA JAPONICA	F	50'-70'	G			X						LIGHT FOLIAGE PERMITS ADEQUATE TURF GROWTH. MAY DEVELOP CANKERS WHICH CAN GIRDLE LIMB.
LONDON PLANE-TREE												
PLATANUS X ACERIFOLIA	F	60'-100	NP					X			X	WITHSTANDS HARSH CITY CONDITIONS,VERY LONG LIVED
TULIP-POPLAR												
LIRIODENDRON TULIPIERA	F	60'-90'	M		X	X						VALUED FOR FLOWERS & FOLIAGE,NEEDS A LOT OF SPACE,GOOD SOIL
JAPANESE ZELKOVA												
ZELKOVA SERRATA	F	50'-80'	V		X		X					RESISTANT TO DUTCH ELM DISEASE
EVERGREEN												
DEODAR CEDAR												
CEDRUS DEODORA	M-F	40'-70'	NP	X								SUBJECT UP TO WINTER INJURY UP TO AGE 15
LEYLAND CYPRESS												
CUPRESSOCYPARIS LEYLANDII	F	60'-70'	C	X						X		MAINTAINS GOOD SHAPE, EXCELLENT SCREENING
CANADIAN HEMLOCK												
TSUGA CANADENSIS	M	30'-80'	NP	X								PLANT IN PARCEL SHADE AND GOOD SOIL
SOUTHERN MAGNOLIA												
MAGNOLIA GRANDIFLORA	M-F	40'-60'	NP	X							X	ALLOW BRANCHES TO TOUCH GROUND TO HIDE LITTER OF LEAVES, FLOWERS & FRUIT
LIVE OAK												
QUERCUS VIRGINIANA	F	30'-50'	G	X							X	FAST GROWING,WIDE SPREADING TREE
AUSTRIAN PINE												
PINUS NIGRA	M	50'-60'	NP	X								TOLERATES CITY CONDITIONS

APPROVED SPECIES LIST
ROCKWELL TREE PLANTING REQUIREMENTS

LOBLOLLY PINE												
PINUS TAEDA	F	70'-90'	NP	X						X		TOLERATES POOR SOIL & SEVERE EXPOSURES.DIFFICULT TO TRANSPLANT WHEN TALLER THAN 4FT.
VIRGINIA PINE												
PINUS VIRGINIANA	S	20'-40'	NP	X						X		WILL GROW ON WINDSWEPT,DRY,OPEN SITES. GOOD COVER FOR DIFFICULT AREAS
NORWAY SPRUCE												
PICEA ABIES	M-F	40'-60'	NP									FULL SUN, WELL DRAINED & CLAY SOILS. SOME DROUGHT TOLERANCE
FLOWERING												
KWANZAN CHERRY												
PRUNUS SERRULATA KWANZAN	S	20'-25'	V						X			GOOD SOIL PREFERRED
YOSHINO CHERRY												
PRUNUS YEDOENSIS	M	20'-25'	S						X			GOOD SOIL PREFERRED
FLOWERING CRAB APPLE												
MALUS HYBRIDA	M-F	15'-25'	S						X			BEST VARIETIES:CENTURION,SNOWDRIFT,ZUMI
CRAPE-MYRTLE												
LAGERSTROEMIA INDICA	M	15'-25'	S			X	X	X	X			BEST VARIETY : NATCHEZ
FLOWERING DOGWOOD												
CORNUS FLORIDA	M-F	20'-25'	S			X	X		X	X		NEEDS PARTIAL SHADE; GOOD SOILS PREFERRED
KOUSA DOGWOOD												
CORNUS KOUSA	S-M	15'-30'	S			X	X					MORE HARDY THAN FLOWERING DOGWOOD
GREEN HAWTHORNE												
CRATAEGUS VIRIDIS "WINTER KING"	S-M	20'-35'	G					X	X	X		LOW MAINTENANCE,WHITE FLOWERS. DROUGHT RESISTANT
WASHINGTON HAWTHORNE												
CRATAEGUS PHAENOPYRUM	S-M	25'-30'						X	X	X		FRUIT ATTRACTS SONGBIRDS, PREFERS FULL SUN
SAUCER MAGNOLIA												
MAGNOLIA SOULANGIANA	M	20'-30'	G									SELECT LATE BLOOMING TO AVOID FREEZE DAMAGE
ARISTOCRAT PEAR												
PYRUS CALLERYANA 'ARISTOCRAT'	F	30'-40'	G			X						FULL SUN, CLAY OR SANDY SOIL
CALLERY PEAR												
PYRUS CALLERYANA	F	30'-40'	C			X						
REDSPIRE(CALLERY)PEAR												
PYRUS CALLERYANA 'REDSPIRE'	F	30'-40'	NP			X						MORE NARROW THAN A BRADFORD PEAR

APPROVED SPECIES LIST
ROCKWELL TREE PLANTING REQUIREMENTS

PURPLELEAF PLUM												
PRUNUS CERASIFERA "PISSARDII"	M-F	15'-30'				X				X	X	REMAINS PURPLE, PRODUCES FRUIT
EASTERN REDBUD												
CERCIS CANADENSIS	M	20'-30'	S			X			X	X		DOES WELL IN FULL SUN. VERY DROUGHT RESISTANT.
NON-FLOWERING												
CAROLINA CHERRY LAUREL												
PRUNUS CAROLINIANA	M	20'-30'	G	X	X							GOOD SOIL PERFERRED
FOSTER HOLLY												
ILLEX ATTENUATA "FOSTER"	M-F	15'-25'	C	X	X							TOLERATES CITY CONDITIONS.HEAVY FRUIT PRODUCTION.
SAVANNAH HOLLY												
ILEX ATTENUATA "SAVANNAH"	F	20'-30'	NP	X								REQUIRES HEAVY FERTILIZATION FOR GOOD LEAF COLOR
AMERICAN HORNBEAM												
CARPINUS CAROLINIANA	S	20'-30'	S			X	X	X				VERY SLOW GROWTH; TOLERATES CITY CONDITIONS
EUROPEAN HORNBEAM												
CARPINUS BETULUS	S	40'-60-	C		X		X	X				PEST FREE;TOLERATES CITY CONDITIONS
HEDGE MAPLE												
ACER CAMPESTRE	S	15'-35'	G			X						
JAPANESE MAPLE												
ACER PALMATUM	S	15'-25'	S			X	X					HIGH FERTILITY WITH HIGH ORGANIC CONTENT
GROWTH RATE:												
S-SLOW												
M-MEDIUM												
F-FAST												
SHAPE:												
BP-BROADLEY PYRAMIDAL												
C-COLUMNAR												
G-GLOBULAR												
S-SPREADING												
NP-NARROWLY PYRAMIDAL												
V-VASE SHAPED												

The Approved Species List: Rockwell Tree Planting Requirements (Tables 3 and 4) are on file in the Rockwell Clerk's Office.

Table 5
Approved Species List for Shrubs
Nelly R. Stevens Holly
Burford Holly
Wax Myrtle
East Palatka Holly
Savannah Holly
Tea Olives
Eleagnus
Ligustrums
Japanese Black Pines
Junipers
Any other variety of shrub approved by the Zoning Enforcement Officer, which has the capacity to provide an equivalent amount of growth and opacity.

§ 152.101 SCREENING REQUIREMENTS FOR OPEN STORAGE AND UNENCLOSED STRUCTURES.

For open-air storage, or an unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment associated with business or industrial uses located in any zoning district within 100 feet of the street right-of-way, screening must be provided on the subject property so as to materially screen the storage in the form of a berm, wall or fence or an appropriate amount of natural plantings as to provide the necessary amounts of screening to effectively screen the storage from view from any adjacent lot or street right-of-way. Standards for screening are found in § 152.103.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.102 SCREENING REQUIREMENTS FOR ALL ZONING DISTRICTS.

(A) The following uses must be screened from abutting property and from public view from a public street. The landscaping shall be positioned so that shrubs form a continuous, tight screen at mature growth.

(1) Parking lots for more than 10 vehicles, excluding new and used automobile sales lots and parking areas for detached, duplex, triplex or quadriplex dwellings on a single lot; (Grade 2 screen/buffer, minimum);

(2) Screening of dumpsters

(a) All solid waste collection dumpsters shall be screened if and the to the extent that, in the absence, they would be clearly visible to:

1. Person located within any dwelling unit on residential property other than that were the dumpster is located.

2. Occupants, customers, or other invitees locate within any building on non-residential property other than that where the dumpster is located.

3. Person traveling on any public street, sidewalk or other public way.

(b) When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening.

(3) Service entrances or utility structures associated with a building; and

(4) Loading docks or spaces.

(B) Except as provided in § 152.099, screening shall not be required between any 2 lots which contain principal residential uses.

(C) Standards for screen/buffers are found in § 152.103.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.103 SCREEN AND BUFFER STRIP STANDARDS.

(A) Unless an exception is granted pursuant to § 152.107, the required screening and buffer strip shall, at a minimum, conform to the standards prescribed by either 1 of the alternatives listed for the grade of screen and buffer required in §§ 152.099 through 152.102 or required by any other provision of this chapter. The alternatives for a Grade 1 screen/ buffer are listed and illustrated in Figure 1. The

alternatives for a Grade 2 screen/buffer are listed and illustrated in Figure 2. The alternatives for a Grade 3 screen/buffer are listed and illustrated in Figure 3. The alternatives for a Grade 4 screen/buffer are listed and illustrated in Figure 4. The alternatives for a Grade 5 screen/buffer are listed and illustrated in Figure 5. The alternatives for a Grade 6 screen/buffer are listed and illustrated in Figure 6.

(B) To the extent that existing natural vegetation located on the same parcel of land as the proposed development can meet the required screening levels of this subchapter, the use of these materials is encouraged. In this case, the owner shall designate the land on which the materials are rooted, which shall contain at least the minimum width required for the alternative chosen, as the designated buffer area. See § 152.108.

(C) To determine the total number of plants required for an alternative under each grade of screen/buffer, the length of each side of the property requiring a screen/buffer, minus the area covered by a sight distance triangle as required in § 152.109 shall be divided by 100 and multiplied by the number of plants shown for the required screen/buffer.

(D) For the required screen/buffers, more than 1 alternative is shown. The owner of the lot which is required to provide screening and buffering may choose among these options. Unless an alternative prescribes a wall, fence or berm, the measures shall not be substituted for the required amount of plant materials nor shall the measures be substituted for any required buffer width, except as provided for in § 152.107. Provided however, this requirement shall not prevent the owner from installing the measures as added screening above the minimum so long as all required plant materials are installed on the side of any wall or fence opposite the new development. See Figure 7.

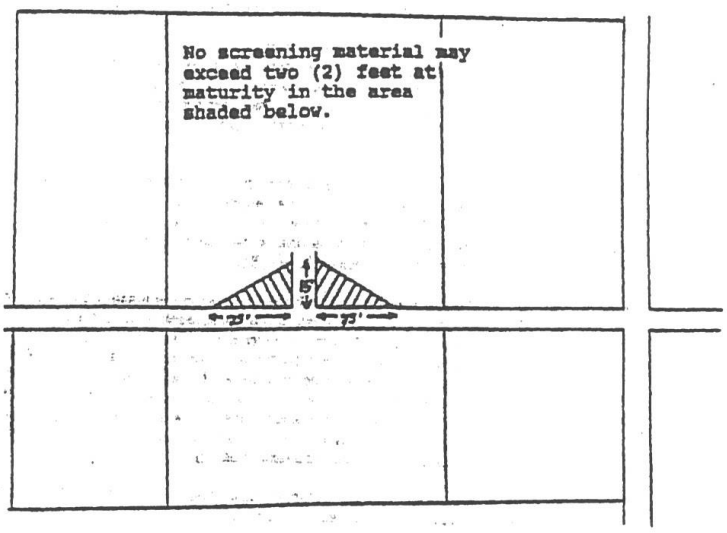
(E) Except as provided in §§ 152.100 and 152.101, a screen/buffer shall be required along rear and/or side lot lines only.

(F) No structure other than a wall, fence, sidewalk, sign or driveway shall be permitted within a required screen area. No off-street parking may take place in any required screen area. Where plant materials are required, the required amount of plant materials shall be installed on the side of any wall or fence opposite the new development unless a waiver of the requirement is granted pursuant to § 152.107. See Figure 7.

(G) The height of any screen material required by this chapter in the vicinity of a point of ingress and egress may not exceed 2 feet in height within the sight triangle depicted in Figure 8 and Figure 9. (Ord. passed 11-11-1995) Penalty, see § 152.999

[Figure 8 follows on next page]

FIGURE 8
AREA AND HEIGHT SPECIFICATIONS FOR SCREENING
MATERIALS AT INGRESS/EGRESS POINTS



§ 152.104 WALLS, FENCES, AND BERM STANDARDS.

Whenever a screening alternative specified is selected which includes a wall fence, or berm, the wall, fence, or berm shall meet the following requirements:

(A) Any wall shall be constructed in a durable fashion of brick, stone or other masonry materials with no greater than 25% percent of the wall surface left open. All walls, except those constructed of stone, shall be of a consistent pattern. Gates constructed to the standards for fence materials as set forth in division (B) below, may be included in the wall to allow passage to maintain the plant materials included in the screen/buffer.

(B) Any fence shall be constructed in a durable fashion of wood posts and/or planks with a minimum diameter or width of 3 inches and with no greater than 25% of the fence surface left open between posts and/or planks. Wooden gates meeting these standards of opacity may also be included. No screening material may exceed 2 feet at maturity in the area shaded below.

(C) No wall or fence used as part of a screen shall be less than 6 feet nor more than 8 feet in height above grade.

(D) All berms shall be grassed and/or planted with other plant materials sufficient to prevent soil erosion. If grassed alone, any berm installed to meet the requirements of this section shall be no less than 4 feet nor greater than 9 feet in height. No slope of a berm shall exceed a slope greater than 1 foot of rise for every 3 feet in plane. No part of the berm shall be left as bare soil. Any required plant materials accompanying a berm may be planted on the berm and/or along either side of the berm. It is recommended that, where feasible, at least 75% of any required shrubs be planted on the slope of the berm opposite the new development.

(E) Where a fence or wall is used as part of a required screen area, any required plantings accompanying the fence or wall shall be located on the side of the fence or wall opposite the new development.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.105 PLANT STANDARDS AND PLANT INSTALLATION STANDARDS.

The following standards shall apply to all new plant material installed as part of a screen required under these regulations.

(A) Trees to be planted shall be selected from the approved species listed in Tables 3 and 4. The Zoning Enforcement Officer may approve alternative large or small maturing trees excluding sweet gum, catalpa, wild cherry, wild elm, princess, hackberry and tree-of-heaven.

(B) Minimum tree caliper measured 6 inches above ground on all trees shall be 2-1/2 inches and the minimum height shall be 8 feet. No trees identified as large maturing trees shall be planted within 20 feet of an electrical distribution line. This does not include low voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines.

(C) Large shrubs used in any screening or landscaping must be at least 2 feet tall when planted and shall be selected from the approved species listed in Table 5. They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 3 years of planting.

(D) All plant material installed shall be free from disease.

(E) Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.

(F) All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain health growth.

(G) All plant material shall be planted in a manner which is not intrusive to utilities or pavement.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.106 SCREEN AND BUFFER MAINTENANCE.

The plantings, fences, walls or berms that constitute a required screen shall be properly maintained in order for the screen to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. The maintenance shall include all actions necessary to keep the screened area free of litter and debris; to keep plantings healthy; to keep plant growth from interfering with safe vehicular and pedestrian travel, or use of parking areas, or from creating nuisances to adjoining properties; and to keep walls, fences, and berms in good repair and neat appearance. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies. All screen materials shall be protected from damage, by erosion, motor vehicles or pedestrians which could reduce the effectiveness of the screen.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.107 RELIEF TO SCREENING AND BUFFER REQUIREMENTS.

(A) In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required screen and buffer, the Zoning Enforcement Officer may after the requirements of § 152.103 provided the spirit

and intent of §§ 152.098 through 152.110 are maintained. An alteration may occur only at the request of the developer, who shall submit a plan to the Zoning Enforcement Officer showing existing site features that would screen the proposed use and any additional screen materials the developer may propose to have installed. The Zoning Enforcement Officer have no authority to alter the screening and buffer requirements unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.

(B) (1) The vacancy or non-use of an adjoining parcel shall not constitute grounds for providing relief to the screening and buffering requirements contained in this section.

(2) Neither shall the desire of an owner to make more intensive use or greater economic use of the property be grounds for reducing the screening/buffer requirements of §§ 152.098 through 152.110.

(3) Where the effect of the screening and buffer requirements of §§ 152.098 through 152.110 are to deny the owner reasonable use of the entire tract (or tracts) of property, relief pursuant to this section may be granted to the extent that reasonable use of the tract or tracts is available.

(4) In deciding whether to approve a plan, the Zoning Enforcement Officer may, at his or her discretion, seek an advisory opinion from the Planning Board.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.108 EXISTING SCREENED AREAS.

(A) In cases where an existing, screened area is located on the same tract as the proposed development, further plantings and/or improvements shall not be required so long as the screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this chapter.

(B) If the screened area is deficient, the developer shall make needed improvements and/or additions to satisfy the screening requirements and intent of this chapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.109 VISIBILITY AT INTERSECTIONS.

(A) Except as herein provided, on a corner lot in any district, no hedge, shrubbery, tree, natural growth, sign, fence, wall or other obstruction of any kind to vision which obstructs cross-visibility at a level between 2 feet and 9 feet above the level of the center of the street (where the projection of the sight triangles intersect the centerline of the street) shall be placed or maintained within the triangular

area formed by the intersection of front or rear lot lines and the side lot line and a straight line connecting points on the lot lines, which are located 15 and 75 feet from the point of intersection, as shown in figure 9.

(B) In instances where NCDOT site triangle provisions are applicable, the regulations shall prevail.
(Ord. passed 11-11-1995) Penalty, see § 152.999

[Figure 9 follows on next page]

FIGURE 9
CLEAR SIGHT TRIANGLE AT INTERSECTIONS

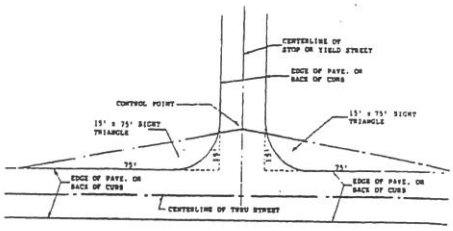
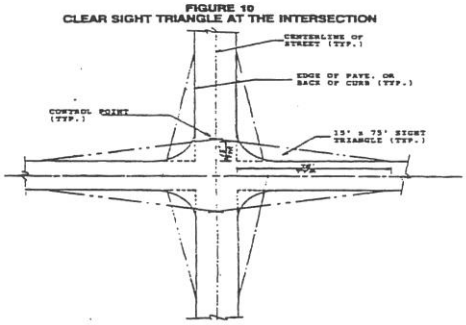


FIGURE 10
CLEAR SIGHT TRIANGLE AT THE INTERSECTION



§ 152.110 IMPLEMENTATION OF SCREENING REQUIRED PRIOR TO OCCUPANCY.

(A) *Generally.* Fences, walls, berms and landscaping materials required in §§ 152.098 through 152.110 for screening and buffering shall be installed prior to occupancy.

(B) *Improvement guarantees.*

(1) It is recognized that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival.

(2) In order to ensure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to occupancy, the Town of Rockwell may enter into an agreement with the subdivider/developer whereby the subdivider/developer shall agree to complete all required landscaping and screening.

(3) To secure this agreement, the subdivider/developer shall provide to the Town of Rockwell 1 of the following guarantees. The amount of the guarantee shall be equal to 1.25 times the cost of purchasing, installing and completing landscaping and screening materials required under this chapter. All guarantees shall be subject to the approval of the Town Board and shall be made payable to the Town of Rockwell. The subdivider/developer shall provide either 1 or a combination of the following guarantees.

(a) *Surety performance bond(s).* The subdivider/developer shall obtain a performance bond(s) from a surety company authorized to do business in North Carolina. The duration of the bond(s) shall be until the time as the improvements are accepted by the Town Board.

(b) *Cash or equivalent security.*

1. The subdivider/developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the Town of Rockwell.

2. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider/developer shall then file with the Town of Rockwell an agreement between the financial institution and himself or herself guaranteeing the following:

a. The escrow account shall be held in trust until released by the Town Board and may not be used or pledged by the subdivider/developer in any matter during the term of the escrow; and

b. In the case of a failure on the part of the subdivider/developer to complete the improvement, the financial institution shall, upon notification by the Town of Rockwell and submission by the Town of Rockwell to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

(C) *Default.*

(1) Upon default, meaning failure on the part of the subdivider/developer to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Town Board, pay all or any portion of the bond or escrow fund to the Town of Rockwell up to the amount needed to complete the improvements based on an engineer's estimate.

(2) Upon payment, the Town Board, in its discretion, may expend the portion of the funds as it deems necessary to complete all or any portion of the required improvements. The town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider/developer shall nonetheless be responsible for providing the funds to cover the costs. The subdivider/developer shall at all times bear the financial burden for the installation of all required improvements.

(D) *Release of guarantee security.*

(1) The Town Board may authorize the Finance Director to release a portion of any security posted as the improvements are completed and approved by the town.

(2) The funds shall then be released within 10 days after the corresponding improvements have been so approved.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.111 FENCES OR WALLS PERMITTED.

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

(A) *In Residential (R-1, R-2) Districts.*

(1) (a) When fences or walls are installed in a required front, side or rear yard, the minimum height of a fence or wall shall be 6 feet.

(b) When the fence or wall is installed pursuant to §§ 152.098 through 152.110, it shall not exceed 8 feet in height.

(2) No electrical, concertina, or barbed-wire fences shall be permitted.

(B) *In all other districts.*

(1) Maximum height shall be 12 feet except that no maximum shall apply to jails or prisons where the walls or fence is installed behind any required setbacks.

(2) No electrical, concertina, or barbed-wire fences shall be permitted.

(C) *Correctional facility, public utility structures.* There shall be no maximum height for any fence located within the required setback of any correctional facility or pubic utility structure.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.112 LOT TO ABUT A DEDICATED STREET.

No lots may be created after the effective date of this chapter which do not have at least 50 feet of dedicated street right-of-way frontage except as follows.

(A) A lot not having 50 feet of dedicated street right-of-way frontage may be created if located entirely within:

(1) A planned shopping center, office park or other planned multi-tenant development of a non-residential nature; or

(2) Within a condominium town house, patio home or similar type planned development of a residential nature.

(B) A lot fronting onto a cul-de-sac shall have at least 35 feet of dedicated street frontage.

(C) A 1-family residence, including a single-family dwelling, manufactured home or modular home, may be constructed on a lot which was recorded at the effective date of this chapter which does not abut a dedicated street right-of-way provided the lot is given access to a dedicated street by an easement at least 20 feet in width for the use of the dwelling established on the lot and further provided that the easement is maintained in a condition passable for automobiles and service and emergency vehicles. This easement may not be extended to provide access to any other lots or to any other residence not having frontage on a dedicated street
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.113 ONE PRINCIPAL BUILDING.

(A) No more than 1 principal structure devoted to a residential use shall be permitted on a lot, except as:

(1) Part of a multi-family development; or

(2) A temporary manufactured home as provided in § 152.114.

(B) More than 1 principal structure devoted to a non-residential use may be located on a lot provided that access is available from a public street or a 20 foot easement is maintained from a public street to each building for use by service or emergency vehicles. Each building on the lot shall otherwise be separated from any other building by a distance of at least 10 feet.

(C) In the B-2 Zoning District only, a lot may contain both residential and commercial uses in 1 or more principal structures meeting the requirements of Section 152.071 for Mixed Uses.

(D) Only 1 principal nonresidential use per lot shall be allowed except as part of a planned shopping center, office building or similar planned multi-tenant development as permitted by this chapter. Notwithstanding the above, up to 3 separate-principal uses shall be allowed on a single lot in the Industrial District so long as a maximum aggregate gross floor area (including all principal and accessory structures) of the uses does not exceed 10,000 square feet and all the uses are permitted by right in the Industrial District. If any use is listed in § 152.070 of the Zoning Chapter as a conditional use it shall be subject to the issuance of a conditional use permit irrespective of its gross floor area. (Ord. passed 11-11-1995; Am. Ord. passed 11-10-2003) Penalty, see § 152.999

§ 152.114 TEMPORARY STRUCTURES AND USES.

(A) Temporary structures and uses, when in compliance with all applicable provisions of this chapter, and all other ordinances of the Town of Rockwell, shall be allowed.

(B) The following temporary structures and uses shall be permitted.

(1) Construction trailers used in conjunction with construction projects provided that the following conditions are met.

(a) The construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least 1 of the residential units being constructed.

(b) All construction trailers shall be located at least 10 feet off any street right-of-way and not be placed in any required rear or side yard setback.

(c) In addition to construction trailers, at any construction site for a construction project valued at $1,000,000 or more, 1 or more security guard houses may be installed. Use of these structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers, divisions (a) and (b) above, are met.

(2) (a) Certain uses of a temporary nature (i.e., less than 45 days in duration and held no more than 3 times per year at any particular location) which would not otherwise be permitted in a particular zoning district may be issued a temporary permit as herein provided. Upon completion and submittal of an application, the Zoning Enforcement Officer may grant a zoning permit for the following temporary uses:

1. Christmas trees sales and sale of nursery products;

2. Revivals; and

3. Shows for civic and youth organizations (i.e., 4-H shows).

(b) The permit shall be valid for a specified period only, not to exceed 45 days in duration.

(c) All other temporary uses not otherwise listed may only be granted a temporary zoning permit only after the Town Board has made the following determinations:

1. The proposed use will not materially endanger the public health, welfare and safety; and

2. The proposed use will not have a substantial negative effect on adjoining properties.

(d) In approving a temporary permit, the Town Board may authorize conditions regarding duration of the use, hours of operation, signage, lighting and the like and the conditions shall be made part of the permit issued. Violations of the conditions shall be considered a violation of this chapter. The Town Board, may prior to issuing the permit, conduct a public hearing. Notice of this public hearing shall be as provided in § 152.217.

(3) Manufactured homes may be allowed on a temporary basis in a zoning district in which the use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed, i.e.. it receives damage greater than 60% of its tax value as indicated on the most current tax listings. In this instance a manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing the manufactured home on the lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. If a manufactured home is used for an occurrence, it is subject to the following conditions.

(a) The manufactured home shall not be placed in the front yard and shall be located no closer than 15 feet to another principal residential structure on another lot and no closer than 10 feet to any lot line.

(b) The Zoning Enforcement Officer shall be given the authority to issue a zoning permit for the temporary use on a 1-time basis only for a period of up to 9 months. The permit may be renewed on a 1-time only basis, for a period of no greater than 12 months, by the Board of Adjustment if it is determined that:

1. Construction of a new dwelling unit is proceeding in a diligent manner;

2. The granting of the permit will not materially endanger the public health, welfare or safety;

3. The location of the manufactured home on the site does not have a negative effect on abutting properties; and

4. The manufactured home must be removed from the site within 30 days of the date a certificate of occupancy is issued for the newly constructed dwelling unit.

(C) Notice of the Board of Adjustment public hearing shall be as provided in § 152.290. (Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.115 ACCESSORY STRUCTURES AND USES.

Accessory structures, except as otherwise permitted in this section, shall be subject to the following regulations.

(A) Where the accessory structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this section applicable to the principal structure.

(B) No portion of any accessory structures, excluding private garages, satellite dish antennas, mailboxes, light poles, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers and doghouses under 15 square feet or less in gross floor area, shall be erected within any front yard. Private garages are subject to the requirements listed in division (D) below. Satellite dish antennas are subject to the requirements listed in division (J) below. Swimming pools located on a residentially-developed lot shall only be located in the rear yard. Detached accessory buildings may be located in the required rear yard, except no structure shall be located closer than 10 feet from any rear or side yard line, and at least 5 feet from any other building on the same lot and at least 20 feet from any other buildings used for human habitation. In no instance shall an accessory structure be located within a dedicated easement or right-of-way.

(C) Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, light poles and pump covers may be placed in any front, side or rear yard. No zoning permit is needed for these structures.

(D) Private garages, designed primarily to store an automobile, may be placed in any non-required front, side or rear yard. The structure shall not be located closer than 10 feet from any rear or side yard line, and at least 5 feet from any building on the same lot, and at least 20 feet from any other buildings used for human habitation.

(E) Doghouses with up to 15 square feet of gross floor area are permitted in the rear yard. The structure shall meet the side and rear yard lot requirements of the applicable zoning district. No zoning permit is required if the doghouse is 15 square feet or less in gross floor area.

(F) On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character.

(G) An accessory building may not exceed the height of the principal structure.

(H) (1) On any lot 1 acre or less in area containing a principal residential use, the maximum size of any accessory structures (excluding outdoor swimming pools) shall not exceed 1/2 the heated ground floor area of the principal structure or 750 square feet, whichever is greater.

(2) On a lot containing an area of 1 acre or greater, the maximum permitted area of accessory structures (excluding outdoor swimming pools or tennis courts) shall not exceed 1/2 the heated ground floor area of the principal dwelling.

(3) On any lot located in the RA – Residential Agriculture district and containing an area of 3acres or greater, the maximum permitted area of accessory structures (excluding outdoor swimming pools) shall not exceed 1800 square feet. (Passed 5-14-07)

(I) In cases where the rear lot line of a lot containing a principal nonresidential use abuts a lot in a Residential (R-1, R-2) District, a minimum 20-foot rear setback shall be required.

(J) Satellite dish antennas shall be considered on accessory structure and shall be regulated as follows:

(1) Satellite dishes shall be no larger than 8 feet in diameter unless the applicant can demonstrate the need for a larger size;

(2) Satellite dishes shall not exceed a height of 15 feet;

(3) All satellite dishes must be installed and grounded properly;

(4) (a) Satellite dish antennas located in a Residential (R-1, R-2) District or in the Office-Institutional (O-I) District, shall be located in the rear yard only and shall maintain a 10-foot setback from all side and rear lot lines.

(b) The Board of Adjustment may allow a special exception to allow satellite dish in the side or front yard in Residential (R-1, R-2) Districts or the Office-Institutional (O-I) District. See § 152.288.

(5) Satellite dishes whose reflective surface is solid shall be painted a subdued or natural color; and

(6) Satellite dishes shall not be located on a roof, unless the satellite dish is an accessory structure associated with a business or industrial use located in the B-2, B-3, or I Zoning Districts, or lees than 24 inches in diameter.

(K) Under no circumstances may a vehicle or trailer designed to be transported by a vehicle be used as an accessory structure in a Residential (R-1, R-2) or Office-Institution (O-I) Zoning District. (Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.116 USE OF MANUFACTURED HOMES AND SIMILAR STRUCTURES.

(A) A structure constructed as a manufactured home may only be used as a residential structure, except when serving as a construction trailer as per § 152.114.

(B) In no instance may a manufactured home be used for any other nonresidential purposes. (Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.117 HEIGHT LIMITATIONS AND EXCEPTIONS.

(A) For purposes of this chapter, the height of a structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

(B) The maximum heights as indicated in the various districts may be exceeded for the following uses: roof equipment not intended for human occupancy and which is accessory to the structure upon which it is placed, such as skylights, transmissions or television towers, housing for elevators, stairways, water tanks, ventilating fans, air conditional equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys, radio and television antennae.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.118 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF CHAPTER.

Nothing in this chapter shall be deemed to require any charge in the plans, construction or designed use of any building or structure upon which a building permit was secured prior to the adoption of this chapter, so long as the building permit remains valid.
(Ord. passed 11-11-1995)

§ 152.119 USES NOT EXPRESSLY PERMITTED OR CONDITIONAL.

(A) No building or structure, sign or land shall hereafter be used, erected or occupied and no building or structure shall be erected, expanded or moved except in conformity with the regulations of this chapter. This chapter specifies uses which are allowed in each zoning district

(B) Uses designated as permitted uses are allowed in a zone as a matter of right. Uses designated as conditional uses are allowed only after approval by the Town Board pursuant to §§ 152.215 *et seq.* of this chapter.

(C) It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in Rockwell. In order to provide for the changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows.

(1) For any use not listed in this chapter, the Zoning Enforcement Officer, at his or her discretion, may ask the Board of Adjustment to determine if the use can reasonably be interpreted to fit into a use category where similar uses are described in the chapter.

(2) The Board of Adjustment, after conducting a public hearing may make a determination.

(D) Certain uses pre-existing the adoption of this chapter are allowed to remain as non-conforming uses in accordance with §§ 152.140 *et seq.* this chapter. Temporary uses are allowed in accordance with § 152.114. Unless a use is allowed as a permitted, conditional, non-conforming use or temporary use, than the use is expressly prohibited in that zoning district by this chapter. The Board of Adjustment shall have no authority to grant a variance or special exception for the prohibited use(s).
(Ord. passed 11-11-1995) Penalty, see § 152.999

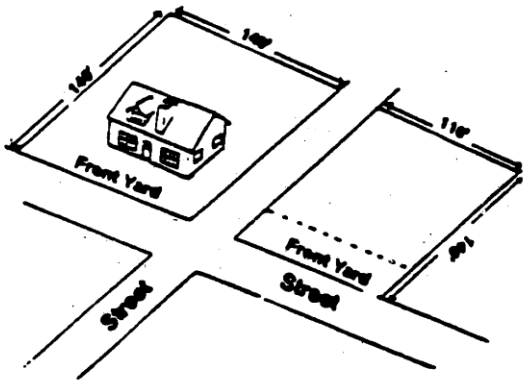
§ 152.120 LOCATION OF REQUIRED YARDS ON IRREGULAR LOTS, CORNER LOTS AND THROUGH LOTS.

(A) *Generally.* The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Zoning Enforcement Officer. The determination will be based on the spirit and intent of this chapter to achieve an appropriate spacing and location of buildings and structures on individual lots. See § 152.039 for definition of front yard.

(B) *Front yards and rear yards on corner lots.*

(1) On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage and no principal structure is located on the lot, the property owner shall determine the location of the front yard. On lots having equal frontage and where a principal structure is already located on the lot, the front yard shall be based on the architectural orientation of the house. Once the front yard is determined, the rear yard shall be the yard opposite the front yard.

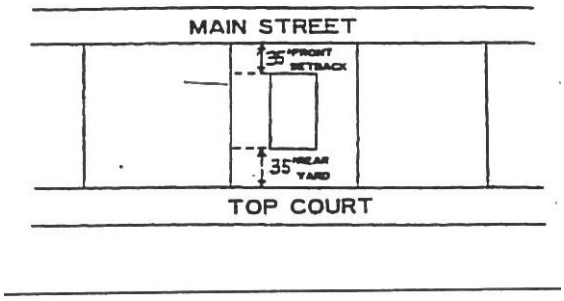
(2) A graphic example of this is as follows.



(C) *Front yards and rear yards and setbacks on through lots which abut 2 streets.*

(1) On through lots, the required front and rear yards shall each equal or exceed the greater of either the required front or rear yard setback which would normally be applied in that zoning district For example, if a through lot were located in a zoning district which normally required a 35-foot front setback and a 20-foot rear setback, both front and rear setbacks would have to equal or exceed 35 feet. For the purpose of placing accessory structures, however, the rear yard shall be deemed to be the yard opposite the street-side yard which the architectural front of the building faces. For the purpose of placing a principal residence, the Zoning Enforcement office shall require the architectural front of the building to be oriented similar to residences on either side.

(2) A graphic example of this is as follows.



Example: Regulations for a single family dwelling in the R-2 Zoning District	
Front Setback	35 feet
Rear Setback	20 feet

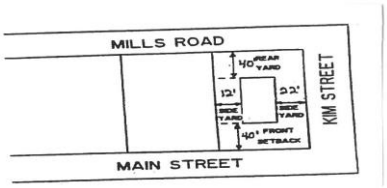
(3) As this lot abuts both Main Street and Top Court, 35-foot setbacks in each yard are required.

(D) *Front, rear and side yards and setbacks on lots which abut 3 streets.*

(1) (a) If a lot is abutted by streets on 3 sides, the front setback requirement for the zoning district shall be applied only on the 2 opposing street fronts.

(b) The required setback on the third street front must be the side yard requirement plus 10 feet since it is a corner lot.

(2) The yard opposite the third street front must be at least the minimum side yard requirement for the zoning district.



Example: Regulations for a single family dwelling in the R-1 Zoning District	
Front Setback	40 feet
Rear Setback	25 feet
Side Yard	12 feet

(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.121 VIBRATION.

No established use in any district shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.122 NOISE.

Every use of land shall be operated in a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment or nuisance to any person of ordinary sensitivities. Every nonresidential use in an Office (O-I), Business (B-1, B-2, B-3), or Industrial (I) District which adjoins a Residential (R-1, R-2) District must be operated in a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in those districts.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.123 ODOR.

(A) Every use of land shall be operated in a manner so that if any odors are produced therefrom, they are not disturbing and do not cause injury, detriment or nuisance to any person of ordinary sensitivities on another property.

(B) Every nonresidential use in a Office (O-I), Business (B-1, B-2), or Industrial (I) District which adjoins a Residential (R-1, R-2) District must be operated in a way that any odor which may be detected by the human senses at the district boundary line is similar in character to odors which could be expected to be generated in those Residential (R-1, R-2) Districts.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.124 PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES.

(A) *Recreational vehicles.* For purposes of this chapter, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreation vehicle for living, sleeping or housekeeping purposes and the connection of the vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited unless the vehicle is located in a camping and recreational vehicle park so designed to accommodate recreation vehicles.

(B) *Commercial vehicles.*

(1) On any lot of less of than 1 acre in size which is located in a residential subdivision of more than 10 lots, commercial vehicles which may be parked on an overnight basis shall be limited to vans and pick-up trucks (if no greater than 5,000 pounds). This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any Residential (R-1, R-2) District for a period of up to 24 hours nor shall this restrict the overnight parking of freight truck tractors without trailers on any lot.

(2) No residentially-developed lot may be used as the base of operation for any freight hauling truck.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.125 YARD AND GARAGE SALES.

Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residentially, institutionally or commercially developed lot in any district. These sales on residentially developed lots shall be limited to no more than 1 day per calendar month on the same lot. Institutional and commercial yard sales are permitted only with the land owner's permission. Additional regulations can be found in § 152.196 (B)(16).
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.126 ZONING MAP INTERPRETATION.

(A) The map entitled official zoning map of Rockwell, North Carolina, as certified as that by the Clerk to the Town Board is hereby declared to be the proper zoning for the districts as of the effective date of this chapter.

(B) For purposes of interpretation of district boundaries as shown on the zoning map, the following rules shall apply.

(1) Boundaries indicated as approximately following the center line of streets, highways or alleys shall be construed to follow the center lines.

(2) Boundaries indicated as approximately following lot lines shall be construed as following lot lines.

(3) Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as parallel to or extensions of features indicated in this section shall be construed as such. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(6) Boundaries indicated as approximately following the extraterritorial jurisdiction boundaries of Rockwell shall be construed as following those boundaries.

(7) Boundaries indicated as following the boundary limits of Rockwell shall be construed as following those boundaries.

(8) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by this section, the Board of Adjustment shall have the authority to interpret the district boundaries.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.127 MANUFACTURED HOME STANDARDS.

(A) All manufactured homes shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act.

(B) These homes shall meet the following standards.

(1) The structure shall be set up in accordance with the standards set by the North Carolina Department of Insurance, including tie-down standards.

(2) The structure will have all wheels, axles, transporting lights and towing apparatus removed or if any of these items cannot be removed, they shall be screened from view with landscaping or fencing if it is still visible after the unit is underpinned.

(3) The structure must be at least 14 feet in width.

(4) (a) The structure shall not be occupied unless it is supported on masonry blocks or jacks and provided with continuous underpinning from the bottom of the walls to the ground made of brick, pressure-treated wood (see division (4)(b) below), vinyl, prepainted aluminum material or other material specifically manufactured for manufactured housing, unpierced except for required ventilation and an access door.

(b) If pressure treated wood skirting is used, it shall consist of lumber and plywood treated in compliance with American Wood Preserver Bureau Standards. All plywood and lumber used for skirting shall be stamped with trademarks identifying the appropriate grades of lumber and plywood and the treatment identification.
(Ord. passed 11-11-1995) Penalty, see § 152.999

MANUFACTURED HOME STANDARDS. (for units outside designated mobile home parks on individual platted lots)

A. All units must be constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development (HUD) and has the affixed sticker in the unit.

B. The manufactured home unit shall meet the following standards:

(1) For location within the corporate limits outside of a designated mobile home parks:

(a)The unit must be no older than five (5) model years.

(b)The unit must be set up in accordance with the standards of the NC Department of Insurance, including tie-down set in concrete.

(c)The unit will have all wheels, axles, transporting lights and towing apparatus removed.

(d)The unit must be at least 14 feet in width.

(e)The unit shall not be occupied until the following has been installed according to the NC State Uniform Residential Building Code for one and two family dwellings.

1) Continuously dug and poured concrete footing around the perimeter;
2) Block piers on concrete footing (piers must have mortar between blocks);
3) Continuous concrete block or brick foundation/curtain wall installed from top of

frame to ground, unpierced except for required ventilation and access doors(s) on concrete footing.

(f) The roof of the home shall have shingle or metal roofing materials with a minimum pitch of 3/12 and have a twelve-inch (12") or more (excluding guttering) overhang.

(g) The unit shall have a deck with all required steps, guardrails, handrails, and picket, at entrances.

(h) The unit must be set-up so that the front entrance or elevation faces the street right of way. District setbacks must be met.

(2) For locations in the Town's Extra Territorial Jurisdiction (ETJ) outside designated mobile home parks:

(a) Unit must be constructed after July 1, 1976 that meets all the construction standards promulgated by the US Department of Housing and Urban Development (HUD) and has the affixed sticker in the unit.

(b) The unit must be set up in accordance with the standards of the NC Department of Insurance including tie-downs and all utility connections.

(c) The unit will have all wheels, axles, transporting lights and towing apparatus removed.

(d) Continuous masonry underpinning from top of frame to ground unpierced except for required ventilation and access doors(s).

Adopted 9/11/2017

§ 152.128 CUSTOMARY HOME OCCUPATIONS.

(A) Customary home occupations may be established in any principal dwelling unit.

(B) The following requirements shall apply in addition to all other applicable requirements of this chapter for the district in which the principal dwelling unit is located.

(1) The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

(2) No accessory structures or outside storage of materials or equipment shall be allowed in connection with the home occupation.

(3) Use of the dwelling for the home occupation shall be limited to 25% of the heated finished area of the principal residential structure. Any portion of a basement or attached garage may also be devoted to the home occupation.

(4) Residents of the dwelling plus a maximum of 1 non-resident may be engaged in the customary home occupation or otherwise report to work at the dwelling.

(5) No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.

(6) No external alterations inconsistent with the residential use of the dwelling shall be permitted.

(7) Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.

(8) Chemical, mechanical or electrical equipment that creates odors, light emission, noises or interference in radio or television reception detectable outside the dwelling shall be prohibited.

(9) Customary home occupations may be in operation at any time between the hours of 8:00 a.m. and 9:00 p.m.

(10) Instruction in music, dancing and similar subjects shall be limited to a maximum of 2 students at a time.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.129 OUTDOOR LIGHTING AND REFLECTIVITY.

Outdoor lighting shall be located so as to not endanger motorists traveling on any street. The reflectivity of any structure constructed after the effective date of this chapter shall in no way hamper or cause endangerment to motorists traveling on any street.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.130 COMMUNICATION TOWER.

(A) *Intent.* It is the intent of the Town of Rockwell to allow communication towers for mobile telephone services and other radio and television information services which provide for the needs of its citizens while minimizing adverse visual and operational effects of the towers through careful design, placement, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize the use of any existing towers and to reduce the number of new towers which are needed.

(B) *Location.*

(1) Location of communication towers in Residential (R-1, R-2), Office-Institutional (O-I), and Business (B-1, B-2) Zoning Districts shall be as follows:

(a) The tower shall be a use by right if mounted to an existing structure.

(b) The tower shall be a conditional use if a new structure in which the tower is to be placed is built. In no instance may a communications tower be a free-standing structure in the aforementioned zoning districts.

(2) Location of free-standing communication towers in Business (B-3) and Industrial (I) Districts shall be governed as follows:

(a) A monopole tower may be built, subject to the tower meeting all other performance criteria contained herein and elsewhere in this chapter.

(b) 1. A lattice tower may be built subject to certain height and distance separations based on how far the base of the tower is set back from the nearest thoroughfare along with other performance criteria as herein listed. The following chart shows distance and height requirements for the placement of lattice towers.

Setback Distance from Nearest Thoroughfare Right-of-Way Line (linear feet)	***Maximum Height of Lattice Tower (in feet)***
0-200	35
201 - 300	100
301 - 400	120
401 - 500	140
501 - 600	160
601 - 700	180
700+	200

2. An example of this is as follows:

a. A communication tower (of lattice construction) is proposed to be located in the Industrial (I) District. The tower, meeting all other conditions of this chapter, is to be located 350 linear feet (as measured using the straightest short line distance) from the nearest thoroughfare right-of-way. The tower may therefore be no greater than 120 feet in height.

b. If the tower were of monopole construction, the tower could be placed elsewhere on the lot, subject to it meeting all other applicable regulations of this chapter.

(3) Two-way local communication radio towers incidental to a business use (i.e., used by the business for their operational communications only) may be up to 200 feet in height in any zone other than a Residential (R-1, R-2) Zone. Any tower shall meet the applicable setback requirements for the zoning district in which it is located. Any tower shall be set back from any lot in a Residential (R-1, R-2) zoning district by a distance equal to the height of the tower, or 200 feet, whichever is less. The towers shall be of monopole construction only.

(C) *Maximum height.*

(1) Maximum tower height of lattice towers is discussed in division (B)(2)(b) above. There are no maximum height restrictions for monopole towers, except for 2-way local communication radio towers, as discussed in this division (C).

(2) If the communication tower is placed on top of an existing structure it may extend above the height of that structure by no greater than 20 feet in all Residential (R-1, R-2) Zones and 50 feet in all other zoning districts.

(D) *Minimum setbacks.*

(1) Minimum setbacks, as herein indicated shall be measured from the base of the tower. If a tower is to be placed on a leased portion of a lot which is owned by someone other than the tower owner, setbacks shall be measured from the boundaries of the lot.

(2) No additional setbacks shall be required if the tower is to be placed on an existing structure.

(3) In the Office (O-I), Business (B-1, B-2, B-3) and Industrial (I) Districts, a minimum setback of 40 feet from any adjoining lot line shall be required, unless the lot line separates the lot from a Residential (R-1, R-2) District shall be required.

(4) Maximum setbacks of monopole, 2-way local communication radio towers are discussed in division (C) above.

(E) *Buffering.*

(1) Buffering shall be required for all communication towers which are free-standing structures. The landscaping shall not be required when the tower is physically placed within another structure or when incorporated within another structure (e.g., church steeple).

(2) A Grade 3 buffer shall be required when a free-standing communication tower is placed in a Residential (R-1, R-2) Zoning District. A Grade 3 buffer shall be required for free-standing communication towers in all other zoning districts.

(F) *Conditional use permit procedures.*

(1) The Town Board shall generally follow the procedures found in §§ 152.215 *et seq.* in deciding whether to issue a conditional use permit for a communication tower, with the following exceptions.

(2) Prior to issuing a conditional use permit, the Town Board must make, in addition the findings found in § 152.219, the following findings:

(a) The tower will not result in interference with the safe operation of aircraft in relation to existing or planned airport facility; and

(b) Notification of the required public hearing shall be sent out to all adjacent property owners, in accordance with § 152.218, and to all other owners of property located within a 1,500-foot radius of the lot upon which the communication tower is proposed to be located.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.131 MANUFACTURED HOME PARK STANDARDS.

(A) *Generally*. This section sets forth the standards required for all new manufactured home parks and expansions of existing manufactured home parks. Where the intent of the standards herein contained can be met by other means not specifically listed, the Town Board may approve other methods and designs to solve unique problems associated with individual developments, on an individual basis. In no case may the Town Board approve a design of less than the minimum standards herein contained.

(B) *Minimum park area.* Manufactured home park - 5 acres.

(C) *Occupancy.*

(1) There must be at least 5 improved manufactured home spaces at first occupancy. Any existing manufactured home park containing less than 5 manufactured home spaces shall not be considered non-conforming if otherwise in conformance with the standards contained in this chapter.

(2) No manufactured home space shall be occupied, nor may a certificate of occupancy be issued unless the requirements of this chapter have been met. The requirement of a minimum of 5 spaces at first occupancy shall apply only to the first 5 spaces of a new manufactured home park. In all other situations a manufactured home park may increase in size in any increments of spaces.

(D) *Space sizes.*

(1) All manufactured homes within the park shall be located in designated manufactured home spaces.

(2) Minimum space sizes shall be as follows.

(a) Where a well and septic tank are on the same space - 20,000 square feet.

(b) Where 1 of either public or community water service, or public or community sewer service is provided to each space, a minimum of 10,000 square feet shall be required.

(c) Where both public or community water and sewer services are provided to each space, 5,000 square feet.

(d) The above space sizes are to be deemed the minimum size requirements and may be increased due to requirements for placement of well and septic tank systems (such as soil conditions and separation distances), the topography of the land or other factors. The applicant shall indicate on the application the specific number of bedrooms per manufactured home for which the septic tank system should be evaluated.

(E) *Space widths.* Each manufactured home space shall be at least 30 feet in width at the interior street right-of-way line and 45 feet in width at the front yard setback line.

(F) *Setbacks.*

(1) Minimum separation distances between manufactured homes within a manufactured home park shall be observed.

(2) In addition, setbacks of manufactured homes from property lines and publicly maintained street right-of-way lines shall also be observed as herein required.

(a) The minimum setback for any structure within a manufactured home park from a publicly maintained street right-of-way line or any property line shall be 40 feet. This setback may be reduced to 20 feet if within the 20 feet, a screen which meets the requirements of a Grade 4, option 4 screen is provided. Where a required screen area lies between a manufactured home space and a property line or street right-of-way tine, all required setbacks shall be measured from the edge of the required screen nearest the manufactured home. In addition to these requirements, a 20-foot minimum front setback from any interior street right-of-way line shall be observed. And a 10-foot minimum side setback shall be observed.

(c) All manufactured homes within a manufactured home park shall be located no closer than 20 feet from each other.

(G) *Location on suitable land.*

(1) Each manufactured home space shall be located on ground not located within the 100 year floodplain as established by the most recently issued maps published by the Federal Emergency Management Agency.

(2) No manufactured home shall be placed on land having excessive slope or other characteristics making the land unsuitable for placement of manufactured homes.

(3) Each manufactured home space shall be graded so as to prevent any water from ponding or accumulating on the space.

(H) *Manufactured home standards.*

(1) All manufactured homes shall bear a valid seal indicating conformance with the 1976

National Manufactured Housing Construction and Safety Standards Act.

(2) These homes shall meet the following standards.

(a) The structure shall be set up in accordance with the standards set by the North Carolina Department of Insurance, including tie-down standards.

(b) The structure will have all wheels, axles, transporting lights and towing apparatus removed. If any of these items is nonremovable, then it shall be screened with landscaping if it is still visible after the unit is underpinned.

(c) The structure must be at least 14 feet in width.

(I) *Stand, underpinning and tiedown of manufactured homes.*

(1) The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous underpinning from the bottom of the walls to the ground made of brick, pressure-treated wood (see division (3) below), or vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes, unpierced except for required ventilation and an access door.

(2) Each manufactured home in the park shall conform to North Carolina Department of Insurance Standards for tiedown requirements.

(3) If pressure-treated wood skirting is used, it shall consist of lumber and plywood treated in compliance with American Wood Preserver Bureau Standards. All plywood and lumber used for skirting shall be stamped with trademarks identifying the appropriate grades of lumber and plywood and the treatment identification.

(J) *Steps.* All manufactured homes within the park shall be equipped with 2 sets of steps.

(K) *Location of accessory structures and common structures.*

(1) Structures accessory to a particular manufactured home shall be located only on the lot containing that manufactured hors.

(2) All structures shall be:

(a) Residential in character;

(b) No closer than 5 feet from the mobile home space boundary and no closer than 10 feet from any manufactured home on another space within the park.

(3) However, for carports having a capacity not exceeding 2 car spaces, the only

requirements shall be that the structures observe the same front yard setback as required for the manufactured home and that the structures be located no closer than 5 feet from any property line, or from the edge of any required buffer. In no instance shall an accessory or common structure be located in a required buffer area.

(4) Accessory structures of benefit to all residents of the manufactured home park shall be permitted within the park. The structures (i.e., community pools, laundry facilities, game rooms, club houses and the like) shall be located at least 20 feet from any interior street line and 30 feet from any manufactured home located within the park. Outdoor vending machines may be located in the manufactured home park. All vending machines must be located indoors or, if outdoors, under a covered surface adjacent to a common building (e.g., administrative office) or facility (e.g., community pool). Vending machines on individual manufactured home spaces shall be prohibited. No retail establishments (other than customary home occupations) may be allowed within the manufactured home park.

(L) *Public road frontage.* All manufactured home parks shall abut and have at least 50 feet of frontage on a public road. No manufactured home lots shall be directly accessible from the public street.

(M) *Ingress and egress.*

(1) Manufactured home parks shall not be located on through lots unless the park is designed in a manner which does not encourage motorists from using the park as a means of traveling from 1 public street to another.

(2) Manufactured home parks with 20 or more manufactured home spaces shall have at least 2 separately designated areas which contain both an entrance and exit to the manufactured home park. All manufactured home parks containing less than 20 manufactured home spaces shall have at least 1 area containing both an entrance and an exit to the manufactured home park. Manufactured home parks requiring only 1 entrance and exit area shall provide at least 1 permanent turn-around within the park.

(N) *Interior streets, drainage and markings.*

(1) No structure within a manufactured home park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal 1-way or 2-way streets. All internal streets within a manufactured home park shall be privately owned and maintained. All streets shall be constructed to minimum NCDOT subdivision road standards except that all 1-way streets shall be paved to a minimum width of 12 feet; all 2-way streets shall be paved to a minimum width of 18 feet. All streets shall be located within a minimum 40-foot wide dedicated right-of-way area. The area shall be used for street maintenance, underground utility and drainage purposes. The developer may be required to increase the width of the area to properly accommodate the slope and natural terrain of the area. If curb and gutter is provided, a right-of-way area of less than 40 feet may be approved.

(2) Permanent street names shall be assigned to all internal streets. Permanent street name signs shall also be installed at street intersections within the park. All streets shall be named and all street signs shall be in accordance with local requirements. Upon completion of the construction site, these signs will be installed. The developer will be responsible for advising tenants of the property address assignments for respective manufactured home spaces and instructing them in the purpose of these addresses.

(3) Permanent traffic control signs shall be installed within the park. These signs shall include, as a minimum the following:

(a) Stop sign(s) where park streets access public roads;

(b) Stop sign(s) at the intersection of interior streets, (it is recommended that all 4-way intersections be controlled by 4-way stop signs);

(c) No Parking signs along interior streets at intervals sufficient to be readable except where streets have been paved to a width of at least 30 feet; and

(d) One way streets shall be marked as that at appropriate intervals and Do Not Enter signs shall be posted where streets become 1 way or where streets intersect with 1-way streets.

(4) Roads in manufactured home parks must be designed and graded in a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the manufactured home park.

(5) Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

(6) All dead-end internal streets which provide access to 3 or more manufactured home spaces shall be provided with a permanent turn-around. All turn-arounds shall have a minimum paved surface diameter of 50 feet.

(7) Streets and roads within the manufactured home park shall intersect as nearly as possible at right angles with a 20 foot radius of intersection and no street shall intersect at an angle of less than 70 degrees. Where streets intersect with a state maintained road, the design standards of NCDOT shall apply.

(8) Maintenance of all internal streets, signage and all drainage facilities shall be the responsibility of the owner of the manufactured home park. The streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches and other associated problems which would impede or cause hazards to motor vehicles.

(9) Street jogs “T” intersections with a street or road, on opposite sides of the road) of less than 125 feet within and abutting the manufactured home park shall be prohibited.

(O) *Parking.*

(1) At least 2 off-street parking spaces with not less than 4 inches of crushed stone or other suitable material (such as asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base shall be provided for each manufactured home space.

(2) Required parking spaces may be located in the required front or side yards of the manufactured home space. Parking spaces shall not be located in the street right-of-way the shoulder, or drainage ditches.

(3) One or more separate common visitor parking areas may be designated within any manufactured home park. The common visitor parking areas shall be separate from any manufactured home space, roadway, drainage facility or buffer, and shall not be located in the street right-of-way, shoulder or drainage ditches.

(P) *Trash facilities.*

(1) At least 1 fly-tight, water-tight and rodent proof garbage or trash container with a 24 gallon minimum container and 40-gallon maximum container capacity, shall be provided for each occupied manufactured home space. Containers shall be placed on racks and the racks shall be located within the manufactured home park at a point which is readily accessible for collection. All refuse must be placed in refuse containers and it shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the manufactured home park. In lieu of cans and racks, covered roll out trash/garbage containers may be provided. In lieu of requiring individual garbage and trash containers for each manufactured home, trash dumpsters may be installed in convenient locations, but not on any individual manufactured home space.

(2) If dumpsters are provided, each dumpster shall be fly-tight, water-tight and rodent proof and located at least 50 feet from any property line or public street right-of-way and at least 40 feet from any manufactured home. All dumpsters shall be materially screened from any adjacent manufactured home in the park according to § 152.102. It shall be the responsibility of the manufactured home park owner or operator to pick up trash from the containers or dumpsters at least once per week.

(3) The owner or operator shall also be responsible for hauling and disposing of the trash in accordance with all county and state regulations. The burning of refuse within the manufactured home park is not permitted.

(4) When suitable collection service is not available from municipal or private agencies, the manufactured home park operator shall provide this service.

(Q) *Lighting.* Manufactured home parks which contain over 20 manufactured home spaces or contain more than 1 internal street shall contain street lights throughout the manufactured home park. The lights shall be located at all internal street intersections, at the intersection of any internal street and a public street and elsewhere in the park at a maximum of 300-foot intervals.

(R) *Electric, telephone and cable television utilities.*

(1) Each manufactured home space shall have individual electric and telephone service connections provided.

(2) All electric, telephone, and cable television utilities, and other utility lines shall be placed underground unless unsuitable underground conditions (e.g., rock, swamp and the like) exist. In these cases, above-ground utility lines may be provided.

(3) Each manufactured home must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location. All wires from the meter to the manufactured home must be buried underground cable in conformance with the North Carolina Electrical Code. Each meter box shall be properly and distinctly identified with either paint or indelible ink

(S) *Mailboxes.*

(1) Mailbox spaces within the manufactured home park shall be-provided in accordance with United States Postal Services Standards.

(2) At least 1 mailbox per manufactured home space shall be provided. Where 20 or more mailboxes are provided in 1 centralized location, the owner of the manufactured home park shall provide at least 2 parking spaces in the vicinity of the mailboxes specifically designated for persons using the mailbox area.

(T) *Administrative office.*

(1) One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home which is used as a residence by the resident manager.

(2) An administrative office is not required.

(U) *Water service.*

(1) An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park.

(2) Where connection to a municipal water supply is available, connection shall be made thereto and its supply used exclusively.

(3) When municipal water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Rowan County Health Department. Any water supply must be capable of providing 300 gallons of water per day manufactured home space.

(4) Each space shall be provided a minimum 3/4-inch size copper or PVC water service line.

(V) *Sewage facilities.*

(1) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of Rowan County's Health Department regulations.

(2) There shall be no more than 1 manufactured home connected to an individual septic tank, unless permitted by the Rowan County Health Department.

(W) *Screening.*

(1) All manufactured home parks shall provide screening in the form of a Grade 4, option 4, Grade 5 or Grade 6 screen/buffer along all adjoining properties on the side and rear property lines.

(2) The screening shall be located within the manufactured home park and shall materially screen all structures within the manufactured home park from all adjacent properties. All manufactured home setbacks shall be measured from the edge of the screened area nearest the manufactured home, except when a Grade 4, option 4 screen is used. When a screen is used, the width of the screen may be included within the required setback area.

(3) Required screening shall be installed and maintained in conformance with the standards set forth in §§ 152.098 through 152.110. If a wall, fence or planted berm is used as a supplement to the required screening, it shall be installed in accordance with § 152.111.

(X) *Maintenance.* The grounds of a manufactured honor park shall be kept free of trash, litter, debris, noxious weeds, open sewage or other unhealthy matter. Any septic tanks which fail shall be immediately repaired or replaced by the manufactured home park owner. Grounds, buildings and storage areas shall be properly maintained. The manufactured home park or operator shall take all necessary steps to prevent infestation by rodents, vermin and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the manufactured home park owner or operator to maintain the manufactured home park in accordance with these standards at all times.

(Y) *Future ownership.*

(1) The sale of individual manufactured home spaces or lots to individual owners shall be prohibited.

(2) The manufactured home park, as a whole, shall remain in ownership of a single entity. (Ord. passed 11-11-1995) Penalty, see § 152.999

- **Revise Section 152.132 (General Provisions) <u>Planned Unit Development (PUD) Standards</u>**

(A) A unified and planned development for a site in single ownership may be permitted in specified district(s) without the customary division of the land into standard

sized individual lots.

(B) Individual uses and structures in a PUD development need not comply with the specific building height, size, lot size, requirements of the District in which it is located provided the basic spirit and intent of such district regulations are complied with.

(C) The procedure for approval of PUD development plans shall consist of the initial submission of a scaled design plan to the Zoning Administrator showing the proposed layout, including the location of buildings, driveways, streets/roads, off-street parking spaces and open and recreation areas. The design plan would be reviewed by the Town's Technical Review Committee (TRC) before being forwarded to the Planning Board.

Furthermore, the initial phase of an approved PUD project must be started within eighteen (18) months after approval of the preliminary plan and be completed within a reasonable time after its approval.

An alternative start and build out scheduled maybe approved.

Should the dedication of public street and public utilities be involved, separate approval for the acceptance of the design plan would be required.

(D) A proposed project must be designed by competent professional persons so as to create an attractive environment, guarantee permanent retention of open space, and ensure maintenance.

The submission process shall adhere to the preliminary and final plat process as outlined in the Rockwell Subdivision Ordinance at 151.080 for Planned Developments.

(E) Off-street parking and loading requirements listed in 152.165 must be met. All parking areas shall be paved. In addition, no parking shall be allowed in the front setback between the building and all public streets. Buildings on the interior of the development, located on interior streets may have off-street parking but it shall not occupy more than 50% of the yard area, unless within underground parking areas.

Sufficient guest parking shall be provided near all buildings, in addition to the off- street

parking requirements listed in 152.165.

(F) A site plan must be designed by competent professional persons so as to create an attractive residential environment, guarantee permanent retention of open space, and ensure maintenance. Adequate consideration should be given to the following factors:

1. Size and shape of the tract.
2. The topography and necessary grading.
3. The reasonable preservation of the natural features of the land and retention of existing trees and vegetation.
4. The size and relationship of buildings.
5. The character of/or relationship to adjoining properties.
6. The location and arrangement of recreation and parking areas.
7. The nature and extent of screening.
8. The design and utilization of streets and open spaces.
9. The impact on adjacent neighborhoods, existing streets & roads, traffic concerns, and school requirements.
10. Soil and erosion control (Rowan County).
11. Wetlands and flood zone areas.

(G) A minimum of 15% of the property shall be designated for recreational uses (including recreational facilities such as swimming pools, tennis courts, jogging tracks, walking trails, greenways, bike paths, active and/or passive recreational areas, etc.) in a PUD with a residential component or standalone residential PUD.

(H) A minimum of a ten (10') foot undisturbed buffer must be maintained around the perimeter of the site except for approved utility or street connections.

(I) Ingress/egress points shall not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector and non-arterial streets). A permit from NC DOT must be secured. A traffic study maybe requested.

A secondary ingress/egress point would be required for developments of more than ten (10) acres. Connection to existing streets or rights of way may also to required

(J) For a residential PUD, component or a standalone project, interior and surface parking areas on the site shall be no closer than 15' to any side of a residential building used for entry into the building and will be no closer than 5' to any other face of a building. Architectural features such as stairs, chimneys, bay windows, and roof overhangs may extend into this 15' area, but in no case, may they be closer than 5' to the interior street and surface parking area.

(K) All structures and off-street parking and service areas shall be separated by landscaping and screening along the side and rear yard from any abutting lot located in a residential district (R-1, R-2, RA).

Adopted this 11th day September 2017

§ 152.133 PRIVATE RESIDENTIAL QUARTERS

An accessory dwelling either attached or part of the principal residential use or separate from the principal use in the form of a guest house or garage apartment provided that such dwelling is not rented or occupied for gain and provided that no accessory building containing such use is constructed on a lot until the construction of the main building has commenced. The principal dwelling on the lot containing the private residential quarters shall be owner-occupied.

Private residential quarters shall be permitted as an accessory use to any **single-family** detached dwelling unit (excluding manufactured homes) in accordance with the following requirements:

* The same person shall own the accessory and principal dwelling units. The owner of the principal dwelling unit shall live on-site.

* A disabled person, family member up to the second degree, an occasional guest or live-in servant shall occupy the accessory dwelling unit.

* The private residential quarter shall not be rented.

* The accessory dwelling unit may be attached to or be separate from the principal dwelling unit. The accessory dwelling unit may be located in a separate accessory structure if the area of the lot is at least 150 percent that of the required minimum lot size for the zoning district in question.

* If the accessory dwelling is in a detached structure, it shall be served by the same driveway accessing the principal structure. Manufactured homes may not be used for the accessory dwelling unit.

* The ground floor area of the accessory unit shall be no greater than 50 percent of the ground floor area of the principal dwelling unit, or 750 square feet, whichever is less.

* If the accessory dwelling unit is located in an accessory structure, said structure shall be located in the rear or side yard. No such structure shall be located closer than 15 feet from any side or rear lot line. The accessory structure housing the dwelling unit shall not exceed the height of the principal dwelling.

* No more than one private residential quarters per lot shall be allowed.

* Any lot containing a private residential quarters shall have at least two off-street parking spaces.

(Ord. passed 11-13-06)

§ 152.134 RURAL HOME OCCUPATIONS PERFORMANCE CRITERIA

Rural home occupations may be conducted in the all **residential districts only**. A rural home occupation may take place in the same portion of the dwelling as set forth in Subsection 5.1.3 of this Ordinance and/or in one (1) accessory structure on the lot and must meet the following specifications:

Said accessory structure shall be located in the rear yard only and shall also be located at least seventy- five (75) feet from any existing principal residence on any adjacent parcel of land and at least twenty-five (25) feet from any adjoining lot line.

Said accessory structure shall have a maximum gross floor area equal to one-half (½) the heated gross floor area of the principal structure or seven hundred fifty (750) square feet.

No outside storage of materials or goods shall be permitted.

The operator of the rural home occupation must reside on the same lot as where the rural home occupation takes place.

No more than one (1) full-time person and one part-time person, who does not reside on the premises, may be employed at the home occupation.

Chemical, mechanical or electrical equipment which creates odors, light emission, noises or interference in radio or television reception detectable without the use of instruments beyond the lot shall be prohibited.

No display of products shall be visible from any adjoining street and only articles made or reconditioned on the premises may be sold; except that nondurable articles incidental to a service conducted as the home occupation, may also be sold on the premises.

Rural home occupations may be operated at any time between the hours of 8:00 A.M. and 9:00 P.M.

Vehicles used primarily as passenger vehicles may be permitted in connection with the conduct of the rural home occupation. Commercial vehicles may also be used so long as such vehicle does not contain more than two axles nor have a load capacity in excess of one ton.

(Ord. passed 1-09-06)

§152.135 "General Provisions"

The procedure for approval of a mixed-use development shall consist of the initial submission of a scaled design plan to the Zoning Administrator showing the proposed layout, including the location of buildings, driveways, on on/off-street parking spaces. The design plan would be reviewed by the Town's Technical Review Committee (TRC) before being forwarded to the Planning Board as a site development plan.

Adopted this 11th day September 2017

NON-CONFORMITIES

§ 152.145 PURPOSE AND APPLICABILITY.

The purpose of this subchapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this chapter (or any amendment subsequent thereto) that do not conform to this chapter. Any non-conformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this subchapter. Many non-conformities may continue, but the provisions of this subchapter are designed to curtail substantial investment in non-conformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of this chapter.
(Ord. passed 11-11-1995)

§ 152.146 NON-CONFORMING USES.

(A) Non-conforming uses of land or structures, and nonconforming structures that contain non-conforming uses, may continue only in accordance with the provisions of this subchapter.

(B) Normal structural repair and maintenance may be performed to allow the continuation of a non-conforming use. Also, a non-conforming use may be reestablished in case of damage or total destruction due to fire or other disaster event pursuant to the issuance of a permit by the Board of Adjustment as per § 152.187 of this chapter. This shall include, as well, the repair or reconstruction of any structure housing the non-conforming use or on-site utility, parking or street infrastructure in support of the non-conforming use. If the structure was also a non-conforming structure, the reconstruction shall meet the setback requirements of the applicable district or follow the procedures of § 152.147 when setback requirements cannot be met. An application must be filed for the building permit no later than 30 days after the use has been destroyed or damaged, otherwise the use will not be allowed to be rebuilt

(C) An established/existing detached single-family residential structure as of 9/11/2017, not usually

allowed as a use in a specific district, may remain in use; be enlarged, rebuilt or altered; or change ownership, provided that no additional dwelling units result there from. These established detached single-family residential structures shall be exempt from the abandonment regulations at 152.039.

Determination of existence will be by information from the Rowan County Tax Assessor or other evidential information. (Insurance policy, appraisal or deed)

Manufactured homes/mobile homes are NOT included in this section.

(D) A non-conforming use may be changed to another less intense non-conforming use in accordance with § 152.285 of this chapter. Once a non-conforming use has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.

(E) If a non-conforming use is abandoned (see definition in § 152.039) for 180 days or more, the use shall not be allowed to re-establish. All new uses in the structure shall thereafter be conforming. If the use is located in a structure which is destroyed (i.e., received damage to an extent of more than 60% of its assessed value at the time of destruction), a use may only be allowed to reestablish in accordance with the zoning regulations in effect in the district in which it is located. Assessed value shall be determined by using tax assessment records provided by the tax assessor's office for the year in which the structure was destroyed.

(F) A non-conforming use of land may only be changed to a different location on the same property in accordance with § 152.285 of this chapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.147 NON-CONFORMING PRINCIPAL STRUCTURES.

(A) A non-conforming structure containing a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this section.

(B) Normal repair and maintenance may be performed to allow the continuation of non-conforming structures.

(C) A non-conforming structure may not, under any circumstances, be enlarged or altered in a way which increases its non-conformity.

(D) If a non-conforming non-residential structure is damaged to an extent greater than 60% of its assessed value for tax purposes, it shall be rebuilt only after the issuance of a permit from the Zoning Enforcement Officer. A building permit for reconstruction of the structure must be secured no later than 180 days from the date of its destruction. In the issuance of the permit, the Zoning Enforcement Officer shall follow these standards.

(1) If the structure can be rebuilt on the same lot and meet all setback requirements, it shall be.

(2) If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located, then it shall be placed on the lot in as conforming manner as possible.

(3) A non-conforming structure shall not be rebuilt in a manner which increases its non-conformity.

(4) A structure rebuilt in accordance with this subchapter shall not have a gross floor area larger than the structure it replaced unless all setback requirements are met for the zoning district in which it is located.

(5) The reconstruction of a non-conforming structure (at the same or smaller size) shall not require the installation of deficient parking, landscaping or buffering, provided however, no parking, landscaping or buffering shall be made any less conforming to the requirements of this chapter than what existed prior to destruction.

(6) This division shall not apply to manufactured homes and other structures existing in a manufactured home park at the time of adoption of this chapter.

(E) (1) Should a non-conforming structure be moved for any distance on the lot upon which it is located, if possible, it shall be moved so as to make the structure conforming.

(2) Otherwise the structure, if moved, shall be placed on the lot in as conforming a manner as possible.

(F) A non-conforming manufactured home may be replaced with another manufactured only if:

(1) Unit must be constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development (HUD) and has affixed sticker in the unit.

(2) The replacement manufactured home is newer than the one it is replacing. In addition, the replacement manufactured home must meet all the requirements of § 152.127.
(Ord. passed 11-11-1995) Penalty, see § 152.999

(3) The replacement unit of an existing unit established at the time of this amendment may utilize the same foot print, yard setbacks for zoning district location must be maintained.
(4) Application may be made to the Board of Adjustments to seek relief from specific standards imposed by section 152.127 (Standards for Manufactured Home/Mobile Homes) for replacement units. **Adopted 9/11/2017.**

(G) Buildings in the B-2 District must comply with the requirements of Section 152.071 for Mixed Uses upon renovation and unfitting of the space requiring a building permit. Adopted 9/11/2017

§ 152.148 NON-CONFORMING ACCESSORY STRUCTURES AND USES.

(A) A non-conforming accessory use or accessory structure may be expanded only if the non-conforming features of that use or structure are not expanded so as to increase the degree of non-conformity.

(B) No non-conforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage or destruction unless the accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.149 NON-CONFORMING LOTS.

(A) Except as provided in divisions (B) and (C) below, a non-conforming vacant lot may be developed for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all applicable yard and dimensional requirements for the zoning district in which the lot is located.

(B) (1) A non-conforming vacant lot shall not be developed if it could be combined with an adjoining lot, the lot being owned by the same person and any or all future assign, on or after the effective date of these regulations in order to create a single lot if the combination, however, results in the creation of a single lot that is more than 1-1/2 times the minimum lot width or area required in the zoning district, then the single lot may be divided into 2 lots of equal width and area without being further classified as non-conforming.

(2) For purposes of this section, ***ADJOINING*** shall be deemed to mean the sharing of 1 or more common lot lines and access to both lots can be provided by the same street without crossing that street.

(C) Notwithstanding division (B) above, a non-conforming lot may be developed if, at the effective date of this chapter or any subsequent date upon which the lot became non-conforming, the lot:

(1) Had an area of 20,000 square feet or greater;

(2) The subdivision in which the lot was located had received preliminary plat approval;

(3) The subdivision in which the lot was located had received final plat approval; or

(4) The lot was in a subdivision where the preliminary plat was accepted for review prior to the effective date of this chapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.150 NON-CONFORMING SCREENING AND LANDSCAPING.

(A) In accordance with §§ 152.098 through 152.110 of this chapter, certain uses are required to provide screening and/or landscaping on-site. Except as herein provided, any expansion of an existing use which is deficient in screening and/or landscaping, or any change in the principal use, cannot occur without the required screening and/or landscaping having first been provided on-site. See also § 152.114. The Central Business District (B-2) is exempt from this requirement.

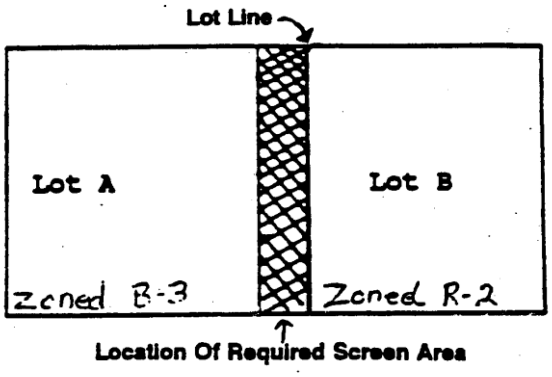
(B) In cases when the non-conformity is a result of an adjoining lot having been rezoned to a Residential (R-1, R-2) District from a Business (B-1, B-2, B-3) or Industrial (I) District, screening in the form of a Grade 2 screen, at a minimum, shall only be required along the adjoining lot line separating the 2 zoning districts.

(C) An example of this is as follows:

(1) Lot A and Lot B are both initially in a B-3 Zoning District. Lot B is subsequently rezoned to a R-2 District. Lot A currently contains an otherwise conforming commercial structure. The owner of Lot A would like to expand the structure. Currently, no screening lies between Lot A and Lot B.

In order to meet the screening requirements as herein stated, a grade 2 or higher screen must be placed on Lot A along the side yard separating it from Lot B. The owner of Lot A may at his or her discretion, also develop a Grade 3, 4, 5, 6 screen in the prescribed area to meet this screening requirement.

(2)



Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.151 NON-CONFORMING OFF-STREET PARKING AND/OR LOADING.

(A) On any lot which contains a use which does not comply with the off-street parking and loading regulations contained in §§ 152.160 *et seq.* of this chapter, a certificate of occupancy shall not be issued for any expansion (except as provided in § 152.160) and any change of use which would result in a need to increase the number of off-street parking and/or loading spaces required (except as herein provided), until the requisite number of off-street parking spaces and all paving requirements have been met

(B) (1) A certificate of occupancy may be issued when there has been a change in a principal use and the number of off-street parking spaces required for the new use (per §§ 152.160 *et seq.* of this chapter) is within 10% or 10 spaces, whichever is less, of the number of off-street parking spaces actually provided.

(2) An example of this is as follows:

(a) A principal use (Use A) is located on a lot with 200 off-street parking spaces. Use A goes out-of-business and is replaced with Use B.

(b) §§ 152.160 *et seq.* of this chapter requires that Use B have 208 spaces. A certificate of occupancy can be issued for Use B (so long as the use is otherwise in accordance with all applicable requirements of this chapter) as the number of deficient spaces (8) is less than the prescribed maximum (10).

(C) The relief may be granted on a 1-time only basis per lot or planned development in the instances where relief is provided, the additional parking spaces need not be paved (but shall have a graded gravel, crushed-stone or similar dust-reducing surface) if the parking lot prior to the expansion was not paved.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.152 NON-CONFORMING SIGNS.

(A) Subject to the restrictions of this section, non-conforming signs that were otherwise lawful on the effective date of this chapter may be continued.

(B) No person may engage in any activity that causes an increase in the extent of non-conformity of a non-conforming sign or causes a previously conforming sign to become non-conforming.

(C) A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter. Once a non-conforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign which is in conformance with the terms of this chapter.

(D) (1) Minor repairs and maintenance of non-conforming signs necessary to keep a non-conforming sign in sound condition are permitted.

(2) If repair or maintenance of a non-conforming sign results in the removal of the sign frame structure for any length of time, the replaced sign frame structure and any copy placed on it shall be in conformance with this chapter.

(E) (1) If a non-conforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this chapter and the remnants of the former sign structure shall be cleared from the land.

(2) For purposes of this section, a non-conforming sign shall be considered destroyed if it receives damage to an extent of more than 60% of the current replacement cost of the total sign structure.

(F) Notwithstanding other provisions contained in this section, the message of a non-conforming sign may be changed so long as this does not create any new non-conformities.

(G) (1) If a non-conforming sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner or other party having control over the sign within 30 days after the use has ceased operation or the service or commodity has ceased being offered.

(2) (a) If there is a change of use or name of business on a particular piece of property, and there were 1 or more on-premise signs which advertised the business, any new signs placed for the new use or business name must meet all sign requirements for the underlying zoning district.

(b) An example of this is as follows:

1. A restaurant has an on-premise free-standing sign having an area of 140 square feet. The maximum allowable area for the sign in that particular zoning district is 100 square feet.

2. If the restaurant ceases operation and is replaced by another principal use or by another restaurant, either of which uses new sign structures, any new free-standing sign advertising the new principal use or business name shall have a maximum area of 100 square feet. If the same sign structure used to advertise the former restaurant is used to advertise the new use, the sign structure may remain.

(H) (1) If a non-conforming sign remains blank for a continuous period of 6 months, that sign shall be deemed abandoned and shall, within 30 days after the abandonment, be altered to comply with this chapter or be removed by the sign owner, owner of the property where the sign is located or other person having control over the sign.

(2) For purposes of this chapter, a sign shall be deemed blank if:

(a) It advertises a business, service, commodity, accommodations, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or

(b) The advertising message it displays becomes illegible in whole or substantial part; or

(c) It does not contain an advertising message. (For these purposes, the terms Sign For Rent, Sign For Lease, Sign For Sale and the like shall not be deemed to be an advertising message.)

(I) (1) Any non-conforming advertising sign which is located in a Residential (R-1, R-2) Zoning

District shall be removed within 7 years following the effective date of this chapter, except as provided in division (J) below. Any sign which becomes non-conforming due to its location within a particular Residential (R-1, R-2) District after the effective date of this chapter, due to a subsequent change in the zoning map, shall be removed within 7 years following the date the sign becomes non-conforming, except as provided in division (J) below.

(2) All other advertising signs which are non-conforming by virtue of their height, setback, spacing (i.e., distance between 2 advertising signs, or location in a zoning district other than a Residential (R-1, R-2) District) shall not be required to be removed and may continue subject to all other applicable portions of this section.

(J) G.S. § 136-131.1 requires that just compensation be paid upon removal of certain outdoor advertising signs adjacent to the highway on the national system of interstate and defense highways or a highway on the federal-aid primary highway system for which a valid permit has been issued. Division (I) above shall not require that any sign be removed if compensation must be paid upon removal of the sign due to any state or federal law that mandates the form of just compensation upon removal. Should any state or federal requirement become inoperative or otherwise fail to apply to a given sign, then the sign shall be removed within 5-1/2 years of the state or federal requirement becoming inoperative or otherwise failing to apply to the sign.
(Ord. passed 11-11-1995) Penalty, see § 152.999

OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 152.165 OFF-STREET PARKING, LOADING, AND STORAGE REQUIREMENTS.

(A) Every new use shall require off-street parking, loading and/or storage space in compliance with these regulations. Any enlargement, expansion or alteration or change of an existing use shall also require off-street parking, loading, and/or storage space in compliance with these regulations. However, if the enlargement, alteration or expansion is of a use located in the B-2 Zoning District, the use shall be exempt from providing additional off-street parking, loading, and/or storage space, as required in this section.

(B) The number of required off-street parking spaces shall be increased when a change of use of either a structure or of land requires additional parking spaces in compliance with this section, except as noted in § 152.151. Parking spaces may be decreased when a change of use requires fewer spaces than was originally provided.

(C) (1) A principal use which is not deficient in the number of off-street parking spaces provided may expand without having to provide additional off-street parking spaces under certain circumstances.

(2) The circumstances are:

(a) When, after the expansion, the number of off-street parking spaces provided still meets or exceeds the required minimum.

(b) If the expansion results in the need to create additional off-street parking spaces in order to meet the minimum number of required spaces, and the number of additional off-street parking spaces needed represents up to a 5% addition to the existing number of parking spaces available, the additional spaces may be waived by the Zoning Enforcement Officer on a 1-time basis only. In shopping centers, office parks and similar planned, phased or multi-use developments, the waiver may only be applied once within the development. (For example: An existing business has 40 parking spaces, and wants to expand. The number of required parking spaces after the expansion is 42. The 2 spaces represent 5% of the original spaces, and may be waived.)

(3) In no instance shall a reduction be allowed for the number of off-street parking spaces parking for any use which expands when, prior to the expansion, the use was deficient in the number of off-street parking spaces provided.

(D) A certificate of occupancy shall not be issued for any use until all off-street parking and loading requirements in accordance with this chapter have been met and are in place and ready for use.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.166 LOCATION OF REQUIRED PARKING.

Off-street parking spaces shall generally be provided on the same lot as the principal use. In instances where the parking for a principal non-residential use cannot be reasonably provided on the same lot, it may be provided on a separate lot. At least 1/2 of the required parking shall be provided on the lot containing the principal use or a satellite lot, provided the parking lies within a 500 foot walking distance to the lot containing the principal use, or 300 foot walking distance if the use served is allowed in residentially zoned areas or is any non-residential use seeking off-site parking in a residentially zoned district (R-1 and R-2).
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.167 COOPERATIVE PARKING.

(A) (1) Cooperative provisions for off-street parking may be made by contract between 2 or more adjacent property owners.

(2) The parking area provided on any 1 lot may be reduced to not less than 1/2 the number of parking spaces required for the use occupying the lot.

(3) The end result shall be that the sum of the parking spaces for the uses computed cooperatively shall be the same or more than if the uses were computed separately.

(4) Any cooperative parking mechanism must first be submitted to the Zoning Enforcement Officer for his or her review and approval prior to the issuance for certificate of occupancy.

(B) Similarly, 1 parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to 1 use may not be credited to any other use. In no case shall parking space assigned to 1 use be assigned to another use during the same time period.

(C) To the extent that developments that wish to make joint use of the same parking spaces operate at different times up to 1/2 of the parking spaces may be credited to both uses if 1 use is a church, theater or assembly hall whose peak hours of attendance will be at night or on Sundays, and the other use is 1 which will be closed at night or on Sundays.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.168 PARKING SPACE DIMENSIONS.

(A) Each parking space, (other than those designed for the disabled) shall contain a rectangular area of at least 200 square feet, with appropriate dimensions for the parking of an automobile, exclusive of adequate access drives and maneuvering space. The space shall be provided with vehicular access to a street or alley and shall not thereafter be encroached upon or altered. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

(B) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of the parking spaces shall be not less than 22 feet by 9 feet.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.169 REQUIRED WIDTHS OF PARKING AREA AISLES AND DRIVEWAYS.

(A) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

	Angle of Parking				
Aisle Width	0	30	45	60	90
1 Way Traffic	13	13	13	18	24
2 Way Traffic	19	20	21	23	24

(B) Driveways shall be not less than 10 feet in width for 1 way traffic and 18 feet in width for 2 way traffic, except that 10 feet wide driveways are permissible for 2 way traffic when:

(1) The driveway is not longer than 50 feet;

(2) It provides access to not more than 6 spaces; and

(3) Sufficient turning space is provided so that vehicles need not back into a public street. In no case shall a driveway width exceed 36 feet, except as required by NCDOT.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.170 SPACES FOR THE DISABLED.

(A) (1) Except for a lot containing a duplex, triplex, quadriplex or single-family dwelling, all uses shall be required to provide the following number of spaces designed for disabled persons.

Total Number of Required Off-Street Parking Spaces	***Total Number of Spaces Required for Disabled***
1-50	1
51-100	2
101 or more	2 plus 1 for every 50 spaces over 100

(2) The number of the spaces shall be in addition to those indicated in Table 2.

(B) Off-street parking spaces for the disabled shall be designed as follows:

(1) All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.

(2) Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to these spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

(3) Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.

(4) The size of the parking space shall be per building code specifications.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.171 GENERAL DESIGN REQUIREMENTS.

(A) Unless no other practicable alternative is available, any off-street parking area shall be designed so that, without resorting to extraordinary movements, vehicles may exit the areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways serving lots which contain 1- or 2-family dwelling units, although backing onto collector or arterial roads is discouraged.

(B) Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve developments without the necessity of backing unreasonable distances or making other dangerous of hazardous tuning movements.

(C) Sidewalks or tend to bump against or damage any wall, vegetation or other obstruction.

(D) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(E) No off-street parking or loading area shall be located over an active or auxiliary septic tank field.

(F) All off-street parking areas shall be located no closer than 10 feet from the edge of any public street right-of-way and 5 feet from the edge of any sidewalk area.

(G) Lighting of off-street parking lots must be directed away from lot lines and nearby residences. (Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.172 OFF-STREET PARKING AREA SURFACES.

(A) Off-street parking areas, in zoning districts other than in the I (Industrial) District, that are required to have more than 5 parking spaces shall be graded and surfaced with asphalt, concrete, bituminous surface treatment or other material that will provide equivalent protection against potholes, erosion, and dust. The parking surfaces shall not, however, be required for off-street parking facilities serving Class 1 day care canters, customary hone occupations, athletic fields, churches, or public or private parks.

(B) Off-street parking areas that are not provided with the type of surface specified in division (A) above shall be graded and surfaced with crushed stone, gravel or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. Whenever a vehicle accommodation area abuts a paved street, the driveway leading from the street to the area (or, if there is no driveway, the portion of the off-street parking area that opens onto the streets), shall be paved as provided in division (A) above for a distance of 15 feet back from the edge of the paved street. This division shall not apply to single-family or 2-family residences or other uses that are required to have only 1 or 2 parking spaces.

(C) Parking spaces in areas surfaced in accordance with division (A) above shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with division (B) above shall be demarcated whenever practical.

(D) Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes and the like) and parking space lines or markings shall be kept clearly visible and distinct.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.173 OFF-STREET PARKING LOT USAGE.

(A) The use of off-street parking lots in residential zones is limited to private passenger vehicles (cars, mini-vans, pick-up trucks).

(B) No repair, maintenance of vehicles, display or storage of vehicles or merchandise is allowed in off-street parking lots.

(C) The temporary parking or storage of manufactured homes shall be prohibited in any zoning districts in which manufactured homes are not permitted (excluding manufactured homes located in manufactured lots).
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.174 OFF-STREET PARKING SPACE REQUIREMENTS.

The number of off-street parking spaces for any particular use as required by this chapter shall be computed as follows:

(A) When units of measurement determining the number of required parking spaces result in a fractional space, any fraction of 1/2 or more shall require 1 parking space.

(B) Where seats consist of pews or benches, each 20 inches of a pew or bench shall be considered as 1 seat.

(C) For the purpose of computing parking requirements based on the number of employees, the on-site owners or managers shall also be considered employees.

(D) The number of required off-street parking spaces designed for use by handicapped persons as prescribed by the North Carolina State Building Code shall be computed separately from the off-street parking requirements as otherwise contained in this chapter.

(E) Table 2 indicates the required number of off-street parking spaces for any use permitted by right or subject to the issuance of a conditional use permit as indicated in this chapter.

Table 2		
Required Off-street Parking Spaces		
Group Number	***Parking Requirements***	
0.1	None	
0.2	To be determined by the Zoning Enforcement Officer by individual review	
0.3	4 spaces for each 5 personnel including reservists expected to report for duty at the facility on any day of maximum use	
0.4	1 space per 3 boat slips	
0.5	The required amount of parking for the residential and commercial uses on the lot	
0.6	Parking requirements listed under 'Supplemental Regulations'	
0.7	2 spaces per teller machine; this shall be in addition to other off-street parking requirements for that use of the teller machine is accessory to that use	
1.1	2 spaces per dwelling unit	
1.2	1 space plus additional parking as herein provided for the principal residential dwelling	
1.3	Efficiency Units	1.5 Spaces per unit
	1 or 2 Bedroom units	2.0 Spaces per unit
	3+ Bedrooms per unit	2.25 Spaces per unit
	Dwellings designed specifically for the elderly or disabled	1.25 Spaces per unit
1.4	To be determined by computing the parking requirements for the types of dwelling units composing the planned residential development	
1.5	1 per employee during the shift of greatest employment plus 1 per vehicle used in the operation plus 1.5 spaces per dwelling unit	
1.6	1 space for each employee who does not reside on-premises plus the required spaces for the residential dwelling unit plus 1 space for each 300 square feet of gross floor area devoted to the home occupation (up to a maximum of 3 spaces.)	
1.7	1 space per room rented in the dwelling unit plus the required spaces for the dwelling unit	
1.8	The number of parking spaces required for each individual use within the development as herein provided	

1.9	2 spaces plus 1 per employee on the shift of greatest employment, plus 1 for each vehicle used in the operation
1.10	1 space per 5 residents, with a minimum of 2 spaces; in addition, 1 space per employee during the shift of greatest employment plus 1 space per vehicle used in the operation
2.1	1 space per guest bedroom plus 1 space per employee on the shift of maximum employment
2.2	1 space per each 3 patient beds, plus 1 space per employee during the shift of greatest employment
2.3	1 space per 250 square feet of sales area plus 1 space per 3 service bays
2.4	1 space plus additional required parking spaces for the residential dwelling
2.5	1 space per 200 square feet of office area
2.6	1 space per employee during the shift of greatest employment plus 1 space for each vehicle used in the operation plus 1 space for each 4 horses capable of being kept at the facility
2.7	1 space per employee during the shift of greatest employment plus 1 space for each 3 viewer or spectator seats
2.8	1 space for each 200 square feet of gross floor area plus 2 spaces for each fuel nozzle
2.9	1 space for each 250 square feet of gross floor area
2.10	1 space per employee during the shift of greatest employment plus 3 spaces per service bay; service bays shall not be considered as being off-street parking spaces
2.11	1 space per employee during the greatest shift of employment plus 1 space per 3 boat slips; additional parking shall be required as provided in this section for ancillary services such as restaurants, motels, gift shops and the like
2.12	3 spaces or 1 space per 400 square feet of gross floor area of enclosed retail sales area, whichever is greater, plus additional spaces required for the residential use
2.13	1 space per camp site plus 1 space per employee during the shift of greatest employment plus 1 space per vehicle used in the operation
2.14	1 space per 400 square feet of gross floor area plus 1 space per employee during the shift of greatest employment
2.15	1 space per 300 square feet of gross floor area
2.16	1 space per 3 spectator seats (or spectator capacity in the largest gymnasium or assembly hail) plus 1 space per employee during the shift of greatest employment

2.17	1 space per 2 students during the shift of greatest enrollment; if an auditorium is provided for performances, parking spaces for this shall be computed separately
2.18	1 space per 250 square feet of gross floor area, plus 100 linear feet of queuing area per drive-in window plus 2 spaces per automatic teller
2.19	1 space per employee during the shift of greatest employment plus 1 additional space per credit or tax counselor during the shift
2.20	1 spaces per 3 seats in each chapel, plus 1 space for each employee during the shift of greatest employment; in addition, off-street parking area shall be provided to accommodate a minimum of 30 passenger vehicles for the purpose of forming a funeral procession
2.21	2 spaces per bed, not including bassinets
2.22	1 space per 250 square feet of gross floor area
2.23	1 space per 100 square feet of gross floor area or 1 space for each employee during the shift of greatest employment plus 1 space per each 3 customer seats, whichever is greater; if drive-in window service is provided, a reservoir area equal to at least 3 spaces per drive-in window shall be provided
2.24	Same as 2.23 above plus 1 space for each call-box located outdoors on-premises
2.25	4 spaces for each salesperson plus 1 space per each other employee during the shift of greatest employment; these spaces shall be in addition to those used for vehicle/boat display purposes; if repair and/or auto/boat body services are provided on-site, these shall be computed separately
2.26	1 space located away from pumps for each fuel nozzle plus 3 spaces for each service bay plus 1 space for each employee during the shift of greatest employment
2.27	1 space per employee during the shift of greatest employment, plus 1 space for each vehicle used in the operation plus 1 space for each 400 square feet of retail sales and customer area
2.28	3 spaces per barber or beautician or photographer
2.29	1 space per employee during the shift of greatest employment plus 1 space for each 3 patron seats
2.30	1-1/2 spaces per employee during the shift of greatest employment
2.31	1 space per 150 square feet of gross floor area
2.32	3 spaces per bowling lane, batting range or golf hole plus 1 space per employee during the shift of greatest employment plus 1 space per vehicle used in the operation
2.33	3 spaces per pool table plus 1 space per employee during the shift of greatest employment

2.34	1 space per speaker outlet plus 1 space per employee
2.35	2 spaces per patient treatment or examination room (or similar patient treatment space) plus 1 space per doctor practicing at the clinic or office plus 1 space per each additional employee during the shift of greatest employment
2.36	1 space per employee during the shift of greatest employment; and reserve spaces equal to 3 times the number of washing bays at the facility or capacity of the mechanical washing system (for automatic car washes), whichever is greater
2.37	1 space per employee during the shift of greatest employment plus 1 space per 200 square feet of customer reception area (if a reception area is provided)
2.38	1 space per employee during the shift of greatest employment plus 1 space for each 2 washing machines
2.39	1 space per employee during the shift of greatest employment
2.40	1 space per 150 square feet of waiting area
2.41	1 space per 10 storage units plus 1 space per employee during the shift of greatest employment
2.42	1 space per employee during the shift of greatest employment plus 1 space for each vehicle used in the operation; in addition, in order to accommodate visitors, 1 additional space per 10 required spaces shall be provided
2.43	1 space per employee during the shift of greatest employment plus 1 space for each vehicle used in the operation
2.44	1 space per 300 square feet of sales area used for display or sales
2.45	1 space for each 3 persons that the facility is designed to accommodate plus 1 space for each employee during the shift of greatest employment
2.46	1 space per employee during the shift of greatest employment plus 1 space for each vehicle used in the operation
2.47	5 spaces per 1,000 square feet of gross leasable area
2.48	1 space per employee during the shift of greatest employment plus 1 space for each vehicle used in the operation; in addition, in order to accommodate visitors, 1 additional space per 10 required spaces shall be provided with a minimum of 5 and a maximum of 10 visitor spaces being required
2.49	4 spaces per salesperson per shift of greatest employment plus 1 space per each other employee, plus 1 space for each vehicle used in the operation; or 1 space per 500 square feet of gross leasable area whichever is greatest

2.50	1 space for each 200 square feet of gross leasable floor area; in addition, movie theaters and restaurants shall provide an additional 3 parking spaces per 100 seats
	If office uses occupy greater than 10% percent of total gross leasable area, these uses shall provide 1 space per 300 square feet of gross leasable area
2.51	1 space per employee during the shift of greatest employment plus 1 space for each 3 persons that the facilities are designed to accommodate when fully utilized
2.52	2 spaces per salesperson, plus 1 space for each vehicle used in the operation
2.53	1 space per 400 square feet of sales or display area
2.54	1 space per 250 square feet of display area
2.55	1-1/2 spaces per employee
2.56	1 space per 300 square feet of office area
2.57	1-1/2 spaces per batting station plus 1 space per employee during the shift of greatest employment
2.58	1 space per 200 square feet of retail sales area
2.59	1 space per 100 square feet of water, plus 1 space per tennis or racquetball court (outdoor or indoor) and 1 space per 200 square feet of exercise area not otherwise calculated for parking purposes
2.60	2 spaces per firing station plus 1 space per employee during the shift of greatest employment
2.61	1.2 spaces per employee during the shift of greatest employment
2.62	1 space per 150 square feet of gross floor area plus 1 space per employee during the shift of greatest employment
2.63	2 spaces per employee during the shift of greatest employment
2.64	1 space per 50 square feet of public area (including dining halls) plus 1 space per employee during the shift of greatest employment
2.65	1 space per employee during the shift of greatest employment plus 1 space for each vehicle used in the operation; the spaces required for employees may be reduced by 0.75 for each employee that reports to work off-site at least 75% of work days
2.66	1 space per employee during the shift of greatest employment plus 1 space per dining table plus queuing space for at least 12 automobiles per drive-through lane

2.67	The off-street parking requirements for each principal use within the shopping center shall be computed separately
2.68	1 space per 250 square feet of gross floor area
2.69	1 space per employee during the shift of greatest employment plus 1 space for each vehicle used in the operation plus 2 spaces per each vehicle which is designed to be accommodated in the service area.
2.70	1 space per employee during the shift of greatest employment; in addition, the Zoning Enforcement Officer shall determine the number of spaces required for truck drivers who operate in the facility
2.71	1 space per guest room or suite; plus 1 space per employee during the shift of greatest employment plus 1 space per 3 seats in any meeting room or restaurant open to the general public
2.72	1 space for each employee during the shift of greatest employment plus 1 space per each vehicle used in 1 space per each 2 trucks or trailers rented in the operation
2.73	1 space per 3 spectator seats plus 1 space per employee during the shift of greatest employment
2.74	1 space per employee during the shift of greatest employment plus 2 spaces per tanning bed
2.75	1 space per employee during the shift of greatest employment, plus 1 space for each vehicle used in the operation, plus 1 space per 800 square feet of sales display area
2.76	1 space per employee during the shift of greatest employment plus 1 space per 3 video games or similar devices available for public use
2.77	1 space per 200 square feet of skating area plus 1 space per employee during the shift of greatest employment
2.78	15 spaces per instructor during the shift of greatest instruction
2.79	3 spaces per photographer plus 1 space for all other employees during the shift of greatest employment
2.80	10 spaces per instructor during the shift of greatest employment
2.81	1 space per employee
2.82	4 spaces per counterperson during the shift of greatest employment plus 1 space per vehicle used in the operation
2.83	1 space per 250 square feet of area designated for sales and display purposes

2.84	2 spaces per employee during the shift of greatest employment (including volunteers who fill staff positions); for class 3 or class 2 day care centers, some or all of this parking may be satisfied by using on-site parking provided by the church or school
3.1	1 space per staff member plus 1.6 spaces per classroom; or 1 space for each 3 seats used for assembly purposes, whichever is greater
3.2	1 space for each 3 seats in the sanctuary; where seats consist of pews or benches, each 20 inches of a pew or bench shall be considered as 1 seat
3.3	5 spaces for each room used for instruction; or 1 space for each 3 seats used for assembly purposes, whichever is greater; assembly purposes shall be deemed to include the capacity of either indoor or outdoor assembly, whichever is greater
3.4	1 space for each 3 persons that the facilities are designed to accommodate when fully utilized (if a measurement can be made), plus 1 space 200 feet of gross floor area used in a manner not susceptible to calculation
3.5	1 space per employee during the shift of greatest employment plus parking on private internal roads with room for cars to pass parked cars on the roads
3.6	1 space per employee during the shift of greatest employment plus 1 space per 25 inmates
3.7	1 space per 200 square feet of area which is accessible to patrons and their guests which is located within enclosed buildings plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to their maximum capacity
3.8	1 space per 300 square feet of office area plus 1 space for each vehicle used in the operation plus 1 space for each 3 seats in the waiting room area
3.9	1 space for each 3 students plus 1 space per 3 beds in each dormitory plus 1 for each 300 square feet of office area; spaces for a stadium shall be calculated separately
3.10	1 parking space for each employee during the shift of greatest employment plus 2 additional spaces
3.11	1 space per employee during the shift of greatest employment, plus 1 space per vehicle used in the operation plus 1 space per 200 square feet of customer waiting area
3.12	1 space per employee during the shift of greatest employment plus one space per vehicle used in the operation plus 1 space per 2 patron seats; or 1 space per 3 auditorium or similar spectator seats, whichever is greater
3.13	1 space for every 3 persons that the facilities are designed to accommodate when used to the maximum capacity plus 1 space per employee during the shift of greatest employment

3.14	1 space per employee during the shift of greatest employment plus 1 space per vehicle used in the operation; plus 1 space per 300 square feet of viewing area or 1 space per 3 auditorium seats or similar spectator seats, whichever is greater
3.15	1 space per employee during the shift of greatest employment plus 1 space for each vehicle used in the operation plus 7 additional spaces
3.16	1 space per employee during the shift of greatest employment plus 4 spaces per hole plus 1 space for each vehicle used in the operation (excluding golf carts)
3.17	1 space per employee during the shift of greatest employment plus 2 spaces per hole; if a game room is provided on-site, parking requirements for it shall be computed separately
4.1	1 space per employee during the shift of greatest employment plus 1 space per vehicle used in the operation; in order to accommodate visitors, 1 additional space for each 20 required spaces shall also be required
4.2	1 space per employee during the shift of greatest employment; plus 1 space per vehicle used in the operation; plus 1 space per 600 square feet of retail sales floor area or 5 spaces, whichever is greater

(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.175 LANDSCAPING WITHIN OFF-STREET PARKING AREAS.

The purpose of this landscaping is to provide a visual buffer both to the motorist traveling on adjacent roads and to persons using the off-street parking facility. In addition, the landscaping shall serve as a means of reducing glare, controlling water run-off and promoting the improved appearance of off-street parking areas which might otherwise consist of large unbroken expanses of paved surfaces.

(A) (1) Landscaping, in accordance with the requirements contained herein, shall be required in off-street parking areas under the following circumstances:

(a) The off-street parking area contains 20 or more spaces; and

(b) The off-street parking area lies in any front or side yard, or in a rear yard and the rear yard is visible from any public road right-of-way adjoining the subject property.

(2) In addition, if a building permit is requested for the renovation of a previously developed site which increases the building square footage by 50% or more, these requirements for landscaping off-street parking areas must be provided as a minimum. Property zoned B-2 is exempt from this requirement.

(B) (1) The amount of landscaping shall be a function of the zoning district in which the lot is located. Landscaping, calculated by the required number of trees and shrubs per parking space (in areas where landscaping is required), shall be provided at a minimum as follows:

Zoning District	***Required Number Of Trees And Shrubs Per Parking Space***
R-1, R-2, O-I	Trees - 0.30
	Shrubs - 0.75
B-1, B-2, B-3, I	Trees - 0.15
	Shrubs - 0.50

(2) Thus, if there were an off-street parking area containing 125 spaces, in the front and side yards, and the parking area were located in an O-I zone, internal landscaping within the parking area shall consist of a minimum of 38 trees, and 94 shrubs. If the same parking area were located in a B-3 District, 19 trees and 63 shrubs would be required.

(C) Landscaping along the perimeter of parking areas or landscaped areas not bounded on at least 3 sides by parking spaces driveways, or maneuvering areas shall not be counted toward the landscaped area required under this section.

(D) Trees to be planted shall be selected from the approved species listed in Table 3 and 4. Minimum tree caliper measured 6 inches above ground on all trees shall be 2-1/2 inches and the minimum height shall be 8 feet. No trees identified as large maturing trees shall be planted within 20 feet of an electrical distribution line. This does not include low voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines.

(E) (1) Shrubs used in any screening or landscaping must be at least 2 feet tall when planted and shall be selected from the approved species listed in Table 5.

(2) They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 3 years of planting.

(F) Any landscaped area provided under this section shall not contain bare soil. Any ground area shall be covered with stones, mulch, grass or other decorative or vegetative ground cover.

(G) (1) Any landscaped area provided under this section shall be separated from parking spaces, driveways. and maneuvering areas by a curb at least 6 inches high and shall be at least 8 feet wide and designed to minimize damage by vehicles to plants located in the landscaped area.

(2) The minimum unpaved area per tree shall be 200 square feet.

(H) No shrubs shall be located within any vehicle overhang area. Area 2 feet beyond curb or wheel stop at the head of a parking space.

(I) Each parking space shall be no further than 60 feet from a tree constituting part of the required landscaped area.

(J) (1) The plantings that constitute required landscaping shall be properly installed and maintained in order to fulfill the purpose for which it is established.

(2) Required trees shall be selected from the approved species list found in Table 3 and 4. Required shrubs shall be selected for healthy growth under local climate conditions and are not highly prone to disease.

(3) Plant materials shall be planted in accordance with generally recommended and accepted planting and growing practices.

(4) The owner of the property, and any tenant on the property where landscaping is required shall be jointly and severally responsible for the maintenance of all required landscape materials.

(5) The maintenance shall include all actions necessary to keep the landscaped areas free of litter and debris, to keep plantings healthy, to keep growth from interfering with safe vehicular or pedestrian travel, or use of parking areas, or from creating any nuisances to adjoining properties.

(6) Any vegetation that constitutes part of the required landscaping shall be replaced in the event that it dies. All landscaping materials shall be protected from damage by erosion, motor vehicles or pedestrians.

(K) (1) Use of existing trees or shrubs to satisfy the off-street landscaping requirements of this section is strongly encouraged.

(2) If existing landscaping is used and consists of mature and semi-mature trees, the Zoning Enforcement Officer shall have the authority to reduce the amount of required landscaping by up to 50%.

(3) In no instance shall any paved area within the parking area extend closer to any existing tree used for landscaping than its drip line.

(L) After the effective date of this chapter, a certificate of occupancy shall not be issued for any use located on a lots upon which screening and/or landscaping is required, unless the screening and landscaping is provided on the lot(s) as herein specified.

(M) (1) It is recognized that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival.

(2) In order to ensure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to occupancy, the Town of Rockwell may enter into an agreement with the subdivider/developer whereby the subdivider/developer shall agree to complete all required landscaping and screening.

(3) To secure this agreement, the subdivider/developer shall provide to the Town of Rockwell 1 of the following guarantees.

(4) The amount of the guarantee shall be equal to 1.25 times the cost of purchasing, installing and completing landscaping and screening materials required under this chapter.

(5) All guarantees shall be subject to the approval of the Town Board and shall be made payable to the Town of Rockwell.

(6) The subdivider/developer shall provide either 1 or a combination of the following guarantees:

(a) *Surety performance bond(s).*

1. The subdivider/developer shall obtain a performance bond(s) from a surety company authorized to do business in North Carolina.

2. The duration of the bond(s) shall be until the time as the improvements are accepted by the Town Board.

(b) *Cash or equivalent security.*

1. The subdivider/developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the Town of Rockwell.

2. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider/developer shall then file with the Town of Rockwell an agreement between the financial institution and himself or herself guaranteeing the following:

a. The escrow account shall be held in trust until released by the Town Board and may not be used or pledged by the subdivider/developer in any matter during the term of the escrow; and

b. In the case of a failure on the part of the subdivider/developer to complete the improvement, the financial institution shall, upon notification by the Town of Rockwell and submission by the Town of Rockwell to the financial institution of a landscape architect's estimate of the amount needed to complete the improvements, immediately either pay to the town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

(c) *Default.*

1. a. Upon default, meaning failure on the part of the subdivider/developer to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Town Board, pay all or any portion of the bond or escrow fund to the Town of Rockwell up to the amount needed to complete the improvements based on a landscape architect's estimate.

b. Upon payment, the Town Board, in its discretion, may expend the portion of the funds as it deems necessary to complete all or any portion of the required improvements.

2. The Town shall return to the bonding fine any funds not spent in completing the improvements.

3. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider/developer shall nonetheless be responsible for providing the funds to cover the costs. The subdivider/developer shall at all times bear the financial burden for the installation of all required improvements.

(d) *Release of guarantee security.*

1. The Town Board may authorize the Finance Director to release a portion of any security posted as the improvements are completed and approved by the Town.

2. These funds shall then be released within 10 days after the corresponding improvements have been so approved.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.176 OFF-STREET LOADING REQUIREMENTS.

(A) *Application.*

(1) In order to assure a proper and uniform development of off-street loading areas and to relieve traffic congestion in the streets, the off-street loading requirements set forth in this section will apply in 2 Business District zones (B-1 and B-3), and in the Office-Institutional (O-I) and Industrial (I) Districts.

(2) The B-2 District is exempt from providing off-street loading requirements.

(B) *Minimum off-street loading space requirements.* The following minimum loading space requirements shall apply for the appropriate use:

Type of Use	***Gross Floor Area (Square Feet)***	***Required Number of Loading Spaces***
Office, Restaurant, Hotel or Motel	0 - 4,999	None
	5,000 - 49.999	1
	50,000 - 99.999	2
	100,000+	2 plus 1 for each 100,000 square feet of gross floor area in excess of 100,000 square feet
Other Commercial Establishments, Shopping Centers or Industrial Uses	0 - 4,999	None
	5,000 - 19,999	1
	20,000 - 49,999	2
	50,000 - 79,999	3
	80,000 - 99,999	4
	100,000 - 149,999	5 plus 1 for each 50,000 square feet of gross floor area in excess of 150,000 square feet
	150,000+	

(C) *Design of loading spaces.*

(1) (a) Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so as to not interfere with the normal movement of vehicles and pedestrians on public rights-of-way.

(b) Where feasible, off-street loading shall be located in the rear yard.

(c) In certain zoning districts, however, off-street loading areas shall be required in the rear yard.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(2) (a) Each loading berth shall have a paved surface and be a minimum of 12 feet in width and 35 feet in length.

(b) Each berth shall also have a minimum vertical clearance of 14 feet.

(c) For any use which is required to furnish 3 or more loading berths, at least 1 of every 3 berths shall have a minimum width of 12 feet, minimum length of 65 feet and a minimum vertical clearance of 14 feet.
(Ord. passed 11-11-1995) Penalty, see § 152.999

SIGNS

§ 152.190 GENERAL INTENT.

(A) The purpose and intent of this subchapter is to support and complement the various land uses allowed in the Rockwell area by the adoption of policies and regulations concerning the placement of signs.

(B) The Rockwell Town Board does hereby find and declare that the outdoor placement of signs is a legitimate use of private property but that the erection of signs should be controlled and regulated in order to promote the health, safety, welfare and convenience and enjoyment of travel on and protection of the public investment in streets and roads in the Rockwell area and to promote the reasonable, orderly and effective display of the signs, displays and devices.

(C) It is also the intent of this subchapter to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the aesthetic environment of the Rockwell area.
(Ord. passed 11-11-1995)

§ 152.191 SIGN ILLUMINATION.

(A) The letter "N" means that the sign shall not be lighted.

(B) The letter "L" means that the sign may be illuminated.

(C) All lighted signs shall have their lighting directed in a manner as to illuminate only the face of the sign.

(D) (1) No commercial sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 a.m. and 6:00 a.m.

(2) A residence shall be deemed pre-existing for purposes of this subchapter if it has a valid building permit in effect for construction of the structure or if construction of the structure was complete on or prior to the effective date of this provision.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.192 UNSAFE SIGNS.

Any sign which is determined by the Zoning Enforcement Officer as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this subchapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.193 SIGN AREA.

(A) (1) The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter.

(2) In the case of signs mounted back-to-back, only 1 side of the sign is to be included in the area.

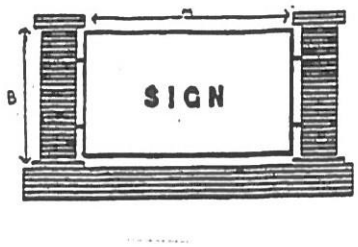
(3) (a) Otherwise, the surface area of each sign is to be separately computed.

(b) In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially 3-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in computations of area.

(B) (1) In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material is to be computed separately, according to the method described in division (A) above, as part of the total surface area of the sign.

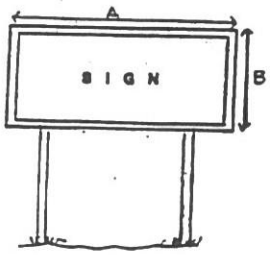
(2) If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area onto which the sign face or letter.

(C)



Ground Sign
Sign Area = (A)x(B)

Wall Sign
Sign Area = (A)x(B)



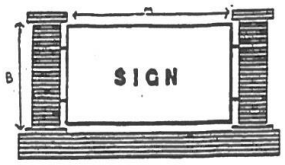
Sign Area = (A)x(B)

Pole Sign, Sign Area = Pi R^2

(B) (1) In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material is to be computed separately, according to the method described in division (A) above, as part of the total surface area of the sign.

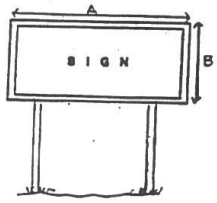
(2) If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area onto which the sign face or letter.

(C) Examples of how sign area is to be computed are indicated as follows.



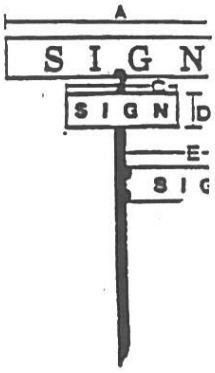
Ground Sign
Sign Area = (A)x(B)

Wall Sign
Sign Area = (A)x(B)

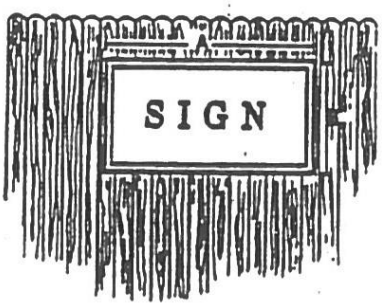


Sign Area = (A)x(B)

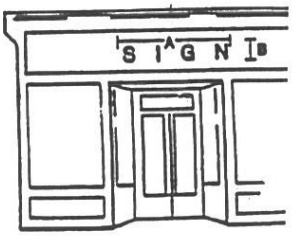
Pole Sign, Sign Area = Pi R^2



Sign Area = (A)x(B) + (C)x(D) + (E)x(F)



Fence Sign
Sign Area = (A)x(B)



Store Front
Individual letters attached to
Sign Area = (A)x(B)

(Ord. passed 11-11-1995)

§ 152.194 SIGN HEIGHT.

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it.
(Ord. passed 11-11-1995)

§ 152.195 PERMIT REQUIRED.

(A) Except as otherwise provided in § 152.196, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first having obtained a sign permit for the sign from the Zoning Enforcement Officer as required by this subchapter. A fee, in accordance with a fee schedule adopted by the Town Board, shall be charged for each sign permit issued.

(B) Notwithstanding the above, changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign as to render the sign in violation of this subchapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.196 SIGNS NOT REQUIRING PERMIT.

(A) The following types of signs are exempt from permit requirements of § 152.195 and may be placed in any zoning district subject to § 152.191(D). These signs shall otherwise be in conformance with all applicable requirements contained in this subchapter. There shall be no limit as to the number of signs on any lot, except as herein prescribed. All signs, except government signs, shall be located outside a road right-of-way. Except where specifically provided for, portable signs shall be prohibited.

(B) (1) Government signs.

(2) Memorial signs, plaques or grave markers which are noncommercial in nature.

(3) Flags, pennants, insignia, or religious symbols of any government, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

(4) Integral decorative or architectural features of buildings; works of art; so long as the features or works do not contain letters, trademarks, moving parts or lights.

(5) Public interest signs.

(6) On-premise directional and instructional signs not exceeding 6 square feet in area apiece.

(7) Identification signs for residential uses not exceeding 4 square feet in area (1 only per premises).

(8) Incidental signs, however, in no case shall a drive-in service window menu board be oriented to a public right-of-way or exceed 32 square feet in area. Any drive-in service window menu board containing a loud speaker shall be located at least 50 feet from any pre-existing residential structure (as defined in § 152.191) located in a Residential (R-1, R-2) District.

(9) Campaign and election signs provided that:

(a) Each sign shall not exceed 32 square feet in area.

(b) All signs shall be removed within 7 days after the election for which they were made.

(c) Property owner shall be held responsible for violations.

(10) Temporary real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:

(a) One sign per street frontage advertising real estate For Sale, For Rent, For Lease or For Development not greater than 10 square feet in area in a Residential (R-1, R-2) District and 64 square feet in area in nonresidential districts may be located on the property being advertised so long as the sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the 2 signs are at feast 100 feet apart as measured by the shortest straight line.

(b) In addition to the on-site real estate sign(s), a maximum of 3 directional signs, each not exceeding 4 square feet in area, shall be permitted off the subject premises. The message of the signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms Lot/Home For Sale, For Rent, For Lease, For Development and the like.

(c) No more than 3 temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development and the like may also be permitted off-site. Each sign may have a maximum area of 3 square feet.

(d) No temporary signs shall be removed within 7 days after the property has been sold, rented, leased and the like.

(e) No sign allowed under this subsection shall be lighted.

(11) Permanent subdivision or planned residential development identification signs not exceeding 32 square feet.

(12) Temporary construction signs provided that:

(a) Signs in conjunction with any residential use shall not exceed 10 square feet each.

(b) Signs in conjunction with all other uses shall have a maximum area of 50 square feet each.

(c) Only 1 sign oriented per street front per premises shall be erected. Any 2 signs located on the same premises shall be located at least 100 feet apart as measured by using a straight line.

(d) The signs shall not be illuminated.

(e) The signs shall only appear at the construction site.

(f) The signs shall be removed within 7 days after a completion of the project.

(13) Temporary farm product signs provided that:

(a) One on-premises sign may be used. The sign shall be located off the street right-of-way and at least 10 feet away from any side lot line. The sign shall have a maximum area of 9 square feet and may not be illuminated.

(b) A maximum of 2 off-premise signs shall be permitted. The off-premise signs may be no greater than 4 square feet apiece and shall not be illuminated. No sign shall be allowed in the street right-of-way nor within 10 feet of a side lot line.

(c) Portable signs shall not be used for any sign allowed under this section.

(14) Temporary special event signs for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:

(a) Signs shall be erected no sooner than 10 days prior and removed no later than 2 days after the event.

(b) Portable signs for these uses may be allowed.

(c) No sign shall exceed 32 square feet.

(d) No sign shall be illuminated.

(e) All signs shall be located off the street right-of-way, unless otherwise granted permission for the location by the Town of Rockwell or NCDOT. In no case may any sign extend onto or over a street pavement or impede the view of any motorists or pedestrians as per § 152.109. Location of the signs within a road right-of-way shall be limited to the day of the event.

(15) Temporary displays as part of a Christmas, holiday or civic event so long as any displays are not located within a street right-of-way unless permission for it is first granted by the Town of Rockwell or NCDOT.

(16) One on-premise and 3 off-premises yard sale signs per yard sale. All signs shall be removed within 24 hours after the yard sale has been terminated. No sign shall be greater than 4 square feet in area. All signs shall be located off the street right-of-way.

(17) Bulletin boards and signs which contains information of a non-commercial nature. The bulletin boards and signs may have a maximum area of 75 square feet.

(18) Directional signs (for public and semi/public uses only) provided that:

(a) No more than 3 directional sign per principal use may be erected. No 2 directional signs advertising the same principal use shall be located within 1,000 feet of each other as measured using the straightest short line distance.

(b) All signs shall be located off the road right-of-way.

(c) All signs greater than 3 feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle as indicated in § 152.109.

(d) All signs shall not be illuminated.

(e) All directional signs shall be free-standing signs. Portable signs shall be prohibited.

(f) There shall be no greater than 4 directional signs on separate supports at the intersection of any 2 roads.

(g) More than 1 sign may be placed on the same supports.

(h) No 2 directional signs hung from separate supports shall be located within 5 feet of each other.

(i) The maximum area of any directional sign shall be 6 square feet.

(j) No 2 directional signs.

(19) Other signs containing non-commercial copy messages, provided that:

(a) The signs have an area of no greater than 32 square feet.

(b) The signs do not fit under the category of prohibited signs (i.e., § 152.197) with the exception of § 152.197(H) (portable signs), § 152.197 (I) (vehicular signs), and § 152.197 (K) (roof signs).

(c) These signs shall not be illuminated.

(20) Directory signs provided that:

(a) No sign is located in a road right-of-way.

(b) The maximum sign area shall be 40 square feet or 1/2 the area of the largest free-standing sign permitted for the use, whichever is less.

(c) Letters do not exceed 6 inches in height.

(d) Height of sign does not exceed 6 feet.

(21) Window signs.

(22) Warning, No Trespassing and similar informational signs.

(23) Signs located within a stadium intended to be read only by persons seated within the stadium.

(24) (a) Permanent municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulations signs.

(b) These signs shall not include identification signs.

(25) Any sign inside a building, not attached to or placed within an external window or piece of glass that is not legible more than 3 feet beyond the building in which it is located.

(26) Signs placed on newspaper boxes designed for placement of delivered newspaper to a particular location.

(27) Signs advertising the price of gasoline or designating self service or full service pumps, so long as the signs are attached to the pump island or a permitted free standing sign.

(28) A North Carolina vehicle inspections sign so long as the sign is not located in any right-of-way.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.197 PROHIBITED SIGNS.

(A) Any sign which the Zoning Enforcement Officer determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection or which interferes with the effectiveness of or obscures any traffic sign, device or signal shall be prohibited.

(B) Illuminated, highly reflective signs or spot lights which hamper the vision of motorists or bicyclists.

(C) (1) Signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs.

(2) An example of this is a sign which contains a picture of a traffic sign plus the word Stop, Yield and the like.

(D) Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.

(E) Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on, over or across any public street or right-of-way, unless otherwise permitted.

(F) Any sign located in a way as to intentionally deny an adjoining property owner visual access to an existing sign.

(G) (1) Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages, except government signs and electric message board (EMB) signs meeting the criteria of Section 152.201 and signs which give time and temperature information.

(2) If a time and temperature sign alternates between a time message and a temperature message it shall continuously show 1 message a minimum of 2 seconds in time before switching to the other message.

(H) Portable signs, excluding temporary signs otherwise permitted in § 152.196 (B)(14) and signs containing non-commercial copy messages allowed in § 152.196 (B)(19).

(I) Parked vehicles with messages, exempting vehicles with commercial advertising which are used
regularly and customarily to transport persons or property for business.

(J) Rotating signs, other than on-premise rotating identification names which contain a logo and/or business name on it.

(K) Roof signs, except for signs containing non-commercial copy messages in § 152.196 (B)(19).

(L) Billboards on or off premises.

(M) Signs placed on a piece of property without permission of its owners or agent

(N) Inflatable signs (including inflated balloons having a diameter of greater than 2 feet).

(O) Other signs not expressly permitted in this chapter.

(P) Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if the sign face is removed from its base and placed on or in the ground so as to otherwise classify the sign as a free-standing sign as herein defined.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.198 SIGNS PERMITTED IN RESIDENTIAL (R-1, R-2) DISTRICTS.

(A) (1) Signs allowed without a permit are listed in § 152.197.

(2) The following signs may be placed in the districts subsequent to the issuance of a permit by the Zoning Enforcement Officer.

(3) All other signs shall be prohibited.

(4) Additional specifications for sign placement are found § 152.201.

(B) Signs on premises of multi-family developments, manufactured home parks and planned residential developments are regulated as follows:

Type of signs permitted	Identification (wall or free-standing)	
Permitted number of signs	1 per premises per public street front. No 2 signs identifying the same use shall be located closer than 200 feet from each other measured by using the shortest straight line distance.	
Maximum area of signs	32 square feet apiece	
Permitted illumination	L	
Maximum height	Free-standing	10 feet
	Wall	Sign shall not be allowed to extend above the parapet of the building.

(C) Signs on premises of Class 1 day care centers, bed and breakfast inns, family care homes and rooming and boarding houses are regulated as follows:

Type of signs permitted	Identification (wall or free-standing)	
Permitted number of signs	1 per establishment	
Maximum area of signs	4 square feet	
Permitted illumination	L	
Maximum height	Free-standing	5 feet
	Wall	Sign shall not be allowed to extend above the parapet of the building.

(D) Signs on premises of churches, day care centers (Class 2, 3) schools, community centers, parks, playgrounds, camping and recreational vehicle parks, public safety stations, homes for the aged, group care facilities, independent living centers, offices, public libraries, recreation facilities, swim clubs, golf courses, country clubs or lodges, riding academy or riding stables.

Type of signs permitted	Identification (wall or free-standing)	
Permitted number of signs	a. 1 sign per street front provided that no 2 signs are located within a straight line distance of 200 feet	
	b. In addition, for any use which contains more than 1 principal structure, 1 free-standing identification sign may be placed within 20 feet of each building provided that building does not contain any wall identification signs	
Maximum area of signs	30 square feet per division (A) above listed in permitted number of signs	
	15 feet per division (B) above listed in permitted number of signs	
Permitted illumination	L	
Maximum height	Free-standing	10 feet
	Wall	Sign shall not be allowed to extend above the parapet of the building.

(E) Signs on premises of customary home occupations are regulated as follows:

Type of signs permitted	Identification (wall or free-standing)	
Permitted number of signs	1 per establishment	
Maximum area of signs	3 square feet	
Permitted illumination	N	
Maximum height	Free-standing	3 feet
	Wall	Signs shall not be allowed to extend above the parapet of the building.

(F) Signs on premises of animal kennels, communication towers, cemeteries, continuing care facilities, essential services, funeral homes, monument sales, recycling stations, philanthropic and eleemosynary institutions are regulated as follows:

Type of signs permitted	Identification (wall or free-standing)	
Permitted number of signs	1 sign only	
Maximum area of signs	30 square feet	
Permitted illumination	L	
Maximum height	Free-standing	10 feet

(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.199 SIGNS PERMITTED IN THE B-2 (CENTRAL BUSINESS) DISTRICT.

(A) Except as otherwise permitted by this chapter, signs in the B-2 District shall be limited to wall, canopy and awning signs and ground mounted signs. The bottom of the ground mounted sign may not exceed two (2) feet above the ground where mounted or supports are affixed. Monument signs are built to the ground.

(B) Regulations governing these signs are as follows:

(1) *Wall signs.*

General Location	***Specific Location***	***Maximum Number***	***Maximum Area***	***Maximum Letter Size***	***Maximum Height****
Facades facing a public street	Between first window and window sill of second floor, or on sign frieze area of building if original to building	1	2 square feet for each lineal foot of building wall facing a public street	16 inches	16 feet
Facades facing an alley or parking lot	Above or beside doorway	1	8 square feet	9 inches if above doorway; 6 inches if beside doorway	12 feet
Windows	First floor windows	2	20% of total window space	6 inches	8 feet
Outside entrance to upper floors	Above or beside entrance	1	8 square feet above entrance; 2 square feet if beside entrance	9 inches; 6 inches if beside entrance	12 feet
Windows	Upper floor windows, if different business	1	50% of window size	8 inches	N/A
Front of building	For historical plaque	1	4 square feet	4 inches	6 feet
*As measured from the top of the sign to the sidewalk.					

(2) *Canopy and awning signs.*

(a) A sign message on a canopy or awning shall contain only the name of the business, street address, and/or the type of business, type of goods sold or services rendered.

(b) Each business is permitted up to 1 sign hung under a canopy or awning provided the message on the sign is perpendicular to the building and the sign is at least 8-1/2 feet above the surface of the sidewalk and is no more than 4 square feet in size.

(c) 1. If a wall sign is not used, a business is permitted to use up to 1 canopy or awning sign. The sign may be of either of the following types of canopy or awning signs.

a. A canopy or awning sign along a canopy or awning edge (fringe or drip-flap) for fabric canopies or awnings or vertical facial surface (in the case of a rigid canopy or awning) provided the message does not exceed 10 inches in height nor extend in any direction above, below or beyond the canopy edge.

b. A canopy or awning sign above the edge of the canopy or awning on the surface of the canopy or awning covering provided the signing is within the parallel edges of the canopy or awning covering and is an integral part of the canopy or awning covering.

2. a. Signage on the canopy or awning sign shall be limited to no greater than 1/2 of the area bounded by the edges of the canopy or awning not including any drip flap or vertical facial surface.

b. If signage is only found in fringe drip-flap portion of the canopy, the entire portion of the area may be utilized for signage.
(Ord. passed 11-11-1995) Penalty, see § 152.999

(3) Ground Mounted Signs

(a) One permitted ground mounted sign is allowed with the following restrictions:

1. Permitted use is 30 feet or more from the front right-of-way
2. Sign area is limited to 32 square feet.
3. May be internally lighted.
4. Meet all setbacks.
5. Sign shall be permanently mounted to the ground with brick base and sides.
6. Maximum height shall be 8 feet.

Adopted 3/10/2009

(b) Electronic Message Board (EMB)

1. Comply with requirements of (a)
2. Maximum Number: 1 per parcel
3. Surface Area: The electronic message board component shall be integrated in the sign and shall not comprise more than 40% of the primary sign area.
4. Construction and Dimensions: The electronic message sign must be physically attached to the primary sign and the numerals shall not exceed 18 inches in height. Subject to the preceding height limitation, the electronic message sign may contain up to two horizontal rows of information provided that the total numeral height of both lines does not exceed 26 inches. (e.g., one 18-inch line and one 8-inch line.)

5. Electronic Message Technology Requirements: All lighted characters, letters, or numbers shall be LED (Light Emitting Diodes). The background screen shall only be black. No flashing messages are allowed.
6. Message Variation: The electronic message shall not blink or flash. New messages shall be timed to fade in and out slowly with a minimum of two (2) seconds between messages.
Adopted 10/8/2018

§ 152.200 SIGNS PERMITTED IN ALL OTHER BUSINESS (B-1, B-3), OFFICE-INSTITUTIONAL (O-I) AND INDUSTRIAL (I) DISTRICTS.

(A) (1) The following are regulations for all wall signs and free-standing signs for all uses except that these regulations shall not be applicable to free-standing signs in shopping centers, business parks, office buildings and other commercial multi-tenant developments and out parcels in the developments.

(2) Signs allowed without a permit are found in § 152.196.

(3) Wall signs shall also be governed per § 152.201 (B)(1); free-standing signs per § 152.201 (B)(2). Supplemental directory/directional signs are permitted per Section § 152.201 (B)(3).

(4) Only ground mounted sign may contain electronic message boards (EMB) signs meeting Section152.201 (Specifications for signs requiring a permit)

(5) All other signs are prohibited.

Types of sign permitted	Business, Identification	
Permitted number of signs	Wall	No limit
	Free-standing	A free-standing sign shall not be permitted if the principal structure containing the use identified for the sign is located less than 30 feet from the edge of that portion of the road right-of-way parallel to the architectural front of the structure.
	Free-standing (Cont'd)	Otherwise, 1 only is permitted except 2 shall be permitted if the principal use has direct access from 2 or more public roads. If 2 signs are allowed, they shall be located at least 200 feet apart as measured using the shortest straight-line distance between the 2 signs.

Maximum area of signs	Wall	A maximum of 10% of the wall area of any 1 wall on the building. Except as provided herein and in § 152.201 (B)(1), in no instance shall any principal use, be allowed to have an aggregate wall sign area in excess of 100 square feet.
	Free-standing	50 square feet
Permitted illumination	L	
Maximum height	Wall	Signs shall not be allowed to extend above the parapet of the building.
	Free-standing	20 feet

(B) Shopping center and other multi-tenant identification signs.

Types of sign permitted	Identification (for the shopping center itself and for the uses located within the shopping center other than in outparcel lots)
Permitted number of signs	a. A shopping center which contains 2 or more non-residential uses located in a unified building or group of buildings may have 1 free-standing identification sign giving the name of the development and/or the name of the businesses and other uses occupying the development.
	b. Notwithstanding division (A) above, if the development consists of (i) 2 or more multi-tenant principal buildings, and (ii) access to each tenant in a building is made by a common entrance and (iii) no wall signs identifying any of the buildings tenants are placed on the building, then 1 free-standing sign which identifies the tenants of the building may also be placed within 20 feet from the edge of the building.
Maximum area of signs	64 square feet except 25 feet for any sign allowed per division (B) above
Permitted illumination	L
Permitted height	20 feet except 10 feet for any sign allowed per division (B) above

(C) Detached signs on outparcels of shopping centers, office parks and other commercial multi-tenant developments shall be regulated as follows:

Type of Sign Permitted	Ground mounted identification (the sign shall only be permitted if all applicable parking and yard requirements for that lot are met by the use and structure occupying the lot)
Permitted Number of Signs	1 per outparcel
Maximum Area of Sign	25 square feet
Permitted Illumination	L
Maximum Height	10 feet
Location	At least 10 feet behind edge right-of-way line. The sign may only be placed on the outparcel lot and not elsewhere in the development.

(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.201 SPECIFICATIONS FOR SIGNS REQUIRING A PERMIT.

(A) The following are general specifications applicable to the various permitted signs.

(B) Additional specifications regarding size, number, location, and permitted types of signs are set forth in the individual zoning districts.

(1) *Wall sign.*

(a) The maximum permitted aggregate area of wall signs per premises may be increased beyond that which is normally allowed using either (but not both) of the following methods:

1. If a free-standing identification sign is not used on the premises, the aggregate area of wall signs may be increased by a maximum of 50% per premises in all zoning districts except the B-2 Zoning District; or

2. The aggregate area of all wall signs per premises may be increased based on the distance, the principal building is set back from the required front setback line. The increase shall be in accordance with the following table:

Principal Building Distance Setback From The Required Front Setback	***Allowed Aggregate Wall Sign Area Increase***
0 - 49 Feet	0%
50 - 99 Feet	25%
100 - 149 Feet	50%
150 - 199 Feet	75%
200 - 249 Feet	100%
250 - 299 Feet	125%
300 - 349 Feet	150%
350 - 399 Feet	175%
400 Feet or More	200%

(b) No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window.

(c) Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. In no instance shall a canopy or awning sign extend into a street right-of-way. This paragraph shall not apply to the B-2 Zoning District. For canopy and awning sign regulations for the B-2 District see § 152.199.

(d) A projecting sign may be substituted for part or all of the allowable wall signage per premises. A projecting sign shall not project more than 4 feet from a building. In no instance shall a projecting sign extend into a street right-of-way.

(2) *Free-standing sign.*

(a) All free-standing signs shall be located behind and not extend into the street right-of-way, except as provided elsewhere in this chapter. All signs greater than 2-1/2 feet in height as measured from the grade of the road or having a vertical clearance of less than 10 feet shall be located a minimum of 5 feet behind the street right-of-way, unless a greater setback is provided elsewhere in this chapter.

(b) No free-standing sign greater than 5 square feet in area shall be located closer than to 10 feet to any adjacent lot line. A 20-foot side-yard setback shall be required if the side lot line abuts a Residential (R-1, R-2) District. Greater setbacks shall be provided if otherwise required.

(3) *Supplemental directory/directional signs.*

(a) In order to maintain the flow of traffic on arterial and collector roads and to promote vehicular safety, emphasis is made to limit the number of ingress and egress points off of these roads. In order to direct attention to planned multi-tenant developments which are not directly accessible off of these roads and where on-premise signage for that development, or any tenants within the development, would not otherwise be visible by the motorists traveling on nearby arterial or collector roads, provisions are made to provide directory signs which identify the name of the particular development and/or the names of their tenants. These signs would be supplemental to signage otherwise provided for the developments.

(b) For any shopping center, office park, industrial park or similar planned multi-tenant nonresidential development, supplemental directory/directional signs may be erected under the following conditions.

1. Access to the development is made only through a local street. There shall no direct points of ingress and egress to the development off an arterial or collector road (as indicated in the most up-to-date version of the thoroughfare plan).

2. A maximum of 2 supplemental directory/directional signs per development shall be allowed. No 2 signs shall be allowed closer than 500 feet to each other using the closest straight line measurement.

3. No sign shall be placed within a road right-of-way nor within 5 feet of the right-of-way. All the directory signs shall be ground-mounted.

4. The sign may contain the name of the development, a map of the development, names of tenants within the development, directional arrows and distance information.

5. The size of each directory sign shall be a function of the number of tenants within the development. Each sign may initially contain an area of 40 square feet or 10 square feet per principal use within the development, whichever is greater, with a maximum area of 80 square feet.

6. The signs may be placed on or off-premises. All signs shall be constructed and located, however, so as to be visible by the motorist traveling on the arterial or collector road which intersects with the local road providing access to the development.

7. The signs shall not exceed a height of 20 feet.

(Ord. passed 11-11-1995) Penalty, see § 152.999

(4) ***Electronic Message Board (EMB) Signs***

(a) Only allowed in non-residential districts.
(b) May only be ground mounted or monument sign.
(c) Maximum Number: 1 per parcel
(d) Surface Area: The electronic message board component shall be integrated in the sign and

shall not comprise more than 40% of the primary sign area.

(e) Construction and Dimensions: The electronic message sign must be physically attached to the primary sign and the numerals shall not exceed 18 inches in height. Subject to the preceding height limitation, the electronic sign may contain up to two horizontal rows of information provided that the total numeral height of both lines does not exceed 26 inches. (e.g., one 18 inch line and one 8 inch line).

(f) Electronic Message Technology Requirements: All lighted characters, letters, numbers shall be LED (Light Emitting Diodes). The background screen shall only be black. No flashing messages are allowed.

(g) Message Variation: The electronic message shall not blink or flash. New messages shall be timed to fade in and out slowly. A minimum of two (2) seconds between messages.

Adopted 10/8/2018

CONDITIONAL USES

§ 152.215 CONDITIONAL USES.

This chapter provides for a number of uses to be located by right in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. In addition to these uses, the chapter allows some uses to be allowed in these districts on a conditional basis subject to the issuance of a conditional use permit by the Town Board. The purpose of having these uses being conditional is to ensure that they would be compatible with surrounding development and in keeping with the purposes of the general zoning district in which they are located and would meet other criteria as set forth in this subchapter.
(Ord. passed 11-11-1995)

§ 152.216 PROCEDURES.

(A) A conditional use permit application shall be filed with the Town Clerk and then forwarded to the Zoning Enforcement Officer. The application shall be accompanied by a site plan, drawn to scale and necessary supporting text which shall include the following information:

(1) Name, address and phone number of the property owner (or his or her agent) and the tax parcel number of the property. (Note: The property owner or his or her authorized agent are the only 2 parties who may initiate a request for a conditional use permit.);

(2) A boundary survey and vicinity map, showing the property's total acreage, zoning classification(s), general location in relation to adjoining streets, railroads and/or waterways, date and north arrow;

(3) The owners' names and addresses, tax parcel numbers and existing land use(s) of all adjoining properties;

(4) Proposed use of all land and structures including the number of residential units (if applicable);

(5) Proposed number and location of all structures, their approximate area and their approximate exterior dimensions;

(6) A description of all screening and landscaping required by these regulations and/or proposed by the applicant;

(7) All existing easements, reservations and rights-of-way;

(8) Proposed phasing, if any, and approximate completion time for the project;

(9) Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) road hazard boundary maps for Rowan County; and

(10) Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.

(B) In the course of evaluating the proposed use, the Planning Board or Town Board may request additional information from the applicant. A request for additional information shall stay any further consideration of the application by the Town Board or Planning Board. This information may include, but shall not be limited to, the following:

(1) Stormwater drainage plan;

(2) Existing and proposed topography at 5 foot contour intervals or less;

(3) The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development;

(4) Proposed number, type, and location of signs; and

(5) A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following information:

(a) Existing traffic conditions within the study area boundary;

(b) Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels;

(c) The distribution of existing and proposed trips through the street network;

(d) Analyses of the capacities of intersections located within the study area boundary;

(e) Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way;

(f) Other pertinent information, including but not limited to accidents, noise, and impacts of air quality and other natural resources; and

(g) An environmental impact statement which contains the following information:

1. A cover sheet which provides, in summary form, a description of the proposed project;

2. A statement of purpose and need of the project;

3. For projects proposed by public entities, a list of alternatives of the proposed project;

4. A brief description of the environment affected by the project;

5. A discussion of short and long term consequences of the project on the environment, including any adverse environmental impacts which cannot be avoided; and

6. A list of means which could be employed to mitigate any negative effects on the environment caused by this project.

(C) No application shall be deemed complete unless it contains or is accompanied by all items listed in division (A) above, and as may be required in division (B) above, and a fee, in accordance with a fee schedule approved by the Town Board for the submittal of conditional use permit applications.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.217 PLANNING BOARD REVIEW AND RECOMMENDATION.

(A) Once complete, the Zoning Enforcement Officer shall refer the conditional use application to the Planning Board for review and recommendation to the Town Board. Except as provided in § 152.216(B), the Planning Board shall review the application at their next scheduled meeting, as long as it is at least 10 days in advance of meeting date.

(B) The Planning Board may, in its review, suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other conditions the Planning Board may find appropriate. These conditions may include dedication of any rights-of-way or easements for streets, water, sewer or other public utilities necessary to serve the proposed development.

(C) The Planning Board shall forward its recommendation with any suggested conditions to the Town Board within 45 days of their first meeting date. If a recommendation is not made within 45 days, the application shall be forwarded to the Town Board without a recommendation from the Planning Board.
(Ord. passed 11-11-1995)

§ 152.218 PUBLIC HEARING.

(A) In order for the Town Board to approve a conditional use permit, a public hearing must be held by the Town Board.

(B) Notice of the public hearing shall be as follows:

(1) A notice shall be published in a newspaper having general circulation in Rockwell. The notice shall be published not less than 10 days nor more than 25 days prior to the date established for the hearing.

(2) (a) At least 1 notice shall be conspicuously posted on the subject property at least 10 days prior to the public hearing.

(b) The notice shall state the nature of the public hearing and the date, time and location at which it is to be held.

(c) The notice shall be removed only after the public hearing has been held.

(3) A notice of the public hearing shall be sent by first class mail by the Zoning Enforcement Officer to all contiguous property owners at least 10 days prior to the public hearing.
(Ord. passed 11-11-1995)

§ 152.219 TOWN BOARD ACTION.

(A) *Agenda.* Once the public hearing has been conducted, the petition shall be placed on the agenda of the next regular scheduled Town Board meeting.

(B) *Conditions for approval.* In approving an application for a conditional use permit, the Town Board may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Board. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular development found elsewhere in a similar zoning district.

(C) *Burden of proof.* The applicant has the burden of producing competent material and substantial evidence tending to establish the facts and conditions which divisions (D)(2) and (4) below require. If any person submits evidence allegedly contrary to any of the facts or conditions listed in divisions (D)(1) and (3) below, the burden of proof for overcoming the evidence shall rest with the applicant.

(D) *Issuance of permit.* The Town Board shall issue a conditional use permit if it has evaluated an application and determined that:

(1) The use will not materially endanger the public health or safety if located where proposed and developed according to plan;

(2) The use meets all required conditions and specifications;

(3) The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; and

(4) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Rockwell land use plan and other plans for physical development of the Rockwell area as adopted by the Town Board.
(Ord. passed 11-11-1995)

§ 152.220 EFFECT OF APPROVAL.

If an application for a conditional use permit is approved by the Town Board, the owner of the property shall have the ability to:

(A) Develop the use in accordance with the stipulations contained in the conditional use permit; or

(B) Develop any other use listed as a permitted use for the general zoning district in which it is located.
(Ord. passed 11-11-1995)

§ 152.221 BINDING EFFECT.

(A) Any conditional use permit so authorized shall be perpetually binding to the property included in the permit unless subsequently changed or amended by the Town Board. Minor changes in the detail of the application may be approved by the Zoning Enforcement Officer on a 1-time basis, but only under the following circumstances:

(1) The basic relationship of the proposed development to adjacent property will not be altered;

(2) The gross floor area of any non-residential use will not be increased by the smaller of 10% or 10,000 square feet; and

(3) The off-street parking ratio will not be decreased, and the yards provided at the periphery of the site will not be reduced by greater than 5 feet.

(B) Given the above criteria, for example, if a conditional use permit is issued for a building having a gross floor area of 100,000 square feet, the property owner could, subject to approval of the Zoning Enforcement Officer, construct a building with a gross floor area of up to 110,000 square feet. If the property owner subsequently had his or her conditional use permit amended authorizing him or her to construct a building of up to 150,000 square feet, the Zoning Enforcement Officer could allow the construction of a building having a gross area of up to 160,000 square feet.

(C) Further changes to a proposed development may only be made by the Town Board in accordance with § 152.217.
(Ord. passed 11-11-1995)

§ 152.222 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for a use listed as a conditional use shall be issued for any building or land use on a piece of property which has received a conditional use permit for the particular use unless the building is constructed or used, or the land is developed or used, in conformity with the conditional use permit approved by the Town Board. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development constructed or used as approved.
(Ord. passed 11-11-1995)

§ 152.223 TWELVE-MONTH LIMITATION ON RE-APPLICATION.

(A) If a request for conditional use permit is denied by the Town Board, a similar application for the same property or any portion thereof shall not be filed until the expiration of a 12 month period from the date of the most recent denial by the Town Board. This waiting period shall not be applicable where the application for a conditional use permit is substantially different from the original application.

(B) The term ***SUBSTANTIALLY DIFFERENT*** as herein applied shall mean:

(1) The proposed principal use is different than the use contained in the original application; or

(2) The gross floor area of the proposed development is 50% or more smaller than contained in the original application.
(Ord. passed 11-11-1995)

§ 152.224 CHANGE IN CONDITIONAL USE PERMIT.

Any request to materially change the conditional use permit once it has been issued must first be reviewed by the Planning Board in accordance with § 152.217. The Town Board may thereafter change or amend any previously approved conditional use permit, only after having held a public hearing. Notice of public hearing shall be in accordance with § 152.218. Amendment by the Town Board of a previously issued conditional use permit shall be subject to the same considerations as provided for in § 152.217.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.225 IMPLEMENTATION OF CONDITIONAL USE PERMIT (CUP).

Unless the Town Board issues a conditional use permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a 12 month period from date of issuance of the conditional use permit. In addition, if the project for which a conditional use permit was issued is not complete and a valid building permit is not in place at the end of the 12 month period, the Zoning Enforcement Officer shall notify the applicant of either finding, and within 60 days of the notification, the Planning Board shall make a recommendation concerning the recision of the conditional use permit to the Town Board. The Town Board, after having conducted a public hearing to consider the recision, may then rescind the conditional use permit or extend the life of the conditional use permit for a specified period of time. Due notice of the public hearing shall be given as prescribed in § 152.218.
(Ord. passed 11-11-1995)

AMENDMENTS

§ 152.240 PURPOSE AND AUTHORITY.

(A) *Purpose.* The purpose of this subchapter is to set forth procedures for amending the text of these regulations and the zoning classification of land as shown on the zoning map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. Procedures for making amendments to the Zoning Chapter text or map.

(B) *Authority.* Upon compliance with the provisions of this subchapter, the Town Board shall have the authority to amend or repeal the text of these regulations and the classification of any parcel of land, as indicated on the zoning map.
(Ord. passed 11-11-1995)

§ 152.241 INITIATION.

(A) Any amendment may be initiated by the Town Board or Planning Board on its own resolution, by any owner with a legal or equitable interest in the property affected by the amendment, or by a local government agency of Rockwell or by any other person living or owning property within the zoning jurisdiction of Rockwell, in accordance with the procedures set forth herein.

(B) When considering a petition for the re-classification of property to any district, neither the Planning Board nor the Town Board shall evaluate the petition based on any specific proposal for the use or development of the affected property, and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.
(Ord. passed 11-11-1995)

§ 152.242 FILING OF PETITIONS: DETERMINATION OF COMPLETENESS.

For a re-classification of property proposed by any person or entity other than the Planning Board or Town Board, or for petition to change the text of this chapter, the petition shall be on an application form prescribed by the Zoning Enforcement Officer and accompanied by the fee established by the Town Board. The application form and fee shall be filed with the Town Clerk and forwarded to the Zoning Enforcement Officer. The application form and fee shall be waived for any petition submitted by any Rockwell official or agency acting on behalf of the town.
(Ord. passed 11-11-1995)

§ 152.243 CONTENT OF APPLICATION.

(A) Each noncontiguous parcel of land for which rezoning is requested shall be deemed as a separate application, and the application fee shall accompany each application. For the purpose of this section, land located and adjacent on either side, to the rear and all property directly across any street or public right-of-way from the subject property shall be deemed to be contiguous.

(B) Each application for a rezoning of land shall be accompanied by 2 copies of a map, drawn to scale, with the following information either shown on the map or accompanying it.

(1) The subject property plus additional property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature easily identifiable on the ground. In addition, all property lines which abut the property, and property owners' names and addresses of all contiguous properties shall be furnished.

(2) If the property is in a subdivision of record, a map of the portion of the subdivision that would relate the subject property to the closet street intersection, and in addition, the name of the subdivision and the plat addition, the names and addresses of all adjoining property owners, as indicated on the most up-to-date tax listings, shall be furnished.

(3) A written metes and bounds description of the property(ies) proposed for rezoning shall accompany the map.

(4) The present and proposed zoning classification of the lot(s) in question.

(5) The property client certification number(s) of the lot(s) in question as issued by the Rowan County Tax Department.

(C) An application for a change in the text of the chapter shall be made in duplicate, on an application form provided by the Zoning Enforcement Officer. The application shall contain a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.244 PLANNING BOARD REVIEW AND RECOMMENDATIONS.

(A) Once the petition is complete, the Zoning Enforcement Officer shall refer the petition to the Planning Board for review and recommendation to the Town Board. The Planning Board shall have a maximum of 45 days from the date they first meet to make a recommendation. If a recommendation is not made during the time period, the application shall be forwarded to the Town Board without a recommendation from the Planning Board.

(B) (1) If a recommendation is made to the Town Board by the Planning Board concerning a petition for rezoning, the recommendation shall be as follows:

(a) Grant the rezoning as requested;

(b) Grant the rezoning with a reduction of the area requested;

(c) Grant the rezoning to a more restrictive general zoning district or districts;

(d) Grant the rezoning with a combination of divisions (B)(1), (2) or (3) above; or

(e) Recommend that the application be denied.

(2) The list of general zoning districts in descending order of restrictiveness shall be:

(a) R-1 (most restrictive);

(b) R-2;

(c) O-I;

(d) B-1;

(e) B-2;

(f) B-3; and

(g) I (least restrictive).

(C) If a recommendation is made to the Town Board by the Planning Board concerning a petition to amend the text of this chapter, it shall be as follows:

(1) Adoption of the amendment as written;

(2) Adoption of the amendment as revised by the Planning Board; or

(3) Rejection of the amendment.

(Ord. passed 11-11-1995)

§ 152.245 PUBLIC HEARING REQUIRED.

(A) In order for an amendment to the Zoning Chapter text or a change in the zoning classification affecting the zoning map to be made in accordance with this subchapter, a public hearing must first be held by the Town Board.

(B) Notification of the public hearing shall be as follows:

(1) A notice shall be published in a newspaper having general circulation in the town. The notice shall be published not less than 15 days nor more than 25 days prior to the date established for the hearing. If first-class mail notification is not required as per division (B)(3)(a)1., 2. or 3. below, then the town shall publish a notice in accordance with the requirements stated in division (B)(3) below.

(2) If a change of zoning on the zoning map is requested, the Zoning Enforcement Officer shall place at least 1 notice on the subject property(ies) at least 10 days prior to the public hearing. The notice shall state the existing zoning classification and the classification requested by the applicant and the date, time and location of the public hearing. The notice shall be removed only after the public hearing has been conducted and the Town Board has rendered its final decision.

(3) (a) A notice of a proposed zoning classification change on the zoning map shall be sent by first class mail by the Zoning Enforcement Officer to all contiguous property owners for all requests except the first class mail notice shall not be required in the following situations:

1. The action involves the total rezoning of all property within the corporate boundaries, unless rezoning involves zoning parcels of land to a less intense or more restrictive uses. If rezoning involves zoning of parcels of land to less intense or more restrictive uses, notification to owners of these parcels shall be made by first class mail;

2. The rezoning action directly affects more than 50 properties, owned by a total of at least 50 different property owners; or

3. The rezoning is an amendment to the zoning text.

(b) If first class notice is not required in this section, then:

1. The town shall publish a notice once a week for 4 successive calendar weeks in a newspaper having general circulation in the town. The notice shall include a map showing the boundaries of the area affected by the proposed ordinance or amendment. The map shall not be less than 1/2 of a newspaper page in size.

2. The Zoning Enforcement Officer shall send first class mall notices of the proposed ordinance or amendment to all property owners who reside outside the town's jurisdiction or outside of the newspaper circulation area according to the address listed on the most recent property tax listing for the affected property.

(c) The Zoning Enforcement Officer shall certify to the town that the proper first class mail notifications were made to required property owners.
(Ord. passed 11-11-1995)

§ 152.246 TOWN BOARD ACTION.

(A) In case of protest against an amendment, duly signed by the owners of 20% or more either of the area of the lots included in the proposed change or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending 100 feet there from or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, the amendment shall not become effective except by favorable vote of 3/4 of all the members of the Town Board.

(B) (1) Once the public hearing has been conducted, the Town Board shall render a decision on the petition. The decision of the Town Board shall be in the form of any of the various options listed in § 152.244(B) and (C).

(2) Alternatively, the Town Board may send the application back to the Planning Board for further study and consideration. The petitioner shall have the right to withdraw his or her petition at any time prior to the final decision being rendered by the Town Board. The Town Board shall have the authority to call for additional public hearings on any amended petition brought before them.
(Ord. passed 11-11-1995)

§ 152.247 NOTIFICATION OF DECISION.

Once a public hearing has been held and closed, and a final determination made by the Town Board, the decision shall be sent by first class mail by the Zoning Enforcement Officer to the applicant and any persons at or before the public hearing who have indicated in writing to the Zoning Enforcement Officer that they would like the decision mailed to them, within 5 working days following the date of the decision. Similarly, notice shall be sent to the applicant in the same manner if the Town Board makes a decision to re-submit the petition to the Planning Board for further review.
(Ord. passed 11-11-1995)

§ 152.248 RE-SUBMISSION OF PETITION.

(A) If the Town Board has denied an application for the rezoning of a piece of property or has approved a rezoning to a general zoning district which is more restrictive than that which was originally requested, the Planning Board shall not review any applications for the same changes affecting the same property or any portion thereof until the expiration of 1 year from the date of the previous denial except as provided in division (B) below.

(B) The Zoning Enforcement Officer may allow re-submission of the petition within the 1 year period if he or she determines that, since the date of action on the prior petition:

(1) There has been a significant change in the zoning district classification of an adjacent piece of property;

(2) The Town Board has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed;

(3) Construction or expansion of a road, water line, sewer line or other facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification; or

(4) There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the 1-year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.
(Ord. passed 11-11-1995)

ZONING ADMINISTRATION

§ 152.260 ZONING ENFORCEMENT OFFICER.

(A) *Administration.* The provisions of this chapter shall be administered by the Zoning Enforcement Officer and any other officials designated by the Town Board for the administration of this chapter.

(B) *Zoning inspection: duties specified.*

(1) If the Zoning Enforcement Officer finds that any of the provisions of the chapter are being violated, he or she shall cause notification in writing to the owner of the property concerning the violation, indicating the nature of the violation, and order that necessary actions be taken to correct the deficiency. He or she shall order discontinuances of illegal uses of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations or structural changes and discontinuance of any illegal work being done. The Zoning Enforcement Officer shall take any other action authorized by this chapter to insure its compliance.

(2) (a) Additional written notices of violation may be sent by the Zoning Enforcement Officer at his or her discretion.

(b) The final written notice (the final notice may be the initial written notice) shall state the action which the Zoning Enforcement Officer intends to take if the violation is not corrected and shall advise that the Zoning Enforcement Officer decision may be appealed to the Board of Adjustment in accordance with § 152.285.
(Ord. passed 11-11-1995)

§ 152.261 ZONING PERMIT.

(A) *Generally.* No building, sign or other structure, except as otherwise provided for in this chapter, shall be erected, moved, extended or enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer has issued a zoning permit for the work in accordance with a fee schedule established by the Town Board.

(B) *Expiration of zoning permit.* Any zoning permit issued in accordance with this chapter will lapse and become invalid unless the work for which it was issued is started within 3 months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least 6 months.

(C) *Records.* The Zoning Enforcement Officer shall maintain a record of all zoning permits on file at his or her office, and copies shall be made available on request to interested parties.

(D) *Conditions for approval.*

(1) Zoning permits issued on the basis of dimensional plans approved by the Zoning Enforcement Officer authorize only the use, arrangement and construction set forth in approved plans and applications.

(2) Use, arrangement or construction which differ from that authorized shall be deemed a violation of this chapter and shall be punishable as indicated under § 152.999 of this chapter.

(E) *Zoning permit not required.* Notwithstanding any other provisions of this chapter, no zoning permit is necessary for the following uses:

(1) Street construction or repair;

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

(3) Specific signs exempted in § 152.196; or

(4) Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers and doghouses under 15 square feet of gross floor area.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.262 CERTIFICATE OF OCCUPANCY.

(A) No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a certificate of occupancy has been issued by the Rowan County Building Inspector.

(B) Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this chapter. A record of all certificates of occupancy shall be kept on file in the office of the Rowan County Building Inspector and copies shall be furnished, on request, to all interested parties.

(C) If a certificate of occupancy is denied, the reasons for the denial shall be specified in writing and provided to the applicant
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.263 RIGHT OF APPEAL.

If a request for a zoning permit is disapproved or if a ruling of the Zoning Enforcement Officer is questioned, any aggrieved party may appeal the ruling to the Board of Adjustment in accordance with § 152.285.
(Ord. passed 11-11-1995)

§ 152.264 REMEDIES.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this chapter as herein provided, an action for injunction, or mandamus, or other appropriate action or proceeding to prevent the violation may be instituted by:

(A) The Zoning Enforcement Officer;

(B) The Rowan County Building Inspector;

(C) Any other appropriate town authority; or

(D) Any person who may be damaged by the violation.
(Ord. passed 11-11-1995)

§ 152.265 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof shall be filed with the Zoning Enforcement Officer who shall properly record the complaint, immediately investigate and take action as provided by this chapter.
(Ord. passed 11-11-1995)

§ 152.266 EARLY VESTING OF DEVELOPMENT RIGHTS UPON APPROVAL OF SITE PLAN.

(A) *Generally.* Pursuant to G.S. § 160A-385.1 and not withstanding any other provision of this chapter or amendment thereto, a landowner may apply for a site-specific development plan approval which shall entitle the landowner to develop property in accordance with the site-specific development plan. The procedure for establishing a vested right is set forth in this section.

(B) *Definitions.*

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LANDOWNER. Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns and personal representative of the owner. The ***LANDOWNER*** may allow a person holding a valid option to purchase to act as his or her agent or representative for purposes of submitting a proposed site-specific development plan in the manner allowed by this chapter.

PROPERTY. All real property subject to zoning regulations and restrictions and within the jurisdiction of Rockwell.

VESTED RIGHTS. The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

(C) *Submission of a site-specific development plan.*

(1) To apply for vested right, a landowner shall first submit to the Zoning Enforcement Officer a site-specific development plan. The plan shall be submitted in completed form (i.e., contain all information as herein prescribed) with a fee (in accordance with a fee schedule adopted by the Town Board) and an accompanying application which, at a minimum, contains the following information:

(a) All information listed in § 152.216(A).

(b) If the development proposed is a manufactured home park, any additional information listed in § 152.131.

(2) Once the Zoning Enforcement Officer deems the site-specific development plan to be complete, he or she shall schedule it to be reviewed by the Planning Board at their next regularly scheduled meeting. The Zoning Enforcement Officer must receive the complete plan at least 10 days prior to the Planning Board's next meeting date to place it on their agenda.

(D) *Planning Board review and recommendation.* Once the site-specific development plan is forwarded, the Planning Board shall review the application and make a recommendation to the Town Board. The Planning Board shall have up to 45 days from their first meeting date to make the recommendation. Alternatively, the Planning Board could request additional information of the applicant in order to aid them in their review of the application. The information may include, but not be limited to, that listed in § 152.216(B). If no recommendation is made during the 45-day period, except as herein provided, the application shall forthwith be forwarded to the Town Board without a recommendation.

(E) *Public hearing.*

(1) Upon receipt of the plan and the recommendation from the Planning Board, if 1 is forthcoming, the Town Board shall schedule a public hearing.

(2) Notice of the Town Board public hearing shall be given as follows:

(a) A notice shall be published in a newspaper having general circulation in Rockwell. The notice shall be published not less than 15 days nor more than 25 days prior to the date established for the hearing.

(b) At least 1 notice shall be conspicuously posted on the subject property at least 10 days prior to the public hearing. The notice shall state the nature of the public hearing and the date, time and location at which it is to be held. The notice shall be removed only after the public hearing has been held.

(c) A notice of the public hearing shall be sent by first class mall by the Zoning Enforcement Officer to all contiguous property owners at least 10 days prior to the public hearing.

(F) *Town Board action.*

(1) Once the public hearing has been conducted and concluded, the Town Board shall determine whether or not to approve the site-specific development plan and accord the vested right. In approving an application for vested rights of a site-specific development plan, the Town Board may attach fair and reasonable ad hoc conditions which tend to support the requiring finding of facts as herein listed. The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Board. The Town Board may not require the landowner to waive his or her vested right as a condition of development approval.

(2) The Town Board may approve the site-specific development plan if it has evaluated an application and determined that:

(a) The use meets all required specifications of the Zoning Chapter;

(b) The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed. Conditions, if any, placed on the site-specific development plan by the Town Board shall be adequate to meet this requirement; and

(c) If the site-specific development plan is vested for a period of greater than 2 years, this shall be based on 1 or more factors so described in division (G) below.

(3) The burden of proof for producing evidence to support these findings, and to overcome any challenges that approval of the site plan would be contrary to one or more of these findings, shall rest entirely with the landowner.

(4) (a) If the use or development for which the site-specific development plan is submitted is a conditional use, the Town Board may approve the site-specific development plan contemporaneously with the approval of the conditional use permit.

(b) In no case, however, may a site-specific development plan be approved for a use or development which requires the issuance of a conditional use permit without the conditional use permit having first been issued.

(G) *Effect of approval.*

(1) The effect of the Town Board approving a site-specific development plan shall be to vest the site plan for a period of 2 years from the date of approval. If the landowner requests, however, the Town Board may approve a vesting period not to exceed 5 years from the date of approval. The vesting of any site plan beyond a 2-year period may only be authorized by the Town Board where it is found that due to: (a) the sizing and phasing of the development; (b) the level of investment; (c) the need for the development; (d) economic cycles; or (e) market conditions, building permits for all phases of the development cannot be secured within 2 years.

(2) A vested right shall confer upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific development plan as provided for in this section. Failure to abide by the terms and conditions placed upon the approval will result in the forfeiture of the vested right previously accorded.

(3) A vested right once established as herein provided, shall preclude any zoning action by the town which would change, alter, repair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site-specific development plan except under the following conditions:

(a) The affected landowner provides written consent to the town of his or her desire to terminate the vested right;

(b) The town determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site-specific development plan;

(c) Compensation is made by the town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid;

(d) The town determines, after having advertised and held a public hearing, that the landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the town of the site-specific development plan; or

(e) Upon the enactment or promulgation of a state or federal law or regulations which preclude development as contemplated in the site-specific development plan. In that case, the town may, after having advertised and conducted a public hearing, modify the affected provisions upon a finding that the change in state or federal law has a fundamental effect on the plan.

(4) (a) Any public hearing called for in divisions (G)(3)(d) and (e) above shall be conducted by the Town Board and advertised as indicated in division (E) above.

(b) Recommendation by the Planning Board and final action by the Town Board shall be undertaken as provided for in divisions (D) and (F), respectively.

(5) Once a vested right is granted to a particular site-specific development plan, nothing in this section shall preclude the town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided the reviews and approvals are not inconsistent with the original approval.

(H) *Revocation or expiration of a vested right.*

(1) The vested right resulting from the approval of a site-specific development plan may be revoked by the Town Board as provided for in § 152.999. In addition, a revocation may occur if the Town Board determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning chapter. The vested right shall otherwise expire at the end of the approval period established by the Town Board.

(I) *Revocation of building permit.* A building permit issued by the Rowan County Building Inspector pursuant to G.S. § 160A-417 may not be revoked because of the running of time on a piece of property for which a site-specific development plan has been approved and the vested right period has not otherwise expired.

(J) *Amendments to the Zoning Chapter affecting a vested right.* The establishment of a vested right on a piece of property for a site-specific development plan shall not preclude the town from establishing and enforcing on the property any additional regulations, adopted during the time the vested right was in effect, which are general in nature and applicable to all property subject to the regulations of this chapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

BOARD OF ADJUSTMENT

§ 152.280 AUTHORITY OF BOARD OF ADJUSTMENT.

(A) The Board of Adjustment shall have the authority to hear and decide appeals from any order, decision, determination or interpretation made by the Zoning Enforcement Officer pursuant to or regarding these regulations.

(B) The Board of Adjustment shall have the authority to hear and decide petitions for all variances from the requirements of these regulations.

(C) The Board of Adjustment shall have the authority to make an interpretation of any portion of this chapter.

(D) The Board of Adjustment shall have the authority to expand or change the use of certain non-conformities.

(E) The Board of Adjustment shall have the authority to grant an extension of a temporary use permit for manufactured homes as per § 152.114.
(Ord. passed 11-11-1995)

§ 152.281 MEMBERSHIP.

(A) The Board of Adjustment for the Town of Rockwell shall consist of 5 members, all of whom shall be citizens and residents of the town appointed by the Town Board. If the town should ever establish an extraterritorial jurisdiction (hereinafter referred to as the ETJ), then 2 of the Board members shall be appointed from that area by the Rowan County Board of Commissioners. Two alternate members shall also be appointed. The Town Board and the Board of County Commissioners of Rowan County shall each appoint 1 alternate member to serve on the Board in the absence of any regular member. Each alternate member, while attending any meeting of the Board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board of Adjustment.

(B) The terms of office of the members of the Board of Adjustment shall be for overlapping terms of 3 years. Initial appointment of the town and extraterritorial area members, if any, shall in each case be as follows.

(1) One member shall be appointed for a 1-year term; 2 for 2-year terms; and 2 for 3-year terms. Thereafter, members shall be appointed for 3 years each. The alternate members shall serve for a term of 1 year each. Nothing herein contained shall be so interpreted as to forbid any member from being appointed to succeed himself or herself.

(2) Vacancies occurring for any reason other than expiration of term shall be filled as soon as is reasonably possible after the vacancy occurs by the proper Board making the appointment, and the appointment shall only be for the period of the unexpired term. Members may be removed for cause by the appointing Board upon written charges and after public hearing.
(Ord. passed 11-11-1995)

§ 152.282 MEETING, HEARING, AND PROCEDURES.

(A) All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Board of Adjustment. The rules of procedures may be amended by the Board of Adjustment membership.

(B) Any rules of procedure adopted by the Board of Adjustment shall be kept on file at the offices of the Zoning Enforcement Officer and shall be made available to the public at any meeting or hearing of the Board of Adjustment.
(Ord. passed 11-11-1995)

§ 152.283 STAFF.

The Zoning Enforcement Officer shall serve as staff to the Board of Adjustment and shall provide technical assistance to the Board of Adjustment as requested.
(Ord. passed 11-11-1995)

§ 152.284 INITIATION OF APPEALS AND VARIANCES.

(A) An appeal may be initiated by any aggrieved party or by any officer, department or board of the Town of Rockwell.

(B) A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf or a person having a written contractual interest in the affected property.
(Ord. passed 11-11-1995)

§ 152.285 ADMINISTRATIVE REVIEW AND APPEALS AND INTERPRETATION.

(A) The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Zoning Enforcement Officer and apply the interpretation to particular fact situations

(B) The Zoning Enforcement Officer may ask the Board of Adjustment to interpret any portion of the Zoning Chapter.

(C) The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed or make an interpretation of the Zoning Chapter.

(D) The Board of Adjustment shall have all the powers of the Zoning Enforcement Officer in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.

(E) (1) An appeal may be made by any person who has received a ruling from the Zoning Enforcement Officer.

(2) An appeal to the Board of Adjustment shall be made within 30 days of the decision, order, determination or interpretation made by the Zoning Enforcement Officer.

(3) The Zoning Enforcement Officer may make an appeal to the Board of Adjustment at any time.
(Ord. passed 11-11-1995)

§ 152.286 VARIANCE.

(A) When practical difficulties, special conditions or unnecessary hardships would result from carrying out the strict letter of this chapter, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this chapter relating to the construction or alteration of buildings or structures or the use of land for all variance requests.

(B) The Board of Adjustment, in considering an application for a variance, shall give due consideration to the following.

(1) The citing of other non-conforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.

(2) The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be approved. Certain temporary uses, however, are allowed per § 152.114.

(C) The Board of Adjustment may only approve a variance after having first held a public hearing on the matter and having made the following determinations:

(1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the chapter;

(2) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit;

(3) That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done; and

(4) That the reasons set forth in the application justify the granting of a variance, and that the variance is a minimum 1 that will make possible the reasonable use of land or structures.

(D) (1) The Board of Adjustment, in approving all variances, may prescribe appropriate conditions and safeguards in conformity with this chapter.

(2) Violation of the conditions and safeguards, when made a part of the terms under which a variance is approved, shall be deemed a violation of this chapter and shall be punishable as prescribed in § 152.999.

(E) Unless otherwise authorized by the Board of Adjustment and included in its decision to approve a variance, any order of the Board of Adjustment in approving a variance shall expire if a building permit or certificate of occupancy (for a use for which a building permit is not required) has not been obtained within 1 year from the date of its decision.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.287 NON-CONFORMITIES.

(A) The Board of Adjustment shall hear and decide appeals from any land owner to:

(1) Make a change in use of a non-conforming use to a less intense non-conforming use;

(2) Make a change in location of a non-conforming use of land to another location on the same property; or

(3) Allow the replacement of a non-conforming use.

(B) The Board of Adjustment may only grant a change in a non-conforming use or replacement of a non-conforming structure which has been destroyed after having first held a public hearing and having determined that:

(1) The change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation;

(2) The proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question; and

(3) The decision to grant the change will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

(C) The Board of Adjustment, in granting the changes, may prescribe appropriate conditions and safeguards in conformity with this chapter in order to conform with divisions (B)(1) and (2) above. Violation of these conditions and safeguards when made a part of the terms upon which the change was granted, shall be deemed a violation of this chapter and shall be punishable as prescribed in § 152.999.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.288 TEMPORARY USE PERMITS AND SPECIAL EXCEPTIONS.

(A) The Board of Adjustment may grant an extension of a temporary use permit for a manufactured house as per § 152.114 for a period no longer than 12 months, if the Board determines that construction of the single-family home is proceeding in a diligent manner and the granting of the permit of the manufactured home on the site does not have a negative effect on abutting properties.

(B) (1) The Board of Adjustment is also given the authority to allow a special exception to allow a satellite dish antennae in the side or front yard in a Residential (R-1 and R-2) or Office-Institutional (O-I) District.

(2) Prior to allowing a special exception, a public hearing must first be held and advertised. In allowing this special exception, the Board of Adjustment may authorize fair and reasonable conditions.

(3) Any conditions imposed upon the approval shall be made part of the permit issued.

(4) Violation of these conditions shall be considered a violation of this chapter.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.289 APPLICATION PROCEDURES.

The following regulations apply to all applications submitted to the Board of Adjustment.

(A) Before a petition for an administrative appeal, interpretation of the Zoning Chapter, variance, change or replacement of a non-conformity, or allowance of a temporary use shall be heard and a public hearing conducted by the Board of Adjustment, an application shall be submitted to the Zoning Enforcement Officer along with a fee in accordance with fee schedule established by the Town Board. The fee shall be waived for any petition initiated by the Zoning Enforcement Officer or other officials of the Town of Rockwell who initiate a request on behalf of the town. For variance requests, the application shall be accompanied by a map clearly identifying the subject property, all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of the properties, from the most recent official tax records, shall be provided by the applicant.

(B) The filing of any application stays all proceedings unless the Zoning Enforcement Officer certifies that a stay in his or her opinion will 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 the chapter. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, Town Board or by a court of record.

(C) Within 5 working days after having received an application for an appeal, interpretation, variance, change or expansion of a nonconformity, or allowance of a temporary use, the Zoning Enforcement Officer shall determine whether the application is complete. If he or she determines that the application is not complete, he or she shall serve a written notice on the appellant or petitioner specifying the application's deficiencies. The Zoning Enforcement Officer shall take no further action on the application until the deficiencies are remedied. If the Zoning Enforcement Officer fails to so notify the appellant or petitioner, the application shall be deemed complete.
(Ord. passed 11-11-1995) Penalty, see § 152.999

§ 152.290 PUBLIC NOTIFICATION.

(A) *Generally.*

(1) The Town of Rockwell shall give notice of all public hearings. The notice shall become a part of the record of the proceedings of the Board of Adjustment.

(2) Notice shall be given in the following manner.

(B) *Interpretations and appeals of the decisions made by the Zoning Enforcement Officer.*

(1) Notice shall be sent by the town by first class mail to the applicant at least 10 days prior to the public hearing.

(2) Notice shall also be posted by the Zoning Enforcement Officer in a conspicuous location in the town hall at least 10 days prior to the public hearing. Both notices shall indicate the nature of the public hearing and the date, time and place at which it is to occur.

(C) *Variances, changes and replacements of non-conformities, temporary use permits and special exceptions.*

(1) Notices shall be sent by the town by first class mail to the applicant and to owners of all contiguous properties at least 10 days prior to the public hearing.

(2) Notice shall also be posted by the Zoning Enforcement Officer in a conspicuous location in the town hall at least 10 days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.

(3) At least 1 sign shall also be conspicuously placed by the town on the subject property(ies) indicating the nature of the public hearing and the date, time and place at which it is to occur. The sign(s) shall be placed on the property(ies) in question at least 10 days prior to the public hearing.
(Ord. passed 11-11-1995)

§ 152.291 BOARD OF ADJUSTMENT DECISION.

(A) The Board of Adjustment shall hold a public hearing on an application no later than 45 days after a complete application has been filed with the Zoning Enforcement Officer. The application shall be received by the Board of Adjustment at least 15 days prior to the next regularly scheduled meeting of the Board to be considered at that meeting. The Board of Adjustment shall decide on the matter which was presented at the public hearing within 31 days of the close of the public hearing.

(B) The concurrent vote of 4/5 of the voting members of the Board of Adjustment shall be necessary to make an interpretation of the Zoning Chapter, reverse any order, requirement, decision or determination of the Zoning Enforcement Officer, approve a variance, allow for a change or expansion of a non-conformity, approve a temporary use extension, grant a special exception, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application.

(C) All decisions on variances by the Board of Adjustment shall be in writing and filed with the Zoning Enforcement Officer. A written copy of decisions on variances shall be sent by first class mail to the applicant within 5 working days of the date of decision of the Board of Adjustment.
(Ord. passed 11-11-1995)

§ 152.292 APPEALS FROM THE BOARD OF ADJUSTMENT.

(A) An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of 15 days after the date of the Board of Adjustment's decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the Board of Adjustment, if, in its judgment, the change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held by the Board of Adjustment to consider holding a rehearing. Approval of the consideration shall, however, require an affirmative vote of at least 4 voting members. In the event that the Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing except that the application fee shall be waived.

(B) Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of 1 year after the date of denial of the original application.

(C) Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within 30 days after the decision of the Board is filed in the office of the Zoning Enforcement Officer, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for the copy with the Zoning Enforcement Officer or the Chairperson of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later.
(Ord. passed 11-11-1995)

§ 152.999 PENALTY.

(A) (1) Any person, firm or corporation convicted of violating the provisions of this chapter shall, upon conviction, provided that the violation of this chapter is not corrected within 30 days after notice of the violation, be guilty of a misdemeanor and shall be fined an amount not to exceed $50 and/or imprisoned for a period not to exceed 30 days.

(2) Each day of violation shall be considered a separate offense, violation is given.

(B) In addition to the other remedies cited in this chapter for the enforcement of its provisions, and pursuant to G.S. § 160A-175, the regulations and standards in this chapter may be enforced through the issuance of civil penalties by the Zoning Enforcement Officer.

(C) (1) Subsequent citations for the same violation may be issued by the Zoning Enforcement Officer.

(2) If the offender does not pay the citation, except as otherwise provided in a warning citation, after it has been issued unless the offender has sought an appeal to the actions of the Zoning Enforcement Officer through the Board of Adjustment.

(3) Once the 10-day warning period has expired, each day the violation continues shall subject the violator to additional citations to be issued by the Zoning Enforcement Officer.

(D) The following penalties are hereby established:

Warning Citation	***Correct Violation Within 10 Days***
First citation	$10
Second citation for same offense	$25
Third and subsequent citations for same offense	$100

(E) If the offender fails to pay the civil penalties within 5 days after having been cited, the town may recover the penalties in a civil action in the nature of debt.

(F) In addition, pursuant to G.S. § 160A-175, the town may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition or cease the unlawful use of the subject premises.
(Ord. passed 11-11-1995)