

ZONING ORDINANCE  
OF THE  
TOWN OF SNOW HILL, NORTH CAROLINA  
ARTICLE I. TITLE, ENACTMENT, AND PURPOSE

**SECTION 1.01 TITLE AND ENACTMENT**

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY THE NORTH CAROLINA GENERAL STATUTES, CHAPTER 160A, ARTICLE 19, FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF ZONING DISTRICTS WITHIN THE TOWN AND ITS EXTRATERRITORIAL JURISDICTION; TO REGULATE WITHIN THOSE DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE REQUIRED STRUCTURES, THE REQUIRED OPEN SPACE, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF; AND TO SUPERSEDE ANY ORDINANCES IN CONFLICT HEREWITH.

NOW THEREFORE, the Town Board of the Town of Snow Hill, North Carolina, does hereby ordain and enact into law the following Articles and Sections, this the 7th day of August, 2000.

**SECTION 1.02 SHORT TITLE**

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

**SECTION 1.03 PURPOSE**

In accordance with the provisions of Chapter 160A, Article 19, of the General Statutes of North Carolina and for the purposes more fully set out in that chapter, the Town Board of the Town of Snow Hill, North Carolina, adopts this ordinance to provide for the orderly growth and development of the town and its extraterritorial jurisdiction.

**SECTION 1.04 CONFLICTING ORDINANCES**

All prior zoning ordinances, and amendments thereto, conflicting with this ordinance are hereby repealed.

## **ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS AND PROVISION FOR ZONING MAP**

### **SECTION 2.01 OFFICIAL ZONING MAP**

For the purposes of this ordinance, the Town of Snow Hill and its extraterritorial jurisdiction are hereby divided into zones or districts as shown on the "Official Zoning Map of Snow Hill, N.C.," which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The official Zoning Map shall be identified by the signature of the Mayor and attested by the Town Clerk and bear the Seal of the town under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article II of the Zoning Ordinance of Snow Hill, N.C." together with the date of adoption of this ordinance.

The Official Zoning Map, which shall be located in the Town Hall, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in Snow Hill and its extraterritorial jurisdiction.

### **SECTION 2.02 ZONING MAP CHANGES**

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

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

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

### **SECTION 2.03 REPLACEMENT OF OFFICIAL ZONING MAP**

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

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on December 3, 1979 " -- together with the date of adoption of the new map.

### **SECTION 2.04 RESPONSIBILITY FOR MAINTENANCE OF THE OFFICIAL ZONING MAP**

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

## **SECTION 2.05 RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

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

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following town limits shall be construed as following such town limits;
- (4) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines;
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- (6) 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 subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries;
- (7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special use, the extension of the regulations for either portion of the lot, not to exceed one hundred (100) feet beyond the district line into the remaining portion of the lot. In addition, the remaining parcel shall not be less than the minimum required for the district in which it is located.

## ARTICLE III - INTERPRETATION AND DEFINITION OF TERMS

For purposes of this ordinance, certain words or terms used herein shall be interpreted as follows:

### SECTION 3.01 INTERPRETATION OF COMMON WORDS AND TERMS

Words used in the present tense include the future tense.

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

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

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

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

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

The word "shall" is always mandatory.

The word "may" is permissive.

### SECTION 3.02 DEFINITION OF SPECIFIC TERMS AND WORDS

1. **Accessory Building or Use.** A subordinate building or use which is clearly incidental to the principal building or use and is located on the same lot with the principle use. An accessory building (or the total of all accessory buildings, if more than one on a lot) shall not exceed thirty (30%) of the square footage of the first floor of the principal building and shall not be constructed or used until the certificate of occupancy has been issued for the principal building. Accessory buildings or uses shall be placed only in a rear or side yard not adjacent to a street and shall be at least (5) feet from the property line. For purposes of this ordinance, a satellite receiving dish is an accessory use. Truck or other vehicular bodies, motor homes, travel trailers, or other trailers may not be used as accessory buildings.
2. **Administrator, Zoning.** The person, officer, or official and his authorized representative, whom the Town Board has designated as its agent for the administration and enforcement of these regulations.
3. **Alley.** A public or private thoroughfare at least fifteen (15) feet in width which provides only secondary access to abutting property. An alley may not be used to provide the principal means of access for a lot as required by Section 4.08.
4. **Alter.** To make any structural changes in the supporting or load-bearing members of a building, such as walls, columns, beams, girders or floor joists.
5. **Amusement Center, Indoor.** Establishments that are designed for amusements, carried on indoors, such as game rooms, bingo parlors, pool and billiard rooms, bowling, video games, and similar uses. This shall not be interpreted to include "adult businesses", "adult entertainment" or "sexually oriented" businesses.

6. **Amusement Center, Outdoor.** Establishments that are designed for amusements, carried on outdoors, including but not limited to, amusements such as miniature golf, skating rinks, go-cart tracks, water slides, and bumper cars.
7. **Apartment.** See Dwelling, Multifamily.
8. **Automobile Repair Station.** A place where the following services may be carried out: major repair, engine rebuilding, rebuilding and reconditioning of motor vehicles, collision service such as body frame or fender repair, painting and undercoating of vehicles.
9. **Automobile Service Center.** An establishment where the retail sale of accessories and services for automobiles are provided as a primary use, including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including space for facilities for major storage, repair, painting and refinishing.
10. **Automobile Service Station.** A place where gasoline or other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are related directly to the public on the premises, including sale of minor accessories and services for automobiles, which are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, hand washing and polishing, replacement of light bulbs, windshield wiper blades and other small parts, but does not include steam cleaning, body repairs, chassis or engine repair, except as listed above.
11. **Billboard.** See Sign, Outdoor Advertising.
12. **Bed and Breakfast Inn.** The accessory use of a single family dwelling which includes the rental of not more than six (6) guest rooms within the dwelling on a daily basis but no more than a weekly basis and including the service of the breakfast meal only to overnight guests and that:
  1. the permanent residences are the owner or manager of the establishment;
  2. the establishment does not serve food or drink to the general public for pay, and;
  3. is licensed under and complies with the provisions of N.C.G.S.130A-247-250.
  4. provides one (1) off-street parking space for each room offered for rent in addition to the parking required for single family residences in Section 7.01 of this ordinance.
13. **Boarding House.** A building dedicated to the lodging or feeding, or both, of nontransient persons for compensation.
14. **Buffer Strip.** A buffer strip shall consist of an earth berm or evergreen plants, or a combination of an earth berm or evergreen plants with a wall or fence, which shall provide sight and sound screening from adjoining properties. A required buffer shall be no less than six (6) feet in height [except in front yards where maximum height shall not exceed four (4) feet]. If composed only of planted material the buffer shall be at least ten (10) feet in width. A combination buffer shall be at least five (5) feet in width. Plant types used shall be those recommended by the U.S. Department of Agriculture. When planted the material shall provide forty (40) per cent opacity and shall be maintained to provide ninety (90) per cent opacity within three (3) years of planting.
15. **Buildable Area.** The portion of a lot remaining after Setback Line requirements have been met.
16. **Building.** Any structure or edifice having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or goods.
17. **Certificate of Occupancy.** A statement issued by the zoning administrator or his assistant, stating that the building, structure, or use of land complies with the zoning ordinance of the Town of

Snow Hill, North Carolina, and with the standards of the Greene County Health Department and the North Carolina Department of Human Resources.

18. **Child Day Care Home, Registered or Certified.** A home occupation providing for day care of no more than eight children (including any child who resides in the home) , consisting of no more than five (5) preschoolers and no more than three (3) afterschoolers. This definition is not intended to replicate state day care licensing definitions.

19. **Child Day Care Center, Licensed.** A day care provider licensed under the laws of the State of North Carolina, providing day care at a location which is not a residence.

20. **Church, Club, or Lodge, Private.** An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated on a nonprofit basis for the benefit of its members, including but not limited to YMCA, Boy's and Girl's Club and Masonic Lodge.

21. **Clinic.** An establishment for the medical or dental examination and treatment of patients on an outpatient basis.

22. **Condominium.** Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants together with individual ownership in fee of a particular dwelling unit in such building.

23. **Curb Cut.** A lowered or cut-away curb for purposes of ingress or egress to property abutting a public street.

24. **Drive-In.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in motor vehicles rather than within a building or structure, such as but not limited to dry cleaners, convenience stores, etc.

25. **Drive-In Restaurant.** Any restaurant designated to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to, or permitted to be consumed by patrons elsewhere on the site outside the main building.

26. **Dwelling Unit.** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities for a single family.

27. **Dwelling, Single-Family.** A detached residence designed for or occupied exclusively by one family. This does not include mobile homes.

28. **Dwelling, Two-Family (Duplex).** A detached building, divided horizontally or vertically, and designed for or occupied by two single-family housekeeping units contained entirely under one roof and having one dividing partition common to each unit, or having the ceiling structure of the lower unit the floor structure of the unit above.

29. **Dwelling, Multiple.** A building, or portion of one, used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartments, townhouses or condominiums.

30. **Easement.** A right to use property conveyed by acquisition by either purchase or donation and set aside for a specific purpose in perpetuity or for a specific period of time.

31. **Family.** Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in a dwelling unit as a single housekeeping unit, except for a family care home established under the provisions of N.C.G.S. 168.

32. **Family Care Home.** A home defined and described in Article 3 of G.S. 168 as having support and supervisory personnel, that provides room and board, personal care and rehabilitation services in a family environment for not more than six (6) resident handicapped persons. A handicapped person is defined as a person with a temporary or permanent physical, emotional or mental disability, including but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in G.S. 122 - 58. 2(1) (b) . A proposed family care home as defined in N.C.G.S. Section 168-21 shall be deemed a residential use of property for purposes of this Ordinance. Such a proposed family care home shall be a permitted use only if there is no other family care home existing within a one-half mile radius of said proposed family care home. The location and establishment of any family care home other than as a permitted use as defined above shall be and is hereby expressly prohibited, and shall not be authorized under any provision of this Zoning Ordinance.

33. **Flood Plain.** That area which experience has shown to be, or which expert opinion holds likely to be, subject to high water conditions connected with tide, storm, or seasonal changes in the level of the water table. Flood plains which are defined as special flood hazard areas by the Federal Emergency Management Agency are indicated on the Snow Hill and Greene County Flood Hazard Boundary Maps.

34. **Frontage.** The distance between the two side lot lines are measured along the right-of-way line.

35. **Height, Building.** The vertical distance measured from the average grade of the lot to the highest point of a flat roof; to the deck line of a mansard roof; or to the mean height level between the waves and ridges of a gable, hip, or gambrel roof

36. **Home Occupation.** Occupation conducted entirely within a dwelling unit, customarily carried on by the occupants thereof as an activity clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the character thereof, and in connection with which there is no outside display, no stock-in-trade or commodity sold on the premises and no employees other than occupants. (Standards and procedures for home occupations are in SECTION 10.04 C (6) of this ordinance.

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

38. **Lot.** A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for access, use coverage, area, yards, and other open spaces. Unless approved as part of a Group Development or under a Commercial Site Plan approval, (amended 5-9-05) a lot shall have frontage on a public right-of-way of at least fifty (50) feet. A lot for the purpose of this ordinance may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record or portions thereof; or,
- (d) A parcel of land described by metes and bounds.

However, in no case of division or combination shall any residual lot or parcel be created which does not meet the minimum requirements of this ordinance.

39. **Lot Depth.** The average distance between front and rear lot lines.

40. **Lot of Record.** A lot which is a part of a subdivision or plat which has been recorded in the office of the Register of Deeds of Greene County; or a lot described by metes and bounds, the description of which has been so recorded.

41. **Lot Width.** The distance between side lot lines measured at the front building line.

42. **Manufactured Home, General Definition.** A single family detached residential unit which has the following characteristics:

- (a) Built at a location other than where it is intended to be occupied.
- (b) Is designed to be moved from the place where it was built to the place where it is to be used on its own chassis or trailer.
- (c) Has a body width greater than eight (8) feet and a body length greater than thirty-two (32) feet.
- (d) Was constructed to current U.S. Department of Housing and Urban Development Mobile Home Standards or equivalent standards and bears a certification of that standard.

This definition is intended to include mobile homes and manufactured homes as defined in N.C.G.S. 143-145(7), double wide and triple wide units. It is not intended to include travel trailers, recreational vehicles or campers.

A modular home as defined elsewhere in this section is not a manufactured home.

43. **MANUFACTURED HOME, CLASS A.** - A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- (b) The manufactured home has a minimum of 1000 square feet of enclosed living area;
- (c) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.21 and 121) and the roof is finished with a type of shingle that is commonly used in standard residential construction; and
- (d) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
- (e) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (f) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (g) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North



Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and

- (h) The moving hitch, wheels and axles, and transporting lights have been removed.
- (g) The manufactured home has been manufactured no more than ten years from the date of the issuance of the permit described in Section 8.02 of this ordinance. It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single family dwelling.

44. **MANUFACTURED HOME, CLASS B.** A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and meet or exceed criteria (c) , (f) , (g) , (h) and (i) for Class A home above; in addition such home shall be a minimum size of 14 feet by 65 feet.

45. **MANUFACTURED HOME, CLASS B-PARK.** A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and meet or exceed criteria (c), (g) and (h) and (i) for Class A home above; in addition such home shall be a minimum size of 14 feet by 65 feet. The manufactured home shall be set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous skirting of metal, fiberglass, vinyl or masonry, unpierced except for required ventilation and access, installed under the perimeter of the manufactured home;

46. **MANUFACTURED HOME, CLASS A-PARK.** A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and meet or exceed criteria (a), (b), (c), (d), (e), (g), (h) and (i) for Class A home above. The manufactured home shall be set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous skirting of metal, fiberglass, vinyl or masonry, unpierced except for required ventilation and access, installed under the perimeter of the manufactured home.

47. **MANUFACTURED HOME, CLASS C.** Any manufactured home that does not meet the definition criteria of a Class A, Class B, or Class B-Park manufactured home.

48. **MANUFACTURED HOME PARK.** Two or more manufactured homes which are in full compliance will all applicable State Building Code and Town of Snow Hill minimum housing regulations and located on one lot. (amended 8-14-06)

49. **Modular Home.** A detached single-family dwelling unit constructed in accordance with the construction standards of North Carolina uniform Residential Building 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 and placement on a permanent foundation. Without limiting the generality of the foregoing, a modular home may consist of two or more sections transported to the site on each's own chassis or steel frame, or a series of panels or room sections transported to the site on a truck and erected, assembled, or joined there. A manufactured home as defined elsewhere in the Section is not a modular home.

50. **Motel - Hotel.** A commercial structure in which sleeping accommodations are provided or offered to transient visitors for compensation.

51. **Neighborhood Grocery Store.** A store of not more than five thousand (5,000) square feet designed to be compatible with the immediately surrounding neighborhood and which stocks and sell produce, general grocery and sundry items to supply the immediately surrounding neighborhood.
52. **Nonconforming Use.** A structure or land lawfully occupied by an existing use which does not conform with the regulations of the zoning district in which it is situated, either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.
53. **Open Space.** An unoccupied space open to the sky.
54. **Open Storage.** Unroofed storage area, whether fenced or not.
55. **Parking Space.** A vehicular storage space of not less than ten (10) feet by twenty (20) feet, plus the necessary access space. It shall always be located outside any dedicated right-of-way. The dimensions of a handicapped parking space shall be as required by North Carolina State Building Codes.
56. **Principle Building or Use.** The principle purpose for which a lot or the main structure thereon is designed, arranged, or intended.
57. **Restaurant, Drive In.** A food service establishment whereby food is dispensed directly over the counter and consumed in the vehicle or served directly to customers in vehicles.
58. **Restaurant.** An establishment in which the primary activity is the serving of meals, sandwiches, ice cream, beverages or other food served directly to patrons, whether consumed on the premises or off the premises.
59. **Setback Line.** The line on the front, rear, and sides of a lot, set according to the zoning district regulations, which delineates the area upon which a structure may not be built and maintained. Setback lines adjacent to a street shall be measured from the right-of-way.
60. **Shopping Center.** Two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property. A shopping center may be considered as a group project.
61. **Sign.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:
- a) Signs not exceeding two (2) square feet in area and bearing only property numbers, post office box numbers names of occupants of promises, or other identification of premises not having commercial connotations;
  - b) flags and insignias of any government except where displayed in connection with commercial promotion;
  - c) legal notices, identification, information, or directional signs erected or required by governmental bodies;
  - d) integral decorative or architectural features of buildings, except letters, trademarks, moving lights, or moving parts; and
  - e) signs directing and guiding traffic and parking on private property, but bearing no advertising matter. See section 7.02 and 7.03.

62. **Sign, Principle Use.** A sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered exclusively on the premises upon which said sign is located. See Section 7.02 and 7.03.
63. **Sign, Outdoor Advertising.** Any sign, including a standard poster panel, either free-standing or attached to a structure, which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises on which said sign is located. See Section 7.02 and 7.03.
64. **Sign, Temporary.** A sign permitted for a period not exceeding twelve (12) months, including "For Sale," "For Rent," construction company's name, subcontractors' names, and architects' and planners' names. See Section 7.02 and 7.03.
65. **Special Use.** A use approved by the Board of Adjustment by issuance of a special use permit upon finding the use will comply with the standards of this ordinance and any additional conditions imposed by the Board of Adjustment (amended 5/9/2005). See section 10.04 C. for standards.
66. **Street.** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties. Any street which is not maintained by any governmental entity shall be considered a private street and shall not be allowed unless approved by the Snow Hill Planning Board and such approval shall be granted only upon a written maintenance agreement executed by all contiguous property owners of said private street, which written maintenance agreement shall be binding upon all heirs and assigns of said property owners and shall be recorded in the Register of Deeds office.
67. **Structure.** Anything constructed or erected with a fixed location on or in the ground, or attached to something having more or less a fixed location on or in the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, and swimming pools.
68. **Townhouse.** A single-family dwelling on its own individual lot but connected on two sides by means of a common wall, for at least ten(10) feet of its length, to two other single-family dwellings or an end dwelling of a row of such dwellings. No more than six (6) such dwelling units may be attached in a single group.
69. **Trailer.** Shall include any of the following:
- a) **Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses; and, when factory equipped for the roads, it shall have a body width not exceeding eight and one-half (8.5) feet and a body length not exceeding fifty-two (52) feet.
  - b) **Pick-Up Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
  - c) **Motor-Home:** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
  - d) **Camping Trailer:** A folding structure of canvas or other material, mounted on wheels, and designed for travel, recreation, and vacation use.
70. **Variance.** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in

unnecessary and undue hardship. In this ordinance a variance is authorized only for height, area, and size of structure or size of yards and open spaces. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformists in the zoning district or uses in an adjoining zoning district. See Section 10.04 D.

71. **Yard.** A required open space unoccupied and unobstructed by any structure or portion of a structure from ground to sky, except as provided herein.

72. **Yard, Front.** That area of a lot bounded by the abutting street right-of-way line, the front setback line, and the two side lot lines.

73. **Yard, Rear.** A yard extending across the full width of the lot between the rear line of the principal building and the rear lot line.

74. **Yard, Side.** That area of a lot bounded by the front setback line, the side setback line, the rear setback line, and the side lot line.

## **ARTICLE IV. APPLICATION OF REGULATIONS**

### **SECTION 4.01 TERRITORIAL APPLICATION**

The provisions of this ordinance shall apply to all lands, structure, and uses within the jurisdiction of the Town as shown on the "Official Zoning Map of Snow Hill, North Carolina."

### **SECTION 4.02 USE, OCCUPANCY, AND CONSTRUCTION**

No building, structure, or land shall hereafter be used or occupied, and no building or structures or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all the regulations specified herein for the district in which it is located.

### **SECTION 4.03 HEIGHT, BULK, DENSITY, LOT COVERAGE, YARDS, AND OPEN SPACES**

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

### **SECTION 4.04 COMPUTATION OF REQUIRED SPACES**

No part of a yard, or other open space, or off -street parking, or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

### **SECTION 4.05 REDUCTION OF LOTS OR AREAS BELOW MINIMUM**

No yard or lot existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance.

Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

### **SECTION 4.06 CLASSIFICATION OF ADDED TERRITORY**

All territory which may hereafter be added to Snow Hill's zoning jurisdiction by an ordinance or bill of annexation or by an ordinance extending the extraterritorial jurisdiction shall be classified as R-20 Rural Residential District, unless and until specifically classified otherwise by ordinance.

### **SECTION 4.07 ONE PRINCIPAL BUILDING ON ANY LOT**

One (1) principal building and its customary accessory buildings may be erected on any lot except as authorized in this ordinance for Group Residential Projects or Group Commercial Projects. (Amended 5/09/2005 also see individual zoning districts for listing as special use and the primary regulations in Art. X Sec. 10.04-C special uses and appendix I, dimensional regulations)

#### **SECTION 4.08 LOT ACCESS REQUIREMENTS**

No building shall be erected on a lot which does not abut an open, dedicated public street (whether said public street is publicly maintained or privately maintained) for at least fifty (50) feet, unless a variance is approved by the Board of Adjustment under the provisions of Article X. Nothing herein shall affect minimum lot width requirements of any lot at the building set back line as required by Section 6.08.

#### **SECTION 4.09 VISIBILITY AT INTERSECTIONS**

On a corner lot, nothing except as herein provided shall be erected, placed, planted, or continued to exceed the height of 2.5 feet or to inhibit the visibility of a motor vehicle operator within a triangular area formed by the intersection of the right-of-way lines of two streets and a diagonal line which intersects the right-of-way lines at two points, each point being twenty-five (25) feet from the intersection of the right-of-way lines.

#### **SECTION 4.10 WALLS AND FENCES**

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, within any residential district, no wall or fence shall exceed four (4) feet in height within a front yard or six (6) feet in height within a side or back yard. In any commercial or industrial district, no fence shall exceed four (4) feet in height within a front yard or ten (10) feet in height in a side and back yard.

#### **SECTION 4.11 STRUCTURES EXCLUDED FROM HEIGHT LIMITATIONS**

The height limits of these regulations shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, monument, water tower, observation tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extended more than three (3) feet above the roof line of the building, and necessary mechanical appurtenances. Provided, however, that nothing herein shall be construed to authorize any water tower, observation tower, transmission tower, or radio or television tower if not otherwise authorized in any district.

#### **SECTION 4.12 REDUCTION OF FRONT YARD SETBACK REQUIREMENTS**

In any residential district, where the average setback distance for existing buildings on all lots located wholly or partly within one hundred (100) feet of any lot, and within the same zoning district and fronting on the same side of the same street as that lot, is less than the minimum setback required in the zoning district, the setback on that lot may be less than the required setback, but not less than the existing average setback distance for all lots within the one hundred (100) feet and in no case shall the setback be less than ten (10) feet from the street right of way line. When lots within one hundred (100) feet are vacant, those vacant lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance.

#### **SECTION 4.13 LOCATION OF ACCESSORY USES OR BUILDINGS**

Accessory uses and buildings shall comply with the setback requirements of Section 3.02 (1). In the case of a corner lot, such accessory use or building shall be set back from the right-of-way of the abutting side street a distance equal to the front yard setback established for principal uses in the district.

#### **SECTION 4.14 LOTS WITH MULTIPLE FRONTAGES**

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

#### **SECTION 4.15 USES PROHIBITED**

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

#### **SECTION 4.16 REQUIRED BUFFERS**

To lessen the impact of incompatible land uses, a buffer strip shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential areas, in residential areas in which an increase in density occurs, or in other situations as provided in this ordinance. When new business or industrial construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the business or industrial use. In addition, when new residential construction will abut an existing business or industrial use or a residential use of lower density, the buffer strip and visual buffer shall be provided by the residential developer. This buffer strip shall be part of the lot(s) and be maintained by the lot owner(s), or the homeowners' association, in the case of commonly owned land. See Section 3.02 (14) for definition of buffer.

## ARTICLE V. NONCONFORMITIES

### SECTION 5.01 INTENT

Within the districts established by this ordinance, there may exist structures and uses of land and structures which were lawful before this ordinance was passed but which would be prohibited, regulated, or restricted under the terms of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue in their present condition, but they are not to be enlarged, expanded, extended, nor used as ground for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that all work shall be carried on diligently.

### SECTION 5.02 NONCONFORMING LOTS OF RECORD

1. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to the area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustments as established in Article X of this ordinance.
2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance; and no portion of that parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance; nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

### SECTION 5.03 NONCONFORMING USES OF LAND

Where, at the time of passage of this ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;



2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this ordinance;
3. If any such nonconforming use of land ceases for any reason for a period of more than 180 days, any subsequent use of land shall conform to the regulations specified in this ordinance for the district in which it is located;
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

#### **SECTION 5.04 NONCONFORMING STRUCTURES (amended 8-14-06)**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, the structure may remain so long as it remains lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structure or nonconforming portion of such structure be destroyed by any means to an extent of more than 75 percent of its assessed value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance, unless a permit has been applied for within 90 days of destruction;
3. Should a structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Where a manufactured home is located on an individual lot in a zoning district in which the manufactured home is a nonconforming use or structure, it may be replaced with another manufactured home as follows, provided all other applicable state and county regulations are met:
  - a) If the original manufactured home was a Class B or Class C manufactured home, or the substantial equivalent thereof, and it is being replaced due to damage or destruction caused by fire or other force of nature, it may be replaced with a Class B manufactured home, as defined under this ordinance, provided all other requirements of this ordinance, including set-back requirements, are met and provided that a zoning permit for said replacement manufactured home is obtained within six (6) months of the damage or destruction of the original manufactured home. If the manufactured home is replaced under this provision, but a zoning permit has not been obtained within six (6) months of the damage or destruction of the original manufactured home, then it must be replaced with a Class A manufactured home, as defined in this ordinance.
  - b) If the original manufactured home was a Class A manufactured home, or the substantial equivalent thereof, and it is being replaced due to conditions found under subsection (a), it shall be replaced with a Class A manufactured home, as defined under this ordinance, and all other requirements of this ordinance must be met.
  - c) Manufactured homes which are destroyed due to their dilapidated and unsafe conditions or by reasons other than by fire or other force of nature may not be replaced.

## **SECTION 5.05 REPAIRS AND MAINTENANCE**

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary fixtures wiring, or plumbing, provided that the cubic content of the building shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof.

## ARTICLE VI. DISTRICT REGULATIONS

To accomplish the purposes of this ordinance, the following zoning districts are established within the town's zoning jurisdiction.

### **SECTION 6.01 R-20 RURAL-RESIDENTIAL DISTRICT**

#### **g. Intent**

The purpose of this district shall be to maintain a compatible mixture of low-density residential and open space uses, to maintain a minimum lot size of 20,000 square feet in line with the recommendations of the North Carolina Board of Health. This district is intended to insure that residential development not having access to a public water system and dependent on septic systems for sewage disposal will occur at a low density to provide a healthful environment.

#### **B. Permitted Uses**

- a) Single-family dwellings
- b) Accessory uses
- c) Growing and harvesting of crops
- d) Forestry
- e) Wayside stands for the sale of items grown on the premises
- f) Private residential swimming pools, provided, however, that the pool shall be protected by fence of a minimum height of five (5) feet and shall have latching gates to keep children and animals from having unsupervised access. The fence and gates shall be erected by or at the time of completion of or use of the pool.

#### **C. Special Uses**

- a) Two-family dwellings
- b) Multifamily dwellings, condominiums, townhouses (which are group projects, residential)
- c) Bed and breakfast inns
- d) Home occupations
- e) Nursing homes and hospitals
- f) Schools
- g) Churches, assembly buildings and lodges of civic clubs, fraternal organizations, professional associations, and service organizations, such as Ruritan clubs, scout huts, wildlife clubs, country clubs, veterans' clubs.
- j) Cemeteries
- k) Principal use signs
- l) Public utility uses
- m) Public parks and public recreation facilities/areas
- n) Golf courses
- o) Stables or kennels
- p) Greenhouses and plant nurseries
- q) Temporary signs
- r) All uses, whether listed as permitted uses or special uses, which are located in a special flood hazard (flood plain or flood way) area

All special uses listed above are subject to special requirements as set forth in Section 10.04 C.6.

#### **SECTION 6.02 R-20 MH RURAL-RESIDENTIAL MANUFACTURED HOME DISTRICT**

The "Intent", "Permitted Uses" and "Special Uses" in this District shall be identical to those set forth above in Section 6.01, "R-20 Rural Residential", except that the use of "Manufactured Homes, Class A" shall be an additional special use, as defined in this Ordinance, and provided that a zoning permit shall be obtained for said use prior to the issuance of any building permit for said manufactured home.

## **SECTION 6.03 R-15 AND R-10 RESIDENTIAL SINGLE-FAMILY DISTRICTS**

### **A. Intent**

The purpose of these districts is to maintain a lot size of fifteen thousand (15,000) square feet or ten thousand (10,000) square feet; the only difference between the two designations shall be the number of square feet required, and to allow for such other uses permitted as special exceptions which would not interfere with single-family residences in the district and which would not be detrimental to the quiet residential nature of the areas included within the district.

### **B. Permitted Uses**

- a) Single-family dwellings
- b) Accessory uses
- c) Private residential swimming pools, provided, however, that the pool shall be protected by fence of a minimum height of five (5) feet and shall have latching gates to keep children and animals from having unsupervised access. The fence and gates shall be erected by or at the time of completion of or use of the pool.

### **C. Special Uses**

- a) Home occupations
- b) Schools
- c) Public parks and public recreation facilities/areas
- e) Churches
- f) In R--15 only, assembly buildings and lodges of civic clubs, fraternal organizations, professional associations, and service organizations. Examples of such uses are: Ruritan Clubs, scout huts, wildlife clubs, country clubs, veterans, clubs.
- g) In R--15 only, multifamily dwellings, condominiums, townhouses and duplexes (which are group projects, residential).
- h) Principal use signs
- i) Public utility uses
- j) Temporary signs
- k) Stables or kennels
- l) All uses, whether listed as permitted or special uses, which are located in a special flood hazard area (flood plain or flood way)
- m) Bed and Breakfast Inn (amended 3-4-02)

All special uses listed above are subject to special requirements as set forth in Section 10.04 C.6.

## **SECTION 6.04 R-8 RESIDENTIAL DISTRICT**

### **A. Intent**

The purpose of this district shall be to maintain a minimum lot size of eight thousand (8,000) square feet, and to allow for single- and two-family dwellings and such other uses permitted as special exceptions which would not interfere with single-family and two-family residences in the district and would not be detrimental to the quiet residential nature of the areas included within the district.

### **B. Permitted Uses**

- a) Single-family dwellings
- b) Accessory uses
- c) Private residential swimming pools, provided, however, that the pool shall be protected by fence of a minimum height of five (5) feet and shall have latching gates to keep children and animals from having unsupervised access. The fence and gates shall be erected by or at the time of completion of or use of the pool.

### **C. Special Uses**

- a) Multifamily dwellings, including duplexes (which are group projects, residential)
- b) Townhouses, condominiums (which are group projects, residential)
- c) Public utility uses
- d) Temporary signs
- e) Public parks and public recreation facilities/areas
- f) Home occupations
- g) Schools
- h) Principal use signs
- i) Group developments
- j) Stables or kennels
- k) All uses, whether listed as permitted uses or special uses, which are located in a special flood hazard area (flood plain or flood way)
- l) Bed and Breakfast Inn (amended 3-4-02)

All special uses listed above are subject to special requirements as set forth in Section 10.04 C.6.

## **SECTION 6.05 C-D DOWNTOWN COMMERCIAL**

### **A. Intent**

The purpose of this district is to provide convenient shopping and service facilities for pedestrian traffic by promoting a compact development of commercial uses and by ensuring that offstreet and on-street parking and traffic will be controlled.

### **B. Permitted Uses**

1. RETAIL ESTABLISHMENTS:
  - a) Antique stores
  - b) Apparel stores, including accessories and shoes
  - c) Radio, television, consumer appliances stores
  - d) Household furniture and furnishings stores
  - e) Retail bakery
  - f) Book stores
  - g) Restaurants, but not drive in restaurants
  - h) Department stores
  - i) Drugstores
  - j) General retail merchandise stores
  - k) Gift, floral and candy shops
  - l) Neighborhood grocery stores
  - m) Hardware stores
  - n) Hobby, toy and game shops
  - o) Jewelry stores
  - p) Music stores
  - q) Office equipment stores
  - r) Optical goods stores
  - s) Pet stores
  - t) Photography and camera stores
  - u) Sporting goods stores
  - v) Stationary and retail printing stores, newsstands
  - w) Variety stores
  - x) Automobile parts and supplies
  - y) Pawn shops
2. CONSUMER SERVICES
  - a) Accountant, bookkeeping services
  - b) Advertising agency offices
  - c) Appliance repair shops
  - d) Art studios
  - e) Auto parking lots
  - f) Auto parts sales (retail)
  - g) Banks, savings & loans or finance companies
  - h) Barber or beauty shops
  - i) Dance studios

- j) Dry cleaning or laundry (retail)
- k) Newspaper offices
- l) office buildings, business or professional
- m) office equipment services
- n) Dental, optical, legal or medical offices or clinics
- o) Photography studios
- p) Tailors, dressmakers, shoe repair shops
- q) Telephone or telegraph offices
- r) Theaters (amended 4-12-04 deleting amusement centers, indoor)
- s) Ticket agencies, travel bureaus
- t) Post office
- u) Insurance agencies
- v) game rooms, pool halls, taverns, dance halls, and bingo parlors; provided any area of the building housing these uses shall not be closer than 100 feet in any direction to a residential zoning district or a detached single-family structure (amended 4-12-04)
- w) Car Detailing Service, provided the location has sufficient off-street area for servicing vehicles; is daytime oriented, and is not a coin or automatic operation such is common in a commercial car wash (amended 5-14-05)

3. OTHER USES

- a) Principal use signs
- b) Single-family dwellings (amended 4-12-04)
- c) Accessory uses (amended 4-12-04)

C. Special Uses

- a) Public utility buildings or uses
- b) All uses, whether listed as permitted uses or special uses, which are located in a special flood hazard area (floodplain or flood way)
- c) Multi-family dwellings, including duplexes, town homes, and condominiums (which are group projects residential) (amended 4-12-04)
- d) Churches
- e) Bed and Breakfast Inn (amended 3-4-02)

All special uses listed above are subject to special requirements as set forth in Section 10.04 C.6.



## **SECTION 6.06 H-C HIGHWAY COMMERCIAL DISTRICT**

### **A. Intent**

The purpose of this district shall be to provide for and encourage the proper group and development of roadside uses which will best accommodate the needs of the motoring public.

### **B. Permitted Uses**

- a) Ambulance service
- b) Animal hospitals, veterinary clinics, or animal boarding establishments
- c) Dry cleaners, laundromats, laundries
- d) Upholstery shops, drapery and interior decorating shops
- e) Auto, truck and boat sales, service, repair, and rentals
- f) Car wash
- g) Furniture stores
- h) Trailer and truck rentals
- i) Fast food, drive-in or other restaurants
- j) Farm and garden supplies
- k) Farm implement sales
- l) Farmers, market
- m) Barber or beauty shops
- n) Funeral homes
- o) Golf driving ranges
- p) Greenhouses or plant nurseries
- q) Miniature golf courses, amusement parks, driving ranges or amusement centers, outdoor.
- r) Manufactured homes sales and automobile sales
- s) Motels
- t) Principal use signs
- u) Radio stations
- v) Retail auto parts and tire service
- w) Gas station
- x) mini-storage facilities
- y) Convenience stores
- z) Video Stores
- aa) Theaters
- bb) Bowling Alley, amusement centers, indoor
- cc) Grocery store
- dd) All uses listed under Retail Establishments and Consumer Services in Downtown Commercial, above.
- ee) Church

### **C. SPECIAL USES**

- a) Day care facilities, adult or child
- b) Utility (telephone, power or gas) buildings or uses

- c) All uses, whether listed as permitted uses or special uses, which are located in a flood hazard area (flood plain or flood way)
- d) Shopping centers (which may be considered group projects, commercial)
- e) Outdoor advertising signs - billboards (See Section 7.02(J)(2))
- f) Tire recapping and retreading
- g) Cellular or other communications towers, and related office buildings
- h) Nursing Home, Assisted Living Facility, Rest and Convalescent Homes
- i) Group Projects, Commercial
- j) Sexually oriented businesses (amended 6-3-02)

All special uses listed above are subject to special requirements as set forth in Section 10.04 C.6.

## **SECTION 6.07 - L-I LIGHT INDUSTRY DISTRICT**

### **A. Intent**

The purpose of this district shall be to provide for and protect areas for those uses of an industrial, warehousing, and storage nature which do not create an excessive amount of noise, odor, smoke, dust, airborne debris, or other objectionable characteristics which might be detrimental to surrounding neighborhoods, either residential, commercial, or industrial, or to the other uses permitted in the district.

### **B. Permitted Uses**

- a) Bakeries, wholesale
- b) Bottling plants
- c) Building contractors and related activities
- d) Building supplies and material sales and storage
- e) Cold storage and freezing plants; ice storage
- f) Farm implement sales and storage
- g) Feed and grain sales and storage
- h) Greenhouses and plant nurseries
- i) Unoffensive manufacturing
- j) Principal Use signs
- k) Printing and letter shops
- l) Gas stations
- m) Temporary signs
- n) Truck stops
- o) Truck terminals
- p) Wholesaling and warehousing
- q) Sheet metal fabrication
- r) Dental, medical & other research laboratories
- s) Marketing, processing and grading of farm produce, tobacco warehouses, cucumber or peanut buying stations

### **C. Special Uses**

- a) Utility buildings or uses
- b) Child or adult day care
- c) Outdoor advertising signs.
- d) Cellular or other communications towers and related office buildings
- e) All uses listed as permitted or special uses in H-C Highway Commercial District
- f) Group Projects, Commercial
- g) Sexually oriented businesses (amended 6-3-02)
- h) All uses, whether listed as permitted or special uses, which are located in a special flood hazard area (flood plain or flood way)

All special uses listed above are subject to special requirements as set forth in Section 10.04 C.6.

## **Section 6.08 DIMENSIONAL REQUIREMENTS**

The schedule of development standards shall apply in each of the specified districts, and is found in Appendix I.

## **Section 6.09 - GROUP DEVELOPMENT REGULATIONS (amended 5/09/2005)**

Group Residential Development (GRD) projects may be permitted as special uses in specified districts established by this ordinance following the submission and review procedure requirements of this Ordinance.

Group development projects are defined as two or more principal buildings devoted to a common or similar use and constructed on a single lot or tract of more than one (1) acre or where there are multiple lots with individual buildings organized with common facilities, open space, or other common areas. Group Residential Development (GRD) projects may include one or more of the following combinations of housing: duplexes, townhouses, garden apartments, detached or semi-attached single family homes, patio homes, zero-lot-line homes, cluster housing, condominiums, multi-family apartments, and assisted living units. GRD projects:

1. typically have property under common ownership, planned and developed as an integral unit;
2. comprise a single development or a programmed series of development, including all lands, uses, and facilities;
3. are constructed according to comprehensive and detailed plans that may include streets, drives, pedestrian and bike paths, utilities, lots, and building sites. Plans for such building locations, uses and their relation to each other shall be included and detailed plans for other uses and improvements of land showing their relation to the building shall also be included; and
4. provide operation and maintenance of such areas, facilities and improvements as shall be required for perpetual common use by the occupants of the GDR.

### **A. Purpose, intent, and characteristics**

Pursuant to Article 19, Part 3 of Chapter 160A of the General Statutes of North Carolina, the Town Board of the Town of Snow Hill establishes the Group Residential Developments as a Special Use within designed zoning districts to provide alternative development standards for a variety of housing and neighborhood styles. Group Residential Development (GRD) projects may be permitted as Special Uses in specified districts following the submission and review procedure requirements in this Ordinance. The intent is to:

1. preserve the character of surrounding neighborhoods and enhance the physical appearance of the area by preserving natural features and existing vegetation, while providing recreational and open areas;
2. reduce initial development costs by reducing standard minimum lot size and setback requirements while reserving areas for common use;
3. promote economical and efficient land use which can result in efficient smaller networks of public facilities, utilities, and streets;
4. provide an appropriate and harmonious variety of housing and creative site design alternatives;

5. promote energy conservation by optimizing the orientation, layout, and design of structures to take maximum advantage of solar heating/cooling schemes and energy conserving landscaping;
6. encourage innovations in residential development so that the growing demands of population may be met by greater variety in type, design, and layout of buildings; and
7. provide a procedure which can relate the type, design, and layout of development to a particular site and the particular demand for housing and other facilities at the time of development in a manner consistent with the preservation of property values within or near established residential areas.

B. Procedures: required application and review

1. Sketch Plan Review: A mandatory sketch plan review conference shall be held between the Planning Board and the developer prior to filing the required preliminary plan. The purpose of this meeting is to, hold open discussion about the proposed development, giving the applicant to describe the proposed project, ask questions, and receive comments from the Planning Board about the standards of the ordinance. If it appears the proposed development will not meet one or more of the standards, the Planning Board should advise the applicant of those items so that any changes in the proposal may be considered by the applicant before the developer invests substantially in design and engineering.
2. Preliminary Development Plan Review: A complete written application for a Special Use Permit shall be submitted as provided in Section 10.04C. The application shall include a preliminary development plan meeting the requirements of this ordinance and applicable provisions of the Subdivision Regulations for the Town of Snow Hill.
  - a. The developer may proceed with development upon issuance of a Special Use Permit by the Board of Adjustment and after having secured all other applicable local and state permits. Site development and construction of streets, utilities and other supporting facilities, may proceed in a manner similar to the procedures for Preliminary and Final Subdivision Plat approvals as established by the Subdivision Ordinance of the Town of Snow Hill.
  - b. Specific site design elements, submission requirements, and procedures shall be in sufficient form to enable the Planning Board and Board of Adjustment to determine and insure compliance with the standards, conditions, and restrictions of the Zoning and Subdivision Ordinances and related laws, including:
    - (1) A Preliminary Development Plan and typical housing plans shall be prepared by the project's Architect, Landscape Architect, and/or building contractor as appropriate. Preliminary plans shall address but not be limited to the following:
    - (2) The numbers and types of residential dwelling units and density proposed for the entire area and section;
    - (3) Where zero (0) lot line options as proposed, the building area for such lots shall be indicated on the plat; and
    - (4) Planned primary and secondary traffic circulation patterns showing proposed and existing rights-of-ways and easements; copies of any driveway or street intersection access plans filed with the NC Department of Transportation for driveway or street intersections.
    - (5) accordance with this section; peripheral boundary setbacks shall be indicated;
    - (6) Plans for water, sanitary sewer, storm sewer, natural gas and underground electric utilities to be installed per Town of Snow Hill standards;
    - (7) The delineation of areas to be constructed in sections, showing acreage;

- (8) Soil maps prepared according to the United States cooperative soil survey standards as published in the Greene County Soil Survey;
- (9) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use and lot lines of all contiguous property;
- (10) Existing vegetation, indicating all trees having a diameter of twenty-four (24) inches or more;
- (11) Flood hazard areas including base flood elevation;
- (12) Topographic contours at a maximum of two (2) foot intervals showing existing grades;
- (13) Site data including vicinity sketch, north arrow, engineering scale ratio, title of development, date of plan, name and address of owner/developer and person or firm preparing the plan;
- (14) Any other information as may be required by the Planning Board;
- (15) Documents addressing the following:
  - i. Drafts of or statements addressing any declarations of covenants or conditions or restrictions which create a homeowner's association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, private streets, parking areas, landscaping and the like.
  - ii. Drafts of or statements addressing any proposed declarations to be recorded pursuant to the North Carolina Condominium Act (G.S. Chapter 47C);
  - iii. Drafts of or statements addressing proposed encroachments and maintenance easements concerning zero (0) lot line building walls;
  - iv. The names and current mailing address of all property owners who own property within one hundred (100) feet of the proposed development including tax map designation and parcel numbers as listed upon the tax records of Greene County at the time of submission of the conditional use permit application;
  - v. The deed book and page number(s) showing fee simple title of all property within the Planned Residential Group Development as listed in the Greene County Register of Deeds.

3. Final plan requirements. After approval of the Conditional Use Permit and preliminary plat as set forth herein, the developer shall submit the following information according to the approved schedule of development. This final plat must be prepared by a registered professional engineer or registered land surveyor.

- a. Final plats shall be processed in accordance with the Subdivision Ordinance.
- b. All applicable information required and in accordance with the Subdivision Ordinance and for submission of the final plats;
- c. Where zero (0) lot line setbacks are proposed, the building area for each lot shall be indicated; and
- d. Maintenance agreements and disclosure statements concerning all common areas, private streets, and utilities;
- e. All applicable information as required and in accordance with G.S. Chapter 47C, North Carolina Condominium Act.

C. General Development Standards

Uses Prohibited: In no case shall a use be permitted as a part of a group development project that is prohibited by this ordinance in the district in which such project is to be located. Otherwise, uses that are permitted in the underlying zoning district may be allowed as part of the GRD, subject to any other applicable provisions of this Ordinance (i.e., schools, churches, day care, home occupations, etc.).

1. Site planning; external relationship.

Site planning in the proposed development shall address protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. Consideration will be given to the location of uses, type of uses, open space, recreation areas, street design and arrangement in the evaluation of the development and its relationship with the surrounding areas.

2. Site planning; internal relationship.

- a. Service and emergency access. Access and circulation shall accommodate fire-fighting equipment, service deliveries and refuse collection.
- b. Underground utilities. Group Residential Developments shall be required to have underground utilities. Such proposed utilities shall be adequate to serve the proposed development and such utilities or streets shall be extended to adjacent property if it is determined to be in the interest of the Town of Snow Hill.
- c. Pedestrian circulation. A pedestrian circulation system shall be included. Walkways for pedestrian use shall form a logical, safe and convenient system of access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as routes to schools, play areas or other destinations shall be so located and safeguarded as to minimize contact with normal automobile traffic. Street crossings shall be held to a minimum. Such walkways, where appropriately located, designed and constructed, may be combined with other easements and used by emergency or service vehicles, but not be used by other automobile traffic. In addition, bike paths may be incorporated into the pedestrian circulation system and are to be encouraged in such developments.
- d. Where an existing or proposed public thoroughfare as indicated on the approved thoroughfare plan of the Town of Snow Hill is adjacent to or within the proposed Planned Group Development, plans for the project will reflect said thoroughfares in a manner conducive to good transportation planning. Existing thoroughfares shall be provided for in accordance with current policies for the protection of right-of-ways and construction of thoroughfares within the Town of Snow Hill.

D. Design Standards

1. Street Access: Any building established as a part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than 20 feet, exclusive of parking spaces. For the purposes of the Group Residential Development projects, three (3) types of streets are appropriate to provide internal access to the development, these are:
  - a. Minor street: Distributors within the Group Residential Development which provided linkage with major streets outside the development;
  - b. Marginal access street: Those streets which connect with minor streets to provide access to individual buildings within the Group Residential Development; and
  - c. Private streets may provide access to individual buildings, lots and facilities within the Group Residential Development. A homeowners association shall be responsible for maintenance of private streets.

- d. The street construction within Group Residential Developments shall be in conformance with the Subdivision Ordinance. Alternative street design standards specified for public streets in the Subdivision Ordinance may be considered upon submission of evidence by the applicant's engineer and finding by the Board of Adjustment that such alternative standards provide reasonable and safe public access to properties and buildings in the development.
- e. Interior roads may be allowed to be constructed as private streets, subject to the requirements of the Subdivision Ordinance. Where such private streets are allowed, the homeowners' association shall perpetually maintain such private streets in suitable conditions and state of repair for the Town of Snow Hill to provide normal delivery of services, including but not limited to, garbage pickup, police and fire protection. If at any time such private streets are not maintained by the homeowner's association and travel upon them becomes or will be hazardous or inaccessible to the Town of Snow Hill's service or emergency vehicles, the Town of Snow Hill may cause such repairs after a reasonable period of notification to the property owner and/or homeowners' association. In order to remove safety hazards and ensure the safety and protection for the development, the Town may assess the cost of such repairs to the property owner and/or homeowners' association. The Town of Snow Hill shall have no obligation or responsibility for maintenance or repair on such private streets as a result of the normal delivery of services or otherwise by the Town of Snow Hill or others using such streets. Private street(s) shall not be allowed unless a homeowners' association is established to provide perpetual maintenance of such streets. All private streets shall be dedicated to the Town as utility easements.
2. Off-Street Parking and Loading Facilities: Off-street parking and loading facilities established in connection with a group development project shall be of such design, location, and arrangement as will not interfere with the efficient flow of traffic through the area and as will not interfere with the access of emergency and service vehicles. Off-street parking areas designed for three (3) or more spaces shall be in accordance with the parking requirements of this ordinance. In addition to resident parking, convenient guest parking shall be provided in a ratio of one (1) space per ten (10) residential units. Parking stalls shall be arranged to prevent the backing of cars into public streets. Back out parking in to lots, from individual driveways served from approved private residential streets is permissible.
3. Speed bumps and other traffic calming devices may be used within the GRD when justified and approved as part of the traffic circulation plan. The Board of Adjustment may require, as condition to approval of the Special Use Permit, other internal and external access control and traffic calming measures necessary to lower speeding or otherwise limit pedestrian and vehicle safety conflicts.
4. Building Separation: All one and two story detached single family and two family buildings established as a part of a GRD shall be at least twenty (20) feet apart within the development. Not less than 40 feet separation shall be maintained between multifamily and condominium buildings.
5. Setback Requirements: Unless otherwise provided by this ordinance for a specific type of group development, every project shall comply with the front yard setbacks along any public street right-of-way, and the side and rear yard requirements for the perimeter of the development established for the district in which located.
6. Lot Coverage: Maximum allowable lot coverage by principal use and all accessory structures shall be thirty (30) percent of the tract area. This open area shall be reserved as common and/or private open space. Net area is determined by subtracting from the entire



project site area all public and/or private streets, driveways, off-street parking area, and principal and accessory structures.

7. Building Height: No structure may exceed thirty-five (35) feet in height above the property grade unless additional elevation is required to comply with flood plain elevation requirements.
8. Density: Residential density shall not exceed eight (8) units per gross acre.
9. Buffers: A buffer shall be required internally and externally to the development, on the sides and rear of a lot or parcel where multi-family dwelling units are constructed adjacent to single-family homes. The buffer shall comply with the requirements for buffers set forth in Section 3.02 (14). The owner and/or developer will be responsible for keeping any vegetated portion of the buffer neatly trimmed.
10. Common Areas and Required Recreation Areas An area or architectural feature designated on the site plan of a Group Development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying specified lots shown on such plan may be approved as part of the plan, provided that it meets the following requirements:
  - a. The recreational area size shall be based on a minimum of three hundred and fifty (350) square feet for each dwelling unit within the development; the minimum size shall be twenty-five hundred (2,500) square feet which shall be conveniently accessible to all residents of the development. The common area shall be located free of traffic hazards and should, where topography permits, be centrally located.
  - b. It shall be made available in its improved state as set forth on the site development plan in accordance with an approved time schedule.
  - c. It shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance.
  - d. Provisions to insure its continuing availability shall be included in the deed to each parcel to be served by such common area.
11. Garbage/trash container pad locations
  - a. Garbage/trash container pads shall be located at least thirty (30) feet away from any dwelling structure. Each common garbage/trash container pad shall be located within two hundred (200) feet of the dwelling units such container is intended to serve. Dumpster pads shall be screened in accordance with requirements of the Zoning Ordinance.
  - b. Ninety-gallon or smaller individual unit roll-off garbage and trash containers may be used to serve residents. A screened rear or side yard, court area, or storage building shall be available and used by residents for storage of their individual carts.
12. Utility services: Where utility services are provided on private property, the following standards shall apply:
  - a. All such utility services, such as water lines, sanitary sewer lines, gas lines, storm sewer lines, and electric lines shall be installed and maintained according to the standards and policies of the Town of Snow Hill, other public utility or private utility provider serving the area.

- b. The Town of Snow Hill shall receive a general easement to allow servicing and use by the Town or their representative of valves, meters, transformers, poles, fire hydrants or other approved utility service apparatus;
  - c. The Town of Snow Hill shall furnish and maintain utility meters at approved locations; and
  - d. Where such utility lines, valves, fire hydrants or other utility apparatus are installed by the property owner or developer and required to be maintained by the homeowners' association or property owner, the Town of Snow Hill may cause such apparatus to be repaired or replaced upon its continued disrepair and after a reasonable period of notification to the property owner. In order to remove safety hazards and ensure the safety and protection for the development, the Town of Snow Hill may access the cost of such repairs or replacement to the property owner or homeowners' association.
13. Drainage Requirements: Stormwater runoff shall be retained on site to the maximum extent feasible. The use of porous asphalt or paving block for the parking lots, similar to "Turf Stone" or its equivalent and other best management practices are encouraged. If impermeable asphalt or concrete is used for the parking lot surface medians, perimeter strips or islands within the parking area must be used as collectors and reservoirs for stormwater runoff. The design of stormwater systems shall avoid flooding of public streets, sidewalks, and adjacent properties of buildings. Vegetated buffer strips shall be created, or where practicable, retained in their natural state along the banks of all watercourses, water bodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body, and allow for periodic flooding without damage to structures. Suggested procedures for dealing with storm water runoff which are promulgated by state and federal agencies having jurisdiction, such as EPA, N.C. Department of Environment and Natural Resources.

#### E. Additional Information

##### 1. Homeowners' Association

No final plat shall be approved until all required legal instruments have been reviewed and by the Town Attorney as to legal form and effect. If common open space is deeded to a homeowners' association, the owner or developer shall file a declaration of covenants, conditions and restriction that will govern such association. The provisions of such declaration of covenants, conditions, restrictions shall include, but not be limited to, the following:

- a. The homeowner's association must be set up before any property is sold in the development;
- b. Membership must be mandatory and automatic when property is purchased in the development;
- c. The open space restrictions must be permanent, not just for a period of years; The association must be responsible for liability insurance, local taxes, and maintenance of recreational and other common facilities including private streets;
- d. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property;
- e. The association must be able to adjust the assessment to meet changed needs;
- f. Covenants for maintenance assessments shall run with the land;
- g. Provision insuring that control of such association will gradually be vested in the homeowners' association; and

- h. All lands so conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities.
2. Plans for all necessary utilities, including but not limited to roads, driveways, water, sewer, electricity, gas, phone, and cable television shall comply with all Town policies for installation and maintenance.
3. Additional information may be required by the Planning Board or the Board of Adjustment to determine the impact of the proposed development on the town.

F. Modification of Approved Plans

Changes in an approved site development plan under a Special Use Permit may be approved, but only on a finding that such changes are in accord with applicable current regulations.

1. Minor changes. The Zoning Administrator may allow minor amendments to the approved final plat that, in the opinion of the Zoning Administrator, do not substantially change the approved Group Development Special Use Permit. Such minor changes may include but not be limited to small site alterations, such as realignment of streets, grading changes, and relocation of utility lines due to engineering necessity. The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If approved, the land use plat shall be so amended prior to submission of any preliminary plat - site plan application involving or affecting such amendment.
2. Major changes. Amendments to the approved final plat that in the opinion of the Zoning Administrator do in fact involve substantial changes and deviations from the concept of the Group Development as approved shall require review as a request for an amended Special Use Permit. Such major changes shall include but not be limited to increased number of homes, buildings, or units, land use, location of use, open space, recreation facilities, condition(s) of approval and street pattern, ownership, or connectivity.
3. Variances. The Town of Snow Hill Board of Adjustment shall not be authorized to grant or approve any variance from the minimum requirements, as set forth in this section.

## ARTICLE VII. GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS

### SECTION 7.01 OFF-STREET PARKING REQUIREMENTS

At the time of erection of any structure, or at the time any structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use of occupancy to the requirements of this ordinance. These provisions shall not apply to the C-D District.

#### A. General Provisions

1. Each parking space shall have a minimum length of twenty (20) feet and a minimum width of ten (10) feet. It shall have vehicular access to a publicly dedicated street.
2. With the exception of required spaces for single-family and two-family dwelling units, sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way.
3. No parking space for multifamily residential use shall be located in the required front yard.
4. Required off-street parking spaces are permanent areas and shall not be used for any other above ground purpose. Removal or elimination of a required parking space shall immediately revoke the occupancy permit of the use for which the parking space is required.
5. For uses not specifically mentioned, off-street parking requirements shall be applied by the zoning administrator based upon requirements for similar uses listed in this ordinance.
6. All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period during the day or night.
7. Each application for a building permit or certificate of occupancy submitted to the zoning administrator shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the zoning administrator to determine whether or not the requirements of this Section are met.
8. The required parking space for any number of separate uses may be combined in one lot; but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
9. Off-street automobile parking or storage shall be provided for every establishment and every dwelling on every lot. In a commercial or industrial district, in any instance where no parking space can be reasonably provided on the same lot, such space shall be provided on a lot, any part of which is within four hundred (400) feet of such establishment.
10. Off-street parking space required by a use permitted in any residential district shall be provided on the same lot with the use by which it is required. off-street parking space in conjunction with commercial and industrial uses in other districts shall not be permitted in a residential district.

11. Any structure or use in existence on the effective date of this ordinance is not affected by the provisions of this Section until such time as the existing gross floor area is increased ten (10) percent or more. In the event of building destruction, the use shall require, at a minimum, the same number of parking spaces that it provided prior to destruction.

B. Minimum Parking Requirements

The number of off street parking and loading/unloading spaces required by this Section shall be provided on the same lot with the principal use, except as provided in Section A(9) above; and the required number of off-street parking spaces specified for each use shall be considered an absolute minimum. Where a fraction of a space is required by this ordinance, the next whole number shall be provided. In addition, any developer shall evaluate his own needs to determine if they are greater than the minimum specified by this ordinance.

<u>Use</u>	<u>Parking Spaces Required</u>
Apartment/Multifamily	Two spaces for each unit
Auditorium or Theater	One (1) space for each for (4) seats in the largest assembly area.
Amusement Center, Indoor	One space per two hundred (200) square feet
Amusement & Recreation Center, Outdoor	One (1) space for each three persons of maximum capacity, plus one space for each employee on shift of greatest employment
Church or other place of worship	One (1) space for each five (5) seats in the nave or main auditorium; may be modified in the CD District.
Club or Lodge	One (1) space for each two hundred (200) square feet used for assembly or dancing.
Commercial or Personal Service	One (1) space for each two hundred (200) square feet of nonstorage area.
Nursing Home, Assisted Living Facility Rest & Convalescent Home	One (1) space for each employee on shift of greatest number of employees, plus one space for each two beds.
Industrial or Manufacturing Establishment or Warehouse	One (1) space for each employee on shift of greatest employment, two (2) visitor parking spaces, and (1) space for each vehicle used directly in the conduct of the business.

Day Care Center or Nursery School	One (1) space for each employee plus one loading /unloading space for each five students.
Medical and Dental Office/Clinic	Four (4) spaces for each practicing doctor or dentist at the office or clinic, plus one (1) space for each employee.
Mobile Home Park	See Mobile Home Park Sec.
Mortuary/Funeral Home	One (1) space for each four (4) seats in the assembly room or chapel, plus a minimum of five (5) spaces for funeral vehicles, plus one (1) space for every two employees.
Motel or Bed & Breakfast	One (1) space for each unit, plus one (1) space for each employee on shift of greatest employment, plus requirements for any other use associated with the establishment.
Office, Professional Building or similar use	One (1) space for each two hundred (200) square feet of gross floor, plus one (1) space for each employee.
Restaurant or Place Dispensing Food, Drink, or Refreshments	One (1) space for each three seats, plus one (1) space for each employee on shift of greatest employment.
Restaurant with Drive Thru	One (1) space for each three seats, plus a minimum of fifteen (15) spaces for drive thru service, plus one (1) space for each employee on shift of greatest employment.
Schools:	
Elementary and Middle Schools	One (1) space for each employee, two (2) spaces for visitors per 100 students; one (1) space for every ten (10) seats in the largest auditorium, plus safe and convenient loading and unloading of students.
High School	One (1) space for each employee, and one (1) space for each ten seats in the largest auditorium, plus one space for each four students, plus safe and convenient loading and unloading of students.
Retail Business	One (1) space for every two hundred (200) square feet of gross floor area, plus one (1) space for each employee on the largest shift.
Single or Two Family	Two (2) spaces for each dwelling unit.

Stadium

One (1) spaces for each four (4) seats,  
including adjacent off-street parking.

### C. Off-Street Loading and Unloading Space

Every building or structure used for business, trade, or industry hereafter erected shall provide space as indicated herein for loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley, to the street. For the purposes of this ordinance, and off-street loading and unloading space shall have minimum dimensions of fifteen (15) feet by seventy-five (75) feet and an overhead clearance of fifteen (15) feet in height above the alley or street grade.

<u>Use</u>	<u>Parking Spaces Required</u>
Retail Business	One (1) space for each five thousand (5,000) square feet of floor space.
Wholesale and Industrial	one (1) space for each five thousand (5,000) square feet of floor space.
Others	As specifically provided in ordinance

Except that two or more such buildings or structures may share such 36 off-street loading/unloading space, provided that it shall be demonstrated that the individual demands upon such space will not be overlapping.

## SECTION 7.02 REGULATIONS GOVERNING SIGNS

It is the purpose of this Section to permit appropriate signs of a commercial, industrial, and residential nature in districts which have appropriate uses and to regulate the size and placement of signs intended to be seen from a public right-of-way. All signs within the jurisdiction of the Town of Snow Hill shall be governed by these regulations and shall be erected, constructed, and maintained in accordance with the provisions of this Section. A sign is considered a structure for purposes of setback rules and other applicable development standards and regulations. Only those signs which are listed in this Section shall be erected within the jurisdictional area of this ordinance.

A. Signs for Active Uses. All non-governmental signs must be for an active business, on the premises, except outdoor advertising signs (where permitted). Signs for discontinued businesses must be removed within 30 days.

B. Traffic Safety. No sign shall be erected that:

1. obstructs the sight distance at intersections or along a public right-of-way;
2. would tend by its location, color or nature to be confused with or obstruct the view or traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle; or
3. uses admonitions such as "stop", "go", "slow", "danger", etc., which might be confused with traffic directional signals and signs.

C. Maintenance All signs shall be maintained in a legible and safe condition. Any sign in a deteriorated, rusting, or unsafe condition shall be in violation of this ordinance, and the zoning

administrator shall order that such sign be repaired or removed. The backs of ground signs shall be a neutral color to blend with their surroundings.

D. Improper Attachments and Placement. Non-governmental signs shall not be erected upon or encroach upon public rights-of-way, nor shall they be attached to nor painted on power poles, light poles, telephone poles, traffic signs, or other objects not intended to support a sign. Signs shall not be located on rocks, trees, or other natural objects.

E. Construction. Signs shall be constructed according to the requirements of the North Carolina Building Code, latest editions and amendments. Building permits shall be obtained for all signs which require construction. Support wires, guy wires, and other exterior supportive elements are not permitted.

F. Illumination. Signs may be illuminated by interior bulbs, neon lighting, silhouette lighting, or flood lighting. Flood lights shall not be directed toward streets or public pedestrian walks.

G. Nonconforming Signs. All signs of advertising structures located in districts where they would not be permitted as a new use under the terms of these regulations are hereby declared to be nonconforming uses.

H. Prohibited Signs.

1. Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions, direction, or other public information.
2. Any sign that uses the word "stop" or "danger" or otherwise represents or implies that the need or requirement of stopping or caution or the existing of danger, or which is a copy or imitation of, or for any reason is likely to be confused with any sign displayed by public authority.
3. Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, as required by law.
4. Any sign that violates any provision of any law of the State relative to outdoor advertising.
5. Signs which obstruct sight distances at intersections or along public rights-of-way.
6. Signs which contain, employ, or utilize lights or lighting which rotates, flashes, moves, or alternates, except otherwise approved time and temperature signs.

I. Administration, Filing Procedures, and Permits

1. The zoning administrator shall only issue a permit for the erection or construction of a sign which meets the requirements of this Section.
2. Applications for permits to erect, hang, place, paint, or alter the structure of a sign shall be submitted on forms obtainable from the zoning administrator. Each application shall be accompanied by a plan showing the following:
  - a) area of sign;
  - b) size, character, general layout, and designs proposed for painted displays;
  - c) method and type of illumination, if any;



- d) the location proposed for such signs in relations to property lines, zoning district boundaries, right-of-way lines, and existing signs.
- e) The zoning administrator may require such additional information as will enable him to determine if such sign is to be erected in conformance with these regulations.

J. Signs Which Do Not Require a Permit

The following signs may be erected, hung, or placed without a permit from the zoning administrator, but shall not be illuminated:

1. Temporary Real Estate Sign - One (1) temporary real estate sign not exceeding six (6) square feet in area. Where the property on which said sign is placed faces more than one (1) street, one (1) sign shall be allowed on each street frontage.
2. Temporary Construction sign - one (1) temporary construction site sign not exceeding twenty-four (24) square feet, erected on the site during the period of construction to announce the name of the owner or developer, contractor, architect, land planner, landscape architect, or engineer.
3. Direction or Information Sign - Direction or information signs of a public or quasi-public nature shall not exceed twelve (12) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:
  - a) the name or location of the town, hospital, community center, public or private school, church, synagogue, or other place of worship; this type sign may be illuminated;
  - b) the name of a place of meeting of an official or civic body such as the Chamber of Commerce, service club, or fraternal organization; this type sign may be illuminated;
  - c) an event of public interest such as a public hearing, rezoning announcement, general election, church or public meeting, local or county fair, and other similar community activities and campaigns;
  - d) soil conservation, 4-H, and similar projects; and
  - e) zoning and subdivision jurisdiction boundaries.
4. Home Occupation Signs -Provide for a sign of a home occupation only three (3) square feet and printed in black and white.
5. Setback Requirements - Signs which do not require a permit shall be set back at least ten (10) feet from any public right-of-way line or property line and shall be set back at least fifty (50) feet from any road intersection.

K. Signs Which Require a Permit

No sign except those listed in section "I" above shall be erected, hung, placed, or structurally altered without a permit from the zoning administrator. The following signs shall be erected, hung, placed, or structurally altered only after a permit has been issued by the zoning administrator and the minimum requirements for such signs are met:

1. Temporary Sign - A temporary sign permit shall be required for all signs enumerated in Sections I (1) and I (2) which exceed the size specifications contained therein. Temporary signs exceeding

maximum measurements set forth in Sections I(1) and I (2) must be approved by the Board of Adjustment. A temporary sign shall not remain in place for a period exceeding twelve (12) months. The applicant for a temporary sign permit shall deposit a sum of one (1) dollar for each square foot of sign area with the zoning administrator to ensure proper removal of the temporary sign when its purpose ceases to exist or when the permit period expires, whichever is the shorter period of time. The deposit shall be returned in full to the applicant upon the satisfaction of the requirements for removal.

2. Outdoor Advertising Signs Outdoor Advertising signs shall be allowed only in the Highway Commercial District and only outside the Town of Snow Hill town limits.

- a) Each outdoor advertising sign shall require a permit, and shall comply with Development Standards set forth in Appendix I.
- b) An outdoor advertising sign may be illuminated.
- g. An outdoor advertising sign shall not exceed two (2) standard poster panels or seven hundred fifty (750) square feet in copy area. A double facing of "V", type sign structure shall not exceed seven hundred fifty (750) square feet per side in copy area.
- d) Where outdoor advertising signs are free-standing, uprights shall be spaced no more than twelve (12) feet on centers. The minimum clear distance between the ground level and the bottom of the trim shall be ten (10) feet.
- e) The backs of all structures shall be painted in a neutral color to blend with the surrounding area.
- f) The area surrounding the base of all signs shall be maintained free of unsightly debris.
- g) Shrubbery may be planted around sign bases.

3. Principal Use Signs

- a) Each principal use sign shall require a permit.
- b) Principal use signs which are used in conjunction with an active business which is a nonconforming use in a residential district may not be illuminated.
- c) Principal use signs shall meet the setback requirements set forth in Section K below.

L. Density and Setback Requirements for Signs Which Require Permits

- 1. Temporary, identification, and principal use signs shall comply with Development Standards in Appendix I. In addition, such signs shall be set back at least ten (10) feet from any right-of-way line or property line and one hundred (100) feet from any road intersection. This does not apply in the CD District. In the CD District, adequate setback and clearance shall be provided in order that trucks and other large vehicles may move close to the curb. No part of an attached or free-standing sign shall extend beyond a line projected vertically from two (2) feet inside the curb as defined and no portion of such sign shall be less than ten (10) feet above the finished grade of the sidewalk; provided, however, that where the sign clearance is at least fifteen (15) feet above the finished sidewalk grade, such projecting or free-standing sign may be extended to a line projected vertically from the curb line.

2. Outdoor advertising signs There shall be a minimum distance between any two outdoor advertising signs or structures of 1,000 linear feet. No outdoor advertising sign shall be placed any closer to a public or private right of way than 50 feet and shall not exceed a maximum height of 35 feet above the natural ground surface.

#### **SECTION 7.03 OUTDOOR LIGHTING**

Outdoor lighting for yards, signs, advertising structures, parking lots, and other areas must be oriented or shielded so that the light and glare reflect away from streets and adjacent property.

#### **SECTION 7.04 CONVERSION OF EXISTING STRUCTURES TO CONDOMINIUM OWNERSHIP**

Existing structures not in condominium ownership under the Unit Ownership Act of the State of North Carolina may be converted to unit ownership provided the owner or developer shall comply with all provisions of this ordinance requiring a building permit and site plan approval, as applicable, as in new construction; and, further, that before the existing structure may be converted to unit ownership in accordance with the North Carolina Unit Ownership Act, the structure shall meet all the requirements and standards of the current building code in effect in the town at the time the conversion is made.

#### **SECTION 7.05 SATELLITE DISHES**

Satellite dishes may be located only in back and side yards as a permitted accessory use in R-8, R-10, R-15 and R-20 districts, with the following special requirements:

1. Television satellite dish antennae exceeding three (3) feet in diameter shall be prohibited on rooftops or any portion of a building or structure.
2. Television satellite dish antennae not exceeding three (3) feet in diameter may be placed in a back or side yard provided same are no taller than five (5) feet (including base) and provided set back requirements of the district are met.
3. Television satellite dish antennae exceeding three (3) feet in diameter but less than six (6) feet in diameter may be placed in a side or back yard but shall not exceed 25 feet in height.
4. Television satellite dish antennae may not in any case exceed six feet in diameter.
5. There shall be no more than one (1) television satellite dish antennae per residence; provided, however, that nothing herein shall prohibit one additional satellite dish used for purposes other than television as long as said additional satellite dish complies with all the above requirements.

## **ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT**

### **Section 8.01 ZONING ADMINISTRATOR**

A Zoning Administrator designated by the Snow Hill Town Board is authorized and directed to enforce and administer the provisions of this ordinance. The Zoning Administrator may hold other offices or positions concurrently. Appeals from any order, decision, or requirement of the Zoning Administrator shall be made to the Board of Adjustment.

### **Section 8.02 ZONING PERMITS REQUIRED**

No building shall be erected, moved, extended, structurally altered, or changed in use; nor shall any land be excavated or filled for construction or changed in use; nor shall any additional use or change of use be made of any land; nor shall temporary utilities be connected until the Zoning Administrator has issued a zoning permit certifying that the proposed structure and/or use complies with this ordinance. No building permit shall be issued until a zoning permit has been issued.

### **Section 8.03 APPLICATION FOR ZONING PERMIT**

Applications for zoning permits shall be submitted on forms provided by the Zoning Administrator and shall contain information essential to a determination of ordinance compliance, such as: plot plans with lot and/or building dimensions, the locations of buildings and structures, number of dwelling units (if any), and setback lines. All applications for uses in the CD, HC or IU Districts shall be accompanied by a site plan prepared by a Registered Land Surveyor or Registered Engineer. The site plan shall be submitted in standard large size site plan, with additional copies of a reduced size small enough to be mailed to board members. Prior to issuance of a zoning permit for any commercial use, the site plan shall be reviewed by the planning board at its next regular meeting held twenty days after the submission of the site plan, and the planning board shall make recommendations to the zoning administrator as to its approval or disapproval of the site plan. A representative of the applicant shall be present at the meeting.

### **Section 8.04 PERMIT TERM**

Zoning permits shall become invalid if the work, occupancy, or use authorized is not commenced within 6 months of permit issuance or if work is suspended or abandoned for one year, or if use or occupancy is suspended for 6 months.

### **Section 8.05 PERMIT EFFECT**

Zoning permits and certificates of compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, or construction as shown therein. Use, arrangement, or construction at variance with that authorized in the permit is a violation of this ordinance.

### **Section 8.06 CANCELLATION OF PERMITS**

A zoning or compliance permit shall be cancelled by the zoning administrator when the method of moving, construction, or use violates the provisions contained in these regulations. Upon such cancellation, any further work upon the moving, construction, alteration, or repair on said building or structure, or further use of said building, structure, or land shall be deemed a violation of this ordinance. Each and every day such unlawful moving, construction, alteration, or repair on said building or structure, or further use of said building, structure, or land continues shall be deemed a separate offense.

#### **Section 8.07 CERTIFICATE OF COMPLIANCE REQUIRED**

A certificate of compliance issued by the Zoning Administrator and certifying that the building and/or premises is ready for occupancy in conformity with this ordinance, is required in advance of occupancy or use of a building hereafter erected, altered, or moved, or a change of use of any building or land. The certificate of compliance must be issued before the Building Inspector issues a Certificate of occupancy pursuant to N.C.G.S. 160A-423, and before permanent utilities are connected.

#### **Section 8.08 APPLICATION FOR CERTIFICATE OF COMPLIANCE**

A certificate of compliance for a whole or part of a building or premises shall be applied for within 20 days after the completion of any erection, alteration, or other preparation for occupancy or use. A certificate of compliance shall not be issued unless all requirements of this ordinance or other applicable state, federal or local ordinances have been completed and/or met, and the proposed use of land and/or building complies with this ordinance. If the certificate is denied, the Zoning Certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person.

#### **Section 8.09 APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY FROM BUILDING INSPECTOR**

The County of Greene provides building inspection services within the incorporated limits and the extraterritorial jurisdiction of the Town of Snow Hill. Application for building permits from the Building Inspector shall be made after issuance of the zoning permit by the Zoning Administrator, and applications for certificates of occupancy from the Building Inspector shall be made after issuance of the certificate of compliance from the zoning Administrator.

#### **Section 8.10 BUILDING PERMIT**

No building permit shall be issued by Building Inspector until the plans and specifications of said building comply with the North Carolina State Building Code, the Greene County Inspections Ordinance, the provisions of this ordinance, municipal zoning and land use regulations and a Zoning Permit has been issued by the Town of Snow Hill.

#### **Section 8.11 CERTIFICATE OF OCCUPANCY**

No certificate of occupancy shall be issued by the Building Inspector until all construction, remodeling, repairs, structural alterations, set-up, etc. shall have been completed in compliance with all applicable State and local laws and with the terms of the building permit, and a certificate of compliance has been issued by the Town of Snow Hill.

#### **Section 8.12 POWERS OF ZONING ADMINISTRATOR**

All questions of interpretation and enforcement shall be initially presented to and determined by the Zoning Administrator. Subsequent recourse shall be, in order, to the Board of Adjustment and the Courts.

#### **Section 8.13 ENFORCEMENT BY ZONING ADMINISTRATOR**

The Zoning Administrator shall enforce this ordinance by withholding zoning permits and occupancy certificates, by cancellation of said permits, by seeking an injunction, mandamus, or other judicial action to prevent, correct, or abate unlawful construction, conversion, alteration, occupancy, or use, and by seeking warrants for prosecution of ordinance violators.

## ARTICLE IX PENALTIES

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the zoning administrator or any appropriate authority, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

Violations of the provisions of these regulations shall be a misdemeanor under the North Carolina General Statute 14-4, and each day's continuing violation shall be a separate offense punishable by up to \$500.00 fine. Notwithstanding the criminal penalties, the zoning administrator may institute a civil action against the offender, seeking enforcement by appropriate legal or equitable remedy, injunction, and order of abatement or by any remedy authorized by North Carolina General Statute 160A-175 and 160A-389, as amended.

## **ARTICLE X    BOARD OF ADJUSTMENT**

### **SECTION 10.01    BOARD OF ADJUSTMENT ESTABLISHED**

A Board of Adjustment is hereby established. The word "Board " when used in this Article, shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members. Three (3) of the members shall reside within the town limits and be appointed by the Snow Hill Town Board. Two (2) members shall reside within the town's extraterritorial jurisdiction. Proposed appointments for the two (2) members from the town's extraterritorial jurisdiction shall be submitted to the Greene County Board of Commissioners for appointment. If said Board declines to appoint such proposed members, or does not appoint another member of its selection, within sixty days of presentation to the Greene County Board of Commissioners, then such members from the town's extraterritorial jurisdiction shall be appointed by the Board of Commissioners of the Town of Snow Hill. A total of two (2) alternate members shall be appointed. One (1) of the alternates shall reside within the Town of Snow Hill and be appointed by the Snow Hill Board of Commissioners. The remaining alternate shall reside in the extraterritorial jurisdiction and shall be appointed by the Greene County Board of Commissioners or Snow Hill Board of Commissioners according to the procedure set forth above for regular members. Each alternate member, while attending any regular or special 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. The term of office of all regular and alternate members shall be for three (3) years. Vacancies shall be filled for the unexpired term only.

### **SECTION 10.02    PROCEEDINGS OF THE BOARD OF ADJUSTMENT**

The Board of Adjustment shall adopt the necessary rules to conduct its affairs and establish regular meeting dates. All meetings of the Board shall be open to the public, and a public record of all findings and decisions shall be maintained. The concurring vote of four-fifths (4/5) of the Board shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance. All proceedings shall be in accordance with the North Carolina General Statutes pertaining to Boards of Adjustment, specifically G.S. 160A-388.

A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (amended 8-14-06)

### **SECTION 10.03    FILING AND NOTICES OF APPEAL**

- A. Appeals from the enforcement and interpretation of the requirements of this ordinance by the zoning administrator or requests for special uses or variances shall be filed with the zoning administrator, specifying the grounds thereof. The zoning administrator shall transmit to the Board of Adjustment all applications and records pertaining to such appeals, special uses, or variances.
- B. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give public notice thereof. The notice of public hearing shall be published in a newspaper having general circulation in the town at least once a week for two consecutive weeks prior to the public hearing,

with the first notice published not less than fifteen (15) days nor more than twenty-five (25) days before the hearing.

- C. A fee shall be paid to the town for each application for a variance, special use, or appeal, in order to cover the cost of administration and advertising, in accordance with a duly adopted fee schedule of the Town of Snow Hill Board of Commissioners.

#### **SECTION 10.04 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT**

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

A. Administrative Review and Interpretation

1. Administrative Review

The Board of Adjustment may hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance.

An appeal from the decision of the zoning administrator may be taken to the Board of Adjustment by any person aggrieved or by any officer, department, board, or bureau of the town affected by the decision. The appeal must be taken within thirty (30) days by filing with the zoning administrator and with the Board of Adjustment a notice of appeal, specifying the grounds for it. The zoning administrator shall promptly transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board after the notice of appeal shall have been filed with him that: (1) by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property; or that (2) because the violation charged is transitory in nature, a stay would seriously interfere with the enforcement of the ordinance. In such case, proceedings shall be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the zoning administrator and due cause shown.

In exercising the above mentioned powers, the Board of Adjustment may, so long as the action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination that, in its opinion, ought to be made; and so shall have the powers of the zoning administrator.

2. Interpretation

The Board of Adjustment shall interpret the zoning map and pass on questions of lot lines or district boundary lines and similar questions that may arise in the administration of the ordinance.

B. Variances

The Board of Adjustment may authorize, upon appeal in specific cases, such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance.

Written application for a variance shall be submitted to the zoning administrator at least twenty (20) days before the next regular monthly meeting of the Board of Adjustment. The written



application shall indicate the section of this ordinance under which the variance is being sought and shall contain the information required by the appropriate section and any other information which may be required to ensure compliance with this ordinance.

Notice of the application for a variance shall be placed by a sign upon the property for which the permit is requested at least fourteen days prior to the Board of Adjustment meeting at which the request will be considered. Other notice may be given as determined by the Zoning Administrator or the Board of Adjustment.

When it is considered desirable by the Board of Adjustment, a public hearing may be held on any request for a variance. Any party may appear in person or be represented by agent or attorney.

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until it shall make a finding:

1. that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. that the special conditions and circumstances do not result from the actions of the applicant;
4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings, in the same district;
5. that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
6. that no nonconforming use of neighboring lands, structures, or buildings in the same district and not permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

#### C. Special Uses

The Board of Adjustment may approve permits for special uses in the zoning district where the use is specifically allowed by this ordinance. Applications for permits under Section 6.09, Group Development Projects, and Section 7.05, Conversion of Existing Structures to Condominium Ownership, shall also be processed under this Section. The procedure to be followed in granting special uses shall be as follows:

1. Written application for a special use permit shall be submitted to the zoning administrator at least twenty (20) days before the next regular monthly meeting of the Planning Board. The written application shall indicate the section of this ordinance under which a permit is being sought and shall contain the information required by the appropriate section and any other information which may be required to ensure compliance with this ordinance. If the application is for a group project or commercial project, a site plan prepared and sealed by registered engineer/surveyor shall be submitted.
2. Notice of the application for a special use permit shall be placed by a sign upon the property for which the permit is requested at least fourteen days prior to the Planning Board meeting at which the request will be considered other notice may be given as determined

by the Zoning Administrator or the Planning Board, including mailing of notice of the request to adjacent landowners. The Planning Board shall review the application for a special use permit and shall submit its recommendation as to approval or disapproval, along with any additional conditions or safeguards it may consider necessary, to the Board of Adjustment. A representative shall be present.

3. When it is considered desirable by the Planning Board or the Board of Adjustment, a hearing may be held on any request for a special use permit. Any party may appear in person or be represented by agent or attorney.
4. Before the Board of Adjustment may grant a special use permit, it shall make a written finding that:
  - a. the proposed use does not affect adversely the general plans for the physical development of the town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board;
  - b. the proposed use will not affect adversely the health and safety of residents and workers in the town;
  - c. the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
  - d. the proposed use will not be affected adversely by the existing uses;
  - e. the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use;
  - f. the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume, or type of physical activity;
  - g. the standards set forth for each particular use for which a permit may be granted have been met;
  - h. the proposed use shall be subject to the minimum area, setback, and other locational requirements of the zoning district in which it will be located; and
  - i. the proposed use shall be subject to the off-street parking and service requirements of these regulations.
5. The Board of Adjustment may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood.
6. The following special requirements shall be met in addition to any other requirements imposed by the Board of Adjustment for the uses listed below:

Bed and Breakfast Inns – A Bed and Breakfast Inn as defined in this ordinance and permitted as a special use as listed in certain districts under Article VI—District Regulations shall be governed by the following additional requirements:

- a. The owners of Bed and Breakfast shall reside on premise. Neither adjacent nor annexed residential properties shall be used for their residence.
- b. Only one additional equivalent of a full time person other than those persons residing in the home shall be permitted to be employed to assist in the conduct of the Bed

and breakfast Inn. One off-street parking space shall be provided for such employee in addition to the parking required by the definition of Bed and Breakfast Inn.

- c. The Bed and Breakfast Inn shall not involve the retail sales of products on the premises, except those which clearly are incidental and related to the operation of the operation of the Bed and Breakfast and are offered and sold only to the guests of the Bed and Breakfast Inn.
- d. No signs or advertisements for the Bed and Breakfast Inn shall be displayed on the premises, except for one sign no greater than nine (9) square feet constructed of wood or wood-like material and lighted by residential-type outdoor lighting.
- e. In addition to the customary information required to accompany a request for a special use permit to ensure compliance with the requirements of such use, the following shall be required to accompany the request for a Bed and Breakfast Inn:
  - 1) Square footage of the home, as to each floor
  - 2) A layout of the main rooms in the interior of the home, along with a scaled layout of parking spaces and yard dimensions.
  - 3) The number of bedrooms sought to be rented to guests, and whether such rooms shall be single or double occupancy.
  - 4) Information regarding applicable portions of Chapter 130A-247 through 250 (Part 6 of Chapter 1320A) to which the proposed Bed and Breakfast Inn shall be subject (amended 3-4-02)

Stables and kennels may be allowed as a special use in all residential districts, provided that all requirements of the Town of Snow Hill's "Livestock Stables Regulated" ordinance are met. The provisions of said ordinance are hereby incorporated herein by reference as such exist at the time of the adoption of this ordinance. (A copy of the Ordinance is contained in Appendix II.)

Cemetery - A cemetery shall meet the minimum requirements of the Greene County and North Carolina State Health Departments.

Church - A church or other place of worship may be allowed as a special use in a residential district, subject to the requirements of the district and provided that:

- a. the lot upon which the church is located shall contain at least three (3) acres
- b. the structure shall have minimum side and rear yards of fifty (50) feet and a front yard at least twenty-five (25) feet greater than that required for single-family residences within the district; and
- c. a church parking lot shall be provided with continuous visual buffer with a minimum height of six (6) feet. The buffer shall be a combined fence and evergreen hedge or shrubbery screen, the former facing the parking lot.

Golf Course - A golf course may be allowed as a special use in an R-20 and R-20 MH District, subject to the requirements of the district and provided that:

- a. all greens shall be set back at least one hundred (100) feet from any property line; and
- b. all tees and structures shall meet minimum setback requirements for single-family residences within the district.

Home Occupations - A home occupation as defined in this ordinance and permitted as a special use in a residential district shall be governed by the following additional special requirements:

- a. Not more than twenty-five (25%) percent of the total floor area of the principal building, or fifty (50% percent) of an accessory building may be used for a home occupation.
- b. No other persons other than those residing in the home shall be engaged in the occupation.
- c. There shall be no outside evidence of the home occupation.
- d. The occupation shall not involve the retail sales of products on the premises, provided that in the R-R-20 District, products raised and prepared on the premises may be sold. occasional catalog or mail order sales shall not be considered a violation of this section.
- e. No signs or advertisements for a home occupation shall be displayed on the premises, except for a sign no greater than three (3) square feet which is printed in black and white.
- f. The occupation shall not constitute a nuisance as defined in the ordinances of the Town of Snow Hill or any undue disturbance in the neighborhood.
- g. No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall be met off the street, but not in any required front yard.
- h. No equipment or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the Lot in which the Home Occupation is located. No equipment or process shall be used which creates visual or audible interference with radio or television receivers off the premises, or which causes fluctuations in line voltage off the premises.
- i. Home occupations shall consist of the services listed below:
  - 1) Accounting service or tax consultant
  - 2) Art teacher
  - 3) Attorney
  - 4) Child day care home, registered
  - 5) Beauty Shop
  - 6) Computer service
  - 7) Drafting service
  - 8) Dressmaking and sewing alterations
  - 9) Insurance agent
  - 10) Manufacturer's sales representative (wholesale)
  - 11) Music teacher
  - 12) Notary public
  - 13) Photographer
  - 14) Real estate agent
  - 15) Tutor
  - 16) Typing service

The Planning Board has the discretion to approve other occupations which are similar to those listed above and which are in the spirit of these provisions as long as other regulations within this ordinance are complied with.

Rest Homes, Assisted Living Facilities and Convalescent Homes

Rest Homes, Assisted Living Facilities and Convalescent Homes may be allowed as a special use, subject to the requirements of the district and provided that:

- a. the lot size shall be no less than three (3) acres; and
- b. the structure shall have minimum side and rear yards of fifty (50) feet and a front yard of at least fifty (50) feet greater than that required for singlefamily residences within the district. Buffer requirements of Section 4.16 shall be followed.

Child day care homes, registered may be allowed as a special use home occupation in a residential district, subject to the requirements of the district and provided that:

- a. off-street parking requirements in this ordinance be met;
- b. at least one hundred (100) square feet of outdoor play area is supplied for each child accommodated; and
- c. the entire play area is enclosed by a fence having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the children is ensured.

Child day care centers or adult day care, licensed may be allowed as a special use in highway commercial and light industrial districts, subject to the requirements of the district, the requirements set forth for child day care homes above, and provided that:

1. Lot size shall be a minimum of one (1) acre in size, excluding highway right of way.
2. Play area shall be located in the rear yard or side yard of lot; provided, however, where building is located on a corner lot, both portions of the lot adjacent to the public shall be considered as the front yard for purposes of locating the play area.
3. Play area shall be subject to a twenty-foot set back from the property line, which shall include ten feet in width of buffer strip consisting of evergreen plants of at least eight feet in height. When planted, the evergreen matter shall provide forty (40%) percent opacity and shall be maintained to provide ninety (90%) percent opacity within three (3) years of planting.
4. If child day care center is an accessory use, all vehicular areas for entrance, exit, pick-up and parking for the child day care center must be separated from all other vehicular activity areas for other uses on the site.
5. Appropriate variances may be needed for adult day care centers.

Manufactured Homes - Manufactured homes (mobile homes) may be permitted as a special use in the R-20MH District, subject to the requirements of the district and provided that:

- a. the manufactured home is a Manufactured Home, Class A.
- b. only one (1) mobile home shall be allowed per lot; and

- c. all requirements for Class A Manufactured Home are complied with and completed prior to occupation of home.

Private Clubs or Lodges or Assembly Buildings - Private clubs, lodges or assembly building may be permitted as a special use in a residential area, subject to the requirements of the district and provided that:

- a. all sites shall be no less than three (3) acres in size;
- b. the structures shall have minimum side and rear yards of fifty (50) feet and a front yard of at least twentyfive (25) feet greater than that required for singlefamily residences within the district; and
- c. provisions for food, refreshment, and entertainment for guests may be allowed in conjunction with such use if the Board of Adjustment determines that said provisions will not constitute a nuisance.

Public Utility Buildings and Uses - Public Utility buildings and uses such as sewage lift stations, pump stations which do not create excessive noise, odor, smoke, or dust and which do not possess other objectionable characteristics which might be detrimental to surrounding neighbors or to other uses permitted in the district may be allowed as a special use. Public buildings and uses in this case shall not be construed to include post offices, armories, schools, churches, etc.

Uses in Special Flood Hazard Areas - All uses, whether permitted uses or special uses, which are located in a special flood hazard area as identified on the Snow Hill Flood Hazard Boundary Map dated October 10, 1975, or on the Greene County Flood Hazard Boundary Map dated December 2, 1977, or any updates of said maps as provided by the appropriate federal agency, shall be treated as special uses. All applications for a special use permit shall meet the requirements of the zoning district in which it is located, any special use requirements indicated in this Section, and any other town flood prevention ordinance requirements, in addition to the following requirements: In case of any contradiction between the terms of this ordinance and the Town's Flood Prevention Ordinance, the Flood Prevention Ordinance shall control.

#### 1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. (Note: For the purpose of this Section, "substantial improvement" means for a structure built prior to the enactment of this ordinance, any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.)

- b. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors.
- c. Over-the-top ties shall be provided at each of the four corners of a mobile home, with two additional ties per side at intermediate locations with mobile homes less than 50 feet long requiring one additional tie per side.
- d. Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points with mobile homes less than 50 feet long requiring four (4) additional ties per side.
- e. All components of the mobile home anchoring system shall be capable of carrying a force of 4,800 pounds.
- f. Any additions to the mobile home shall be similarly anchored.

## 2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction or substantial improvements shall be constructed using methods and practices that minimize flood damage.

## 3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- c. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## 4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. Public utilities and facilities such as sewer, gas, electric, and water systems in proposed subdivisions shall be located, designed, and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least 50 lots or five (5) acres (whichever is less).

## 5. Encroachments

The cumulative effect of any proposed development shall not adversely affect the area of special flood hazard. For the purpose of this Section, "adversely affect" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and adjacent riverbank areas. If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition for the approval of the special exception request.

## 6. Residential Construction

New Construction or substantial improvement of any residential structure (including mobile home) shall have the lowest floor, including basement, elevated to two feet above base flood elevation.

## 7. Non-Residential Construction

New construction and substantial improvements of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to, or above, two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. be flood-proofed so that below the base flood level the structure is watertight with wall substantially impermeable to the passage of water;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy; and
- c. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the zoning administrator.

## Cellular and other communications towers.

Cellular towers and other communications towers (radio, television, phone, etc.) may be allowed as a special use in highway commercial and light industrial districts with the following special requirements:

- a. Collapsible monopole towers must be set back from adjacent property lines or other uses on the property for a distance of 0.75 feet for each foot of tower height. Noncollapsible (guyed) towers must be set back from adjacent property lines or other uses on the property for a distance of 1.00 foot for each foot of tower height.
- b. The area around monopole towers must be enclosed with an eight (8) foot chain link fence. Each guy wire anchor point on guyed towers must be enclosed with eight (8) foot chain link fences.
- c. All towers more than 150 feet in height shall be constructed to accommodate equipment of at least one additional telecommunications or other broadcast company.
- d. No permit shall be granted unless the applicant shall prove to the satisfaction of the Board that it has attempted to colocate on other available towers in the area.
- e. When co-location is not available, towers may be located no less than 2500 feet from other communication towers in the area.



- f. The fenced area around communication towers shall be landscaped with evergreen shrubs to provide for visual screening around the base of the tower in accordance with buffer regulations set forth in this ordinance.
- g. The applicant must provide evidence from a licensed engineer that all federal, state and local regulations have been complied with.
- h. Any tower not in use for more than twelve (12) months shall be demolished by the tower owner or lessee and the area restored to its original state.
- i. All applications for a permit shall be accompanied by a site plan prepared by a licensed surveyor or engineer.
- j. All applications for a permit shall be accompanied by a Letter of Consent from the North Carolina Historic Preservation Society approving the site for the tower.
- k. Whenever the Board of Adjustment shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, said Board shall rescind concerned and granting full opportunities for a hearing. Notice may be given by personal service or by registered or certified mail.

Sexually Oriented Businesses (amended 6-3-02 – adding entire section as special use to Art. X, sec. 10.04-C)

1. Purpose.

- (a) It is the purpose of this article to regulate *sexually oriented businesses* in order to protect public health, safety, and welfare of citizens and visitors and to establish reasonable and uniform regulations to prevent the deleterious location of *sexually oriented businesses* within the town. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including *sexually oriented materials*. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to *sexually oriented materials* protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Is it neither the intent nor effect of this article to condone or legitimize the distribution of obscene material.
- (b) Rationale. The following regulations were designed to address two (2) very distinct issues. One (1), the town wants to minimize the potential secondary impacts of *sexually oriented businesses* on those identified sensitive uses, i.e. residential districts, schools, churches, day care centers, etc. Two (2), the town wants to provide an area where people can exercise their First Amendment right to expression without infringing on other peoples' rights. In allowing these uses, the Town of Snow Hill has had to balance its constitutional obligations with the need to guarantee our local economy and quality of life is not impeded.

2. Definitions.

*Adult arcade.* Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*.

*Adult bookstore.* A bookstore:

- (1) Which receives a majority of its gross income during any calendar month from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to *specified sexual activities* or *specified anatomical areas*, as defined in this section; or
- (2) Having as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to *specified sexual activities* or *specified anatomical areas*, as defined in this section.

*Adult cabaret.* A nightclub, bar, restaurant, or similar commercial establishment that features at anytime:

- (1) Persons who appear in a state of *nudity* or *semi-nudity*; or
- (2) Live performances that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*; or
- (4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

*Adult escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person for the purpose of participating in, engaging in, providing, or facilitating *specified sexual activities*.

*Adult escort agency.* A person or business that furnishes, offers to furnish, or advertises to furnish *adult escorts* as one (1) of its business purposes for a fee, tip, or other consideration.

*Adult live entertainment.* Any performance of or involving the actual presence of real people which exhibits *specified sexual activities* or *specified anatomical areas*, as defined in this section.

*Adult live entertainment business.* Any establishment or business wherein *adult live entertainment* is shown for observation by *patrons*.

*Adult media center.* Adult media center includes, but is not limited to, an *adult bookstore*, and an adult video store and means any place:

- (1) Which receives more than fifty (50) percent of its gross income during any calendar month from the sale, rental, or both of books, periodicals, magazines, video-tapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging media which are distinguished or characterized by their emphasis on matter depicting, describing, or presenting *specified anatomical areas* as defined in NCGS § 14-202.10(10), or *specified sexual activities* as defined in NCGS § 14-202.10(11), or *sexually oriented devices* as defined in NCGS § 14-202.10(9), or any combination thereof; or
- (2) Having more than twenty-five (25) percent of its merchandise inventory consisting of books, periodicals, magazines, video-tapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging media which are distinguished or characterized by their emphasis on matter depicting, describing, or presenting *specified anatomical areas* as defined in NCGS § 14-202.10(10), or *specified sexual activities* as

defined in NCGS § 14-202.10(11), or *sexually oriented devices* as defined in NCGS § 14-202.10(9), or any combination thereof.

A commercial establishment may have other business purposes on the same building site that do not involve the offering for sale or rental of material depicting or describing *specified sexual activities* or *specified anatomical areas* and still be categorized as *adult media center*. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an *adult media center* so long as one (1) of its business purposes is the offering for sale or rental for consideration the specified materials which depict or describe *specified sexual activities* or *specified anatomical areas*.

*Adult merchandise*. Any product dealing in or with explicitly sexual material as characterized by matter depicting, describing, or relating to *specified sexual activities* or *specified anatomical areas*.

*Adult mini motion picture theater*. An enclosed building with viewing booths designed to hold *patrons* which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to *specified sexual activities* or *specified anatomical areas* as defined in this section, for observation by *patrons* therein.

*Adult motel*. A hotel, motel or similar commercial establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides *patrons* with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*; and has a sign visible from the public rights-of-way that advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than twelve (12) hours.

*Adult motion picture theater*. An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to *specified sexual activities* or *specified anatomical areas*, as defined in this section, for observation by *patrons* therein. "Adult motion picture theater" does not include any *adult mini motion picture theater* as defined in this section.

*Adult theater*. A theater, concert hall, auditorium, or similar commercial establishment that for at least ten (10) percent of its business hours in any day, features persons who appear in a state of *nudity* or live performances that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*.

*Adult video store*. A commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video tapes or cassettes, video reproductions, CD-ROMs, slides, or other visual representations which depict or describe *specified sexual activities* or *specified anatomical areas*; or any combination thereof.

*Bottomless*. A state of *nudity* or *semi-nudity* where a person exposes to view a human bare buttock, anus, male genitals, or female genitals.

*Employee of a sexually oriented business*. A person who performs any service on the premises of a *sexually oriented business* on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. *Employee* does not

include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

*Lap.* The area between a person's knees and his or her waist.

*Nude model studio.* Any place where a person who appears in a state of *nudity* or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. There is excepted from this definition any studio which is part of a school for artists who are regularly enrolled in a course of instruction in the arts, and in which the use of nude models involves less than ten (10) percent of the course hours.

*Nudity or a state of nudity.* The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

*Non-adult use businesses.* Any business or establishment not defined as a *sexually oriented business* in this section and in section 3.02, definitions and specific terms, of the zoning ordinance. *Non-adult use businesses* shall not display or merchandise adult, sexually oriented implements and paraphernalia, including but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices.

*Patron.* Any person who is physically present on the premises of a *sexually oriented business* and who is not an owner, employee, agent, subcontractor, or independent contractor of said business, or any entertainer or performer at said business.

*Semi-nude.* A state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

*Sexually oriented business.* A business which offers its customers or *patrons* any device, activity or demonstration depicting *specified sexual activities*, or which is intended to appeal to sexual interests, titillation or arousal of the customer or *patron*. A *sexually oriented business* shall include an *adult establishment* as defined in NCGS § 14-202.10(2) and, in addition, without limitation: *adult arcade, adult bookstore, adult video store, adult cabaret, adult media center, adult live entertainment business, adult motel, adult motion picture theater, adult mini motion picture theater, adult theater, adult escort agency, and nude model studio.*

*Sexually oriented business activities.* Those activities usually provided for, promoted, or offered by a *sexually oriented business* as defined herein, whether or not as the principal business purpose or as a sideline or accessory business purpose and whether or not in connection with or on the same premises with a business which is not a *sexually oriented business*.

*Sexually oriented devices.* Any artificial or simulated *specified anatomical area* or other device or paraphernalia that is designed principally for *specified sexual activities* but shall not mean any contraceptive device.

*Specified anatomical areas* means:

- (1) Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

*Touch or touching* means: Any form of intentional, physical, bodily contact, whether exposed or clothed parts of either body are involved.

### 3. Application and regulations

The following provisions and regulations are ordained for the purpose of operating a *sexually oriented business*:

- (a) No person shall operate a *sexually oriented business* unless such person has received a *Special Use Permit* as provided by this section.
- (b) Every application for a *Special Use Permit* prescribed herein shall be upon application forms obtained from the town. An application shall be made under oath and shall contain the following information:
  - (1) If the applicant is a person, the name and residence address of such person including any aliases or other names by which the applicant is known or which the applicant has used at any time; the residence and address for the past two (2) years, the business and home telephone numbers, occupation, date and place of birth, social security number, drivers permit number, and a recent photograph of the applicant. If the applicant is a partnership, corporation, association, or other entity the same information is a requirement for all corporate officers, directors, and any individuals having a ten (10) percent or greater interest in the corporation, partnership, association, or other entity.
  - (2) The address of the premises where the proposed *sexually oriented business* is proposed to be located;
  - (3) A complete statement of all convictions of any person whose name is required to be given in subsection (b)(1) above for any sexually related crime; prostitution or any violation of any law relative to prostitution; or of any crime involving sexual misconduct as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in Article 26, 26A and 27 of Chapter 14 of the North Carolina General Statutes, or the same offenses as codified in the laws of the United States, this or of any other state;
  - (4) A complete statement of any denial and/or revocation of any permit, including the grounds and reasons theretofore, to operate a *sexually oriented business* by any governmental unit listed by name and address of any person whose name is required to be given in subsection (b)(1) for the five (5) years preceding the date of the filing of this application;
  - (5) A complete statement of any conviction for violation of any statute, law, ordinance or regulation concerning the operation of a *sexually oriented business* by any governmental unit listed by name and address of any person whose name is required to be given in subsection (b)(1) for the five (5) years preceding the date of the filing of this application;

(6) A description of any other business proposed to be operated on the same premises or on adjoining premises owned or controlled by the applicant or any other person or entity listed in (b)(1) above.

(7) All applicants, and any individual listed in (b)(1) above, shall submit to fingerprinting by a Town of Snow Hill sheriff officer. The fingerprint cards shall be submitted to the S.B.I for processing. Returned fingerprint cards and any criminal histories shall be kept on file in the Town of Snow Hill Sheriff Department.

(8) A site plan showing the floor layout, customer area, and location of the structure to be used as a *sexually oriented business* on the property in accordance with all the requirements outlined in this article.

(9) A current certificate and straight-line drawing prepared by a registered land surveyor depicting the property lines and the structure containing the proposed *sexually oriented business* and its distance from existing land uses to include, but not be limited to: residential zoning districts, other *sexually oriented business*, churches or any structure or building being used as a church or religious facility, libraries, schools, pediatric clinic, state permitted *child day care centers*, public playgrounds, public swimming pools, *public parks*, and any outdoor recreational use.

(10) A statement signed under oath that the applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct, the applicant consents to the investigation of his/her background by the Town of Snow Hill to verify the information provided, and that the applicant has read and understands the provisions of this article regulating *sexually oriented businesses*.

- (c) In addition to the above requirements, every permitted *sexually oriented business* shall maintain a current list of all employees employed by the permit holder showing: the legal name, current stage name, current address, current phone number, date of birth, and current driver's permit number. In addition the permit holder of a *sexually oriented business* shall maintain a record updated at least every six (6) months of the height, weight, hair and eye color, scars, tattoos and a passport quality photograph of each employee.
- (d) The records required by this section shall be kept available and open for inspection by the sheriff department at any time, or the state or county health departments, or by the director of planning and development or his authorized representative at any time the *sexually oriented business* is open for business.

#### 4. Application Review Process.

- (a) The town clerk shall transmit a copy of the completed application, containing all the required information outlined in this section to the sheriff department for an investigative report, the planning department to determine compliance with all zoning, the building inspector to determine compliance with building regulations, and the fire department to determine compliance with any law relating to the fire protection.
- (b) The sheriff, planning, and fire departments shall, within a reasonable time not to exceed forty-five (45) working days, report the results of their examinations to the town clerk.
- (c) If the sheriff, planning, building inspections and fire departments do not respond within forty-five (45) working days to the town clerk then the application and Special Use Permit is to be deemed to meet the approval of the sheriff, planning, building inspections and the fire departments.
- (d) A completed application accompanied by all required information outlined in this section and all reports and recommendations as outlined in this section, shall be submitted to the town clerk and placed on the agenda of the next regularly scheduled Planning Board meeting.
- (e) Upon the receipt of said application for a *Special Use Permit*, the Planning Board shall

review the special use application, the site plan, and the application and makes a recommendation to the Board of Adjustment on the issuance of the permit.

- (f) The Board of Adjustment then shall conduct a public hearing, notice of public hearing shall be posted on the property and an advertisement placed in the paper for two consecutive weeks prior to the hearing. Notices shall be mailed out to all adjacent property owners within 100 feet of the subject site.
- (g) The Board of Adjustment shall review the application and the recommendations and reports of all boards and officials. Before the Board of Adjustment may grant the Special Use Permit it shall make written findings and conclude all of the findings listed in Section 10.04 C4 a-i that:
  - 1. The application contains no misstatement of fact.
  - 2. The applicant, or any person or entity having any legal or beneficial ownership interest in the application, has not been convicted of a sexually related crime, prostitution or a violation of any law relative to prostitution, crime involving sexual misconduct as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of the offenses enumerated in Articles 26, 26A and 27 of Chapter 14 of the North Carolina General Statutes, or the same offenses as codified in the laws of the United States, this or any other state.
  - 3. The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes.
  - 4. The applicant or any person, corporation, partnership, association or other entity having a legal or beneficial ownership interest in the applicant has not, for the five-year period preceding the application, had a previously issued permit for engaging in any *sexually oriented business* that has been suspended or revoked anywhere.

#### 5. Annual review:

- (a) A permit granted pursuant to this section shall be subject to annual review upon the written application of the applicant and a finding by the town that the applicant has not been convicted of any specified criminal activity as defined within this article or committed any act during the existence of the previous permit, which would be grounds to deny the initial permit application. The renewal of the permit shall be subject to the payment of the fee as set forth in this article.
- (b) The permit required under this article is annual and shall be valid for a period of twelve (12) months.
- (c) Application for renewal of a Special Use Permit shall be made at least thirty (30) days before the expiration date to the town tax collector. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.
- (d) Any violation of the provisions in this article will result in the denial of the renewal application.
- (e) All permits shall be issued for a business conducted at a specific location and all fees shall be nonrefundable and shall be nontransferable to any person, partnership, corporation, association, or other entity.

#### 6. Fees.

- (a) Every application, whether for a new permit or for renewal of an existing permit, shall be accompanied by a nonrefundable application and investigation fee as enumerated in the consolidated fee schedule.
- (b) *Sexually oriented businesses* shall be required to pay all applicable businesses and privilege permit fees in addition to the Special Use Permit.

7. Inspection of a sexually oriented business.

An applicant shall permit representatives of the Snow Hill Sheriff Department, Fire Department, Planning and Development Department, other town departments or agencies, or the Greene County Health Department to inspect the premises of any *sexually oriented business* for the purpose of insuring compliance with the law, at any time it is occupied or open for business. Failure or refusal by any person to permit a lawful inspection of the premises during regular business hours shall be punishable in accordance with Zoning Ordinance and in addition may result in the revocation of the privilege permit.

8. Denial or revocation of permit.

- (a) Before the board of adjustment revokes a Special Use Permit issued pursuant to this article, or if the board of adjustment determines reasonable grounds exist to deny an application for a permit pursuant to this article, the board of adjustment shall cause a written notice to be sent by certified mail to the permit holder or applicant affected, at the address stated in the permit or application. The notice shall advise the affected party of a right to appear before the board of adjustment, with or without legal counsel, at a stated time and place for the purpose of presenting any evidence relevant to such revocation or denial and for the purpose of hearing all evidence submitted and examining or cross-examining any person providing such evidence.
- (b) A permit issued pursuant to this section shall be revoked by action of the board of adjustment if the board of adjustment determines that:
  - (1) The permit holder has violated any provision of this article;
  - (2) The permit holder, or the legal or beneficial owner of any interest in the permit holder is convicted of any felony; prostitution or any violation of any law relative to prostitution; crime involving sexual misconduct; as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in Articles 26, 26A and 27 of Chapter 14 of the North Carolina General Statutes, or the same offenses as codified in the laws of any other state.
  - (3) Any employee or contract personnel of the permit holder is convicted of any felony; prostitution or any violation of any law relative to prostitution; crime involving sexual misconduct; or any offense against public morality and decency as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in Articles 26, 26A and 27 of Chapter 14 of the North Carolina General Statutes, or the same offenses as codified in the laws of any other state, which arises out of, or in the course of the business of the permit holder.
  - (4) The permit holder has knowingly, willingly, or intentionally operated a *sexually oriented business* during a period of time when the permit holder's permit was suspended for any reason.
  - (5) The permit holder has knowingly, willingly, or intentionally allowed prostitution on the premises.
  - (6) The permit holder has knowingly, willingly, or intentionally violated state ABC laws.
- (b) A permit issued pursuant to this article is immediately terminated and of no force and effect if the permit holder moves or ceases operating a *sexually oriented business* at the location stated in the application for permit pursuant to this section. For the purposes of this article, indicators of the cessation shall include but not be limited to (1) no town water; or (2) no electrical service has been legally provided and consumed for the use in question for a period of three (3) consecutive months.



- (c) When the town revokes a permit, the revocation shall continue for one (1) year and the permit holder shall not be issued a *Special Use Permit* for one (1) year from the date the revocation became effective. If, subsequent to revocation, the town finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.
- (d) After denial of an application, or denial of a renewal of an application or revocation of any permit, and all administrative measures have been exhausted, the applicant or permit holder may seek immediate judicial review of such board action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

9. Location of a sexually oriented business.

- (a) As specified in the Town of Snow Hill Zoning Ordinance, a *sexually oriented business* may not:

- (1) Locate within four hundred (400) feet in any direction from a residential zoning district.
- (2) Locate within four hundred (400) feet in any direction from a building in which a *sexually oriented business* is located.
- (3) Locate within one thousand (1000) feet in any direction from a building in which a church is located.
- (4) Locate within one thousand (1000) feet in any direction from a building in which a library, school, pediatric clinic, or a state permitted *child day care home or center* is located.
- (5) Locate within one thousand (1000) feet in any direction from any lot or parcel on which a public playground, public swimming pool, , or public *park* is located.

- (b) Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a *sexually oriented business* is conducted to the nearest portion of a building or structure of a use listed above.

10. Posting of permit.

Every person, corporation, partnership, or association permitted for a sexually oriented business shall display such permit in a prominent place.

11. Hours of operation.

- (a) No *sexually oriented business* shall be open for business before 8:00 a.m. or after 2:00 a.m. daily, local time.
- (b) No business, nor any owner, agent or employee, permitted for a sexually oriented business shall admit customers or prospective customers, or remain open for business, or allow, permit or condone any customer or *patron* upon the premises of a *sexually oriented business* before 8:00 a.m. or after 2:00 a.m. daily, local time.

12. Patronage of a sexually oriented business by minors and employment of minors.

- (a) No business, nor any owner, agent, or employee, permitted under this article shall allow, permit or condone the patronage of any person under the age of eighteen (18) years upon the permitted premises. A violation of this subsection shall be grounds for revocation of any permit issued to such violator pursuant to this article.

- (b) No business, corporation, partnership, association, or other entity permitted pursuant to this article shall employ any person under the age of eighteen (18) years. A violation of this subsection shall be grounds for revocation of any permit issued to such violator pursuant to this article.

13. Regulations pertaining to sexually oriented businesses.

- (a) A person who operates or causes to be operated a *sexually oriented business* which exhibits on the premises a film, video cassette, live entertainment, sells adult oriented merchandise including books, magazines, novelty items, computer software, videos, or shows other video reproductions which depicts *specified sexual activities* shall comply with the following requirements:

(1) Upon application for a *Special Use Permit*, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which *patrons* will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place in which the business permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall be required; however, each diagram should be oriented to the north or to some designated street and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal inches.

(2) No alteration in the configuration of a manager's station may be made without prior approval of the planning and development director or his designee.

(3) It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times when a *patron* is inside the premises to ensure that no illegal activity is taking place within the establishment.

(4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any *patron* is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction or surveillance equipment, books, or any items offered for sale. If the premises has two (2) or more manager's stations, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any *patron* is permitted access for any purpose from at least one (1) of the manager's stations, excluding restrooms. The view required in this subsection shall be by direct line of sight from the manager's station.

(5) It shall be the duty of the owner(s) and operator(s), and it shall be the duty of any agent(s) and employee(s) present in the premises, to ensure that the view area specified in subsection (4) remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no *patron* is permitted access to any area of the premises that has been designated as off limits to *patrons*.

(6) *Sexually oriented businesses* shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which *patrons* are permitted access. It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present in the premises, to ensure that this illumination is maintained at all times when any *patron* is present within the premises.

(7) *Adult motion picture theaters, adult mini motion picture theaters, and adult theaters* shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which *patrons* are permitted access. It shall be the duty of the owners and operator, and it shall be the

duty of any agents and employees present in the premises, to ensure that this illumination is maintained at all times when any *patron* is present within the premises.

(8) *Adult motion picture theaters* and *adult theaters* shall be in an enclosed building with no less than one hundred (100) fixed seats. No private viewing rooms or semi-private booths are allowed.

(9) An *adult mini motion picture theater* shall not allow more than one (1) person in a viewing room at any time.

(10) No owner or operator shall allow openings of any kind to exist between viewing rooms within an *adult mini motion picture theater*.

(11) The owner or operator of an *adult mini motion picture theater* shall, during each business day, regularly inspect the walls between the viewing rooms to determine if any openings or holes exist.

(12) The owner or operator of an *adult mini motion picture theater* shall cause all floor coverings in viewing rooms to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(13) The owner or operator of an *adult mini motion picture theater* shall cause all wall and ceiling surfaces in viewing rooms to be constructed of, or permanently covered by, nonporous, easily cleanable material.

- (b) A person having a duty under sections one (1) through thirteen (13) of this section is in violation of this article if he/she knowingly, willfully, or intentionally fails to fulfill that duty.

14. Prohibited conduct on premises of sexually oriented businesses.

- (a) It shall be a violation of this article for any person in a *sexually oriented business* to appear in a state of full *nudity* or to depict *specified sexual activities*.
- (b) No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or *patron*, shall appear *bottomless* or in a state of full *nudity* while on the premises of a *sexually oriented business*.
- (c) No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or *patron*, shall perform any *specified sexual activities* as defined in this article, wear or use any device or covering exposed to view which stimulates or simulates any *specified anatomical area*, use artificial devices or inanimate objects to perform or depict any of the *specified sexual activities*, as defined in this article, or participate in any act of prostitution while on the premises of a *sexually oriented business*.
- (d) No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or *patron*, shall knowingly *touch*, fondle or caress any *specified anatomical area* of another person, knowingly permit another person to *touch*, fondle or caress any *specified anatomical area* of his or hers, whether such *specified anatomical areas* are clothed, unclothed, covered or exposed, or sit on or in or otherwise occupy the *lap* of anyone while on the premises of a *sexually oriented business*.
- (e) No owner, operator, manager, employee, entertainer or contract personnel shall knowingly or intentionally appear in a *semi-nude* condition unless the person, while *semi-nude*, is at least ten (10) feet from any *patron* or customer and on a stage that is at least two (2) feet from the floor.
- (f) No employee shall solicit any pay or gratuity from any *patron* or customer while said employee is in a state of *semi-nudity* while on the premises of a *sexually oriented business*.

- (g) No private dance, viewing, projection or meeting areas shall be allowed within a *sexually oriented business*.

15. Regulations pertaining to the exterior portions of sexually oriented businesses.

It shall be unlawful for an owner or operator of a *sexually oriented business* to allow the merchandise or activities of the establishment to be visible from any point outside the establishment.

#### **SECTION 10.05 APPEALS FROM THE BOARD OF ADJUSTMENT**

Any appeal from a decision of the Board of Adjustment to the Superior Court shall be taken with thirty (30) days after the decision is filed in the office of the Town Clerk or after a copy of the decision is delivered to the appellant by registered mail, whichever is later. The zoning administrator shall file decisions of the Board of Adjustment in the office of the Town Clerk and shall send a copy by registered mail to the appellant on the next working day after a decision is rendered.

#### **SECTION 10.06 DUTIES OF THE ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, COURTS, AND BOARD OF COMMISSIONERS AS TO MATTERS OF APPEAL**

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the zoning administrator. If his decisions are questioned, the aggrieved party may then appeal to the Board of Adjustment, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this ordinance that the duties of the Town Board of Commissioners in connection with this ordinance shall be to:

- a. consider and adopt or reject proposed amendments or the repeal of this ordinance; and
- b. to establish a schedule of fees and charges as stated in this ordinance.

The duties of the Town Board of Commissioners shall not include hearing and deciding questions of interpretation and enforcement that arise.

## ARTICLE XI. CHANGES AND AMENDMENTS

### **SECTION 11.01 PETITION FOR AMENDMENT**

A petition for a zoning amendment may be initiated by the Town Board of Commissioners, the Planning Board, any department or agency of the town, or any citizen within the zoning jurisdiction of the Town of Snow Hill.

### **SECTION 11.02 WHEN PETITIONS SHALL BE CONSIDERED BY THE TOWN BOARD**

The Town Board shall consider changes and amendments to this ordinance not more than four (4) times per year at one (1) meeting during the months of February, May, August, and November. The Town Board may waive this restriction if it finds an emergency exists by a three-fourths (3/4) majority vote of its membership.

### **SECTION 11.03 FEE**

A fee shall be paid to the Town of Snow Hill for each application for an amendment to this ordinance to cover the costs of advertising and other administrative expenses involved, as set forth in the duly adopted fee schedule of the Town of Snow Hill.

### **SECTION 11.04 APPLICATION PROCEDURE**

Any application for an amendment to the zoning ordinance shall be filed with the zoning administrator at least twenty (20) days prior to the date on which it is to be introduced to the Town Board. The zoning administrator shall be responsible for presenting the application to the Town Board. Each application shall be signed, be in duplicate, and shall contain at least the following information:

the applicant's name in full, applicant's address, and description of the property to be rezoned;

applicant's interest in the property and the type of rezoning requested;

if the proposed change would require a change in the zoning map, and accurate diagram of the property proposed for rezoning showing:

- a. all property lines with dimensions; north arrow;
- b. adjoining streets with rights-of-way and paving widths;
- c. the location of all structures;
- d. the use of all land;
- e. zoning classification of all abutting zoning districts;
- f. comprehensive site plan if the application is for commercial, industrial, or multifamily development; and
- g. a statement regarding the changing conditions, if any, in the area or in the town generally that make the proposed amendment reasonable necessary to the promotion of the public health, safety and general welfare.

#### **SECTION 11.05 PLANNING BOARD REVIEW AND RECOMMENDATION**

Unless initiated by the Planning Board, the Town Board of Commissioners shall submit all proposed amendments to the zoning ordinance to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days within which to submit its report. If the Planning Board fails to submit a report within the above period, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board report. The Planning Board shall provide the Town Board of Commissioners with a written recommendation commenting on whether the amendment is 1) reasonable and 2) consistent with any comprehensive plan that has been adopted and any other officially-adopted plan that is applicable. (amended 8-14-06)

#### **SECTION 11.06 REQUIRED NOTICE AND PUBLIC HEARING**

A public hearing shall be held by the Town Board of Commissioners before the adoption of any proposed amendment to the zoning ordinance. A notice of such public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the Town of Snow Hill, said notice to be published the first time not less than fifteen (15) days prior to the date established for such public hearing. Written notice shall also be given to the owners of each parcel of property within one hundred (100) feet of the property involved in the rezoning hearing. Notice of the public hearing shall be posted on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested parties. (amended 8-14-06)

#### **SECTION 11.07 RECONSIDERATION**

When the Town Board shall have denied any application for the change of any zoning district, it shall not thereafter accept any other application for the same change of zoning affecting the same property, or any portion thereof, until the expiration of six (6) months from the date of such previous denial.

#### **SECTION 11.08 PROTEST AGAINST AMENDMENT**

In the case of a protest against an amendment, supplement, change, modification, or repeal signed by the owners of twenty (20) percent of the area of the lots included in such proposed change or of the owners of at least five (5) percent of the one hundred (100) foot wide buffer extending along the boundary of the included area, such amendments shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Town Board of Snow Hill. When less than an entire area is subject to the proposed amendments, the one hundred (100) foot buffer starts at the outer property line of the parcel. This provision, however, shall not apply to any amendment which initially zones property added to the territorial coverage of this ordinance by annexation or otherwise. (amended 8-14-06).

## ARTICLE XII ESTABLISHMENT OF VESTED RIGHTS

### **Section 12.1 Statement of Purpose**

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

### **Section 12.2 Definitions**

As used in this chapter, the following terms shall have the meaning indicated:

Approval authority- The Town Board of Commissioners, board of adjustment or other board or official designated by ordinance or this chapter as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

Site specific development plan- A plan of land development submitted to the Town of Snow Hill for purposes of obtaining one of the following zoning or land use permits or approvals and will trigger the vested right process:

Subdivision Plat Review  
Conditional Use Permit  
Zoning Certification

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

zoning vested right- A right pursuant to G.S. 160A-385.1 to 62 undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

### **Section 12.3 Establishment of a Zonina Vested Right**

- A. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Town Board as applicable, of a site specific development plan, following notice and public hearing.
- B. The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.
- C. Notwithstanding subsections (a) and (b) , approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- D. A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.
- E. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinance or regulations that are general in nature and are applicable to all property subject to landuse regulation by the Town of Snow Hill, including, but not limited to, building, fire, plumbing, electrical, and



mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.

- F. A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

#### **Section 12.4 Approval Procedures and Approval Authority**

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

### **ARTICLE XIII. LEGAL STATUS PROVISIONS**

#### **SECTION 13.01 REENACTMENT AND REPEAL OF EXISTING ZONING ORDINANCE**

This ordinance, in part, carries forward by reenactment some of the provisions of the zoning ordinance of the Town of Snow Hill (adopted by the Town Board, as amended), and it is not the intention to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the zoning ordinance of the Town of Snow Hill enacted on February 18, 1975, as amended, which are not reenacted herein are hereby repealed. All suits at law or in equity and all prosecutions resulting from the violation of any zoning ordinance if the heretofore in effect which are not pending in any of the courts of North Carolina or of the United States shall not be abated or abandoned by reason of the adoption of this ordinance but shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of the existing zoning ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending or which may heretofore have been instituted or prosecuted.

#### **SECTION 13.02 EFFECTS UPON OUTSTANDING BUILDING PERMITS**

Nothing contained in this ordinance shall require any change in the plans, construction size or designated use of any building, structure, or part of one, for which a building permit has been granted by the zoning administrator prior to the time of passage of this ordinance. However, where construction is not begun under any outstanding permit within a period of one hundred and eighty (180) days subsequent to the passage of this ordinance or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this ordinance, the permit shall expire and any further construction of use shall be in conformity with the provisions of this ordinance.

#### **SECTION 13.03 INTERPRETATION, PURPOSE, AND CONFLICT**

In interpretation and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity, and general welfare. It is not intended by this ordinance to conflict with other laws or to interfere with or abrogate or annul any easement, covenants, or other agreements between parties. Where this ordinance imposes a greater restriction upon the use of building or premises or upon the height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this ordinance shall govern. Where the provisions of any other ordinance, law, or covenant require more restrictive standards, those provisions shall govern.

#### **SECTION 13.04 VALIDITY**

If any section, subsections, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, that decision shall not affect the validity of the remaining portions of this ordinance. The Town Board declares that it would have passed this ordinance and each article, section, clause, and phrase of it even if any one or more articles, sentences, sections, clauses, or phrases may be declared invalid.

Amended 5/9/05

APPENDIX I  
SCHEDULE OF DEVELOPMENTAL STANDARDS\*

District	Minimum Lot Area in Sq.Feet	Minimum Lot Width Feet**	Minimum Front Yard Setback Feet	Minimum Side Yard Setback Feet***	Minimum Rear Yard Setback Feet****	Maximum Height Feet	Maximum Lot Coverage
R-20 Residential Agricultural Single-Family	20000	100	30	12	30	35	30%
R-15 Residential Single-Family	15000	100	30	10	30	35	30%
R-10 Residential Single-Family	10000	90	30	10	30	35	30%
R-8 Residential	8000	80	25	10	30	35	30%
Group Development	SEE GROUP DEVELOPMENT REGULATIONS					35	30%-of total project
C-D Commercial Downtown	—	—	25, Unless on Green Street	15, unless party wall building	30	35	30%
C-H Commercial Highway	—	—	40	20	30	35	30%
IU Manufacturing Light Inoffensive	—	—	40	20	35	35	30%

\* The standards shown or referenced on this table are minimum standards for development within the Snow Hill Zoning Jurisdiction. The NC Building Code, Neuse River Riparian Buffer Rules, Flood Damage Prevention Regulations, NC DOT, may impose lesser or greater standards. Wherever there are differences these or other regulations and the zoning development standards herein, the greater standards shall apply.

\*\* Measured at the front yard setback

\*\*\* On a corner lot, or a double frontage lot, setback requirements on the side of the lot facing the street shall at least equal the Minimum Front Yard setback in that district

\*\*\*\* In all commercial and manufacturing districts, and for all group projects, a minimum ten (10) foot green buffer area shall be maintained between the edge of right-of-way and the developed area. Grass and/or landscaping shall be maintained in this area. Driveways and sidewalks may cross this area. Fences may be included within the buffer area provided reasonable vision clearance is maintained at driveways and on corner lots. No other structures, parking, signs, or inventory shall be permitted in this buffer area. The ten foot buffer area may be included within the front set-back area.

\*\*\*\*\* Accessory buildings/uses are allowed only in rear or side yards, not next to a street; at least (5) feet from the property line. However, accessory buildings/uses may have additional setback requirements within Group Development Projects in order to meet buffer or open space requirements.



## APPENDIX II

### LIVESTOCK STABLES REGULATED

A. No person, firm, or corporation shall keep, house or pen, within the Town limits of Snow Hill, any horse, mule or pony on any lot, parcel, or tract of land except such as is permitted herein; provided, however, nothing in this subsection shall be construed to prohibit the Town of Snow Hill from requiring a special use permit or other permit for the keeping or maintaining of a horse, mule or pony.

B. No person, firm, or corporation shall keep, house or pen, within the Town limits of Snow Hill, any horse, mule or pony on any lot, parcel, or tract of land except for purposes of personal pleasure and recreation of the owner of the horse, mule or pony; provided, however, that any bona fide commercial or business equine stables in active operation as of the date of adoption of this ordinance shall be permitted to continue in operation, but same shall not be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption of this ordinance; and provided, further, that if such commercial or business equine stables shall cease operation for a period of more than 360 days, any subsequent use of the land shall thereafter conform to the regulations set forth herein.

C. No person, firm, or corporation shall keep, house or pen within the Town limits of Snow Hill, any horse, mule or pony on any lot, parcel, or tract of land containing less than two acres in size. Such lot, parcel or tract of land shall be completely enclosed by a fence or other enclosure designed to maintain a horse, pony or mule. The minimum fenced area of such lot, parcel or tract of land shall be measured exclusive of any yard or lot upon which is located the residence of the owner of the horse, mule or pony or any other residence.

D. Notwithstanding subsection (D) above, it shall be unlawful for any person, firm or corporation to keep, house or pen more than one horse, mule or pony per acre of pasture land. The minimum pasture area shall be measured exclusive of the 50 foot set back requirement set forth in Paragraph F. below.



E. No person, firm, or corporation shall construct or maintain any pen, runway, stall, stable, shed, barn, or enclosure for any horse, mule, or pony within the Town limits at a distance closer than 200 feet to the nearest point of any residence or other building used for the purpose of human habitation, (including the owner's or caretaker's residence) or any public meeting place, such as schools, churches, recreation center, and the like; or at a distance closer than 50 feet from the property line in any direction.

F. Every person, firm or corporation owning, using or occupying any stall, stable, shed, pen, runway or pasture where any horse, mule or pony shall be kept shall maintain a fly-proof, hard bottom bin or other suitable receptacle in which shall be placed at least once a day all manure and wet refuse accumulating from the animals. However, if the owner or the person using the stable removes the manure daily from the stable, shed or barn and scatters it over land for the purpose of fertilization and to a depth of no more than two inches, no bin or other receptacle shall be required, but in no instance shall manure be stored on the premises without it being deposited in the bins or receptacles as specified.

G. All areas in or upon which animals or fowl are stabled or maintained shall be sprayed on a regular basis with insecticide approved by the County Health Department, at intervals and to the extent necessary to adequately control insects.

H. It shall be unlawful for any person, firm or corporation to keep, house or pen a horse, mule or pony within the Town limits of Snow Hill without first obtaining a permit for same. A request for said permit shall be accompanied by a payment of \$20.00 and a valid certification of inoculation against equine encephalitis for each horse, mule or pony maintained upon the premises. The permit shall be issued by the Zoning Administrator of the Town of Snow Hill, or other official as directed by the Board of Commissioners of the Town, upon proof of compliance with all regulations of the Town of Snow Hill. Said permit shall be effective for a period of one year from date of issuance, and may be reissued thereafter upon the same terms and conditions as required upon initial issuance.






This ordinance shall be effective upon adoption.

Adopted this 5<sup>th</sup> day of April, 1999.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk to the Board

