UNIFIED DEVELOPMENT ORDINANCE

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TOWN OF AYDEN, NC
UNIFIED DEVELOPMENT ORDINANCE

TABLE OF CONTENTS

ARTICLE I. GENERAL PROVISIONS
1-2 Title
1-2 Authority
1-2 Jurisdiction
1-3 Purpose and Intent
1-3 Repeal of Existing Ordinances
1-3 Consistency with Adopted Plan
1-4 Interpretations and Conflict
1-4 Conformance to Ayden UDO Provisions
1-5 Continued Violations
1-5 Development Under Prior Regulations
1-6 Fees
1-6 Administering the UDO
1-6 Effective Date

ARTICLE II. Administration
2-2 General Meeting Procedures
2-3 Administrator
2-4 Technical Review Committee
2-5 Board of Adjustment
2-6 Board of Commissioners
2-7 Planning Board

ARTICLE III. Zoning Districts
3-2 Purpose
3-2 Overview and Applicability
3-2 Establishment of Zoning Districts
3-5 Zoning Map
3-6 Overlay Zoning Districts
3-10 Planned Unit Development Districts
3-12 Dimensional Standards Table

ARTICLE IV. Individual Use Standards
4-2 Use Table and Interpretation
4-7 Individual Standards for Specific Uses
4-7 Residential - Supplemental Use Standards
4-10 Lodging and Accommodation - Supplemental Use Standards
4-11 Office & Services- Supplemental Use Standards
4-12 Commercial and Entertainment- Supplemental Use Standards
4-16 Manufacturing, Industrial and Wholesale Trade – Supplemental Use Standards
4-17 Education and Institutions – Supplemental Use Standards
4-18 Agriculture and Forestry – Supplemental Use Standards
4-20 Communications, Transportation and Infrastructure – Supplemental Use Standards
4-21 Other / Not Classified – Supplemental Use Standards

ARTICLE V. General Development Standards
5-2 Generally
5-2 Basic Development Standards
5-4 Fences & Walls
5-4 Parking and Loading
5-10 Signs
5-19 Lighting
5-25 Open Space Standards
5-30 Landscaping and Buffering
5-38 Building Design Standards

ARTICLE VI. ENVIRONMENTAL & NATURAL RESOURCES
6-2 Flood Damage Prevention
6-3 Stormwater Regulations
6-15 Erosion and Sediment Control

ARTICLE VII. SUBDIVISIONS & INFRASTRUCTURE
7-2 Purpose and Intent
7-2 Authority and Applicability
7-3 Required Improvements for All Development
7-6 Other relevant standards for Site Plans and Subdivisions
7-6 Placement of Monuments
7-6 Site for Public Use
7-6 Property Owners Association
7-7 Lot Standards
7-8 Street and Connectivity
7-15 Utilities and Easements
7-16 Transportation Impact Analysis
7-19 Improvements Guarantees and Performance Guarantees
7-21 Ownership and Maintenance of Common Areas
7-22 Certifications for Final Plats

7-25 Nullification of Play or Portion of a Subdivision
7-25 Resubdivision Procedures
7-25 Transferring Lots in Unapproved Subivision

ARTICLE VIII. Development Processes
8-2 Development Processes and Permits
8-8 Requirements for Hearings and Decisions
8-9 Administrative Permits
8-14 Site Plans and Design Review
8-18 Subdivisions
8-24 Special Use Permits (SUP)
8-26 Appeals of Administrative Decision
8-28 Variances
8-30 Text Amendments and Rezonings (Map Amendments)
8-32 Conditional Zoning Districts
8-34 Vested Rights and Permit Choice

ARTICLE IV. NONCONFORMITIES
9-2 Purpose and Intent
9-2 General Provisions & Applicability
9-4 Nonconforming Lots
9-5 Nonconforming Manufactured Home Parks
9-6 Nonconforming Plans
9-6 Nonconforming Uses and Structures
9-8 Nonconforming Signs

ARTICLE X. ENFORCEMENT AND PENALTIES
10-2 Complaints Regarding Violations
10-2 Persons Liable
10-2 Enforcement Authority
10-3 Civil Remedies
10-3 Notice of Violation; Opportunity to Cure
10-4 Equitable Relief
10-4 Combination of Remedies
10-4 Permit Revocation
10-5 Specific Types of Violations

ARTICLE XI. DEFINITIONS
11-2 Word Interpretation
11-2 Abbreviations
11-3 Definitions (General)
11-24 Definitions (Specific)

TABLE OF CONTENTS

Article 1 – GENERAL PROVISIONS 1-2
110.010 Title 1-2
110.020 Authority 1-2
110.030 Jurisdiction 1-2
110.040 Purpose and Intent 1-3
110.050 Repeal of Existing Ordinances 1-3
110.060 Consistency with Adopted Plan 1-3
110.070 Interpretation and Conflict 1-4
110.080 Conformance to Ayden UDO Provisions 1-4
110.090 Continued Violations 1-5
110.100 Development Under Prior Regulations 1-5
110.110 Fees 1-6
110.120 Administering the UDO 1-6
110.130 Effective Date 1-6

ARTICLE 1 – GENERAL PROVISIONS

110.010 Title

This ordinance shall be known as and may be cited as the Town of Ayden, North Carolina, "Unified Development Ordinance," and may be referred to as the "Ordinance," "UDO" or "Ayden UDO".

110.020 Authority

A. General

The development regulations contained in this ordinance have been adopted pursuant to the authority conferred by the North Carolina General Statutes. Specifically, principal authorization comes in the North Carolina General Statutes in Chapter 160A and 160D (Local Planning and Development Regulation). The Unified Development Ordinance of Ayden, North Carolina also uses powers granted in other sections of the North Carolina General Statutes relating to particular types of development or particular development issues.

B. References to North Carolina Laws

Whenever any provisions of this Ordinance refers to or cites a section of the North Carolina General Statutes or (N.C.G.S.) and that section is later amended or superseded, this Ordinance shall be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

110.030 Jurisdiction

A. The Ayden Unified Development Ordinance (UDO) shall be effective throughout the Town of Ayden and its extraterritorial planning jurisdiction (ETJ) also known as the Town's Planning and Development Regulation Jurisdiction as identified on the Official Zoning Map of the Town of Ayden.

B. However, pursuant to NCGS 160D-903 property that is located in the extraterritorial jurisdiction which is used for bona fide farm purposes is exempt from the regulations of this UDO.

C. The Planning and Development Regulation Jurisdiction of the Town may be modified from time to time in accordance with NCGS 160D-202. The Official Zoning Map as well as prior zoning maps shall be available for public inspection with the Town Clerk and with the Administrator of this ordinance. The Official Zoning Map and its boundaries shall be incorporated and made a part of this ordinance.

D. Other maps and regulatory language, as necessary to accomplish the purpose of this UDO, are hereby incorporated by reference. This includes but is not limited to maps of floodplains, soils, watersheds, water supply protection areas, and United States Geological Survey (USGS) maps depicting streams or other water courses.

ARTICLE 1

110.040 Purpose and Intent

In order to protect and promote the health, safety, and general welfare of the town and its ETJ, the Ayden UDO is adopted by the Board of Commissioners to regulate and restrict by means of zoning and subdivision regulations the height and size of buildings and other structures; the appearance and design of developments; the percentage of lots that may be covered or occupied,; the dimensions of setbacks; the size of open spaces; the density of population; the construction and installation of infrastructure; and the location, use and design of landscaping, buildings, structures, and land for trade, industry, residence, and other purposes.

The purpose of the regulations set forth in the Ayden UDO shall be to fulfill the goals and objectives of the Ayden Land Use Plan adopted November 12, 2019 as may be amended from time to time.

110.050 Repeal of Existing Ordinances

The existing Zoning & Subdivision Ordinance as adopted on November 8, 2004 and as subsequently amended are hereby repealed. The existing Phase II Stormwater Ordinance as adopted on September 8, 2008 and as subsequently amended are hereby repealed. The adoption of the Ayden UDO, however, shall not affect nor prevent any pending or future prosecution of, or action to abate an existing violation of said ordinance.

110.060 Consistency with Adopted Plan

In accordance with NCGS 160D-604(d), it is the intention of the Board of Commissioners that the Ayden UDO implements the planning policies adopted for the Town and its ETJ, as reflected in the Town of Ayden Land Use Plan and other related planning documents including transportation plans, small area plans or any other plan adopted by the Ayden Board of Commissioners.

While the Board of Commissioners reaffirms its commitment that the Ayden UDO and any amendment to it, be in conformity with adopted planning policies, the Board of Commissioners hereby expresses its intent that neither the Ayden UDO nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Administrator, provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained.

A. Amendment of UDO and Land Use Plan

The Unified Development Ordinance of Ayden, North Carolina also uses powers granted in other sections of the North Carolina General Statutes relating to particular types of development or particular development issues. Any amendments to or actions pursuant to this ordinance shall be consistent with the Land Use Plan.

The Land Use Plan for the Town of Ayden may be amended and this Unified Development Ordinance and the incorporated Zoning Map shall reflect those changes through appropriate amendments in accordance with this ordinance.

B. Variation from Adopted Plans

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Administrator, provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained.

C. Conflict with Adopted Plans

In the event of a conflict or inconsistency between this ordinance and any adopted plans the requirements of this ordinance shall take precedence.

110.070 Interpretation and Conflict

A. Interpretation

1. This UDO establishes many, but not all, of the standards and procedures for development. Other portions of the Code of Ordinances, as well as other standards, shall apply to development, including, but not limited to, building codes, fire codes, utility, street and drainage design and construction standards.
2. The issuance of any development approval pursuant to this UDO shall not relieve the recipient from the responsibility to comply with all other Town, County, State or federal laws, ordinances, rules or regulations.
3. References to other regulations or provisions of the UDO are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure, or use from other regulations.
4. The UDO contains numerous graphics, pictures, illustrations, and drawings to assist the reader in understanding and applying the UDO. However, to the extent that there is any inconsistency between the text of the UDO and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

B. Conflict

When provisions of the Ayden UDO impose higher standards than are required in any other statute or local ordinance or regulation, provisions of the Ayden UDO shall govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions of the Ayden UDO, the provisions of that statute or local ordinance or regulation shall govern.

110.080 Conformance to Ayden UDO Provisions

Except as otherwise specifically provided in the Ayden UDO, no land shall be subdivided; no land or structure shall hereafter be used or occupied; no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development; no infrastructure shall be constructed or installed; and no structure, or part thereof, shall be constructed, erected, altered, or moved, unless in compliance with all of the applicable provisions of the Ayden UDO.

All existing lots of record, platted prior to the adoption of this UDO or the prior Zoning & Subdivision Ordinance, Phase II Stormwater Ordinance and upon which no buildings have been erected, shall

be grandfathered upon the date of adoption of this UDO and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this ordinance including all related site improvements.

110.090 Continued Violations

Any violation of provisions existing on the effective date of the ordinance shall continue to be a violation under this ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction or other activity is clearly consistent with the express terms of this ordinance.

110.100 Development Under Prior Regulations

A. Permit Issued

Any building or development for which a permit or plan approval was issued under prior regulations shall be allowed, provided a valid approval has not expired. All new applications shall comply with the provisions of this UDO. Legal non-conforming situations may continue in conformance with *Article 9 – Non-conformities* of this ordinance.

B. Filed Applications

1. Per NCGS 160D-108, any type of land development application which has been officially filed with the appropriate Town official prior to the effective date of this ordinance or any amendment thereto, may continue to be processed under the land use rules and regulations in effect prior to said date, or the applicant may decide to request the application be processed under the new rules and regulations.
2. The application must remain active. An application is considered active of revisions are resubmitted within six (6) months of receiving review comments.
3. If the application is not resubmitted within six (6) months of receiving review comments, then the application process may be completed only in strict compliance with the requirements of this ordinance.
4. The specified time may be extended at the discretion of the Administrator due to delays in approvals from agencies external to the Town of Ayden.
5. In accordance with NCGS §160D-108(b) and NCGS §143-755, an application submitted for one permit may trigger permit choice for other associated development permits. The applicant must request that the permit choice rule be applied in order for permit choice to be in effect.

C. Prior Conditional Use Permit Approvals

Pursuant to NCGS 160D, any Conditional Use Permit approved prior to the adoption of this subsection that is valid and legal is hereby transformed into an identical Special Use Permit subject to all established conditions and applicable standards of this Ordinance.

110.110 Fees

Any action on an application for development shall be subject to payment of the required fee in the amount established by resolution of the Board of Commissioners in accordance with the Town's officially adopted annual fee schedule. All required fees shall accompany an application, shall be made payable to the Town of Ayden, and shall be submitted to the Administrator. All fees are non-refundable.

Fees established shall be paid upon submission of a signed application.

110.120 Administering the UDO

This UDO is intended to be administered in an efficient manner that provides appropriate opportunities for public involvement and an efficient development process. The roles of the Board of Commissioners, Planning Board, Board of Adjustment, other boards and Town staff are established in *Article 2 – Administration* of this ordinance.

110.130 Effective Date

Many provisions herein are a restatement of provisions of the Ayden Zoning and Subdivision Ordinances, adopted November 8, 2004 and the Ayden Phase II Stormwater Ordinance, adopted September 8, 2008 are hereby continued without interruption. All other provisions of this Ordinance shall become effective January 13, 2020.

TABLE OF CONTENTS

Article 2 – ADMINISTRATION 2-2
210.010 General Meeting Procedures 2-2
210.020 Administrator 2-3
210.030 Technical Review Committee 2-4
210.040 Board of Adjustment 2-5
210.050 Board of Commissioners 2-6
210.060 Planning Board 2-7

ARTICLE 2 – ADMINISTRATION

210.010 General Meeting Procedures

A. Open Meetings

All meetings of elected or appointed bodies under this ordinance shall be open to the public in accordance with NCGS 143-318 and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies and approved by the Board of Commissioners.

B. Rules of Procedure

All boards shall adopt formal rules of procedure consistent with the level of decision-making vested with that board (e.g., administrative, legislative, advisory review, evidentiary [quasi-judicial]). Any adopted rules of procedure shall be kept on file at Town Hall and shall be made available to the public.

C. Meetings

Accurate minutes of each meeting shall be maintained by each board set out in this Article, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact. Each board set out in this Article shall keep records of its examinations and official actions. All of these minutes and records shall be filed in the office of the Town Clerk for the public record.

1. All bodies authorized under this ordinance shall meet at regularly scheduled times and at such other times as determined by the chairman as provided for in the rules of procedure.
2. Special meetings may be called at any time by the chairperson or by request of a majority of members of the board.

D. Oaths of Office

1. All members of the Board of Commissioners and appointed boards shall take an oath of office prior to assuming their roles and duties.

E. Conflicts of Interest

1. No member of the Board of Commissioners, any appointed board, or administrative staff shall vote on a case or make a decision where the outcome of the matter would have a direct, substantial, and readily identifiable financial impact on him or her.
2. No member of the Board of Commissioners, any appointed board, or administrative staff shall vote on a case or make a decision if the landowner, applicant, or other person subject to that decision is a person with whom the Commissioner, board member, or staff member has a close familial, business, or other associational relationship.

F. Proportional Representation on Appointed Boards

1. The membership of each appointed board shall represent the corporate limits and the ETJ by population proportion. At minimum, all boards shall each have at least one representative from the ETJ.
2. The population proportions shall be based on the latest decennial census numbers.

210.020 Administrator

A. The Administrator

1. The various provisions of this ordinance shall be administered under the general direction of the Town Manager and under the specific direction of the Town of Ayden Planning Department or the Town of Ayden Public Works Department. For the purposes of this ordinance, the Planning Director, the Director of Public Works and their subordinate staffs are collectively referred to as the Administrator. The Planning Department will serve as the "gatekeeper" for all development applications and will advise applicants on appropriate personnel to contact.

B. Powers and Duties

1. The Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this ordinance:
    - **a.** Make all final decisions as to the interpretation and definitions of this UDO;
    - **b.** Recommend the amount and applicability of administrative and consulting fees;
    - **c.** Monitor and determine the adequacy of security instruments and escrow deposits and issuance of ministerial development approvals;
    - **d.** Serve as staff for the Board of Commissioners, Planning Board and Board of Adjustment;
    - **e.** Review and render interpretations of this UDO and the Official Zoning Map,
    - **f.** Make recommendations to the Board of Commissioners, Planning Board, the Board of Adjustment;
    - **g.** Accept applications for development approval; certify the completeness of submitted applications with the requirements of these regulations;
    - **h.** Review and prepare staff reports recommending approval, approval with conditions or denial of applications for amendments to the text of this UDO and all legislative and evidentiary [quasi-judicial] applications;
    - **i.** Accept applications for, review, and approve, approve with conditions or deny, applications for all administrative development approvals;
    - **j.** Monitor development projects to ensure compliance with conditions of a development approval;
    - **k.** Monitor and assist in the enforcement of this UDO;
    - **l.** Review development applications to ensure that all necessary permits, licenses, franchises and approvals have been obtained from federal, state,

local governmental districts, public and private utilities and other public agencies.

m. Serve as the chair of the Technical Review Committee;

n. Maintain a record of all permits, appeals, variances, certificates, reviews and such other transactions and correspondence pertaining to the administration of this UDO;

o. Oversee code enforcement and responsibilities related to ensuring compliance with the UDO, notification of violations, ordering actions on violations and keeping records of related activities;

p. To coordinate flood damage prevention administration through Pitt County.

q. To coordinate erosion and sediment control activities through Pitt County.

r. Serve as Stormwater Administrator.

210.030 Technical Review Committee

A. Powers and Duties

1. The TRC shall serve as a review and recommending body assisting the Administrator, Board of Commissioners, Planning Board and other boards where appropriate, with the review of applications for development approval.
2. The TRC shall provide advice and recommendations on environmental, planning, fiscal, design, engineering, transportation, utility, geo-hydrological, water availability, sustainability, environmental and technical issues, and to assess the comments and reports of reviewing Town departments, regional, state and federal agencies and officials, owner/applicants and other interested parties with standing.
3. The TRC shall meet at the request of the Administrator. An owner/applicant may be invited to attend meetings of the TRC only at the discretion of the Administrator.
4. The TRC shall make recommendations to the Administrator, Board of Commissioners, Planning Board and other bodies for approval, conditional approval or denial of applications for development approval.

B. Membership

1. The TRC shall be chaired by the Administrator (or their designee) and shall consist of technical staff and representatives of various town departments on a project by project basis.
2. Members are appointed by the Administrator and shall include (but not be limited to) representatives from Fire, Police, Public Services, Planning, Code Enforcement and Utilities. In addition, and as appropriate, the TRC may include, for a specific development approval application, representatives of other jurisdictions or service providers, including but not limited to representatives from the Sheriff, fire districts, school districts, other municipalities, county, public and private utilities, assessment or public improvement districts and regional, state or federal agencies.

C. UDO Review

1. The Technical Review Committee shall serve as the reviewing entity for the following plans:
    a. Major Site Plans
    b. Major Subdivision Preliminary Plats

D. UDO Decisions

1. The Technical Review Committee shall render final decisions regarding the following:
    a. Minor Site Plans
    b. Minor Subdivisions
    c. Site Construction Plans
    d. Subdivision Construction Plans

210.040 Board of Adjustment

A. Powers and Duties

1. The Town of Ayden Board of Adjustment shall have the following powers and duties to be carried out in accordance with the terms of this ordinance:
    a. To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator in the carrying out or enforcement of any provision of this ordinance. A concurring vote of four-fifths of the members of the Board shall be necessary to reverse, wholly or partly any order, requirement, decision, permit, determination or refusal.
    b. To 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 the special conditions, the following written findings are made:
        (1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
        (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
        (3) The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
        (4) The requested variance is consistent with the spirit, purpose, and intent regulation(s), such that the public safety is secured, and substantial justice is achieved.

B. Membership & Quorum

1. The Board of Adjustment shall consist of seven (7) regular members and two (2) alternate members. A quorum of five (5) members shall be necessary to transact business.
2. A minimum of four (4) members shall reside in the corporate limits and a minimum of one (1) member shall reside in the extra-territorial planning jurisdiction (ETJ). The town resident members shall be appointed by the Ayden Board of Commissioners and the ETJ resident members shall be appointed by the Pitt County Board of Commissioners after a recommendation of the Ayden Board of Commissioners. The representatives of the extraterritorial area shall have equal rights, privileges, and duties with the other members of the board.
3. The two (2) alternate members shall consist of one (1) member residing in the corporate limits and one (1) member residing in the extra-territorial planning jurisdiction (ETJ).
4. Alternate members shall not be entitled to vote on matters before the board except when a regular Board member is absent from a duly called meeting. In that situation, the alternate shall have the same privileges as the regular members and may count for quorum purposes and vote if a regular member is absent.
5. Vacancies shall be filled by the Pitt County Board of Commissioners or the Ayden Board of Commissioners, as applicable, as they occur.
6. Town members shall serve 3-year terms and ETJ members shall serve 2-year terms. Once a member has served three (3) full consecutive terms, the member must be off the board for a minimum of one year before being eligible to serve again. This term limit requirement may be waived by the Board of Commissioners.
7. Officers shall be elected in accordance with the adopted rules of procedure.

C. UDO Decisions

1. The Board of Adjustment shall render final decisions regarding the following:
    - **a.** Appeal of Administrative Decisions
    - **b.** Variances
    - **c.** The Board of Adjustment shall also have any additional powers and duties as may be set forth in other laws and regulations or at the direction of the Board of Commissioners.

210.050 Board of Commissioners

A. Powers and Duties

1. The Town of Ayden Board of Commissioners shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.
    - **a.** To conduct any and all business in accordance with their charter and the North Carolina General Statutes.
    - **b.** To amend the Town of Ayden Comprehensive Land Use Plan and other plans as necessary.

B. UDO Decisions

1. The Town of Ayden Board of Commissioners shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.
2. The Board of Commissioners shall render final decisions regarding the following:
   - **a.** Major Site Plans
   - **b.** Major Subdivision Preliminary Plats
   - **c.** Special Use Permits
   - **d.** Text Amendments
   - **e.** Zoning Map Amendments and Rezonings
   - **f.** Conditional District Rezonings
   - **g.** Vested Rights

210.060 Planning Board

A. Powers and Duties

1. The Town of Ayden Planning Board shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.
2. To perform studies and surveys of the present conditions and probable future development of the town and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, annexation, expansions of extraterritorial jurisdiction, etc.
3. To formulate and recommend to the Board of Commissioners the adoption and amendment of a land use plan and other plans as necessary.
4. To initiate proposals for amendments to the Unified Development Ordinance based upon the findings and recommendations delivered in such studies and adopted plans.
5. To determine whether specific proposed developments conform to the principles and requirements of the adopted land use plan for growth and improvement of the town.
6. Perform any other related duties that the Board of Commissioners may direct per NCGS 160D-301

B. Membership & Quorum

1. The Planning Board shall consist of seven (7) members. A quorum of five (5) shall be necessary to transact business.
2. A minimum of four (4) members must reside from within the corporate limits of the town and one (1) from the extra-territorial jurisdiction. The number of members representing the extraterritorial jurisdiction shall be at least proportional to the number of members representing the Town of Ayden, as required by NCGS 160D-307.
3. The town resident members shall be appointed by the Ayden Board of Commissioners and the ETJ resident members shall be appointed by the Pitt County Board of Commissioners after a recommendation of the Ayden Board of Commissioners. The representatives of the extraterritorial area shall have equal rights, privileges, and duties with the other members of the Planning Board.

4. The two (2) alternate members shall consist of one (1) member residing in the corporate limits and one (1) member residing in the extra-territorial planning jurisdiction (ETJ).
5. Alternate members shall not be entitled to vote on matters before the board except when a regular Board member is absent from a duly called meeting. In that situation, the alternate shall have the same privileges as the regular members and may count for quorum purposes and vote if a regular member is absent.
6. Vacancies shall be filled by the Ayden Board of Commissioners or the Pitt County Board of Commissioners, as applicable.
7. Town members shall serve 3-year terms and ETJ members shall serve 5-year terms. Once a member has served three (3) full consecutive terms, the member must be off the planning board for a minimum of one year before being eligible to serve again. This term limit requirement may be waived by the Board of Commissioners.
8. Officers shall be elected in accordance with the adopted rules of procedure.

C. UDO Reviews and Recommendations

1. The Planning Board shall review and make recommendations regarding the following:
    - **a.** Major Site Plans
    - **b.** Major Subdivision Preliminary Plats
    - **c.** Text Amendments
    - **d.** Zoning Map Amendments and Rezonings
    - **e.** Conditional District Rezonings

TABLE OF CONTENTS

Article 3 – ZONING DISTRICTS 3-2
310.010 Purpose 3-2
310.020 Overview and Applicability 3-2
310.030 Establishment of Zoning Districts 3-2
310.040 Official Zoning Map 3-5
310.050 Overlay Zoning Districts 3-6
310.060 Planned Unit Development Districts 3-10
310.070 Dimensional Standards Table 3-12

ARTICLE 3 – ZONING DISTRICTS

310.010 Purpose

A. It is the purpose of this Article is to establish zoning districts to govern the use of land in the Town of Ayden Planning and Development Regulation Jurisdiction.

310.020 Overview and Applicability

A. This Article of the Ayden UDO establishes base and overlay zoning districts; the official zoning map, as well as the rules for its maintenance, amendments, interpretation and replacement; the use table, which identifies the land uses and the types of approvals required for each authorized land use; and the rules for interpretation of the use table.

310.030 Establishment of Zoning Districts

A. The following zoning districts are declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the Official Zoning Map. After adoption of the UDO, amendments to the zoning map shall be made by plat, legal description or metes and bounds description, which shall be the best evidence of the boundaries, amended or created, and shall control unless a scriveners or other error in such plat or description is manifestly contrary to the intent of the amended ordinance.

B. **Base Zoning Districts**

1. The following Base Zoning Districts are established:

Base Zoning District:	Description:
a. Rural Residential District (RR)	The RR District is intended to accommodate very low-density, rural residential and agricultural uses; and protect natural vistas and landscape features.
b. Residential/Agricultural District (RA-20)	The RA-20 District is established with the purposes of agriculture and low density residential development on lots with a minimum size of 20,000 square feet, and further to provide for certain other permitted and special uses as set forth in *Article 4 – Individual Use Standards.* This district is intended to ensure 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.
d. Residential Districts (R-12, R-10, R-8, R-6 SF)	The primary purpose of these districts is to provide for single-family residential development on lots with a designated minimum size in neighborhoods which receive all of the customary urban services.
e. Multi-Family District (MF)	The MF District is established as a district in which to allow primarily single-Family and multi-family residences at a medium-density (approximately 10-12 dwelling units per acre) in areas served by adequate public water and sewer systems.
f. Manufactured Housing District (MH)	The MH District is established to offer affordable housing alternatives and to ensure the orderly development of such establishments.

g. Residential Mixed Use (RMX)	The RMX District is established to accommodate a variety of housing types in a neighborhood setting and is intended to provide areas for higher density residential development near commercial areas such as the B-1, NMX and B-2 districts. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity.
h. Neighborhood Mixed Use (NMX) *Previous District(s): O-I*	The NMX District is intended to provide pedestrian-scaled, higher density residential housing and opportunities for limited scale commercial activities. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.
k. Central Business District (B-1)	The primary purpose of the B-1 district is to serve as the central commercial area of the Town of Ayden and to provide for uses customarily located in central business districts.
l. Planned Unit Development (PUD)	The PUD district is designed to promote a compatible mix of uses to instigate an integrated and sustainable development consistent with the Town's unique character. This district shall also encourage design flexibility; sensitivity to natural resources and environmental features; and facilitate the efficient provisions of infrastructure, utilities and adequate public facilities. No PUD district shall be less than ten (10) acres.
j. Highway Business District (B-2)	*The B-2 District is designed to accommodate highway-oriented retail, commercial service uses and in some cases light manufacturing.
k. Light Industrial District (LI)	*The LI District is intended to accommodate externally benign industrial and office uses that pose little nuisance to adjacent residential areas.
l. Heavy Industrial District (HI)	*The HI District is established to accommodate those industrial, manufacturing, or large-scale utility operations that are known to pose levels of noise, vibration, odor, or truck traffic that are considered nuisances to surrounding development. This district is customarily located in proximity to railroad sidings and/or major thoroughfares.
m. Conservation District (CON)	This district is intended for special public interest areas that should be protected from any development.
**All rezoning request along the NC-11, NC-102 & Southwest Bypass Corridor as indicated on the Official Zoning Map are required to include the Commercial Corridor Overlay (CCOL) designation.*	

C. Overly Districts

1. For purposes of managing certain environmentally sensitive or visually important geographic areas, certain overlay districts have been established to impose design, use, or other standards in addition to the requirements of the underlying base district.
2. The following Overlay Zoning Districts are established:

Overlay Zoning District	Description:
a. Commercial Corridor Overlay District (CCOL)	The primary purpose of the CCOL is to promote community goals and objectives for character and aesthetics along key corridors within the Town of Ayden's Planning and Development Regulation Jurisdiction. More specifically, the intent is to promote commercial development that is compatible with

	surrounding areas; to minimize the negative impacts caused by strip commercial development, loading facilities, storage facilities, sign clutter and proliferation of access points; and to strengthen the quality of life by providing for a well-designed built environment that contributes to the unique character of The Town of Ayden. The district will be used in conjunction with the Base Zoning District to ensure that development and redevelopment within this district meets this intent. All rezoning request to B-2, LI or HI along the NC-11, NC-102 & Southwest Bypass Corridor as indicated on the Official Zoning Map are required to include the Commercial Corridor Overlay (CCOL) designation.

D. Conditional Districts

1. Conditional Districts are districts with conditions voluntarily added only in response to a petition by the owner of all the property to be included in such district. In accordance with NCGS 160D-703, specific conditions applicable to these districts may be proposed by the applicant or Town but only those conditions mutually approved by the Town and the applicant may be incorporated into the Conditional District zoning.
2. Conditional Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, they may establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods. Conditions and site-specific standards shall be limited to those that address the conformance of the development and use to this ordinance plans adopted pursuant to NCGS 160D-501 or the impacts reasonably expected to be generated by the development or use of the subject site.
3. Conditional Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.
4. In addition to modification of specific district provisions (except use), the various provisions detailed in this Article may be varied if specifically requested by the petitioner as part of a Conditional District application with exception to the following:

Article	Title	Exceptions to modifications:
3	**Zoning Districts**	Uses permitted may not be added unless the use proposed is not currently defined or contemplated by this ordinance. Permitted uses may be removed from the petition.
3	**Commercial Corridor Overlay District**	Modifications of this section may including but not limited to deviations in any setback, landscaping, exterior building façade or buffer requirements. • No reduction in setback or buffer requirements may be greater than fifty (50) percent the requirement of this Section. • No reduction in setback or buffer requirements may result in a less restrictive standard than prescribed in the Base Zoning District.

		• In evaluating a proposed deviation, the Board of Commissioners shall consider the following criteria: 1. The requested deviation is not primarily related to the expense or cost of installing the required materials, design elements or other improvements; 2. The deviation is in harmony with the District Intent and preserves its spirit. 3. Any approved deviation shall be noted on the site plan and shall describe the resulting modified requirement.
7	**Subdivision & Infrastructure Standards**	May substitute dedication of public open space for payment-in-lieu per Board of Commissioners approval. Except in areas identified by the Town or County as public open space, greenways or linear parks. Amount required may not be reduced.

5. Upon the approval of the petition for a Conditional District, the subject property shall be identified on the Official Zoning Map by the appropriate district designation. A parallel conditional district zoning designation shall be identified with the underlying general district letters "CD" (example CD-R12).

310.040 Official Zoning Map

A. Establishment, Amendments and Maintenance

1. Pursuant to NCGS 160D-105, zoning district boundaries adopted pursuant to this ordinance shall be drawn on the Town's Official Zoning Map that is adopted or incorporated by the Board of Commissioners.

2. The Official Zoning Map shall be maintained for public inspection in the office of the Town Clerk or the office of the Administrator. The maps may be in paper or a digital format approved by the Town of Ayden.

3. The Official Zoning Mapshall show the boundaries of all zoning districts within the Town's Planning and Development Regulation Jurisdiction.

4. Official Zoning Map is adopted and incorporated herein by reference in this ordinance. Amendments to the map shall be made and posted in accordance with the provisions of NCGS 160D-703 and this UDO.

5. The Administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Board of Commissioners. Upon entering any such amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued. The Administrator shall keep copies of superseded prints of the zoning map for historical reference.

6. No unauthorized person may alter or modify the Official Zoning Map.

7. GIS records shall indicate the zoning designation, the number and date of the ordinance creating the designation and, where a conditional district is established, the conditions of that rezoning. GIS records shall maintain the zoning history.

8. Should the Official Zoning Map be lost, destroyed or damaged, the Town Clerk or Administrator may have a new map generated from the most reliable available data. No further Board of Commissioner authorization or action is required so long as no district boundaries are changed in this process.

B. Interpretation of Boundaries of Zoning Districts

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map or any other map incorporated in or referenced by the UDO, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or right-of-way has been vacated through official action of the governing body, the boundary shall be construed to follow the centerline of the vacated right-of-way.
2. Boundaries indicated as approximately following platted lot lines, section lines or tract lines shall be construed to follow such lines.
3. Boundaries indicated as approximately following Town corporate limit lines shall be construed to follow such Town corporate limit lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
6. Boundaries indicated as approximately following the centerlines of canals, streams or other bodies of water shall be construed to follow such centerlines.
7. Where interpretation is needed as to the exact location of boundaries of any mapped area, the Administrator shall make the necessary interpretation.
8. When the street or property layout existing on the ground is at odds with that shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries in accordance with this ordinance.

310.050 Overlay Zoning Districts

A. Commercial Corridor Overlay District (CCOL)

1. Area of Applicability

a. Major highway corridors affected by the CCOD are Hwy. 11, NC 102 and the Southwest Bypass, the boundaries of which are shown on the Official Zoning Map.

2. Specific Development Standards

The development standards of the Base Zoning District shall be applicable in addition to the standards of this Section. If this Section contains standards that are more specific or stringent than that of the Base Zone District, then the standards as prescribed by this Section shall be applicable.

a. Signage

(1) All site signage must be designed to create a unified and consistent sign package for the development.
(2) All freestanding signs shall be monument or pylon mounted type signs. Where pylon mounted signs are used, the base of the sign must be landscaped so that, upon maturity, the landscape material filters the view of the first fifteen feet of the pylon support structure.
(3) The sign color and building materials should be similar to those of the building where practicable.

b. Outdoor Storage / Display

(1) Outdoor storage and/or display areas are not permitted within 50-feet of any major or minor thoroughfare.
(2) No unscreened outdoor storage and/or display areas are permitted except as provided in below. Acceptable means of screening include fences or walls at least six (six) feet in height with landscape material provided that, upon maturity, will screen sixty (60) percent of the fence or wall surface area.
(3) The outdoor display of items for sale on the premises may be permitted by the Board of Commissioners through the approval of a Development Plan that clearly designates an area or areas for such activity. The area or areas designated shall not eliminate the use of any required parking space or be located in any required buffer.
(4) Automobile sales areas shall be exempt from the requirements of this subsection.

c. Mechanical Equipment

(1) All ground level mechanical equipment must be screened with a fence or wall that is at least one-foot taller than the mechanical equipment it is intended to screen.
(2) All elevated or rooftop mechanical equipment must be screened by a building feature (i.e. parapet wall) so that the screening eliminates the view of the mechanical equipment as seen from any point within five-hundred (500) feet.

d. Lighting

(1) All lighting must be designed to create a unified and consistent lighting package for the development.
(2) Lighting design should consistent with the architectural style of the primary building whenever practicable.

e. Traffic Access and Circulation

(1) All developments shall include dedicated common access designed to facilitate and accommodate interconnected vehicular access and traffic flow. All developments shall incorporate said easements into the site design and shall make provision for extension of said easements and improvements to adjoining properties.
(2) When a public street is depicted on the Thoroughfare Plan or any other planning document adopted by the town Board of Commissioners, the development shall be designed to provide the

required right-of-way and the street shall be constructed by the developer to the extent that it can be utilized to provide access to the proposed development. A final plat dedicating said right-of-way shall be recorded prior to issuance of a Zoning Compliance Certificate.

(3) Access points shall be located to minimize traffic congestion and shared drives / shared access points shall be required when practicable.

f. Pedestrian Access and Circulation.

(1) All developments shall provide a sidewalk adjacent to any street that abuts the development site.

(2) When a parking lot includes over one-hundred and fifty (150) parking spaces, one or more sidewalks shall be provided within landscape islands that provide for safe pedestrian movement from the building entrance to the outlying portions of the parking lot.

(3) Adequate pedestrian connections shall be provided within the development and to adjacent properties. Such connections shall include marked and signed street crossings.

g. Additional Setbacks, Buffers and Landscaping

(1) Parking lots shall be setback not less than fifteen (15) feet from the property lines fronting on major and minor thoroughfares. The fifteen (15) foot strip shall be landscaped with at least one large tree, one medium tree and ten (10) shrubs for each thirty (30) feet of street frontage. Parking lots shall be setback at least five feet from all other property lines. The five (5) foot strip shall be landscaped with a shrub row adjacent to all parking and vehicle circulation areas and one medium tree for each twenty-five (25) feet of property boundary.

(2) Parking lots shall be setback not less than fifty (50) feet from the property lines fronting the Southwest Bypass. The fifty (50) foot strip shall be landscaped with at least one large tree and one medium tree for each thirty (30) feet of street frontage.

(3) Buildings shall be setback not less than one-hundred (100) feet from the property lines fronting the Southwest Bypass.

(4) Fuel pumps, including canopies, shall be setback not less than fifty (50) feet from the property lines fronting a major or minor thoroughfare.

(5) Auto wash bays and associated vehicle service delivery stations shall be setback not less than fifty (50) feet from the from the property lines fronting a major or minor thoroughfare.

(6) Drive-in delivery stations and windows shall be setback not less than fifty (50) feet from the property lines fronting a major or minor thoroughfare.

(7) At least one medium tree shall be provided for each two-hundred (200) square feet of interior parking lot landscape area provided in accordance with *Article 5 – General Development Standards*.

h. Exterior Building Façade Standards

(1) Building facades shall be brick, limestone, granite or other native stone, tented textured concrete masonry units, stucco, wood and/or glass. Pre-engineered metal buildings, unfinished smooth face concrete block, tilt-up concrete panels and vinyl siding building facades are prohibited. Vinyl and metal trim and use of corrugated metal panels as an architectural accent shall be permitted.

(2) Maximum linear length of any exterior building facade shall be seventy-five (75) feet, except as provided under subsection 3 below.

(3) Building facades greater than seventy-five (75) feet in linear length shall be articulated by:

i. Recesses and/or projections that total not less than twenty-five (25) percent of the facade provided each required recesses and/or projection shall be a minimum of three (3) percent of the total length of said façade; or

ii. Significant changes in material and/or textures over not less than twenty-five (25) percent of the facade. For purposes of this subsection glass panels and windows and/or doors shall qualify as an acceptable material or texture. Note: Recesses and/or projections and changes in material and/or textures may be used individually or in combination provided there is compliance with all requirements. No uninterrupted length of any facade shall exceed seventy-five (75) linear feet.

(4) Not less than fifty (50) percent of any ground floor non-residential building façade (front/side/rear), that faces a public or private street, public sidewalk, or other public pedestrian way, shall consist of either windows, display windows, customer and/or public entrance doors, entry areas, walkway and sidewalk awnings, or canopies. Loading ramps, docks and doors, overhead doors and service bays, fire escapes and non-public access doors, uncovered sidewalks and uncovered handicapped ramps shall not qualify for purposes of this section. For single story buildings with elevated ceilings, each fourteen (14) vertical feet of exterior facade wall shall constitute a floor for purposes of this requirement.

i. Deviations in Requirements

The Board of Commissioners recognizes that due to the wide variety of types of development and property boundary and building configurations, the varying quantity and dimension of available open spaces, the natural and built environment and other existing conditions, it is neither possible nor prudent to establish inflexible development and site design standards. Therefore, the Board of Commissioners may approve deviations from the requirements of this section in accordance with the conditional district rezoning process.

j. Review and Approval Process

Any new development or redevelopment of property located within the Commercial Corridor Overlay District (CCOL) shall be required to submit a

Major Site Master Plan (including building elevation rendering of all sides of proposed structures) and follow the procedure outlined in *Article 8 – Development Processes.*

310.060 Planned Unit Development Districts

The Planned Unit Development (PUD) district is designed to: promote a compatible mix of uses to instigate an integrated and sustainable development consistent with the Town's unique character. This district shall also encourage design flexibility; sensitivity to natural resources and environmental features; and facilitate the efficient provisions of infrastructure, utilities and adequate public facilities. The PUD district is not intended for use with subdivisions or developments which can be developed under the strict application of the minimum standards of the UDO, thereby resulting in a unique, high quality overall development.

A. Applicability

Parcels of land twenty-five (25) acres or more in size.

B. Permitted Uses, Development Standards & Minimum Requirements.

In return for greater flexibility in site design, PUD Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

1. **Permitted Uses:** Permitted uses in any PUD district may include any uses permitted as specified in Figure 4-1 Table if Permitted Uses, excluding non-permitted uses. The uses proposed in the PUD concept plan may include any residential, commercial/mixed uses or industrial uses or combination of uses deemed appropriate for the real estate.
2. **Development Standards:** All PUD Concept Plans shall specify development standards applicable to each permitted uses in the PUD. Development standards applicable to the PUD shall be those specified in the Master Plan filed with the zoning map change. The master plan shall establish the following development standards:
   - **a.** The location of uses proposed by the PUD must be shown in the Master Plan with a maximum density for each type of residential use; a maximum number of units for multifamily dwellings; and a maximum square footage for each type of non-residential use.
   - **b.** The dimensional standards may be varied in the Master Plan. The PUD shall demonstrate compliance with all other dimensional standards of this ordinance, North Carolina Building Code, and North Carolina Fire Code.
   - **c.** Pedestrian ways, bikeways and other transportation systems that encourage cluster and compact development.
   - **d.** Land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided to the greatest extent possible.

e. Identified usable open space areas and those significant natural and environmental features that will be protected and preserved in their natural state.

f. Architectural and design criteria that provide higher quality than routine developments. All residential uses proposed shall provide typical architectural elevations representative of the residential structures to be built.

g. The Master Plan shall include a phasing plan for the development and associated infrastructure improvements. If development of the PUD is proposed to occur in more than one phase, then guarantees shall be provided that project improvements, including improvements required by the TIA and NCDOT. In phases that include residential, amenities that are necessary and desirable of the project, or that are of benefit to the Town, are constructed within that phase of the project.

310.070 Dimensional Standards Table

This table and the setback illustration below provides basic design elements for each base zoning district.

Zoning District	Maximum Height [4] [5]	Minimum Lot Size [4] [5]	Minimum Lot Width [4] [5]	Maximum Density [4] [5]	Front Setback [3] [4] [5]	Side Setback [3] [4] [5]	Side Street Setback [3] [4] [5]	Rear Setback [3] [4] [5]
RR	35 ft.	40,000 sf	150 ft.	1 unit/acre	40 ft.	20 ft.	40 ft.	45 ft.
RA-20	35 ft.	20,000 sf	100 ft.	2 units/acre	30 ft.	12 ft.	30 ft.	35 ft.
R-12	35 ft.	12,000 sf	80 ft.	3 units/acre	25 ft.	10 ft.	25 ft.	30 ft.
R-10	35 ft.	10,000 sf	60 ft.	4 units/acre	20 ft.	8 ft.	20 ft.	25 ft.
R-8	35 ft.	8,000 sf	50 ft.	5 units/acre	20 ft.	8 ft.	20 ft.	25 ft.
R6-SF	35 ft.	6,000 sf	50 ft.	6 units/acre	20 ft.	8 ft.	20 ft.	20 ft.
MF	35 ft.	6,000 sf plus 3,000 sf per every additional unit	N/A	11 units/acre	25 ft.	8 ft.	25 ft.	20 ft.
MH	35 ft.	MH Park - 3 ac.; RV Park - 1 ac.; Single Lot - 5,000 sf	75 ft.	8 units/acre	25 ft.	MH Park - 25 ft.; RV Park – 25 ft.; Single Lot – 10 ft.	25’	35’
RMX [6]	4 stories [1]	N/A	N/A	18 units per acre	10 ft. max.	N/A	20 ft.	8 ft.
NMX [6]	4 stories [1]	N/A	N/A	N/A	10 ft. max.	N/A	12 ft. max.	N/A
PUD	4 stories [1]	25 acres	N/A	N/A	[2]	[2]	[2]	[2]
B-1 [6]	4 stories [1]	N/A	N/A	N/A	6 ft. max.	N/A	6 ft. max.	N/A
B-2	*35 ft.	20,000 sf	100 ft.	N/A	35 ft.	20 ft.	25 ft.	25 ft.
LI	50 ft.	30,000 sf	100 ft.	N/A	35 ft.	20 ft.	35 ft.	25 ft.
HI	*50 ft.	2 acres	150 ft.	N/A	40 ft.	25 ft.	40 ft.	30 ft.
CON	35 ft.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes to table:

[1] *Maximum building height & width may be exceeded with a Conditional Use Permit.*

[2] *See Section 310.060 for PUD Standards.*

[3] *Accessory structures must be a located in the side or rear yard and comply with the following:*

- ***Location** – A minimum of five (5) feet from the side and rear property lines; if located in side yard, accessory structures must be behind the front elevation of the principal structure.*
- ***Height** - A maximum of two (2) stories;*
- ***Size** –There shall be no more than 25% of the total square footage of the principal building (properties zoned RR & RA-20 are exempt from this requirement);*
- ***Quantity** - Two (2) per lot in the R-12 & R-10 zoning districts and one (1) per lot in the R-8, R-6 SF, MF, MH, RMX & NMX zoning districts (properties zoned RR & RA-20 are exempt from this requirement);*
- *See Article 4 – Individual Use Standards for accessory dwelling unit standards.*

[4] *Standards may vary if located in an Overlay District per Section 310.050 – Overlay Zoning Districts.*

[5] *Standards may vary per Article 4 – Individual Use Standards.*

[6] *See Article 5 – General Development Standards [Section 510.090 Building Design Standards] for specific building & site design standards.*

The figure to the right should be used to visually illustrate setbacks and measurements as listed in the table above.

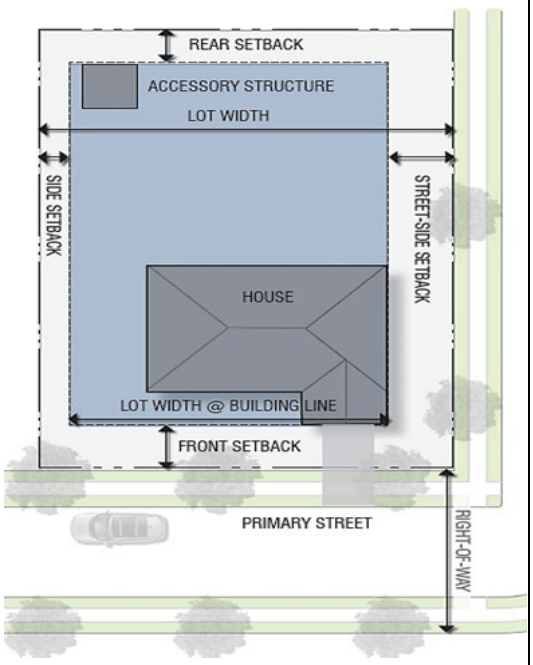


TABLE OF CONTENTS

Article 4 – INDIVIDUAL USE STANDARDS 4-2
410.010 Use Table and Interpretation 4-2
410.020 Individual Standards for Specific Uses 4-7
410.030 Residential - Supplemental Use Standards 4-7
410.040 Lodging and Accommodation - Supplemental Use Standards 4-10
410.050 Office & Services- Supplemental Use Standards 4-11
410.060 Commercial and Entertainment- Supplemental Use Standards 4-12
410.070 Manufacturing, Industrial & Wholesale Trade – Supplemental Use Standards 4-16
410.080 Education and Institutions – Supplemental Use Standards 4-17
410.090 Agriculture and Forestry – Supplemental Use Standards 4-18
410.100 Communications, Transportation & Infrastructure – Supplemental Use Standards 4-20
410.110 Other / Not Classified – Supplemental Use Standards 4-21

ARTICLE 4 – INDIVIDUAL USE STANDARDS

410.010 Use Table and Interpretation

A. Table of Authorized Uses Established

The following table lists the principal uses allowed by right within zoning districts as well as uses that may be authorized subject to approval of a Special Use Permit. Function codes of the Land Based Classification Standards (LBCS) of the American Planning Association (APA) correspond to the authorized uses and shall be used to define uses. All uses are subject to the standards and regulations within this UDO.

B. Permitted and Prohibited Uses

Uses not listed as permitted (P); permitted with supplemental use standards (PS); or requiring a special use permit (S) are presumed to be prohibited (-) from the applicable zoning district.

C. Uses Not Listed

In the event that a particular use is not listed in the Use Table, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing.

D. Similar Uses

The Administrator may determine that a use is materially similar if a permitted use is similarly classified by one or more of the following use classification systems:

1. Land Based Classification Standards (LBCS) of the American Planning Association (APA)
2. North American Industrial Classification System (NAICS)

E. Use Table

Uses listed as (P) or (PS) which require a Transportation Impact Analysis (according to *Article 7 – Subdivisions & Infrastructure*), multi-family dwelling developments and all subdivision developments with 10 lots or more, are subject to the Major Site/Major Subdivision Preliminary Plan Review Process established in *Article 8 – Development Processes.* See *Appendix B – Typical Development Process Chart for* more information regarding how the development process will be administered according to the use allowances established below.

FIGURE 4-1: TABLE OF PERMITTED USES

LAND USE TYPE:	RR	RA-20	R-12	R-10	R-8	R6-SF	MF	MH	RMX	NMX	B-1	PUD	B-2	LI	HI	CON
A. RESIDENTIAL																
Class A – Single Family Manufactured Home	PS	PS	-	-	-	-	-	PS	-	-	-	-	-	-	-	-
Class B & C – Single Family Manufactured Home	S	S	-	-	-	-	-	PS	-	-	-	-	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-
Dwelling – Accessory	PS	PS	PS	PS	PS	-	-	-	PS	PS	-	PS	-	-	-	-
Dwelling – Multi-Family (3 or more units)	-	-	-	-	-	-	P	-	P	P	PS	-	-	-	-	-
Dwelling – Multi-Family Conversion	S	S	-	-	-	-	PS	-	PS	PS	PS	-	-	-	-	-
Dwelling – Single Family Attached (Townhome)	-	-	-	P	P	-	P	-	P	P	-	P	-	-	-	-
Dwelling – Single Family Detached	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-
Dwelling – Two Family (Duplex)	-	-	S	S	S	-	P	-	P	-	-	P	-	-	-	-
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	PS	PS	-	PS	-	-	PS	-	-	-	-
Residential Care Facilities (more than 6 residents)	-	PS	PS	PS	PS	PS	PS	-	PS	PS	-	PS	PS	-	-	-

LAND USE TYPE:	RR	RA-20	R-12	R-10	R-8	R6-SF	MF	MH	RMX	NMX	B-1	PUD	B-2	LI	HI	CON
B. LODGING AND ACCOMMODATIONS																
Bed and Breakfast Facilities	PS	S	S	S	S	-	-	-	PS	PS	PS	P	-	-	-	-
Hotel/Motel/Inn	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-
Rooming and Boarding House	-	-	-	S	S	-	S	-	S	S	-	-	-	-	-	-

LAND USE TYPE:	RR	RA-20	R-12	R-10	R-8	R6-SF	MF	MH	RMX	NMX	B-1	PUD	B-2	LI	HI	CON
C. OFFICE AND SERVICES																
Banks, Credit Unions, Financial Services	-	-	-	-	-	-	-	-	-	PS	PS	P	P	-	-	-
Dry Cleaning & Laundry	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Funeral Homes/Crematoria	P	-	-	-	-	-	-	-	-	-	S	-	P	-	-	-
Home Occupation	PS	PS	PS	PS	PS	-	PS	PS	PS	PS	PS	PS	-	-	-	-
Medical Clinic	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Personal Care Service	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Restricted Personal Care Service	-	-	-	-	-	-	-	-	-	-	PS	-	PS	-	-	-
Post Office	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Professional Service	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Veterinary Service	PS	-	-	-	-	-	-	-	-	PS	PS	PS	P	P	P	-

LAND USE TYPE:	RR	RA-20	R-12	R-10	R-8	R6-SF	MF	MH	RMX	NMX	B-1	PUD	B-2	LI	HI	CON
D. COMMERCIAL AND ENTERTAINMENT																
Adult Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Alcoholic Beverage Sales or Services	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Outdoor Amusement or Theme Park	-	-	-			-	-		-	-	-	-	-	P	-	-

LAND USE TYPE:	RR	RA-20	R-12	R-10	R-8	R6-SF	MF	MH	RMX	NMX	B-1	PUD	B-2	LI	HI	CON
Indoor Amusement	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Automobile/Vehicle Sales, Rental, Service & Repair	-	-	-	-	-	-	-	-	-	-	S	-	P	P	P	-
Bar/Tavern	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	-	-
Microbrewery	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	-	-
Bicycle Sales & Repair	-	-	-	-	-	-	P	-	P	P	P	-	P	P	-	-
Camps & Camping Establishments	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Drive-In Theater	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Drive-Thru/Drive-In Facility (principal or accessory)	-	-	-	-	-	-	-	-	-	PS	PS	S	PS	-	-	-
Electronic Gaming Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-
Games Arcade Establishment	-	-	-	-	-	-	-	-	-	S	S	-	S	-	-	-
Gas/Fueling Station	-	-	-	-	-	-	-	-	-	PS	-	PS	PS	P	P	-
General Commercial	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
General Commercial (greater than 25,000 sf)	-	-	-	-	-	-	-	-	-	-	-	P	S	-	-	-
Golf Course	S	S	S	S	S	-	S	-	S	S	-	-	-	-	-	S
Hardware, Home Center Sales/Services	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Heavy Equipment/Manufactured Homes Rental/Sales/Service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Night Club	-	-	-	-	-	-	-	-	-	S	S	S	P	-	-	-
Open Air Retail	-	-	-	-	-	-	-	-	PS	PS	PS	PS	P	-	-	-
Outside Sales	-	-	-	-	-	-	-	-	PS	PS	PS	PS	P	-	-	-
Parking Lot/Structure (Principal Use)	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-
Pawnshops	-	-	-	-	-	-	-	-	-	-	-	-	PS	-	-	-
Racetrack	S	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Restaurant	S	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Riding Stables	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Shooting Range, Indoor	S	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Shooting Range, Outdoor	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-
Smoke & Tobacco Shop	-	-	-	-	-	-	-	-	-	-	PS	-	PS	-	-	-
Theater, Indoor Movie or Live Performance	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-
Theater, Outdoor	-	-	-	-	-	-	-	-	-	PS	PS	-	PS	-	-	-
Vehicle Rental (moving trucks)	-	-	-	-	-	-	-	-	-	PS	PS	-	-	-	-	-
Vehicle Service (major repair/body shop)	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	-
Vehicle Service (minor maintenance/repair)	-	-	-	-	-	-	-	-	-	-	-	-	PS	P	P	-

LAND USE TYPE:	RR	RA-20	R-12	R-10	R-8	R6-SF	MF	MH	RMX	NMX	B-1	PUD	B-2	LI	HI	CON
E. MANUFACTURING, INDUSTRIAL & WHOLESALE TRADE																
Chemical, Medals, Machinery and Electronic Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-
Foods, Textiles and Related Products	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-

Light Industry Uses	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	-
LAND USE TYPE:	**RR**	**RA-20**	**R-12**	**R-10**	**R-8**	**R6-SF**	**MF**	**MH**	**RMX**	**NMX**	**B-1**	**PUD**	**B-2**	**LI**	**HI**	**CON**
Heavy Industry Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	-
Landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-
Materials Recovery & Waste Transfer Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	S	PS	-
Recycling Collection Stations	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	-
Storage – Self Service	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	-
Warehouse & Storage (Outdoor)	-	-	-	-	-	-	-		-	-	-	-	-	P	P	-
Warehouse and Storage (Indoor)	-	-	-	-	-	-	-	-	-	-	-	S	S	P	P	-
Wholesaling and Distribution Establishments	-	-	-	-	-	-	-	-	-	-	-	S	-	P	P	-
Wood, Paper and Printing Products	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-

LAND USE TYPE:	**RR**	**RA-20**	**R-12**	**R-10**	**R-8**	**R6-SF**	**MF**	**MH**	**RMX**	**NMX**	**B-1**	**PUD**	**B-2**	**LI**	**HI**	**CON**
F. EDUCATION AND INSTITUTIONS																
Business Associations, Non-profits & Civic Clubs	P	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Cemetery	PS	PS	PS	-	-	-	PS	-	PS	PS	-	-	PS	-	-	PS
Child/Adult Day Care (8 or less)	PS	PS	PS	PS	PS	-	PS	-	P	P	-	P	P	-	-	-
Child/Adult Day Care (more than 8)	PS	PS	-	-	-	-	-	-	PS	PS	-	PS	PS	-	-	-
College or University	-	-	-	-	-	-	-	-	-	S	-	S	S	-	-	-
Community Support Facility	PS	-	-	-	-	-	-	-	-	S	S	S	S	-	-	-
Conference/Convention Center	-	-	-			-	-	-	-	-	P	P	P	-	-	-
Correctional Institution	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-
Special Events Center	S	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Halfway House	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-
Hospital	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Museum/Cultural Facility	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P
Pubic Administration/Civic Meeting Facilities	P	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P
Public Safety Station	S	S	-	-	-	-	-	-	S	PS	P	P	P	P	P	P
Recreation Facility (Indoor)	P	P	P	P	P	-	P	P	P	P	P	P	P	P		P
Recreation Facility (Outdoor)	P	P	P	P	P	-	P	P	P	P	P	P	P	-	-	P
Religious Institutions	P	P	P	P	P	-	P	PS	PS	PS	-	PS	P	-	-	-
School (elementary or secondary)	S	S	S	S	S	-	S	S	S	S	-	S	-	-	-	-
School (vocational/technical)	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-
Sports Arena/Stadium	-	-	-	-	-	-	-	-	-	-	S	S	S	P	-	-
Studio (art, dance, martial arts, music)	P	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-

LAND USE TYPE:	**RR**	**RA-20**	**R-12**	**R-10**	**R-8**	**R6-SF**	**MF**	**MH**	**RMX**	**NMX**	**B-1**	**PUD**	**B-2**	**LI**	**HI**	**CON**
G. AGRICULTURE AND FORESTRY																
Animal Production	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community Gardens	P	P	P	P	P	-	P	P	P	P	P	P	P	-	-	P
Kennels (indoor)	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Kennels (outdoor)	S	-	-	-	-	-	-	-	-	-	-	-	PS	P	P	-
Nurseries and Garden Centers	P	P	-	-	-	-	-	-	-	-	-	-	P	P	-	-

Produce Stands	PS	PS	-	-	-	-	-	-	-	PS	PS	PS	PS	-	-	PS

LAND USE TYPE:	RR	RA-20	R-12	R-10	R-8	R6-SF	MF	MH	RMX	NMX	B-1	PUD	B-2	LI	HI	CON
H. COMMUNICATIONS, TRANSPORTATION & INFRASTRUCTURE																
Airstrip	S	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S
Rail Station	-	-	-	-	-	--	-	-	-	-	S	-	S	S	S	-
Solar Energy System	S	S	-	-	-	-	-	-	-	-	-	-	-	C	C	-
Truck and Freight Transportation Services	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Utilities (Class 1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities (Class 2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities (Class 3)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Wireless Telecommunications Facility (non-tower)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunications Tower	S	S	-	-	-	-	-	-	-	-	-	S	S	S	S	-

LAND USE TYPE:	RR	RA-20	R-12	R-10	R-8	R6-SF	MF	MH	RMX	NMX	B-1	PUD	B-2	LI	HI	CON
I. OTHER/NOT CLASSIFIED																
Satellite Dishes (greater than 24” in diameter)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	PS
Temporary Uses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Swimming Pools	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	-	-	-	-
Temporary Storage	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Billboards	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-

410.020 Individual Standards for Specific Uses

A. Applicability

There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain conditions specific to their design or operation. Such conditions ensure compatibility so that different uses may be located in proximity to one another without adverse effects to either. When uses are listed in the Use Table above as Permitted with Supplemental Use Standards (PS) or uses requiring Special Use Permits (S) they shall comply with the additional criteria set forth in this Article for that use in addition to other applicable criteria contained in this ordinance.

B. Land Uses Permitted with Supplemental Use Standards (PS)

1. Land uses with supplemental standards are uses permitted by right, provided that the specific standards set forth in this Article are met.
2. The specified standards are intended to ensure that these uses fit the vision of the zoning districts in which they are permitted, and that these uses are compatible with other development permitted within the districts.

C. Special Use Permits

1. **Purpose**

   There are uses that are generally compatible with other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the use complies with the approval criteria listed below. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

2. **Criteria**

   All Special Uses shall at a minimum meet the standards for the zoning district in which they are located, and the specific or supplemental use standards set forth in this Article for that specific use. In addition to determining that the application meets all other requirements of this ordinance (no variances are permitted) the Board of Commissioners must follow the process outlined in *Article 8 – Development Processes*.

410.030 Residential - Supplemental Use Standards

A. General Provisions for All Manufactured Housing

All manufactured HUD homes and offices, whether used for residential or business purposes and whether placed in a manufactured home park or on an individual lot of record, shall meet the following requirements:

1. Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the structure and such that there will exist no more than 3 feet difference between the chassis of the home or office and the finished grade of the stand along the entire perimeter of the home or office proper.
2. The manufactured home or office is set up in accordance to the standards set by the North Carolina Department of Insurance in the current edition of the North Carolina Regulations for

Manufactured Homes, including, but not limited to, all footings, supporting piers, anchors, and tie downs.

3. The tongue, moving hitch, wheels, axles, and transporting lights are all removed (if not part of a Manufactured Home Park).
4. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home are installed in accordance with the requirements of the North Carolina State Building Code, attached firmly to the primary structure, and anchored securely to the ground.
5. Other than those within the manufactured home or office itself, all installations of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the North Carolina State Building Code.
6. Empty liquefied petroleum gas containers and other objects and materials not approved by the Fire Department shall not be stored under manufactured homes or offices.

B. Class A Manufactured Homes

A continuous permanent masonry foundation, unpierced except for required ventilation and access, shall be installed around the entire perimeter of the home or office. If the masonry foundation is not brick, stone, or decorative concrete block it shall be coated with a mortar-like finish on the visible side. Class A Manufactured Homes have additional requirements, as described in the definition section of this ordinance.

C. Class B Or Class C Manufactured Homes

1. Each manufactured home or office shall be installed with skirting provided by the manufacturer specifically for such use, unpierced except for required ventilation and access, around the entire perimeter of the home or office. Skirting shall be made of a material compatible with the siding of the home or office.
2. Class B and Class C Manufactured Housing shall be permitted in Manufactured Home Parks only.

D. Manufactured Home Park

1. **General Park Requirements**
   - **a.** No manufactured home park shall be approved for a site less than 10 contiguous acres under single ownership or control.
   - **b.** The manufactured home park shall be screened from all adjacent property with a 20-foot buffer in accordance with *Article 5 – General Development Standards*.
   - **c.** The operator/manager of a manufactured home park shall designate and enforce a uniform type of underpinning of all manufactured homes in the community.
   - **d.** All streets within a manufactured home park shall comply with the standards set forth in *Article 5 – General Development Standards*.
   - **e.** An acceptable plan for the collection and disposal of garbage shall be included in the site plan for the manufactured home park. The size and type of all garbage receptacles shall be in conformance with town standards. No person shall throw or leave garbage or refuse upon the ground of any manufactured home park. It shall be the duty of the

manufactured home park operator to make certain that all garbage and refuse are regularly disposed of in a sanitary manner.

f. Recreational space shall be provided in accordance with *Article 5 – General Development Standards*.

g. Existing manufactured homes (mobile homes) in any district and in manufactured home parks that are to be replaced shall be replaced with a manufactured home that is no older than five years.

2. Space Requirements
   a. Each manufactured home space shall be clearly established on the ground by permanent monuments or markers.
   b. No more than one manufactured home may be parked on any manufactured home space.
   c. Minimum setbacks for all sides for a manufactured home within a space (any attached accessory structure, such as room extensions, porches and porch roofs and carports shall, for the purpose of this setback requirement, be considered to be part of the manufactured home) shall be 15 feet.
   d. No manufactured home space shall have direct vehicular access to a thoroughfare street.
   e. Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the structure and such that there will exist no more than 3 feet difference between the chassis of the home or office and the finished grade of the stand along the entire perimeter of the home or office proper.
   f. Each home shall be at least 40 feet from any property line.
   g. Each manufactured home space shall have a permanent site number sign that is clearly visible from the street running in front of the home.
   h. A minimum of 2 parking spaces shall be provided for each manufactured home.
   i. A visitor parking area, consisting of 1 space for each 5 manufactured home units located within the park, shall be provided. This parking area does not have to be paved.

E. Accessory Dwellings

1. One (1) accessory dwelling unit is permitted as an accessory to a residential use.
2. The dwelling unit may be attached or detached, located on the side or rear of the property.
3. The maximum size of Accessory Dwellings is the lesser of fifty (50) percent of the living area of the Principal Structure or one thousand (1,000) square feet.
4. Accessory Dwellings must be a minimum of 10 feet from the side or rear setback and shall not be located within the front setback.
5. If the Accessory Dwelling is attached to the primary residence, then access is limited to the side or rear of the Accessory Dwelling or to an existing door.
6. Attached or detached Accessory Dwellings must have the same architectural appearance of the primary residence such as same type and color of siding, trim and roofing appearance.
7. Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling.
8. Must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination).

9. One off-street parking space shall be provided in addition to those required for the principal dwelling.

F. Multi-Family Conversions

1. A maximum of 4 units is permitted in a converted single-family dwelling and it shall be designed such that a maximum of two main entrances are on the fronting façade (similar to a duplex configuration). Additional building entrances may be provided on the side and rear of the building.
2. Must result from the conversion of a single building containing at least 2,000 square feet of Gross Floor Area that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a Single-Family residence.

G. Multi-Family

First or main floor of building must be non-residential and must provide a "shop-front" appearance (frontage) at the sidewalk level in accordance with *Article 5 – General Development Standards (Section 510.090 - Building Design Standards*).

H. Family Care Home (6 Or Fewer Residents)

1. Family Care Homes shall be certified by the International Building Code, as amended by the NC Building Code.
2. No Family Care Home shall be closer than ½ mile to another such use.

I. Residential Care Facilities (More Than 6 Residents)

1. Residential care facilities must be buffered from adjacent residentially zoned property or adjacent to residential uses with a 20-foot buffer in accordance with *Article 5 – General Development Standards*.
2. Prior to the submission of an application, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.
3. Unless located and having access on an arterial or marginal access street, no residential care facility shall contain more than 16 units.
4. To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
5. The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities, gift shops, snack shops, banks, barber/beauty shops, and similar services for residents.

410.040 Lodging and Accommodation - Supplemental Use Standards

A. Bed and Breakfast Facilities

Bed & Breakfast establishments, where allowed, are subject to the following standards:

1. No more than eight (8) guest rooms that offers bed and breakfast accommodations may be provided on each private residence for a period of less than one week;
2. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
3. An owner/manager of a bed and breakfast facility shall reside on the property.

4. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.

B. Rooming and Boarding House

1. In residential and mixed use districts, parking areas shall not be permitted in the front yard and shall be screened from adjacent properties by a 20-foot buffer.
2. The owner shall serve as a full-time manager or otherwise designate a fulltime manager, either of which shall permanently reside on the premises.
3. The minimum size of any sleeping room shall be 200 square feet per resident.
4. One full bath consisting of tub or shower, toilet and sink shall be provided for each 4 residents.
5. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all tenants.
6. Signs, other than address/tenant identification signs which meet the requirements of *Article 4 – Individual Use Standards,* shall not be permitted.
7. All of the lot area which is not used for parking, sidewalks, buildings, utility structures or site access must be landscaped and maintained.

410.050 Office & Services- Supplemental Use Standards

A. Banks, Credit Unions, Financial Services

1. Teller & ATM traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard.
2. Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district and shall be located in the side or rear yards only.

B. Home Occupations

1. Permitted in the primary dwelling only as an accessory use.
2. Clearly incidental and secondary to residential occupancy.
3. The use shall be carried on entirely within an enclosed structure on the premises.
4. No more than 25% of the total floor area or 500 square feet, whichever is less, is used for such purposes
5. No sign or display of products shall be visible from the streets;
6. No more than one person not a resident of said dwelling is employed in connection with the home occupation.
7. The home occupation shall be operated by a resident of the dwelling.
8. Storage of goods and materials associated with the home occupation must be completely within an enclosed structure.
9. Parking must be provided so as not to create hazards or street congestion.
10. All parking associated with the home shall be accommodated off-street or in spaces directly in front of the residence.
11. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.

12. No visitors in conjunction with the home occupation shall be permitted between the hours of 9:00 PM and 8:00 AM.
13. Prohibited home occupations include, but are not limited to:
    a. Automobile or vehicle repair
    b. On-premises retail (excluding incidental sales of materials produced on-site)
    c. Animal clinics and boarding
    d. Funeral parlors
    e. Food trucks on on-premises dining establishments

C. Restricted Personal Care Services

1. Such facilities shall be at least 1,000 feet from a religious institution, school or playground or another such facility and shall be a minimum of 500 feet road frontage spacing from residential uses in a residential zoned district.
2. The facility shall be open to the public only between the hours of 8:00 a.m. and 11:00 p.m.

D. Veterinary Services

Only animals in veterinary care may stay overnight. No kennels or storage of animals shall be permitted outside unless otherwise permitted in the district in which it is located.

410.060 Commercial and Entertainment- Supplemental Use Standards

A. Electronic Game Operation

1. An Electronic Gaming Operation shall not be permitted if located within one-half mile of an existing Electronic Gaming Operation.
2. An Electronic Gaming Operation shall not be permitted if located within 2,500 feet of an existing school or church.
3. The Hours of Operation of an Electronic Gaming Operation shall be limited to them operating from 8 am – 10 pm Monday through Saturday. They may not operate on Sundays.
4. Electronic Gaming Operations shall be limited to have no more than fifteen (15) computers / gaming terminals.
5. The use shall be conducted within a completely enclosed building and no outside congregation of customers is permitted for any purpose.

B. Drive-In Theater

1. Outdoor theaters shall be buffered from adjoining residential uses with a 50-foot buffer as set forth in *Article 5 – General Development Standards*.
2. The performance and audience areas for any outdoor theater shall be located a minimum of 200 feet from any adjacent residentially zoned property.
3. Primary access to all outdoor theaters shall be to a collector or higher order street.
4. Lights shall be shielded and positioned so as not to shine onto adjacent properties.

C. Drive-Through Facilities

1. Traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard.

2. Use of the drive-through service will not interfere with the use, enjoyment or operations of adjacent properties.
3. Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district.
4. If a speaker box faces a residential zoning district, there shall be a 50-foot buffer or sound wall between the speaker box and the residential district.
5. Stacking Lane Requirements
   a. All uses and facilities providing drive-up or drive-through service shall provide the at least the minimum required vehicle stacking spaces established below:

Activity	Minimum Required Stacking Spaces	Measured From
Bank Teller Lane	4	Teller Window
Restaurant, Drive-thru	6	Order Box to Beginning of Drive Through Lane
Car Wash	4	Stall Entrance

   b. Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.
   c. Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.
   d. A solid faced brick, masonry or wooden wall or fence shall be provided along a property line abutting Lots or Parcels zoned residential purposes to block lights from vehicles in the stacking lanes or drive through facility.

D. Gas/Fueling Station

1. Canopies/Pumps
   a. Must be located to the side or rear of the principal building.
   b. Pump canopies must be located at least 50 feet from any interior side or rear property line that adjoins residentially developed property.
   c. Must be buffered from adjoining residential uses with a 20-foot buffer in accordance with *Article 5 – General Development Standards*.
   d. The maximum number of pumps permitted at a single gas/fueling station shall be 12.
   e. A conforming principal building is required and shall be a minimum of 1,600 square feet.
2. Lighting
   a. All lighting must be shielded to direct light and glare only onto the lot or parcel where the gas/fueling station is located and shall be in accordance with *Article 5 – General Development Standards*.

E. Bar/Tavern

1. No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00 pm and 7:00 am when the bar/tavern is located within 500 feet of any residential or educational & institutional use.
2. Except in the B-1 district, these uses shall be at least 500 feet from any residential use or zoning district and at least 1,000 feet from any educational/institutional land use.

F. Microbrewery

1. The principal use shall be the production of beer and other fermented malt beverages for retail sales for on-premises and off-premises consumption and shall comply with the requirements of NCGS 18B-1104, as amended, and all other laws pursuant to NCGS 18B, as amended.
2. Except in the LI district, these uses must include one (1) or more accessory uses such as a tap room, tasting room, restaurant, brewpub, or other uses incidental to the microbrewery business and to be open and accessible to the public. A minimum of 500 square feet shall be provided for the tap room (where applicable). Accessory uses shall be open for business at least one quarter of the time each week the business facility is operating.
3. No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00 pm and 7:00 am when the microbrewery is located within 500 feet of any residential use.
4. Except in the B-1 district, these uses shall be 200 feet from any other such business.
5. Exterior guest areas shall not have amplified equipment within 150 feet of any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

G. Open Air Retail

1. The use shall be conducted behind the prevailing setback line for the district.
2. Sidewalk Kiosks, Vendor Carts, Concession Stands, etc: Such uses shall be permitted to operate within the right-of-way provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet) and the automobile and bicycle travel way is clear of obstructions.
3. No permanent parking is required but the use must accommodate reasonable vehicular circulation and parking to preclude off-site impacts as determined by the Administrator.

H. Outside Sales

1. Outside sales must be clearly secondary to the primary use within the associated permanent structure and shall generally be located to the side or rear of the principal structure. Display of merchandise for sale outdoors in the front yard shall not exceed a maximum of 12 feet from the front face of the building.
2. Displays on public sidewalks: Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such sales may also be subject to other town ordinances.

I. Pawn Shops

Pawn shop facilities shall be at least 1,000 feet from a religious institution, school or playground or another pawn shop and shall have a minimum of 500 feet road frontage spacing from residential uses in a residential zoned district.

J. Shooting Range, Outdoor

1. Outdoor shooting ranges shall be buffered from adjoining properties with a 50-foot buffer as set forth in *Article 5 – General Development Standards*.

2. Outdoor shooting ranges shall be located no closer than 1,000 feet to any religious institution, school or residential dwelling.

K. Smoke & Tobacco Shop

1. Smoke & Tobacco Shops shall be 500 feet from any residential land use or zoning district, 1,000 from any educational/institutional land use and 1,000 from any other such businesses.

L. Theater, Outdoor

1. Outdoor theaters shall be buffered from adjoining residential zoning or land uses with a 50-foot buffer as set forth in *Article 5 – General Development Standards*.
2. Primary access to all outdoor theaters shall be to a collector or higher order street.
3. Lights shall be shielded and positioned so as not to shine onto adjacent properties.

M. Vehicle Rental (Moving Trucks)

1. Vehicles must be stored in an area that is screened from the public right-of-way and adjacent residential neighborhoods by a 50-foot buffer in accordance with *Article 5 – General Development Standards*.
2. When vehicle rental is an accessory use, the storage of vehicles shall not occupy more than the minimum number of required spaces.
3. All parking areas shall be placed in accordance within the provisions of *Article 5 – General Development Standards* and shall be accessory to an otherwise conforming building.

N. Vehicle Services – Major Maintenance/Repair

1. All wrecked or damaged motor vehicles awaiting repair shall be stored at the rear or side of the principal structure and shall be screened so as not to be visible from adjoining property lines and street rights-of-way.
2. Acceptable screening shall include a fence in accordance with the standards in Subsection N.3 below or existing vegetation on the property that provides a complete visual barrier to a height of at least six-feet.
3. The fence shall be located on the interior side of the required landscape materials. Acceptable fence materials include cedar, masonry, redwood, composite, plastic, treated lumber resistant to rot, or other materials specifically designed for fencing materials. A chain link fence with plastic, metal or wooden slats may be used to satisfy the requirements of this subsection. Fence installation shall be consistent with acceptable building practices.
4. No vehicle shall be stored on the premises for more than twenty (20) days.
5. There shall be no exterior storage of items other than vehicles.
6. All services shall be performed within a completely enclosed building.

O. Vehicle Services – Minor Maintenance/Repair

1. The on-site storage of wrecked or damaged vehicles shall not be permitted.
2. No vehicle shall be stored on the premises for more than seven (7) days.
3. All services shall be performed within a completely enclosed building.

410.070 Manufacturing, Industrial and Wholesale Trade – Supplemental Use Standards

A. Light Industry Uses

1. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.
2. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
4. In addition to the bufferyard requirements provided in *Article 5 – General Development Standards*, all outdoor storage areas must be screened with the use of:
   a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
   b. Brick fence, brick/split face block, or decorative block (plantings not required).

B. Heavy Industry Use

1. All such uses must be located a minimum distance of 500 feet from the Residential Zoning Districts, RMX, NMX and B-1 districts and any parallel conditional district to those districts.
2. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
4. In addition to the bufferyard requirements provided in *Article 5 – General Development Standards*, all outdoor storage areas must be screened with the use of:
   a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
   b. Brick fence, brick/split face block, or decorative block (plantings not required).

C. Material Recovery & Waste Transfer Facilities

1. All such uses must be located a minimum distance of 500 feet from the Residential Zoning Districts, RMX, NMX and B-1 districts and any parallel conditional district to those districts.
2. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

4. A minimum 150-foot buffer area is required along all property lines and public rights-of-way. No materials recovery and waste transfer activities, including parking, access roads, buildings, or disposal shall occur in the buffer area. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.
5. A 50-foot buffer shall be required in the buffer area along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.

D. Recycling Collection Stations

1. All outdoor storage, collection loading and processing areas must be located a minimum distance of 500 feet from the Residential Zoning Districts, RMX, NMX and B-1 districts and any parallel conditional district to those districts.
2. All outdoor storage, collection loading and processing areas must be located a minimum distance of 50 feet from the adjacent property line.
3. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
4. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

410.080 Education and Institutions – Supplemental Use Standards

A. Cemetery

1. A minimum of 3 contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a religious institution.
2. The minimum yard required for all structures, excluding gatehouse, is 50 feet from any exterior property line. Gatehouses shall be excluded from any minimum yard requirement.
3. The minimum yard required for mausoleums and columbariums adjacent to a street shall be equal to a principal building front yard in the district.
4. The minimum yard required for any grave or burial plot is 50 feet from any exterior property line. This requirement does not apply where the adjacent property contains an existing cemetery.
5. The minimum yard required for any grave or burial plot adjacent to a street shall be equal to a principal building front yard in the district provided that, where graves or burial plots are adjacent to streets and closer than 50 feet, a low planted screen shall be provided between the street and the cemetery. Such screen shall be 8 feet wide planted with evergreen shrubbery placed a maximum of 5 feet on center. All shrubs shall achieve a height of 4 feet within 3 years.

B. Child/Adult Day Care Center (More Than 8 Persons)

1. Outdoor play space for Child Day Care Center shall be provided in accordance with the regulations of North Carolina Department of Human Resources.

2. Outdoor play space shall be enclosed on all sides by building and/or walls or fences in accordance with the standards in ordinance. The minimum height for such fences shall be 4 feet.
3. Outdoor play space may not include driveways, parking areas, or land otherwise unsuitable for children's play space.
4. Outdoor play space may not be in the established front yard.
5. Adult Day Care Centers: Adult Day Care Centers shall meet the requirements of the North Carolina Department of Health and Human Service's "Adult Day Care and Day Health Services Standards for Certification."

C. Community Support Facility

No such use may be located within 1000 feet of another such use measured as a straight line on a map unless as part of an accessory use to an existing religious institution.

D. Halfway Houses

No such use may be located within 2500 feet of another such use measured as a straight line on a map.

H. Schools – Elementary & Secondary

1. Athletic fields and parking areas must be buffered from adjacent residentially zoned ir property or adjacent residential land use with a 20-foot buffer as set forth in *Article 5 – General Development Standards*.
2. Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.
3. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking.

410.090 Agriculture and Forestry – Supplemental Use Standards

A. Animal Production

1. Animal production may only occur on a lot exceeding 2 acres in size.
2. Not more than one animal unit shall be kept, maintained or stabled per 6,000 square feet of land.
3. All animals shall be fenced so that they are no closer than 100 feet from a dwelling unit on an adjacent property. This provision shall not apply if a dwelling unit is constructed so as to encroach upon an existing animal production use. However, an existing animal production use may not expand towards a newly established residential use.

B. Kennels, Outdoor

1. Any building or pen housing animals shall be located a minimum of 150 feet from any residentially zoned or residentially developed property.
2. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.
3. All animal refuse and food shall be kept in airtight containers and disposed of on a regular basis.

4. Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.
5. All such outdoor kennels and similar animal shelters shall be buffered from any adjoining residentially zoned property with a 50-foot buffer in accordance with *Article 5 – General Development Standards*.

C. Produce Stands

1. Produce stands shall be permitted by the Administrator to operate on an individual parcel for a period of time not to exceed 90 consecutive days and no more than 2 events per calendar year.
2. Hours of operation shall be limited to 7:00 AM – 10:00 PM.

D. Solar Energy System

1. All equipment shall be a minimum of a one hundred feet (100') from all property lines.
2. There shall be a 50-foot buffer area along all property lines.
3. The entire site shall be fenced, a minimum of six feet (6' in height) and secured to reduce/eliminate trespassing.
4. A maximum height (not including power lines) for the solar panel arrays shall be no more than fifteen five feet (15').
5. Landscaping including vegetative buffers, security fences and gates shall be maintained for the duration of the solar farm operation, up to and including decommissioning.
6. Solar panels shall be constructed so as to minimize glare or reflection onto adjacent properties and roadways.
7. The Administrator shall be advised in writing within thirty (30) days by the solar farm operator or property owners (whichever entity/party holds the development and building permits) in the event the project is sold or otherwise transferred to another entity/party and/or the current operator/owner abandons the project.
8. At the time of applying for permits the applicant (solar farm developer or property owner) shall include a decommissioning plan with the anticipated life expectancy of the solar farm and the anticipated cost in current dollars, as well as the method (s) of insuring that funds will be available for decommissioning and restoration of the project site to its original, natural condition prior to the solar farm development.
9. If the site is damaged, the solar farm operator shall have twelve (12) months to bring the project back to its operational capacity. If for any reason the solar farm is not generating electricity after six (6) months, the operator shall have six (6) months to complete decommissioning of the solar farm.
10. In the event of bankruptcy or similar financial default of the solar farm, the property owner of the project site shall bear the decommissioning costs.
11. All solar farms shall be in compliance with the requirements of the most current State Building and Electrical Codes, the State of North Carolina and Pitt County.
12. Each solar farm shall be required to have the facility inspected annually for three (3) years by the Administrator or his/her designee following the issuance of the permit to verify continued compliance with this ordinance.

410.100 Communications, Transportation and Infrastructure – Supplemental Use Standards

A. Airstrip

1. Hangars or open storage shall be screened with a 20-foot buffer from all property lines, except those properties with LI and HI zoning.
2. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.
3. Hours of operation shall be limited from 6 am – 10 pm.

B. Wireless Telecommunications Facility (Non-Tower)

Maximum height on any co-located structure shall be 40 feet.

C. Wireless Telecommunications Towers

1. Transmission towers may be sited on any held tract of land exceeding one-half acre in size.
2. The site shall be fenced with an eight-foot high fence, landscaped and buffered.
3. Abandoned towers (those not used for a period of six months or more) shall be removed by carriers.
4. Should technology changes render the height of the tower excessive, the Administrator may require that the tower be reduced in height, replaced or removed.
5. All telecommunication towers must have setbacks from all property lines of at least one foot for every foot of structure height.
6. Height of the structure shall be limited to a maximum of 200 feet in all districts
7. Special Use Permit applications shall provide the following information that:
   - **a.** Demonstrates the antenna's compliance with State and Federal radio frequency emission standards.
   - **b.** Specifies the tower height and design and include a cross-section of the structure.
   - **c.** Details any technical, engineering, economic and other pertinent factors governing the selection of the proposed design.
   - **d.** Demonstrates the tower's compliance with applicable structural standards, which may include certification that the tower will withstand sustained winds in accordance with local building codes or nationally recognized standards.
   - **e.** Describes the failure characteristics of the tower and demonstrates that the site and setbacks are of adequate size to contain debris.
   - **f.** Describes the tower's maximum capacity, including the number of antennas that it can accommodate for collection, taking into consideration radio frequency interference, mass, height and other characteristics, as well as options to overcome any problems that these considerations may pose to service delivery.
   - **g.** Assesses the environmental impact of the facility siting, including the impact on adjacent structures and districts as well as on historic sites and streetscapes.
   - **h.** Determines whether the construction of the tower and its reception and transmission functions will interfere with the usual and customary transmission or reception of radio, television and other services on adjoining properties.

i. Documents the due diligence in seeking and subsequent failure to find space on an existing tower to collocate their antenna(s) (if permission for tower construction is being sought).
j. Documents compliance with or exemption from FCC, FAA, MEPA and any other federal or state regulations applicable to the siting; statements must be issued from the FCC, FAA or the state attesting to the proposed facility's compliance.
k. Includes an agreement between the Town and the tower owners and their successors to allow shared use of the tower if:
l. Capacity exists based on existing and planned use;
m. A future Applicant for space on the tower agrees in writing
n. The potential use is technically compatible
o. Documents anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance.
p. Documents liability insurance or bonding where applicable.
q. Includes approval of the site owner, if different from the tower owner, to apply for a permit.

410.110 Other / Not Classified – Supplemental Use Standards

A. Satellite Dishes (greater than 24" in diameter)

The provisions of this section shall apply to satellite dish antennas that are greater than twenty-four (24) inches in diameter. Only one satellite dish antenna shall be allowed per premises, except for display models as provided in this section.

1. **In all residential zoning districts:**

   A ground-mounted satellite dish antenna may be installed only in a side or rear yard. A satellite dish antenna may be installed on the roof of the principal structure provided it is anchored as to be structurally secure. The maximum height of dish antennas shall be five (5) feet or the height of the principal building, whichever is less.

2. **In all nonresidential zoning districts:**

   a. A satellite dish antenna may be installed at any location on the lot except within twenty (20) feet of either a public street right-of-way or a side or rear yard lot line that abuts a residentially zoned district.
   b. A satellite dish antenna may be installed on the roof of the Principal Structure provided it is anchored to a rafter, girder or other superstructure member of the building so as to be structurally secure.
   c. A dish antenna shall be permanently ground or roof mounted (where permitted) and no antenna shall be installed on a portable or moveable structure except to transport an antenna to a permanent site or to provide a temporary on-site antenna for testing purposes not to exceed seven (7) days in duration.
   d. The maximum height of dish antennas installed on the ground shall be twenty (20) feet. When located on the roof of a building in a non-residential district, no antenna shall exceed the building height limitation for the district in which it is located by more than ten (10) feet.
   e. A dish antenna shall be painted with a dull, non-glossy finish. No lettering, numerals or pattern shall be permitted on the dish surface other than the name of the manufacturer in letters not to exceed six (6) inches in height.

3. **In all zoning districts:**
   Inoperative satellite dish antennas, not to exceed two (2) in number, may be stored outside of commercial establishments in districts in which satellite dish retail sales are permitted.

B. Temporary Uses

1. A Temporary Use permit must be applied for and permitted before any temporary use may commence. All Town of Ayden sponsored/affiliated events and functions approved by the Town Board of Commissioners shall be exempt from the terms of all temporary use regulations. The following uses shall be allowed as temporary uses for the period specified below:

Temporary Use Type:	Permit Time Period:
Circuses and/or carnivals.	7 Days once per calendar year.
Evangelistic and religious related congregation (including funeral services).	7 Days under each permit.
Outdoor bazaars, cookouts, and/or similar activities by churches or other nonprofit institutions and organizations.	2 consecutive days under each permit.
Open lot sales area for Christmas trees or special fund raising sales or nonprofit organizations.	45 days.
Antique and classic auto and truck shows sponsored by nonprofit organizations. Food vendors and auto part vendors are permitted a part of the show	2 days under each permit.
Outdoor weddings using tents.	3 days.
Antique sales/consignment events.	4 days per permit (only two permits allowed per calendar year).
Temporary relocation manufactured housing for displacement as a result of natural or man-made disasters or public sponsored redevelopment projects in a neighborhood or area.	18 months (extension may be requested through the Board of Commissioners.
Other temporary recreational or entertainment-related events or activities such as fairs or concerts.	3 Days (only two permits allowed per calendar year).
Temporary use of a recreational vehicle as a dwelling unit, to be utilized while renovating the primary structure on site. Use of the recreational vehicle unit as a residence may only be utilized in conjunction with an active building permit. Use of the unit shall cease upon issuance of a certificate of occupancy from the Pitt County Building Inspector.	Permit will run with an active Building Permit issued through the Pitt County Inspections Department.

2. **Standards:** The following guidelines shall apply to all temporary uses:
   a. A letter of intent outlining the dates, location, use, duration of use, owner, operator, and other pertinent information shall be submitted along with the other requirements of this Ordinance to the Administrator prior to the issuance of a permit. Such letter, upon final acceptance, shall be the commitment to comply with the requirements contained herein and the conditions outlined therein by the responsible party of such use.
3. The Administrator and other applicable Town staff (police chief, fire chief, etc.) shall inspect and approve the installation of all temporary uses prior to any use of the facility. For circuses, carnivals, bazaars, evangelistic or religious congregations, open lot sales, fairs, or

special entertainment events, and special sales, each permit applicant shall submit a parking and traffic plan which shall include the following:

a. Indication of area to be used by operators' vehicles and customers;

b. Designation of entrances and exits, traffic flow, and parking areas;

c. Total number of parking spaces available;

d. Estimated number of customers or participants.

4. Where a tent or similar structure is to be used, the following requirements or documentation shall be met:
   a. A limitation of the number of occupants in a structure shall be observed as per the NC Fire Code and Building Code.
   b. In conjunction with an occupancy limit, a seating plan, if seating is provided for an audience, must be also submitted and approved by the Fire Marshall.
   c. All tents and other temporary structures must be inspected and approved by the Fire Marshall and the Pitt County Building Inspector as deemed necessary.
5. Where temporary structures, tents, mobile offices, accessory uses, existing structures, or similar uses are required in connection with the temporary use, a sketch plan or layout generally drawn to scale shall be submitted and shall show the location or placement of the temporary uses, structures, and accessory uses in conjunction with adjacent streets, parking, attendant accessory uses, existing or proposed structures and traffic movement or flow pattern, and entrances and exits.
6. The following additional requirements shall apply:
   a. *Fairs or Related Temporary Recreational or Entertainment Events.* Fairs or similar events which usually occur on an annual basis are only allowed in nonresidential districts and public parks.
   b. *Temporary Housing.* Recreational Vehicle; nonpermanent housing units for displacement as a result of a substantial renovation project in a neighborhood or other residentially zoned areas shall be allowed provided they meet the following requirements:
      1) The unit must be sited in accordance with the following dimensional requirements:
         - Minimum clearance between the temporary unit and the primary structure shall be fifteen (15) feet;
         - The temporary unit shall have a minimum setback of fifteen (15) feet from any street right-of-way, as applicable.
         - The temporary unit must comply with all established side, front, and rear yard setback requirements for the district within which the unit is located.
      2) All temporary units shall be connected to town utilities for water and sanitary sewer if available, or a State-approved septic system.
      3) Adequate provision shall be made for solid waste management in compliance with town ordinances and policies.

C. Swimming Pools

1. All public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above ground or below ground, and of either permanent or temporary construction shall meet the following requirements in addition to setbacks and other requirements specified elsewhere:

a. That the setback for an above ground swimming pool from any lot line equals the required setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) of pool height.

b. That a fence be erected to a minimum height of four (4) feet to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

c. That all mechanical equipment be located a minimum of five (5) feet from any property line.

d. Swimming pools are not permitted in a front yard.

D. Temporary Storage:

1. Temporary Storage containers on residential lots:

a. The property owner must secure a zoning compliance certificate for the location of a temporary storage unit for a period of sixty (60) days. The Administrator may approve an extension by issuing a Zoning Compliance Certificate up to ninety (90) days, upon determining all of the following:

1) That the residential structure is damaged or dilapidated.
2) That the residential structure will undergo renovation, repair, or reconstruction during the extension.
3) That a building permit has been issued for the renovation, repair or reconstruction, if required, and remains valid during the extension.
4) That the temporary storage container will not be used to store nonresidential materials and equipment such as contractor's materials and equipment during the extension.
5) Temporary storage containers shall comply with the following setbacks:
    i. If a temporary storage container is placed in the required front yard, then the temporary storage container shall be located only in the area primarily used for vehicular ingress and egress and must have five (5) feet setback from the edge of the paved right-of-way.
    ii. If a temporary storage container is placed in the required rear or side yard, no setback shall be required except that no temporary storage container shall encroach upon adjacent property.

b. No more than two (2) temporary storage containers shall be located on a single lot or parcel of land. The total square footage of the unit(s) may not exceed 320 square feet.

c. No other type of container or shipping container shall be located on the same lot or parcel of land.

d. Temporary storage containers shall not be used to store or transport nonresidential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives and unlawful substances and materials.

e. If a Zoning Compliance Certificate is issued for temporary storage incident to an active building permit, the certificate for the storage unit may be extended to run with the approved Building Permit. Subsequent to the issuance of a Certificate of Occupancy, the unit must be removed within thirty (30) days.

2. **Temporary storage containers on non-residential lots:**
   - **a.** The property owner must secure a Zoning Compliance Certificate for the location of a temporary storage unit for a period of ninety (90) days. The Zoning Administrator may approve an extension by issuing a certificate up to one hundred twenty (120) days, upon determining all of the following:
     1) That the non-residential structure is damaged or dilapidated.
     2) That the non-residential structure will undergo renovation, repair, or reconstruction during the extension.
     3) That a building permit has been issued for the renovation, repair or reconstruction, if required, and remains valid during the extension.
   - **b.** Temporary storage containers shall comply with the following setbacks:
     1) If a temporary storage container is placed in the required front yard, then the temporary storage container shall be located only in the area primarily used for vehicular ingress and egress and must have five (5) feet setback from the edge of the paved right-of-way.
     2) If a temporary storage container is placed in the required rear or side yard, no setback shall be required except that no temporary storage container shall encroach upon adjacent property.
   - **c.** No more than two (2) temporary storage containers shall be located on a single lot or parcel of land. The total square footage of the unit(s) may not exceed 320 square feet. Non-residential property owners located within the B-2 zoning district may request approval for an additional two (2) units resulting in a total of 640 square feet. In order to secure approval of additional units, non-residential property owners within the B-2 zoning district must exhibit that the location of the units will not impede traffic flow, disrupt ingress and egress from the site, or be located on parking spaces tied to the business operation. Additionally, justification for why the additional units are necessary must be provided prior to approval.
   - **d.** No other type of container or shipping container shall be located on the same lot or parcel of land.
   - **e.** Temporary storage containers shall not be used to store or transport materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives and unlawful substances and materials.
   - **f.** If a permit is issued for temporary storage incident to an active building permit, the permit for the storage unit may be extended to run with the approved Building Permit. Subsequent to the issuance of a Certificate of Occupancy, the unit must be removed within thirty (30) days.

E. Billboards:

Off-premises' advertising signs (billboards) may be allowed in which case the sign shall be located within the property line, shall not be closer than five hundred (500) feet to any property zoned residential, shall not project higher than thirty five (35) feet above ground level, shall not exceed six-hundred seventy-two (672) square feet in area, and shall not be located less than five hundred (500) feet from any off-premises sign. All signs shall be located on property which fronts on a primary state road or federally maintained highway.

1. **Digital Billboard or Smartboard**

a. A type of Billboard sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically.

1) A digital billboard may be internally or externally illuminated.
2) Digital Billboards shall contain static messages only and shall not have animation, movement, or the appearance or optical illusion of movement, or any part of the sign structure.
3) Each static message shall not include flashing, scintillating lighting or the varying of light intensity.
4) The digital message on a Digital Billboard shall not change more than once every eight seconds.

TABLE OF CONTENTS

Article 5 – GENERAL DEVELOPMENT STANDARDS 5-2
510.010 Generally 5-2
510.020 Basic Development Standards 5-2
510.030 Fences & Walls 5-4
510.040 Parking and Loading 5-4
510.050 Signs 5-10
510.060 Lighting 5-19
510.070 Open Space Standards 5-25
510.080 Landscaping and Buffering 5-30
510.090 Building Design Standards 5-38

ARTICLE 5 – GENERAL DEVELOPMENT STANDARDS

510.010 Generally

The standards in this Article are intended to be minimum standards for development. Higher standards or relief from standards may be required through *Article 3 – Zoning Districts*, *Article 4 - Individual Use Standards* or *Article 8 – Development Processes*.

510.020 Basic Development Standards

A. Height

1. Other than the provisions listed in this Section, buildings and structures shall not exceed the maximum heights established in *Article 3 – Zoning Districts* of this ordinance.
2. The height of a building is the vertical distance measured from the mean elevation of finished grade at the front of the building to the highest point of the building.
3. A story includes any floor above the mean elevation of finished grade at the front of the building. Where floor levels are staggered, the number of stories is the number of floors counting vertically from the point of the mean elevation of finished grade at the building front.
4. Roofs with slopes greater than seventy-five (75) percent are regarded as walls.
5. Chimneys, church spires, water tanks, elevator shafts, scenery lofts and similar structural appendages not intended as places of occupancy are exempt from the height limitation set forth in this Section, provided that not more than one-third (1/3) of the roof area is covered by such structures.
6. Heating and air conditioning equipment, solar collectors and similar equipment, fixtures and devices are exempt from the height limitation set forth in this Section, provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the feature extends above the roof surface.
7. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.
8. The height requirements for wireless telecommunications towers & facilities are provided in *Article 3 – Zoning Districts* & *Article 4 – Individual Use Standards* of this ordinance.
9. Light standard heights shall not exceed the limits established in this ordinance.
10. Flagpoles and similar devices shall be limited to thirty-five (35) feet in height.

B. Setbacks

1. **Setbacks Required**. No portion of any building, excluding eaves, decks, patios, steps and uncovered porches may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in *Article 3 – Zoning Districts* of this ordinance. All setbacks are expressed in feet and are minimum setbacks unless otherwise noted. Additional setbacks may be required to meet parking, landscaping, buffers or other standards specified in this Article, the specific use standards of *Article 4 – Individual Use Standards* of this UDO.
2. **Allowed Setback Encroachments**. A step, stoop, open porch, awnings or other appurtenances may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than twenty-five (25) percent into the minimum setback. Attached and detached carports are permitted in the front yard setback and must meet the front setback requirements of the underlying zoning district and have an improved driveway surface. Where approved by the Administrator, wheelchair ramps may

encroach up to 6 inches from any property line as long as there is no impact to the sight triangle at a driveway or intersection.

3. **Setback Measurement**
   - **a.** Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).
   - **b.** If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured at a right angle to such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
   - **c.** All setbacks are subject to compliance with adopted applicable fire code provisions.

C. Relationship of Building to Lot

In no case shall there be more than one principal building and its customary accessory buildings on a lot except in the case of a designed complex of professional, residential or commercial buildings in an appropriate zoning district.

D. Street Access

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a planned development, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

E. Infill Development Standards

Infill development is any new development on land that has been previously developed or vacant land where development has occurred around the vacant land.

1. **Street Frontages.** New structures should orient windows, main entrances, and other primary building façade elements toward the street. Care should be taken to avoid the appearance of buildings turning their backs or sides toward the street.
2. **Front Setback Pattern.** The minimum front setback required may be reduced by the Administrator for any lot where the average established front yard setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required yard setback. In such cases, the minimum front or street yard setback may be less than that required but not less than the average of the existing front yard setbacks on the developed lots within 300 feet of each side. In addition, for new lots created from existing larger lots, the lot width at the frontage line and the side yard setbacks shall be consistent with the immediately adjacent neighboring parcels on the same side of the street.

3. **Driveways.** On lots less than 50 feet in width, only one driveway of no more than 12 feet in width may be used to provide access to garages or off-street parking areas.
4. **Rhythm of Development.** Garages or off-street parking areas shall be located in the side or rear setback area only.

F. Irregular Lot Setbacks

The location of required front, side and rear yard setbacks on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this ordinance to achieve an appropriate spacing and location of buildings and buildings on individual lots. Where questions arise as to appropriateness, the subdivider may be requested to provide additional design information.

510.030 Fences & Walls

All fences and walls shall comply with the requirements of this Section unless specifically approved as part of a Conditional District, Special Use Permit or Variance.

A. Except as otherwise provided in this Section, fences that are no taller than six (6) feet may be built along interior side and rear property lines.

B. Exterior side yard fences that are no taller than six (6) feet shall be at least five (5) from the right-of-way.

C. Fences in front yards are discouraged, but must be:

1. Located least two (2) feet from the right-of-way and no closer than two (2) feet from the inside edge of the sidewalk;
2. Less than sixty (60) percent opaque; and
3. Not exceed four (4) feet in height, except that wrought iron and split rail style fences may be up to five (5) feet tall.

D. No fence shall obstruct any traffic safety visibility zone.

E. Barbed wire, razor wire or other fence materials designed to cut or puncture are prohibited in all districts, except in the B-2, LI, HI and CON districts.

F. Deer fences may be erected around gardens provided that the fences are located at least ten (10) feet from the nearest property line.

510.040 Parking and Loading

A. Purpose and Intent

This Section establishes the minimum requirements for the number of spaces and the design of parking areas in the Town of Ayden. This Section provides administrative flexibility for the Administrator to adjust the number of required spaces and the design of spaces to provide for adequate parking, accommodate unique site conditions and capitalize on the benefits of parking opportunities on-street or in shared parking areas.

B. Applicability

The requirements of this Section shall be applicable to all new development and changes of use that create the need for parking or increase existing parking demands.

C. Parking Space Requirements

Permanent off-street parking (including on-street parking in accordance with the requirements below) is required subject to the table below. If required, parking shall be provided at the time of

erection, alteration, enlargement, establishment or change of use of any building or open use of land which require additional off-street parking.

LAND USE TYPE	MINIMUM REQUIRED AUTO SPACES	MINIMUM REQUIRED BICYCLE PARKING SPACES
RESIDENTIAL:		
Dwelling – Single Family & Two Family	1 per unit or 2 per unit if parking is provided in an enclosed garage	N/A
Dwelling – Multifamily	1.5 per unit	2 per 50 auto spaces
Dwelling – Accessory	1 per unit	N/A
Residential Care Facilities	1 per 2 resident rooms	1 per 40 auto spaces
All other residential uses	1 per unit	No requirement
LODGING AND ACCOMMODATIONS:		
All uses	1 per room	1 per 50 auto spaces
OFFICE AND SERVICES:		
Medical Clinic	1 per examination room	1 per 50 auto spaces
All other Office & Service Uses	1 per 700 sf	1 per 50 auto spaces
COMMERCIAL AND ENTERTAINMENT:		
Restaurant	1 per 400 sf	2 per 50 auto spaces
Indoor Amusement	No requirement	2 per 50 auto spaces
Outdoor Amusement	No requirement	2 per 50 auto spaces
Theater (Indoor or Outdoor)	1 per 8 seats	2 per 50 auto spaces
All other Commercial and Entertainment Uses	1 per 500 sf	2 per 50 auto spaces
MANUFACTURING, INDUSTRIAL AND WHOLESALE TRADE:		
All uses	1 per 1,000 sf	No requirement
EDUCATION & INSTITUTIONS:		
Child/Adult Day Care Centers (more than 8 persons)	1 space per classroom	1 per 50 auto spaces
Religious Institutions	1 per 8 seats in main assembly hall	1 per 50 auto spaces
Schools (elementary & secondary)	1 per 8 seats in main assembly hall or gymnasium	2 per 50 auto spaces
Studio	1 per 400 sf	1 per 20 auto spaces
All other Education and Institution uses	1 per 500 sf	1 per 50 auto spaces
AGRICULTURAL AND FORESTRY:		
All uses	No requirements	No requirements
COMMUNICATIONS, TRANSPORTATION AND INFRASTRUCTURE:		
All uses	No requirement	No requirements

D. Exemptions and Adjustments

1. **Exemptions.** Uses in the B-1 District are exempt from the minimum parking requirements of this Section.
2. **Tree Preservation.** The minimum number of parking spaces required may be adjusted by the Administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12 inch or greater diameter at breast height) from being damaged or removed, and where the site plan provides for the retention of said tree or trees.

E. Satellite & Combination Parking

1. If the off-street parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 600 feet. Such measurement shall be taken from the edge of the parking area on the lot to the entryway of the remote parking area.
2. Shared Satellite Parking: Upon approval by the Administrator, satellite parking facilities may be shared by 2 or more uses which do not share normal operating hours.
3. Parking for Permitted Uses Only: If satellite parking is utilized to fulfill parking requirements, the owner or authorized agent for the land upon which such remote parking is located shall restrict the use of such parking area for parking only in connection with the use(s) or structure(s) for which such remote parking is provided. Such restriction shall be recorded through an easements plat properly filed with the Register of Deeds of Pitt County, which may be released only by written consent of the Town. Remote parking for a particular use shall not be established in any district that does not allow that use.

F. Vehicle Design Standards

1. Applicability

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall apply:

2. Parking Area General Design Standards

a. A strip of land eight (8) feet wide adjoining any right-of-way line or any lot zoned for residential use shall be used to screen such parking with evergreen shrubs.
b. Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.
c. Parking for service vehicles shall be designated, located and screened to minimize the view from adjacent properties and rights-of-way, generally at the rear of buildings.
d. Parking areas shall be located and designed to avoid undue interference with the use of public rights-of-way, driveways or pedestrian ways. Parking stalls shall not be located in areas that would require backing into access driveways or streets except where allowed for residences.
e. Parking design and location shall be in accordance with the Ayden Specifications Manual and at minimum shall the following minimum dimensions:

Parking Angle (Degrees)	Parking Space Width (feet)	Parking Space Depth (feet)	Minimum Aisle Width (feet)
0°	9’	20’	12’
30°	9’	18’	11’
45°	9’	20’	13’
60°	9’	21’	18’
90°	9’	18’	24’

f. Parking stalls shall be located a minimum of 10 feet from public rights-of-way and buildings to allow sufficient separation for sidewalks, landscaping and other site features except along the backs of buildings in areas designed for loading and unloading. A continuous row of evergreen shrubs should be provided to screen all parking from view from a public right-of-way.

g. For properties zoned RMX, NMX or B-1, parking may only be located in the second or third layer of the site as illustrated in the diagram to the right.

h. Parking shall not be located in landscaped, open space or tree save areas.

i. Vehicle storage or display areas shall be identified on a site plan distinct from customer and employee parking areas and shall comply with parking access, location and design requirements, except that striping of the display or storage area shall not be required. Vehicle storage or display areas shall not be located in a manner that interferes with vehicle or pedestrian access aisles or driveways.

j. Tractor trailers, cargo trucks, busses and other large commercial vehicles or heavy equipment parking and storage shall comply with parking access, location and design requirements except for stall size and aisle size which shall be as appropriate for the vehicles to be stored and shall be designated on a site plan.

k. Well-marked, ADA-compliant pedestrian access must be provided in all parking lots. Access perpendicular to the main entrance from the parking area should be provided, whenever possible. Where a sidewalk is added to a median, additional median width equal to the sidewalk width must be provided.

3. Stacking Spaces

a. Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this section. Such uses include but are not limited to: restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.

b. Required stacking spaces are subject to the following design and layout standards:

(1) Stacking spaces shall be a minimum of nine feet wide and 16 feet long.

(2) Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.

(3) Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements, whether on-site or off-site.

(4) Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

4. Surfacing

Off-street parking areas shall be properly graded, marked and located on improved lots or within parking structures. The material for surface parking spaces and corresponding access drives required by this section, except for single-family detached and duplex residences, shall consist of suitable material as set forth below.

a. Suitable Materials: Suitable paving materials for required parking areas include, but are not limited to, asphalt, porous asphalt, porous paving blocks, and concrete. Compacted stone (road bond) and gravel may be permitted as paving materials in the rear setback area for loading and service areas zoned LI or HI (Industrial Districts).
b. Accessible Spaces: All accessible spaces and corresponding access paths shall consist of concrete or asphalt.
c. Pervious Surfaces: Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of reinforced grass as a parking lot surface is permitted for satellite parking areas.
d. Parking Space Marking: The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, grass or other vegetative surfacing.

5. Connectivity

a. Adjoining parking lots serving (or potentially serving) non-residential or multifamily uses shall be interconnected as follows:
   (1) The parking lot under development has a minimum of 24 parking spaces or equivalent parking area.
   (2) At least 1 connection is provided at all lot lines that are coincident for at least 60 feet with another lot zoned for non-residential use.
   (3) The connection is at least 20 feet wide.
   (4) If applicable, the connection aligns with a connection that has been previously constructed on an adjacent property.
   (5) The connection has a slope of no greater than 15 percent.
   (6) The connection is not placed where a building on an adjacent property is within 50 feet of the lot line which would hamper traffic movements within the parking lot.
   (7) The connection is placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 6 inches or more.
   (8) In the event these conditions cannot be met without undue hardship, or if such connections would create undesirable traffic flow, the Administrator may waive the connection requirement.
   (9) Where a parking lot connection is required an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Pitt County Register of Deeds in the form of an easement plat.

6. Off-Street Loading Requirements

a. Off-street loading spaces shall be required for industrial, major institutional, and business uses that can be expected to regularly receive or deliver goods, pursuant to the following schedule (areas within the B-1 zoning district are exempt from this requirement):

Building Square Footage	Required Number of Spaces
Under 20,000	0
20,001 – 40,000	1
40,001 – 100,000	2
Over 100,000	3

b. Required loading spaces shall have the following minimum dimensions: 12-foot minimum width, 25-foot minimum length, and 14-foot minimum vertical clearance.

c. Locations:

a. Required off-street loading spaces shall not be located within a building, but shall be on the site of the use served or on an adjoining site.

b. Required off-street loading spaces shall be located to the sides and/or rear of the lot to maximize the street exposure of the primary structure.

c. A loading area shall not be located in a required setback. In addition, street-side loading docks shall be set back at least 70 feet from the street property line or 110 feet from the street center line, whichever is greater.

d. No loading bay may intrude into any portion of a required parking aisle or access dimension.

e. Loading areas visible from a street shall be screened on three sides by a solid, decorative fence, wall, or hedge at least six feet in height.

e. Access:

(1) A required loading stall shall be accessible without parking a truck across a street property line unless the Administrator determines that provision of turnaround space is infeasible and approves alternate access.

(2) An occupied loading space shall not prevent access to a required off-street parking space.

f. Parking Alternatives

(1) The Administrator is authorized to approve an alternative parking plan for Agricultural Uses, Industrial Uses and Recreational Facilities that proposes alternatives to the standards in this section.

510.050 Signs

A. Purpose and Intent

Sign regulations are established to restrict private signs and lights which overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision. Such regulations are also designed to encourage signing and lighting and other private communications which aid orientation and identify activities, to protect and enhance the overall appearance of the community, and to reduce conflict among private signs and lighting and between the private and the public information systems.

B. Applicability

All signs within the Town's Planning and Development Regulation Jurisdiction shall be covered by these regulations and be erected, constructed or maintained in accordance with the provisions of this section.

C. Permits Required

1. Except as provided otherwise in this Section, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign without first obtaining a permit, in accordance with this ordinance, from the Administrator to ensure compliance with the provisions of this ordinance.
2. Additional permits may be necessary pursuant to the regulations in the State Building Code or other sections of this ordinance.

D. Alteration of Sign Face

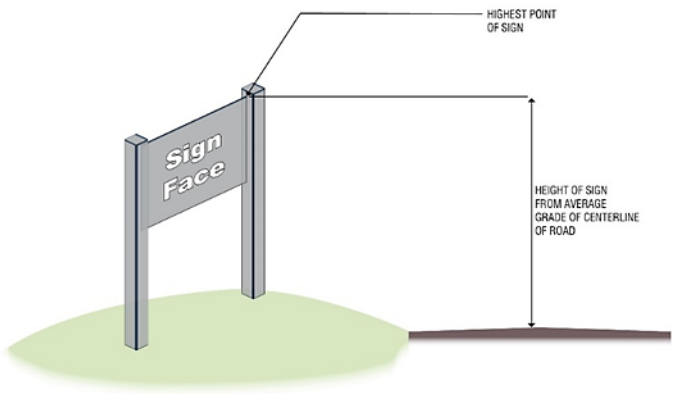
Cleaning, electrical repair, resurfacing and other maintenance of a sign shall not require a permit. The changing of tenant name panels on multiple-tenant development signage and the change of copy on other signs specifically designed for changeable copy shall not require a permit.

E. Computation of Sign Area

1. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem or other display on the sign that can be reasonably calculated.
2. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
3. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face. Computations of sign area shall include only one side of a double-faced sign structure. If a sign has two sides joined at an angle greater than 60 degrees, the surface of both sides shall be included in the computation of area.

F. Computation of Height

1. **Attached signs.** The sign height for attached signs shall be computed as the distance from the finished grade at the base of the building to which the sign is attached to the top of the highest component of the sign.
2. **Ground (freestanding) signs**. As illustrated below, the sign height for ground signs shall be computed as the lesser of:
   a. The distance from the base of the sign at the finished grade to the top of the highest component of the sign; or
   b. The distance from the nearest adjacent street grade to which the sign is oriented, and on which the lot has frontage, to the top of the highest component of the sign.



SIGN HEIGHT

G. Location and Encroachment

1. Permitted signs shall be located a minimum of five (5) feet from the street right-of-way, behind sidewalk areas and outside of required site triangles.
2. All attached signs shall be mounted and attached to buildings in a secure manner, shall not include wire or turnbuckle guy and shall be maintained in good repair for safety and appearance.
3. No non-governmental sign shall be attached to or painted on power poles, light poles, telephone poles, traffic signs or other objects not intended to support a sign.

H. Materials and Structural Requirements

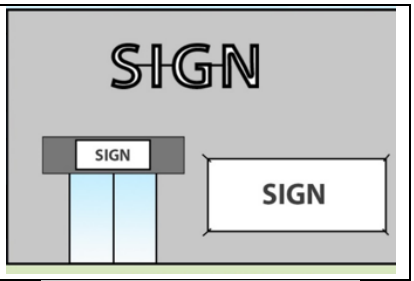
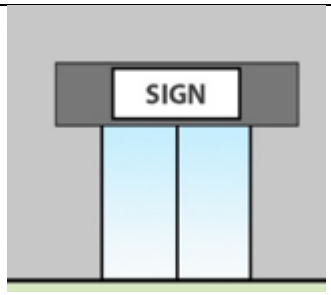
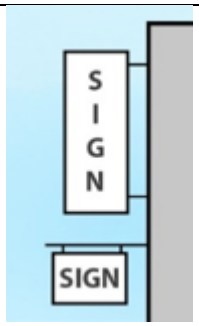
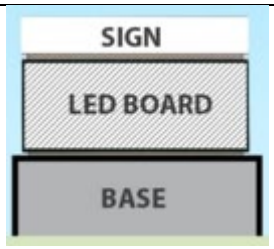
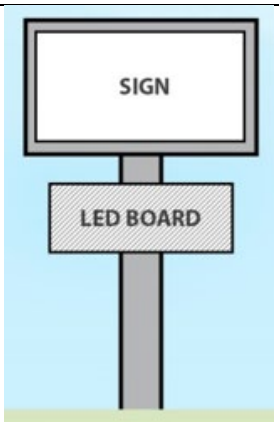
1. All attached signs and sign support frames shall be mounted and attached to building or ground in a secure manner, shall not include wire or turnbuckle guy and shall be maintained in good repair for safety and appearance.
2. All permanently installed signs shall be able to resist normal loads from positive and negative wind pressure, snow and other conditions as required by the current edition of the North Carolina version of the International Building Code.
3. The Administrator reserves the right to require sign load calculations and attachment design from a state licensed structural engineer, and to require same engineer to certify the sign installation in writing.

I. Nonconforming Signs

See *Article 9 - Nonconformities*.

J. Signage Types

Signage types illustrated below are approved for usage in the Town:

Wall Signs: A sign attached to a wall and not projecting away from the wall more than 12 inches.	
Awning/Canopy/Window/Door Signs: Signs integrated into traditional storefront awnings or canopies that may project over a sidewalk from the building façade.	
Projecting/Suspended Signs: A sign attached to a wall and projecting away from that wall more than 12 inches, but not more than five feet.	
Monument Signs: A freestanding sign where the base of the sign is on the ground and is supported by solid structural features other than support poles. The width of the top of the sign structure can be no more than 120% of the base.	
Column Signs: A freestanding sign that is affixed, attached or erected on a column.	

K. Attached Signage Standards:

Sign Type	Zoning District	Square Footage	Height	Total Number
Wall Signs	B-1, B-2, NMX, LI, HI	2 sq ft per linear ft of building wall. Shall not exceed more than 300 square feet total.	No sign shall extend above the roofline.	4 signs per building wall.
	LI, HI	2 sq ft per linear ft of building wall. Shall not exceed more than 600 square feet total.	No sign shall extend above the roofline.	4 signs per building wall.
Awning / Canopy / Window / Door Signs	B-1, B-2, NMX	25% of the gross glass area on any one side of the building (windows/doors), 50% of area for awnings/canopies.	No sign shall extend above the roofline.	N/A
Projecting / Suspended Signs	B-1, B-2, NMX	6 square feet	Shall be at least 7 feet from the ground measured from the bottom of the sign.	One per tenant
Notes: *1) Wall signs shall have a max. protrusion of 12 inches, may only be placed on walls facing a public right-of-way. No illumination for awning/canopy/window/door signs or projecting/suspended signs is permitted.*				

L. Ground Signage Standards in Residential Zoning Districts:

Zoning District	Square Footage	Height	Total Number
RR, RA-20, R-12, R-10, R-8, R-6SF, MF, MH, RMX,	20 square feet	6 feet	1 per entrance
Notes: *1) Signs are permitted on decorative or retaining walls at entrances to residential developments without limitations to the size of the wall.* *2) 5 foot minimum setback from all property lines is required for all ground signs.*			

M. Ground Signage Standards in Non-Residential Zoning Districts:

Zoning District	Square Footage	Height	Sign Base	Total Number of Signs
B-1	24 square feet	6’	Monument	1 sign per site
NMX	20 square feet	6’	Monument	1 sign per site
B-2, LI, HI	40 square feet	12’	Monument or column	1 sign per street frontage
Notes: *1) Column may be single or double mounted and must have a diameter of at least 24 inches.* *2) Monument signs must have a base that is at least 75% of the width of the total sign.* *3) Monument signs must have a base material of brick, stone or like imitation material.* *4) 5-foot min. setback from all property lines is require for all ground signs.* *5) See Overlay Standards in Article 3 – Zoning Districts for additional signage requirements in overlay districts.*				

N. Other Signage Requiring Permits

1. Construction project signs:
   a. Permitted districts: all districts.
   b. Surface area: 32 square feet maximum.
   c. Time limit: these signs are intended to be temporary and must be removed after completion of construction.
2. Sales office signs:
   a. Permitted districts: all Residential Districts, only on model home lots used as sales offices for single-family residential subdivisions.
   b. Surface area: 32 square feet maximum.
   c. Time limit: these signs are intended to be temporary and must be removed after 50% of the lots in the current phase of the development are sold.
3. Electronic message boards:
   a. Permitted districts: B-2, B-1
   b. Surface area: electronic message boards may be incorporated into a permitted ground sign only, and when located in the B-2 District shall not comprise more than 50% of the primary sign area.
   c. Message variation: the electronic message shall not change in increments of less than 30 seconds and shall not scroll. New messages shall be timed to fade in and out slowly.
4. Drive-thru menu boards:
   a. Permitted districts: B-2, B-1.
   b. Location/placement: menu boards shall be allowed only as an accessory use to a restaurant having a drive-through window.
   c. Surface area: 35 square feet maximum.
   d. Height: six feet maximum.

O. Ground Signage Standards for Sites with Multiple Buildings

All ground signage for developments with multiple buildings, including large commercial centers, malls, business parks and industrial parks, are subject to these provisions:

1. Ground signs may be a maximum of 12 feet in height and 100 square feet in sign area.
2. Planned developments may have one ground sign per road frontage.
3. Outparcels for planned developments may have one ground sign that is a maximum of four feet in height and 35 square feet in sign area.

P. Signs Exempt from Permit Requirements

1. **Governmental signs.** Signs posted by various local, state and federal agencies in the performance of their duties such as regulatory signs, welcome signs and traffic signs. Signs installed under governmental authority which note the donation of buildings, structures or streetscape materials (such as, but not limited to benches, park facilities and the like).
2. **Flags and the like.** Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility per lot provided the height of any pole shall not exceed the maximum

building height for the district. Refer also to the United States Flag Code for usage of the United States flag.

3. **Temporary holiday decorations.** Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration.
4. **Building marker signs.** A sign cut or etched into masonry, bronze or similar material on a building which denotes only the building name, date of erection or street number.
5. **Legal and warning signs.** Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.
   a. Signs required for or specifically authorized for a public purpose by any law, statute or ordinance.
   b. Signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular piece of property shall be located on the premises to which the information pertains. No advertising may be affixed to such a sign.
6. **Occupant/street number signs.** Signs not exceeding two square feet and not illuminated, bearing property numbers, post office box numbers, names of occupants or other identification of premises not having commercial connotations.
   a. All such signs must be placed in such a manner as to be visible from the street.
   b. Unit identification numbers shall be located on the front wall within 18 inches of the entrance, or if not feasible architecturally, prominently displayed on the building. Unit numbers for residential dwellings only may, in lieu of being located on the front wall, be located on the mail boxes or similar-sized surface attached thereto. Multi-family and other residential facilities which are comprised of courts or units not fronting a public street must be located on identification signs containing the name of the court, street or way and the unit numbers on each private entrance.
7. **Vending machine/automatic teller and gasoline pump signs.** Signs attached to and made an integral part of a vending machine, automatic teller machine or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.
8. **Directional signs on private property.** Directional signs must be located on the premises to which directions are indicated.
   a. Such signs may not exceed three feet in height if freestanding.
   b. Directional signs may not exceed four square feet per face.
   c. Such signs may contain no copy (such as, company name or logo) other than directional information.
   d. Illumination of such signs shall be as permitted for on-premises signs in the land development district where the sign is located.
   e. No more than two signs per entrance or exit shall be permitted.
9. **Gas pump island signs.** Portable signs associated with gasoline stations, specifically those denoting gasoline prices, gas types and other petroleum related signage. Such signs must be located at the pump island.

10. **Incidental signs.** Signs containing information necessary or convenient for persons coming onto a premises shall be located on the premises to which the information pertains.
    a. No advertising may be affixed to such a sign.
    b. Such signs must be single-faced only and wholly attached to a building (may be located on windows or doors).
11. **Real estate signs.** Only one sign is allowed per street frontage.
    a. Such signs may not be illuminated.
    b. Such signs may be no greater than four square feet in area (all types of signs) and four feet in height (if freestanding) when located on a residential property less than two acres.
    c. Such signs may be no greater than 16 square feet in area (all types of signs) and eight feet in height (if freestanding) for non-residential properties or residential properties exceeding two acres.
    d. Real estate signs shall be removed within one day after the closing of the sale, rental or lease of the property.
    e. Such signs shall only be located on property for sale or lease.
12. **Political signs.** Political signs shall not be located on any trees, utility poles, publicly-owned property or within a public street right-of-way, except within NCDOT right-of-way according to the standards of NCGS 136-32.
    a. Such signs shall not be illuminated.
    b. Such signs may not exceed four square feet in area and four feet in height, if freestanding.
    c. Political signs may be displayed during a period beginning with the established filing date for an election and concluding 15 days after the election. In the event of a runoff election, political signs for the candidates involved may remain on display until 15 days after the runoff election.
13. **Temporary signs; special event signs.** Signs may be erected by public or non-profit organizations such as schools and churches for promoting special events as follows:
    a. Signs for public events such as fund drives, fairs, festivals, sporting events, and the like may be displayed for a period of 30 days and may be allowed on-or off-premises. Such signs shall be removed within seven days of the end of the special event.
    b. Such signs shall not be illuminated.
    c. Such signs are limited to 32 square feet in area per display surface and four feet in height.
14. **Yard sale signs.** Such signs may be located on-premises only and may not be located within a public right-of-way nor placed on a tree, street sign or utility pole.
    a. Such signs may not be illuminated.
    b. Yard sale signs are limited to four square feet in area and four feet in height.
    c. One yard sale sign is allowed per street frontage.
    d. Such signs must be removed within seven days of erection.

15. **New businesses and promotional signs.** Temporary or portable signs may be permitted in the B-1, B-2 & NMX Districts for a period of not over 30 days per calendar year per business and to any person(s) or corporation that has opened a new business. New business and promotional signs includes pennants, ribbons, streamers, balloons and/or spinners.
16. **One "open business" sign per business.**
    a. May have a neon light source.
    b. Permitted districts: B-1, B-2 & NMX.
    c. Not exceeding 15 watts and two square feet.
17. **Fence Wrapping.** Fence wraps displaying signage when affixed to perimeter fencing on construction sites, as described by NCGS 160D-908, shall be exempt from the requirements of this ordinance and allowed to remain until:
    a. A final Certificate of Occupancy is issued, or
    b. 24 months has elapsed from when the signage was installed, whichever is shorter.

Q. **Prohibited Signs**

1. Off-premises signs. All off-premises signs unless specifically allowed elsewhere in this ordinance are prohibited.
2. Animated/flashing signs or signs of illusion. Except for otherwise approved time and temperature signs, signs displaying blinking, flashing or intermittent lights, animation, and moving parts or signs giving the illusion of movement are prohibited. Time and temperature signs that rotate or move are not permitted.
3. Signs resembling official signs. Any sign that imitates an official governmental sign, or violates the law of the state relating to outdoor advertising, is prohibited.
4. Signs resembling traffic signals. Any sign which by color, location or nature may be confused with official highway signs, warning signs, traffic signals or other regulatory devices are prohibited.
    a. Any sign that uses the word "stop", "slow", "caution", "danger", or any other word which is likely to be confused with traffic directional and regulatory signs is prohibited.
    b. Any sign located in a manner or place which might constitute a traffic hazard is prohibited.
5. Signs on roadside appurtenances. Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches and refuse containers, and the like are prohibited unless specifically allowed elsewhere in this ordinance.
6. Abandoned signs or sign structures. Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited. Conforming signs designed for changeable copy may be covered instead of removed.
    a. Sign structures on which no sign is erected are prohibited.
    b. Such signs or sign structures must be removed within 30 days of becoming an abandoned sign or sign structure.

7. Signs obstructing access. Any sign that obstructs free ingress or egress from a driveway or a required window, door, fire escape, stairway, ladder or other required opening is prohibited.
8. Signs with exposed electrical wiring. All wiring shall be contained in conduit or enclosed in poles or raceways. In no case shall the wiring be exposed to the public.
9. Signs on public property. Any sign installed or placed on public property or within a public right-of-way, including any sign held by or otherwise displayed upon a person. Such sign shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

R. Maintenance of Signs

Signs shall be kept in proper repair. The following maintenance requirements must be observed for all signs visible from any public street or highway within the planning and development regulation jurisdiction of the town.

1. Surface appearance. No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than 30 successive days.
2. Broken displays. No sign shall remain with a bent or broken display area, broken supports, loose appendages or struts or stand more than 15 degrees from the perpendicular for a period of more than 30 successive days.
3. Illuminated signs. No indirect or internally illuminated sign shall have only partial illumination for a period of more than 30 successive days.

S. Inspection and Enforcement

All signs for which a permit is required shall be subject to inspection by the town. A representative of the town shall be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed. The town may order the removal of any sign that is not in accordance with the provisions of the code.

T. Substandard Signs

1. The owners of any sign judged substandard by the Administrator shall be notified in writing and the said owner shall have 30 days in which to make repairs. If the said order is not complied with within 30 days, the Administrator shall remove such sign at the expense of the owner or lessee thereof plus all legal and administrative fees.
2. Any sign installed or placed on public property or within a public right-of-way shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

U. Signs Permitted in Allowance, Removal, Relocation, Reconstruction of Nonconforming Off-Premise Advertising Signs

1. **New signs limited.** No new outdoor advertising signs (unless permitted as a Special Use Permit per *Article 4 – Individual Use Standards* of this ordinance) shall be permitted in the town except for outdoor advertising signs that are removed, relocated, or reconstructed pursuant to the requirements of this section.
2. **Qualified signs.** A sign with an existing valid permit from the State Department of Transportation and the town. A sign may also qualify if erected prior to applicable zoning regulations.
3. **Removal/replacement/reconstruction.** Any relocated and/or reconstructed qualified sign shall comply with the following standards:
   a. The total number of relocated and/or reconstructed signs shall not exceed the number of qualified sign structures and sign faces that are registered as qualified signs.
   b. A relocated and/or reconstructed qualified sign shall be a monopole sign. Replaced signs shall not be attached to any building. A relocated and/or reconstructed sign is limited to only have one face per side.
   c. Light emitted from any reconstructed qualified sign shall be confined to the sign area and in no case shall light emitted from a billboard be allowed to shine directly onto or into a residentially zoned or used property.

510.060 Lighting

A. Purpose

The standards set forth in this section are designed to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. It is the intent of this section to:

1. Minimize light pollution, such as glare and light trespass.
2. Conserve energy and resources.
3. Maintain night-time safety and utility.
4. Improve the night-time visual environment.

B. Applicability

All applications for site plan review, special use, subdivision and/or building permits shall include lighting plans showing location, type, height and lumen output of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this lighting code. The Administrator shall have the authority to request additional information in order to achieve the purposes of this Lighting Code.

C. Prohibitions and Exemptions

1. Prohibitions. The following lighting types shall be prohibited:
   a. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

b. The operation of searchlights for advertising purposes is prohibited.
c. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited.
d. lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
e. Awnings and canopies used for building accents over doors, windows, and etc. shall not be internally lit (i.e. from underneath or behind) so as to visually turn a translucent material into an internally illuminated material. Lighting may be installed under canopies that light the sidewalk, or downlights onto the architectural features of a building.

2. Exemptions. The following exemptions shall be granted from the requirements of this section:
a. Luminaires used for public-roadway illumination may be installed at a maximum height of 37 feet and may be positioned at that height up to the edge of any bordering property.
b. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this ordinance.
c. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this Article, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
d. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting.
e. Lighting associated with holiday, festival or other temporary uses permitted in this ordinance.
f. Lighting of public art that has been permitted or otherwise approved by the town.
g. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.
h. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
i. Lighting of US and North Carolina State Flags provided the flag standard does not exceed the maximum permitted building height for that district.

D. General Design Standards

1. Background spaces such as parking lots and driveways shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property.
2. Foreground spaces, such as building entrances and plaza seating areas, shall utilize lighting that defines, highlights, or enhances the space without glare.
3. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
4. Light poles and fixtures shall be of a matte or low-gloss grey, black, dark earthen, or bronze finish, unless permission is granted by the Administrator for a special color scheme or theme.

5. Light sources must be compatible with the light produced by surrounding uses and must produce an unobtrusive degree of brightness in both illumination levels and color temperature.
6. Natural areas and natural features shall be protected from light spillage from off-site sources.
7. All exterior lighting, on or off a building, shall be either amber or white in color with the exception of low-light output (800 lumens or lower) landscaping or other decorative lighting, signage lighting, or customer entrance or service area lights aiming down and installed under a canopy or similar roof structure.

E. District Lighting Standards in Footcandles

1. Maximum lighting levels shall adhere to the standards in the chart below. All numerical values in the chart below represent measurements in footcandles.

	RR, RA-20, R-12, R-10, R-8, R-6SF	MF, MH, RMX	NMX, B-1	B-2, LI, HI
Light Trespass Off Property	0.1	0.3	0.8	1
Display/Canopy Area	8	12	20	20
Parking Areas	4	4	6	6
All other on-site Lighting	4	6	10	10

a. The values in the preceding chart for "All Other On-Site Lighting" and "Display/Canopy Areas" shall represent the maximum point of illuminance measured at grade in footcandles.

(1) Exception: Outdoor display lots for vehicle sales and leasing may exceed 20 foot-candles if outdoor white lighting is cut off, leaving only security lighting that is amber in color (a temperature rating equal to or less than 2,700 Kelvin), after closing or 11:00 p.m., whichever comes earlier.

b. The values of the preceding chart for the "Light Trespass Off Property" shall represent the maximum point of illuminance as measure at the property line in footcandles.

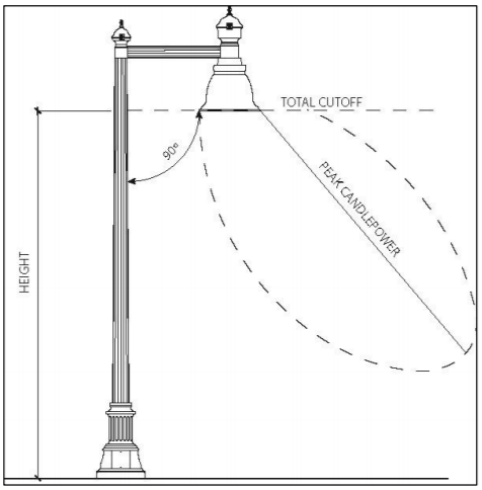
(1) Exception: In the case of buildings closer than 10 feet to the property line using only wall packs, light trespass may be greater than one foot-candle as long as the wall packs are fully shielded to direct the light downward, have a light output of 1,600 lumens or lower, and the light source (lamp) is not visible from off-site.

c. The values of the preceding chart for "Parking Areas" shall represent the average point of horizontal illuminance measured in footcandles, provided that in all districts the maximum uniformity ratio shall be 4:1 minimum to average.

F. Control of Glare

1. Pole light fixtures shall have a flat lens oriented horizontally or have shields installed on each side of the fixture to hide the lens.

2. Any luminaire shall be a full-cutoff type fixture.
3. Any luminaire shall be mounted at a height equal to or less than 30 feet above finished grade.
4. The maximum mounting height of all outdoor lighting with a 90 or less degree cutoff fixture shall be 30 feet. The maximum mounting height of all outdoor lighting without a full 90 degree or less cut-off fixture shall be 16 feet. Poles may be mounted on a concrete pier of no more than 3 feet in height.



5. Poles shall be matte or low-gloss finish to minimize glare from the light source.
6. Other than floodlights, flood lamps, and spotlights all outdoor lighting fixtures of more than 2,000 lumens shall be full-cutoff type fixtures. Any fixture that is not full-cut off shall be a directional fixture (such as flood lights) and may be used provided they shall be aimed and fully shielded to prevent light spillage.
7. Exceptions.
   a. Non-cutoff decorative post-mounted fixtures equipped with a solid top and mounted 18 feet or less above ground and other non-cutoff dusk to dawn utility type fixtures mounted 25 feet or less may be used. The maximum initial lumens generated by each fixture shall not exceed 9500 initial lamp lumens.
   b. All metal halide, mercury vapor, fluorescent, and other white-colored light source lamps used in non-cutoff fixtures (excluding flood lights) shall be coated with an internal white frosting inside the outer lamp envelope.

G. Security Lighting

1. Unshielded flood lights and spotlights, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.
2. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from vertical or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
3. Flood lights and display lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.

H. Landscape Lighting

Landscape and decorative lighting using incandescent lighting with a light output of 800 lumens or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light trespass and shielded to prevent view from the public right of way.

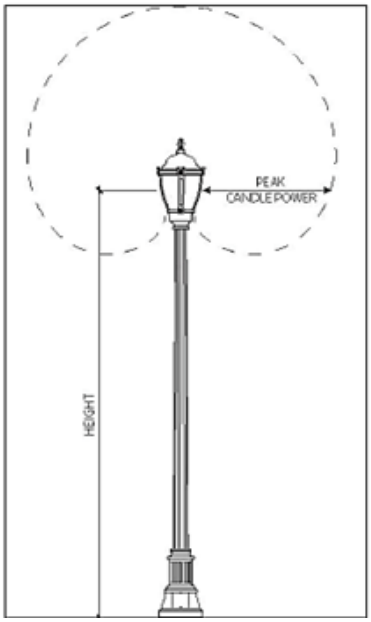
I. Outdoor Recreational Lighting

Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields, basketball courts, tennis courts, outdoor performance areas and similar

recreational uses are exempt from the exterior lighting standards provided above. However, these uses shall adhere to the requirements below.

1. Outdoor recreational lighting shall not exceed a maximum permitted post height of 80 feet. The Administrator may set a shorter maximum pole height if the specific recreational use does not require the taller pole.
2. Lights shall be shielded and positioned so as not to shine onto adjacent roadways or properties.
3. All fixtures shall be fully shielded or be designed or provided with Manufacturer's Glare Control Package, so as to minimize up-light, spill-light, and glare.
4. Fixtures shall be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted. The maximum permitted illumination at the property or right-of-way line shall not exceed 2 foot-candles and all lights, except for any amber color (a temperature rating equal to or less than 2,700 Kelvin) security lights, shall be cut off after use.

J. Street Lighting



1. Street lighting shall be placed on all streets to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the standards of the Ayden Public Works Department or the standards in the most recent edition of the Illumination Engineering Society of North America, "Lighting Handbook."
2. Pedestrian scaled lighting (no taller than 18 feet) shall be required in the RMX, NMX and B-1 districts using decorative fixtures of a similar character to those existing in these districts (see images at left).
3. Pedestrian-scaled lighting (no taller than 18 feet) shall be prioritized over automobile lighting in all districts. Lighting shall be placed in a manner to limit the casting of shadows on sidewalks.
4. All street lights shall utilize a cutoff fixture. Where buildings are close to the street (less than 15 feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.
5. Alleys are excluded from the spacing and lighting requirements of this section.

K. Additional Lighting Use Regulations for Specific Areas

1. Building Façade Lighting
   - **a.** Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan.
   - **b.** On-site lighting may be used to accent architectural elements but not used to illuminate entire building(s).

c. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 average maintained footcandles.
d. Building facade and accent lighting will not be approved unless the light fixtures are selected, located, aimed, and shielded so that light is directed only onto the intended target and spillover light is minimized.
e. Wall packs on buildings may be used at entrances to a building to light unsafe areas, but must be fully shielded to direct the light downward, must have a light output of 1,600 lumens or lower, and the light source shall not be visible from off-site.

2. Outdoor Display Areas. The mounting height of outdoor display area fixtures shall not exceed 30 feet above finished grade.
3. Lighting for Vehicular Canopies. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:
   a. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the vehicular canopy.
   b. Surface mounted fixture incorporating a flat lens that provides a cutoff or shielded light distribution.
   c. Other methods approved by the Administrator.

L. Compliance

1. Lighting plans required as part of a site construction plan shall include, at a minimum, the following information:
   a. Point-by-point footcandle arrays in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this ordinance.
   b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).
   c. After installation of on-site lighting, a certification of compliance statement must be submitted to the Administrator prior to the issuance of a Certificate of Occupancy.
2. Subsequent phases of an entire development shall have a uniform design plan for lighting and fixtures. New phases must meet all requirements in effect at the time of obtaining a permit, but lighting plans must consider preexisting lighting in earlier phases, both in design and intensity of light.

510.070 Open Space Standards

A. Intent

It is the intent of this section is to require that each new development contribute to the necessary range of parks and opens space critical to the quality of life for each resident and visitor. It is expected that all new residential development provide centrally-located, unencumbered land as neighborhood park space for human use and/or unimproved open space in addition to contributing to the construction and expansion of community facilities.

B. Applicability

All new development shall provide neighborhood parks and undisturbed open space (as applicable). The intent is to ensure that each new home has a range of parks and open spaces within a typical walking or biking distance of ¼ to ½ mile.

C. Required Open Space Table:

Zoning District:	Usable Open Space Required (Improved Park Space)	Natural Open Space Required (Unimproved Space)	Total Dedicated Space
CON	Exempt	Exempt	Exempt
RR	Exempt	2%	2%
RA-20, R-12, R-10, R-8, R-6SF, MH, MF,	2%	Exempt	2%
RMX, NMX, B-1	2% for projects greater than 5 acres	Exempt	2% for projects greater than 5 acres
B-2	Exempt	Exempt	Exempt
LI, HI	Exempt	Exempt	Exempt
PUD	2%	5%	7%

D. Exemptions to Open Space Standards

1. Neighborhood parks are not required in any residential development with an overall density of 1 unit/acre or less.
2. Subdivided residential developments of ten (10) or less dwelling units are exempt from the requirements of this section unless the Town agrees that it will accept an offer of dedication of such open space and in that case the offer of dedication shall be made.
3. Conditional Districts: Exemptions may be permitted on a case-by-case basis through the use of a Conditional District rezoning, but shall have a minimum of 50% of the total required open space.

E. Usable Open Space (Improved Park Space) Required

1. For purposes of this section, usable open space means an area that:
   a. Is not encumbered with any substantial structure;

b. Is not devoted to use as a roadway, parking area, or sidewalk, provided, however that multi-use trails may be counted towards required open space;

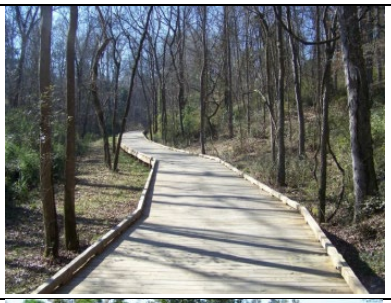
c. Reflects the character of the land as of the date development began. Wooded areas shall be left in their natural or undisturbed state except for the cutting of trails for walking, bicycling or jogging. Areas not wooded shall be landscaped for open play fields, picnic areas or similar facilities, or be properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objectives of this section;

d. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;

e. Is part of an independent Lot shown on the plan as being reserved for open space; and

f. Is legally and practicably accessible to the residents of the development from which the required open space subdivided or to the public if the open space is dedicated to the Town.

2. Usable Open Space shall include:

Greenways: A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors (greenways). The minimum size shall be 2 acres (except greenways where there is no minimum).	
Parks & Greens: An open space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. For the purposes of this section, standalone dog parks shall be considered a variation of the Green park type. The minimum size shall be 1/2 acre.	
Squares: An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at intersections. The minimum size shall be 1/4 acre and the maximum shall be 2 acres.	

Playgrounds: An open space designed and equipped for the recreation of children. A playground may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.	

3. Credit for Proximity to Existing Park Space. Developments that are proximate to an existing town-owned, publicly-accessible park space may count all such lands in their park space dedication requirement up to 25% of the required total, subject to the provisions below.
   - **a.** The existing park or parks must be within ½ mile of the development, as measured along a road or pedestrian path, to be considered proximate.
   - **b.** Adequate pedestrian access from the development to the existing park space must be provided as determined by the Administrator.
4. Credit for Neighborhood Amenities. Developments that provide neighborhood amenity facilities will receive a credit of 25% of the required total, subject to the provisions below.
   - **a.** The facilities are open to all residents of the neighborhood and are not subject to a private membership separate from any related POA dues.
   - **b.** Such facilities shall, at a minimum, include a clubhouse a minimum of 800 square feet and either tennis courts (minimum of 2 courts) or a pool (a minimum of 2,000 square feet in water surface area).
5. The following areas shall not count toward common open space set-aside requirements:
   - **a.** Private Lots, yards, balconies and patios dedicated for use by a specific dwelling unit;
   - **b.** Electric or gas transmission line rights-of-way;
   - **c.** Public right-of-way or private streets and drives;
   - **d.** Open parking areas and driveways for dwellings;
   - **e.** Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;
   - **f.** Designated outdoor storage areas;
   - **g.** Land areas between buildings of less than forty (40) feet;
   - **h.** Land areas between buildings and parking lots or driveways of less than forty (40) feet in width;
   - **i.** Required setbacks; and
   - **j.** Detention/retention facilities except as permitted by the Administrator.

F. Ownership and Maintenance of Recreational Areas and Required Open Space:

1. Open space required to be provided by the applicant in accordance with these open space standards shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or a property owner's association or similar organization. Open space shall be designated as an independent lot on the plat and shall be noted as being reserved for their intended purposes.
2. The person or entity identified as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.
3. Open space may be dedicated to a registered land trust, if approved by the Board of Commissioners.

G. Dedication of Open Space

1. If any portion of any lot proposed for development lies within an area designated on the officially adopted Land Use Plan, the area so designated (not exceeding five percent of the total lot area) shall be included as part of the area set aside to satisfy the requirement of this section. This area shall be dedicated to public use.
2. If more than five percent of a lot proposed for development lies within an area designated as provided in paragraph (1) above, the Town may attempt to acquire the additional land in the following manner:
   a. The applicant may voluntarily dedicate the additional land to the Town;
   b. The applicant may be encouraged to develop an integrated subdivision, cluster subdivision or some other applicable development pattern and to dedicate the common open space created thereby; or
   c. The Town may purchase or condemn the land.

H. Flexibility in Administration Authorized

1. The requirements set forth in this Article concerning the amount, size, location and open space to be provided in connection with residential developments are established by the Board of Commissioners as standards that presumptively will result in the provision of that amount of recreational facilities an open space that is consistent with officially adopted Town Plans. The Board of Commissioners recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this Article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing authority is authorized to permit minor deviations from these standards whenever it determines that:
   a. The objectives underlying these standards can be met without strict adherence to them; and
   b. Because of peculiarities in the applicant's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

2. Whenever the Permit Issuing Authority approves a deviation from these open space standards, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

I. Open Space Linkages

Where a trail, natural area or public park is dedicated to or acquired by the Town, such area may be credited toward the minimum amount of common open space required.

J. Natural Open Space Design Criteria

All required natural open space shall meet the following design criteria, as applicable:

1. Water bodies, retention areas, detention basins and wetlands basins, may constitute up to forty (40) percent of required open space, provided that retention facilities are designed to provide safe access to water. Unless otherwise approved by the Board of Commissioners, side slopes to retention facilities shall provide at least six (6) feet of horizontal run for each foot of vertical rise.
2. At least thirty (30) percent of required open space must be dry land with a slope of less than ten (10) percent unless otherwise approved the Board of Commissioners.
3. Unless otherwise approved by the Board of Commissioners, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

K. Connectivity Required

To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:

1. Dedicated public park or greenway lands;
2. Dedicated school sites;
3. Other dedicated open spaces;
4. Common open space located adjacent to the development;
5. Portions of the regional trail and open space system.

L. Payments in Lieu of Open Space Dedication

1. Any subdivider required to dedicate open space area pursuant to this Ordinance may, with the approval of the Board of Commissioners, make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the Board of Commissioners shall find that no recreation and/or open space sites have been designated on the adopted Comprehensive Plans (Parks & Rec – LUP) for the property in question.
2. The payment in lieu of dedication shall be equal to the appraised value of the required acreage of land within the subdivision based on an appraisal prepared by a licensed appraiser and submitted by the developer. If the Town disagrees with the submitted appraisal, it may have a second appraisal prepared. If the appraisals are within 15% of each other, the developer's appraisal will be utilized to establish

value. If the appraisals differ by more than 15%, the value will be based on the average of the two appraisals.

3. Where a combination of land dedication and payments in lieu are approved, the subdivider shall be given a credit equivalent to the appraised value per acre of land dedicated for recreation purposes. The credit amount shall be determined by multiplying the number of acres to be dedicated by the appraised value per acre. If the total payment in lieu as determined above is larger than the credit amount, the subdivider shall pay the difference between the two amounts. If the credit amount is larger than the total payment in lieu as determined above, no additional payment in lieu is required. However, the subdivider may not transfer the excess credit from one subdivision to another.
4. Upon approval by the Board of Commissioners, payment in lieu of dedication shall be made at the time of final subdivision plat approval. All monies received by the Town of Ayden pursuant to these requirements shall be used only for the acquisition and development of recreation, park, and open space sites to serve the residents of the development and the residents of the immediate neighborhood within which the development is located. The Board of Commissioners shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition of other recreation, park, or open space sites within the immediate neighborhood within which the development is located.

M. Ownership & Maintenance

The designated common open space and common facilities are outlined in *Article 7 – Subdivisions and Infrastructure* of this ordinance.

510.080 Landscaping and Buffering

A. Findings and Purpose

The standards established in this ordinance are intended to preserve, protect, restore and enhance the aesthetic appeal and scenic beauty of this town; provide adequate buffering between land uses; reduce noise and air pollution; reduce stormwater run-off; filter and reduce glare from artificial light sources; provide shaded areas along streets, sidewalks and in parking lots; provide a continuity of vegetation throughout the town; encourage the preservation of existing trees and vegetation; safeguard and enhance property values; and protect the public health, safety and general welfare.

B. Applicability

The landscaping and buffering standards of this section shall apply to the following:

1. All new developments (except for infill single-family detached) shall be designed in accordance with the requirements of this Article.
2. Pre-existing development
   - **a.** Non-conforming preexisting development is subject to these standards as follows:
     - **(1)** A change in type of occupancy, as set forth in the North Carolina Building Code;
     - **(2)** A change in land use which requires an increase in the number of off-street parking spaces or the provision of a buffer yard;

(3) Additions or expansions which singularly or collectively exceed 25% of the land area or gross building floor area existing at the effective date of this ordinance.

b. The Town of Ayden recognizes that designing preexisting development to meet new regulations is more difficult and expensive than applying these standards to undeveloped properties. Therefore, greater flexibility will be afforded preexisting development in meeting the requirements of this section, in that:

(1) A modification of up to 25% percent may be granted by the Administrator for planting area and dimension requirements where compliance presents hardships due to building location, lot size, or vehicular area configuration;

(2) A credit for reducing required off-street parking by 1 space shall be given for the construction of each landscape island.

C. Street Trees

1. Street trees are an essential part of the town streetscape. The Town seeks to maintain existing trees where possible and to encourage the planting and continuance of the established street tree patterns.
2. To accomplish this objective, the following shall apply:
   a. All subdivisions and developments subject to site plan approval shall provide street trees along their frontage with adjacent public streets.
   b. Street trees shall be selected from the list of large trees, or, where power lines are located, small trees included in *Appendix A – Official Planting List*.
   c. Planting strips shall be a minimum of six (6) feet wide.
   d. Planting location shall take into consideration planned roadway widening, public safety, standard drainage requirements and maintenance of sight distances for traffic safety. Street trees may be planted within the right-of-way, within planting strip abutting the right-of-way or other location approved by the Administrator.
3. Street trees, unless subject to overhead power lines, shall be planted at the rate of one (1) two-inch caliper tree per thirty (30) feet of property line abutting a public street, excluding driveways and traffic visibility zones. This rate may be varied based upon existing trees and the crowns of planted trees.
4. Trees used to meet buffer and vehicle use area requirements, may be used to meet the street requirements to the extent that the trees are located within twenty-five (25) feet of a street.

D. Buffer Yard Requirements

Buffers provide compatible transitions between differing land uses, reduce the visual impacts of development and retain existing plant materials.

1. Buffers are required along the common property lines between developments in different zoning districts or between developments of different uses as established in this Section.
2. Buffer requirements shall not apply when a public street or railroad right-of-way separates applicable zoning districts or uses accept where new lots created by a Major Subdivision Preliminary Plat abuts but has no access to Major or Minor Thoroughfare. When this occurs, a streetyard buffer meeting the Type A Buffer criteria standards shall be provided adjacent to the thoroughfare right-of-way. The preservation of existing healthy vegetation in the streetyard buffer is strongly encouraged.
3. The chart below establishes the minimum buffer widths for proposed development.

	Adjacent Zoning District					
District of Proposed Development	**RR, RA-20, R-12, R-10, R-8, R-6SF**	**RMX, MF**	**MH, NMX**	**B-1**	**B-2**	**LI, HI**
RR, RA-20, R-12, R-10, R-8, R-6SF	None	None	B	None	A	A
RMX, MF	C	None	None	None	A	A
MH, NMX	B	C	None	None	None	None
B-1	C	C	None	None	None	None
B-2	A	A	B	C	None	None
LI, HI	A	A	A	A	B	None
PUD*	TBD	TBD	TBD	TBD	TBD	TBD
A = Type A Buffer B = Type B Buffer C = Type C Buffer						

Notes:

1. A proposed nonresidential use locating next to vacant property shall be required to install a Type C buffer yard.
2. A non-residential or multi-family residential use with 10 or more units adjacent to a RR, RA-20, R-12, R-10, or R-8 zoning district shall be required to install a Type C buffer yard.
3. Use of a vacant parcel with a valid plan or permit approval shall be considered developed for the approved use.

* PUD District shall determine buffer yards as specified in the master plan.

E. Buffer Yard Composition

The required buffer yard types may be established using a combination yard widths, evergreen trees, canopy trees, understory trees, shrubs, fences, walls, and berms. The following tables illustrate the required elements for each buffer yard type.

1. **Type A Buffer:** The intent of the Type A Buffer is to create a completely opaque buffer, having no horizontal openings from the ground to a height of 8 feet within 2 years of planting. Type A buffers can be achieved in 3 ways:

Type A Buffer Yard Options	Min. Depth	Min. Plantings per 100 feet	Required Barrier
Option 1	40’	4 Evergreen Trees 4 Canopy Trees 4 Understory Trees 48 Shrubs	Not Required
Option 2	30’	2 Evergreen Trees 1 Canopy Trees 2 Understory Trees 12 Shrubs	Berm
Option 3	20’	1 Evergreen Trees 1 Canopy Trees 3 Understory Trees 12 Shrubs	Fence or Wall

2. **Type B Buffer:** The intent of the Type B Buffer is to create a semi-opaque buffer, having only seasonal horizontal openings, not to exceed 10% of the total width, from the ground to a height of 8 feet within 2 years of planting. A Type B Buffer can be achieved in 2 ways as specified below.

Type B Buffer Yard Options	Min. Depth	Min. Plantings per 100 feet	Required Barrier
Option 1	20’	2 Evergreen Trees 1 Canopy Trees 2 Understory Trees 12 Shrubs	Not Required
Option 2	10’	1 Evergreen Trees 1 Canopy Trees 3 Understory Trees 24 Shrubs	Berm

3. **Type C Buffer:** The intent of the Type C Buffer is to create a semi-opaque buffer, having only seasonal horizontal openings, not to exceed 25% of the total width, from the ground to a height of 6 feet within 2 years of planting. A Type C Buffer can be achieved in 2 ways as specified below.

Type C Buffer Yard Options	Min. Depth	Min. Plantings per 100 feet	Required Barrier
Option 1	20’	1 Canopy Trees 2 Understory Trees 8 Shrubs	Not Required
Option 2	10’	2 Canopy Trees 2 Understory Trees 12 Shrubs	Not Required

F. Additions to Buffers and Screening

When it is determined that the conflict of land use is so great that the public safety is not served adequately by the minimum buffer and screening requirements, or where there is a need to prevent a high degree of visual, audio, or physical disorders, then the Administrator may require the installation of fencing or earthen berms in addition to the minimum required buffers and screening, according to the standards below.

1. **Fencing or Walls**. Where required as part of a buffer yard, fencing or walls must adhere to the provisions below. Nothing in this section shall prohibit the owner of a single family dwelling from constructing a separate fence along the borders of such property, provided that all required buffer plantings are maintained.
   - **a.** In all cases, the finished side of the fence must face the use with the lower intensity.
   - **b.** Permitted fence or wall materials include: masonry, stone, architectural block, stucco on masonry, wood or other similar of solid appearance.
   - **c.** The design of fencing or walls shall be sufficient to meet the extent of physical screening required by the Administrator.
   - **d.** The height of the fence shall be determined by the Administrator based on the following variables: site conditions; topography; use; and/or building height. The minimum height of a fence or wall required by this section shall be 6 feet.

2. **Berms.** Earthen berms may be required in combination with plant material and fencing for the purposes of screening. Berms shall be tapered appropriately to allow for practical maintenance.
   a. The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of 6 feet above the toe of the berm.
   b. All berms regardless of size, shall be stabilized with a grass or other approved vegetative ground cover.. Topsoils brought in for mounds are to be mixed with native soil to avoid interfacing problems.
   c. Berms shall be constructed as to provide adequate sight distances at intersections and along all roads.
   d. Berms proposed to satisfy the screening requirements of this section shall be vegetated as required by this section. All plantings shall be located either on top of the berm or between the berm and the public right-of-way.
   d. Use of berms as a substitute for existing healthy vegetation is strongly discouraged.

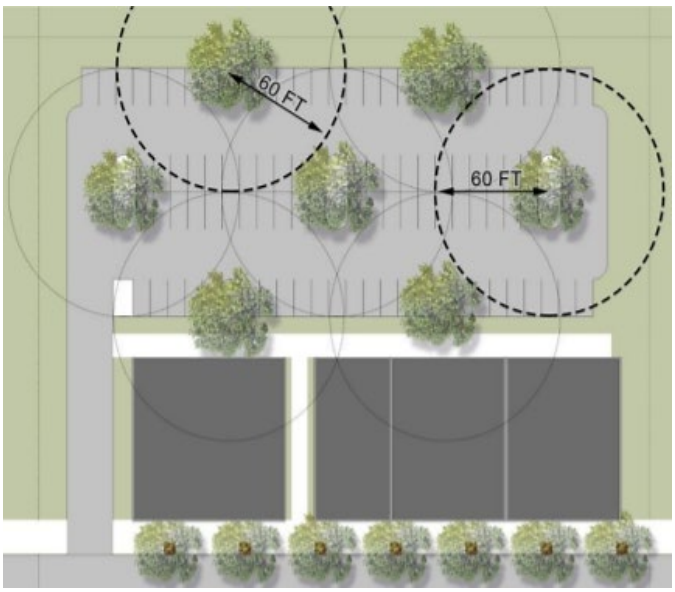
G. Vehicular Use Area Screening & Landscaping

1. All off-street parking, loading areas, and service areas adjacent to and/or visible from a public right-of-way and adjacent properties shall be screened from view by use of one or more of the following:
   - A building or buildings;
   - A change in topography;
   - A planting area a minimum of 8 feet wide planted with evergreen shrubbery placed a maximum of 5 feet on center. All shrubs shall achieve a height of 4 feet within 3 years.
   - Fencing, walls, or berms.
2. In addition to screening requirements, canopy trees shall be installed in planting areas within parking lots to provide shade coverage for all parking spaces within vehicle service areas. Such planting areas shall meet the following requirements:
   a. Planting Area Size: The minimum size of a planting area is dependent upon the number of canopy trees planted within it, as described below

Number of Canopy Trees in Planting Area	Minimum Size of Planting Area
1	400 square feet
2	700 square feet
3 or more	300 square feet per tree

   b. Planting Area Width: A minimum horizontal dimension of 9 feet measured from back of curb, pavement, sidewalk or other separating structure is required for all planting areas.
   c. Planting Strip Location: A continuous linear planting strip shall be provided between each 2 parking bays.

d. Minimum Spacing: All parking spaces, or portions thereof, shall be within 60 feet of a planted canopy tree trunk as illustrated in the diagram to the right.



e. Groundcover: Each planting area shall be landscaped with mulch, groundcover, or shrubs to protect against soil erosion.

f. Barriers or Wheel Stops: Barriers, such as wheel stops or 6-inch standard curbs, must be provided between vehicular use areas and landscaped areas.

g. Conflict with Parking Lot Lighting: Trees shall be located and planted so as not to diminish the effectiveness of required parking lot lighting, and in no instance shall lighting be located closer than 15 feet to canopy trees and 8 feet to understory trees.

H. Screening of Outdoor Storage

In addition to the bufferyard requirements provided by this Article, all non-residential outdoor storage yards must be screened with the use of:

1. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
2. Brick fence, brick/split face block, or decorative block (plantings not required).

I. Screening of BMP Facilities

Any Stormwater BMP Facility that is required by this Ordinance and is at least 18-inches in depth, as measured from the top of bank, shall be enclosed by a fence. The required fence shall be a black or green vinyl coated chain-link fence that is at least four-feet in height. (It should be noted that the applicant should consider whether a greater fence height is needed to provide an appropriate level of safety.) The fence shall have one or more gates to allow an appropriate level of access for the purpose of facility maintenance. Upon written request by the applicant, the Administrator may waive or modify the fencing requirement when it finds any one of the following:

1. The required fencing is not necessary to provide for the public health and safety because of the Stormwater BMP Facility's design, location or combination thereof;
2. The modified fencing proposal provides adequate protection of the public health and safety;
3. The Stormwater BMP Facility is designed to be an amenity to the development and the provision of a fence would lessen its effectiveness to do so.

J. Dumpsters, Loading Areas and Mechanical Utilities Screening

1. All dumpsters, loading docks and utility structures, which are visible from a public street or adjacent property line shall be screened unless already screened by an intervening buffer yard.
2. Screening shall consist of evergreen shrubs, fencing, walls or berms, and shall comply with all other standards of this section.
3. All screening of utilities shall comply with the requirements of the utility provider.
4. Where possible, enclosures for dumpsters are encouraged to be constructed with materials that are compatible with the design and materials of the principal building. Screening may be created through the use of:
   a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
   b. Brick fence, brick/split face block, or decorative block (plantings not required).

K. Unavoidable Delay in Installation

Installation of landscaping must be completed in accordance with an approved landscape plan. Unusual environmental conditions such as drought or ice may occur or the appropriate planting season may not parallel that of the development's construction. In such cases, a temporary Zoning Compliance Certificate for a specified period may be issued based on a performance guarantee. Performance guarantees shall be accompanied by a description of the factor(s) hindering installation of landscaping and a written estimate of materials and installation from a landscaping contractor. Such guarantee may be in the form of a letter of credit, a bond, a certified check or cash and shall be in the amount of 125 percent of the total price reflected in the estimate. The amount shall be reviewed and approved by the Administrator. The performance guarantee will be released after landscaping is installed in accordance with the landscaping plan.

L. General Installation and Maintenance Standards

It shall be the responsibility of the property owner(s) or assigned caretakers to ensure that all regulated landscaped areas, buffers, fencing, and tree save areas are installed, preserved, and maintained in good growing conditions, appearance, and usefulness. Damage and disturbances to these areas shall result in vegetation replacement and/or fines and other penalties. Preservation and maintenance shall include:

1. Any dead, unhealthy, or missing vegetation, shall be replaced with vegetation that conforms to the standards of this section and the approved site and/or subdivision plan.
2. All required buffers, streetyards, vehicular use areas, tree save areas and other landscaped areas shall be free of refuse and debris, shall be treated for pest/diseases in accordance with the approved site and/or subdivision plan, and shall be maintained as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.
3. The owner(s) shall take actions to protect all plant material from damage during all facility and site maintenance operations. All plant material must be maintained in a way

that does not obstruct sight distances at roadways and intersections, obstruct traffic signs or devices, and interfere with the use of sidewalks or pedestrian trails. Plant material, whether located within buffers, tree save areas, or within planted areas (required by the site and/or subdivision plan) shall not be removed, damaged, cut or severely pruned so that their intended form is impaired. Shrubs within vehicular use areas, streetyards, and street fronts may be pruned, but must maintain at least 3 feet in height.

4. In the event that existing required vegetation located within any buffers, tree save areas, streetyards, vehicular use or other landscape areas poses an immediate or imminent threat to improved structures on private property or public property, excessive pruning or removal of the vegetation may be allowable provided authorization is obtained from the Administrator, and the performance standard of the landscape area is maintained consistent with this section. Replacement vegetation may be required as a condition of the permit.
5. In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence, the owner may be required to replant if the requirements of the section are not being met. Replacement vegetation shall conform to the standards of this section and the approved site and/or subdivision plan.

M. Alternate Landscaping Plans

The Administrator may allow deviations to this section when it finds that alternative plantings are necessary due to proximity to utilities or that an alternative landscape design will provide preferable results.

N. Recommended Plant List

See Appendix A for the Town's official plant list. It contains some plant species that are native to the town area or are known to be suitable for the climate of the town area. Applicants seeking landscape approval shall not be required to select materials from the following list, but shall be required to select plant species that are known to be suitable for the climate of the town area.

510.090 Building Design Standards

A. Purpose

The purpose of establishing building design requirements for development is to ensure that the physical characteristics of proposed development are compatible with the context of the surrounding areas and to preserve the unique visual character and streetscapes of Ayden. These requirements strike a balance between creativity and innovation on one hand while avoiding obtrusive, incongruous structures on the other. Ayden strongly encourages architectural styles that build upon and promote the existing historic character of the town and supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

B. Applicability of Standards

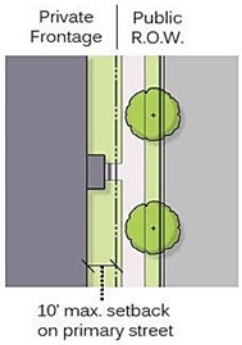
The provisions in this Section shall apply to all new structures and expansions to existing structures in with the zoning designation of B-1, RMX and NMX *(single-family attached or detached dwellings are not subject to Subsection G. Building Materials or Subsection H. Architecture*).

C. Modification of Standards/Design Exemptions

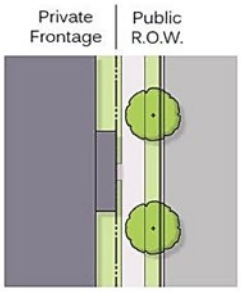
The Administrator may make modifications to the standards in this section upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with the Purpose and Intent above. If the applicant and Administrator cannot come to an agreement the proposal shall be submitted to the Board of Adjustment for review at their next available meeting.

D. Frontage Requirements: There shall be a minimum of 60% primary street lot frontage build out on properties. One of the following frontage types shall be provided along the private frontage for buildings in these areas (see next page):

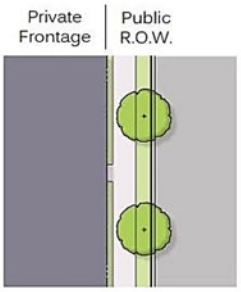
1. Shop-front & Awning:

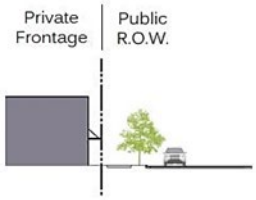


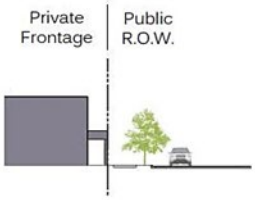
2. Gallery:

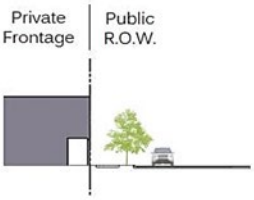


3. Arcade:









1. **Shopfront & Awning***:* The façade is aligned close to the property line with building entrance at sidewalk grade. Substantial glazing on sidewalk level is provided and an awning that may overlap the sidewalk to the maximum extent possible.
2. **Gallery:** The façade is aligned close to the property line with an attached cantilevered roof or lightweight colonnade overlapping the sidewalk.
3. **Arcade:** A colonnade supporting habitable space aligned close to the property line, while the façade at sidewalk level is set back to create a sheltered pedestrian area.

E. **Parking:** Parking shall only be permitted in the 2nd or 3rd layer of the primary street front yard (*see Section 510.040 – Parking and Loading*)

F. **Pedestrian Connections:** A clear & direct pedestrian connection shall be made to public sidewalks from the main entrances.

G. **Building Materials:** All exterior building materials visible from a public right-of-way shall be of higher quality such as brick, stone, marble, woods, fiber cement products, such as hardi-board, or other materials similar in appearance and durability. Metal should be used only as an accent or roofing material, not as a primary façade treatment.

H. **Architecture:** Architectural style shall be in similar context with those of existing buildings within 300’ of the subject site.

I. **Driveways:** Any driveway shall be a maximum of 20’ in width.

J. **Setbacks & Placement:** While a maximum setback of 10’ shall be required on all primary street yards, established front yard setback patterns should be continued where practical.

TABLE OF CONTENTS

Article 6 – ENVIRONMENTAL REGULATIONS AND REFERENCES 6-2
610.010 Flood Damage Prevention 6-2
610.020 Stormwater Regulations 6-3
610.030 Erosion and Sediment Control 6-15

ARTICLE 6

ARTICLE 6 – ENVIRONMENTAL REGULATIONS AND REFERENCES

610.010 Flood Damage Prevention

A. Findings

1. The flood prone areas within the planning and development regulation jurisdiction of the Town of Ayden are subject to periodic inundation which can result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses can be caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

B. Purpose

1. It is the purpose of this section to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within the flood prone areas by provisions designed to:
   - **a.** restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
   - **b.** require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
   - **c.** control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
   - **d.** control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
   - **e.** prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.
2. Specific objectives of the flood damage prevention provisions are as follows:
   - **a.** to protect human life and health;
   - **b.** to minimize expenditure of public money for costly flood control projects;
   - **c.** to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
   - **d.** to minimize prolonged business losses and interruptions;
   - **e.** to minimize damage to public facilities and utilities
   - **f.** to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
   - **g.** to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

C. Applicability

1. All development within the Town of Ayden located in a Special Flood Hazard Area shall be subject to the findings in this section through the provisions of the Town of Ayden Flood Damage Prevention Ordinance.
2. All permits for development within the Special Flood Hazard Area shall be reviewed and administered by the Pitt County Planning and Development Department.

610.020 Stormwater Regulations

A. Findings

1. Development and redevelopment alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;
2. These changes in stormwater runoff contribute to increased quantities of waterborne pollutants and alterations in hydrology which are harmful to public health and safety as well as to the natural environment and these effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.
3. Further, the Federal Water Pollution Control Act of 1972 and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt the minimum stormwater controls such as those included in this chapter.
4. Therefore, the Board of Commissioners of the Town of Ayden establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

B. Purpose

1. **General**
   (1) The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment, as well as illicit discharges into the municipal stormwater systems. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, and general welfare, and protect water and aquatic resources.
2. **Specific**
   (1) This art seeks to meet its general purpose through the following specific objectives and means:
      (a) Establishing decision-making processes for development that protect the integrity of watersheds and preserves the health of water resources;

(b) Requiring that new development and redevelopment maintain the predevelopment hydrologic response in their post-development state as nearly as practicable for the applicable design storm in order to reduce flooding, stream bank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;

(c) Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

(d) Establishing design and review criteria for the construction, function, and use of structural stormwater Best Management Practices (BMPs) that may be used to meet the minimum post-development stormwater management standards.

(e) Encouraging the use of better management and site design practices, such the use of vegetated conveyances for stormwater and the preservation of green space and other conservation areas to the maximum extent practicable;

(f) Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural stormwater BMPs to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

(g) Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

(h) Coordinating plans that include open space and natural areas that are consistent with this ordinance and the most current officially adopted Land Use Plan.

C. Applicability and Jurisdiction

1. Applicability

a. General

(a) Beginning with and subsequent to September 8, 2008, this Section shall be applicable to all development and redevelopment, unless exempt pursuant to Subsection (b) of this Section.

b. Exemptions

(a) Development that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale.

(b) Redevelopment that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale is exempt from the provisions of this chapter.

(c) Development and redevelopment that disturb less than one acre are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

(d) Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities).

c. Map

(1) An official Town of Ayden Stormwater Map shall be kept on file by the Administrator and shall be updated to take into account changes in the land area covered by this chapter and the geographic location of all structural BMPs permitted.

2. Design Manual

a. Reference to Design Manual

(1) The Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the latest approved North Carolina Division of Water Quality Stormwater Best Management Practices Manual (Design Manual) as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater BMPs.

(2) The Design Manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II laws.

b. Relationship of Design Manual to Other Laws and Regulations

(1) If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulation, that fact shall not prevent application of the specifications or guidelines in the Design Manual.

c. Changes to Standards

(1) If the standards specifications, guidelines, policies, criteria, or other information in the Design Manual are amended subsequent to the submittal of an application for approval pursuant to this chapter but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this chapter with regard to the application.

3. Effective Date and Transitional Provisions

a. Final Approvals, Complete Applications

(1) All development and redevelopment projects for which complete and full applications were submitted and approved by the Town of Ayden prior to September 8, 2008 and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of development or redevelopment shall be exempt from complying with all provisions of this Section dealing with the control and/or management of postconstruction runoff, but shall be required to comply with all other applicable provisions, including, but not limited to illicit discharge provisions.

(2) A phased development plan shall be deemed approved prior to the effective date of this chapter if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

(a) For the initial or first phase of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved.

(b) Future phases of the development are designed and constructed in a manner sufficiently consistent with the approved original development plan.

D. Standards

1. Development Standards for Low-Density Projects

a. Low-density projects shall comply with each of the following standards:

(1) Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.

(2) All built-upon area shall be at a minimum of thirty (30) feet landward of all perennial and intermittent surface waters. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division-approved methodology.

(3) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

2. Development Standards for High-Density Projects

a. High-density projects shall implement stormwater control measures that comply with each of the following standards:

(a) The measures shall control and treat the runoff from the first one (1) inch of rainfall. Runoff volume drawdown time shall be a minimum of forty-eight (48) hours, but not more than one hundred twenty (120) hours.

(b) All structural stormwater treatment systems used to meet the requirements of this program shall discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one (1) year, twenty-four (24) hour storm.

(c) All structural stormwater treatment systems used to meet the requirements of the program shall be designed to a have a minimum of 85% average annual removal for Total Suspended Solids (TSS);

(d) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Design Manual;

(e) All Built-upon area shall be at a minimum of thirty (30) feet landward of all perennial and intermittent surface waters. A perennial or intermittent surface water shall be present if the feature is approximately shown on either the most recent version of the 1:24,000 scale (7.5 minute) quadrangle

topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division-approved methodology.

(f) The approval any stormwater related permits shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

3. Standards for Stormwater Control Measures

a. Evaluation according to contents of Design Manual

(a) All Stormwater control measures and stormwater treatment practices (also referred to as Best Management Practices, or BMPS) required under this chapter shall be evaluated by the Administrator according to the policies, criteria, and criteria for each stormwater practice, in the Design Manual. The Administrator shall determine whether they will be adequate to meet the requirements of this chapter.

b. Determinations of Adequacy; Presumptions and Alternatives

(a) Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this chapter. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this chapter. The Administrator may require the applicant to provide such documentation, calculations, and examples as necessary for the Administrator to determine whether such an affirmative showing is made.

c. Separation from Seasonal High Water Table

(a) For BMPs that require a separation from the seasonal high-water table, the separation shall be provided by at least 12 inches of naturally occurring soil above the seasonal high-water table.

4. Variances

a. Any person may petition the Ayden Board of Adjustment per *Article 8 – Development Processes* of this ordinance.

b. Statutory exceptions

(1) Notwithstanding subdivision (a) of this Section, exceptions from the thirty 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

(a) When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide

maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

(b) When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located fifteen (15) feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

(c) A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

5. Additional Standards

a. Nutrient Sensitive Waters

(1) In addition to the standards for stormwater handling set out in the Design Manual, development and redevelopment that is within the Neuse River Basin or drains in whole or part to class Nutrient Sensitive Waters (NSW) waters shall design and implement the best stormwater practices that reduce nutrient loading, while meeting the other requirements of this chapter.

b. Downstream Impact Analysis

(1) All concentrated stormwater discharges must be conveyed into an existing channel, storm sewer, or overland flow path, and shall not result in increased flood and/or drainage hazard to downstream properties during the 10-yr 24-hour storm event.

(2) In the event that the maximum discharge rate, at any point where stormwater leaves the site, exceeds the pre-development discharge rate during the 10-yr 24-hour storm, the applicant shall submit a report to the Stormwater Administrator documenting downstream impacts between the downstream property line and a point within the watershed where the total acreage of the development site is equal to or less than 10% of the total contributing drainage area within the watershed.

(3) If there any adverse impacts to property or structures downstream of the site the Administrator may require additional improvements, onsite or offsite, to mitigate the downstream impacts.

E. Maintenance

1. General Standards for Maintenance

a. Function of BMPs As Intended

(1) The owner of each structural BMP installed pursuant to this chapter shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.

b. Annual Maintenance Inspection Report

(1) The responsible party for maintenance of any structural BMP installed pursuant to this chapter shall submit to the Administrator an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

(a) The name, address, phone number and email address (email address if available) of the current land owner;

(b) The recorded book and page number of the lot of each structural BMP;

(c) A statement that an inspection was made of all structural BMPs;

(d) The date the inspection was made;

(e) A statement that all inspected structural BMPs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and

(f) The original signature and seal of the engineer, surveyor, or landscape architect.

(2) All inspection reports shall be on forms supplied by the Administrator. An original inspection report shall be provided to the Administrator beginning one year from the date of as-built certification/final plat approval and each year thereafter on or before the date of the as-built certification/final plat approval.

2. Operations and Maintenance Agreement

a. In General

(1) Prior to the conveyance or transfer of any lot or building site to be served by a structural BMP pursuant to this chapter, and prior to issuance of any permit for development or redevelopment requiring a structural BMP pursuant to this chapter, the applicant or owner of the site must execute an operational and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural BMP. Until the transference of all property, sites, or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

(2) The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural BMP, and shall state the terms conditions, and schedule of maintenance for the

structural BMP. In addition, it shall grant to the Town of Ayden a right of entry in the event that the Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural BMP; however, in no case shall the right of entry, of itself, confer an obligation on the Town of Ayden to assume responsibility for the structural BMP.

(3) The operation and maintenance agreement must be approved by the Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Administrator within fourteen (14) days following its recordation.

b. Special Requirements for Homeowners' and Other Associations

(1) For all structural BMPs required pursuant to this chapter and that are to be or are owned and maintained by a homeowners" association, property owners" association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

(a) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

(b) Acceptable financial security shall be deposited with the Town of Ayden to ensure that each structural stormwater BMPs is adequately maintained. The applicant shall deposit with the Town of Ayden either cash or an evergreen letter of credit as financial security approved by the Town of Ayden that is readily convertible into cash at face value. The cash or evergreen letter of credit shall be in an amount equal to fifteen (15) percent of the total cost of the structural stormwater BMPs. If structural BMPs are not performing adequately or as intended or are not properly maintained, the Town of Ayden, in its sole discretion, may use the funds to remedy the situation, and in such instances the Town of Ayden shall be fully reimbursed by the association and its members for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the structural BMPs, provided that the Town of Ayden shall first consent to the expenditure.

(c) Granting to the Town of Ayden a right of entry to inspect, monitor, maintain, repair, and reconstruct structural BMPs.

(d) Allowing the Town of Ayden to recover from the association and its members any and all costs the Town of Ayden expends to maintain or repair the structural BMPs or to correct any operational deficiencies. Failure to pay the Town of Ayden all of its expended costs, after forty-five (45) days written notice, shall constitute a breach of the agreement. In case of a deficiency, the Town of Ayden shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

(e) A statement that this agreement shall not obligate the Town of Ayden to maintain or repair any structural BMPs, and the Town of Ayden shall not be liable to any person for the condition or operation of structural BMPs.

(f) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town of Ayden to enforce any of other ordinances as authorized by law.

(g) A provision indemnifying and holding harmless the Town of Ayden for any costs and injuries arising from or related to the structural BMP, unless the Town of Ayden has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

(h) An annual certified financial statement shall be provided to the Administrator.

3. Inspection Program

a. Inspections by the Town of Ayden may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

b. If the owner or occupant of any property refuses to permit such inspection, the Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Administrator while carrying out his or her official duties.

4. Performance Security for Installation and Maintenance

a. Stormwater performance guarantees shall follow all applicable procedures outlined in *Article 7 – Subdivisions & Infrastructure* of this ordinance and the standards listed in this section.

b. Requirements

(1) Installation

(a) The Town of Ayden requires the submittal of a performance security prior to issuance of a permit in order to ensure that the structural BMPs are installed by the permit holder as required by the approved stormwater management plan, and

(2) Maintenance

(a) The Town of Ayden requires the submittal of a performance security to ensure that the structural BMPs are maintained by the owner as required by the operation and maintenance agreement.

c. Uses of Performance Security

(1) Forfeiture Provisions

(a) The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to

initiate or maintain any actions which may be required of the applicant or owner in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

(2) Default

(a) Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any structural BMP in accordance with the applicable permit or operation and maintenance agreement, the Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the Town of Ayden shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

(3) Costs in Excess of Performance Security

(a) If the Town of Ayden takes action upon such failure by the applicant or owner, the Town of Ayden may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

(4) Refund

(a) Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

5. Notice to Owners

a. Deed recordation and Indication On Plat

(1) The applicable operations, including, but not limited to the maintenance agreement (O&M) pertaining to every structural BMP(s) shall be referenced on the final plat and shall be recorded with the Pitt County Register of Deeds upon final plat approval. If no final plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Pitt County Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

b. Signage

(1) To assure compliance with this chapter, structural BMP(s) shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be erected and maintained by the responsible party and remain visible and legible.

6. Records of Installation and Maintenance Activities

a. The owner of each structural BMP(s) shall keep records of inspections, maintenance, and repairs for at least five (5) years from the date of creation of the record and shall submit the same upon reasonable request to the Administrator.

7. Nuisance

a. The owner of each stormwater BMP, whether structural or non-structural BMP, shall maintain it so as not to create or result in a nuisance condition.

8. Maintenance Easement

a. Every structural BMP installed pursuant to this chapter shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

F. Illicit Discharges

1. Illicit Discharges and Connections

a. Illicit Discharges

(1) No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in a manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, and liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

(a) Water line flushing;
(b) Landscape irrigation;
(c) Diverted stream flows;
(d) Rising ground waters;
(e) Uncontaminated ground water infiltration;
(f) Uncontaminated pumped ground water;
(g) Discharges from potable water sources;
(h) Foundation drains;
(i) Air conditioning condensation;
(j) Irrigation water;
(k) Springs;
(l) Water from crawl space pumps;
(m) Footing drains;
(n) Lawn watering;
(o) Individual residential and charity car washing;
(p) Flows from riparian habitats and wetlands;
(q) Dechlorinated swimming pool discharges;
(r) Street wash water; and
(s) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and

provided that any such discharges to the municipal separate storm sewer system shall be authorized by the Town of Ayden.

(2) Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

b. Illicit Connections

(1) Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater other than the exclusions described in section (a) above, are unlawful. Prohibited connections include, but are not limited to:

(a) Floor drains
(b) Waste water from washing machines
(c) Waste water from sanitary sewers
(d) Wash water from commercial vehicle washing
(e) Wash water from commercial steam cleaning
(f) Waste water from septic systems

(2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this chapter or any other ordinances prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this chapter. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injure and harm to real or personal property, natural resources, wildlife, or habitat.

(3) Where it is determined that said connection:

(a) May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or

(b) Was made in violation of any applicable portion of this ordinance, other than this section; the Administrator shall designate the time in which the connection shall be removed. In setting the time limit for compliance, the Administrator shall take into consideration:

i. The quantity and complexity of the work,
ii. The consequences of delay,
iii. The potential harm to the environment, to the public health, and to public and private property, and
iv. The cost of remedying the damage.

c. Spills

(1) Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

(2) Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Town of Ayden Public Works and Utilities Director of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

d. Nuisance

(1) Illicit discharges and illicit connections which exist within the Town of Ayden are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in the Ayden Code of Ordinances.

610.030 Erosion and Sediment Control

A. Findings

1. The erosion of soil from un-stabilized development sites has adverse impacts on the condition of public and private property, impairs the Town of Ayden stormwater system, and causes pollution and accelerated siltation of rivers, lakes, streams and other watercourses.

B. Purpose

1. The erosion and sedimentation control regulations are adopted for the purposes of regulating certain land disturbing activities to control accelerated erosion and sedimentation in order to control water pollution from sedimentation, inhibit the accelerated erosion and sedimentation of rivers, lakes, streams and watercourses and prevent damage to public and private property by erosion and sedimentation.

C. Applicability

1. For all applicable developments in the Town of Ayden, erosion and sedimentation control provisions shall be in conformity with rules and regulations adopted by the North Carolina Sedimentation Control Commission and in conformance to the Pitt County Erosion and Sediment Control Ordinance.
2. All proposed erosion and sedimentation control plans associated with a development shall be reviewed and administered by the Pitt County Planning and Development Department.

TABLE OF CONTENTS

Article 7 – SUBDIVISIONS & INFRASTRUCTURE 7-2

710.010 Purpose and Intent 7-2

710.020 Authority and Applicability 7-2

710.030 Required Improvements for All Development 7-3

710.040 Other relevant standards for Site Plans and Subdivisions 7-6

710.050 Placement of Monuments 7-6

710.060 Site for Public Use 7-6

710.070 Property Owner's Association 7-6

710.080 Lot Standards 7-7

710.090 Streets and Connectivity 7-8

710.100 Utilities and Easements 7-15

710.110 Transportation Impact Analysis 7-16

710.120 Improvements Guarantees & Performance Securities 7-19

710.130 Ownership & Maintenance of Common Areas 7-21

710.140 Certifications for Final Plats 7-22

710.150 Nullification of Plat or Portion of a Subdivision 7-25

710.160 Resubdivision Procedures 7-255

710.170 Transferring Lots in Unapproved Subdivision 7-25

ARTICLE 7 – SUBDIVISIONS & INFRASTRUCTURE

710.010 Purpose and Intent

The purpose of this Article is to establish criteria for the development and subdivision of real property within the planning and development regulation jurisdiction of the Town of Ayden. These standards are set forth to:

A. Provide for the protection of the public health, safety and welfare; and
B. Promote the orderly growth and development of the Town; and
C. Provide for suitable residential and nonresidential development with adequate streets, utilities and appropriate building sites; and
D. Coordinate streets within proposed subdivisions with existing or planned streets and with other public facilities.

710.020 Authority and Applicability

A. Authority

According to the provisions of NCGS 160D-801, the Town of Ayden has the authority to regulate the subdivision of land within its planning and development regulation jurisdiction.

B. Subdivision Defined

For the purpose of this ordinance "subdivision" shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedications of a new street or a change in existing streets.

C. Statutory Exemptions

The following are not included within the definition above, nor are they subject to the regulations of this ordinance, provided however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notation: "Exempt pursuant to the Town of Ayden Unified Development Ordinance," and the signature of the Administrator before being presented for recordation.

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the Unified Development Ordinance requirements of the Town.
2. The division of land into parcels greater than ten (10) acres in size where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the Unified Development Ordinance requirements of the Town of Ayden.

5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statues.
6. Only a plat for recordation for the division of a tract or parcel of land in single ownership is required if all of the following criteria are met:
    - **a.** The tract or parcel to be divided is not otherwise exempted by UDO Subsection 710.020.C.
    - **b.** No part of the tract or parcel to be divided has been divided under Subsection 710.020.C in the 10 years prior to division.
    - **c.** The entire area of the tract or parcel to be divided is greater than five (5) acres.
    - **d.** After division, no more than three (3) lots result from the division.
    - **e.** After division, all resultant lots comply with all of the following:
        - **1)** Any lot dimension size requirements of the UDO.
        - **2)** The use of the lots is in conformity with the applicable zoning requirements.
        - **3)** A permanent means of ingress and egress is recorded for each lot.
7. **Site Plans Defined**
   A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and human-made, and, depending on requirements, the location of proposed utility lines.
8. **Conformity Required**
   From and after the adoption of this ordinance, no real property lying within the planning and development regulation jurisdiction of the Town of Ayden shall be developed or subdivided except in conformance with all applicable provisions of this ordinance. In addition, after the effective date of this ordinance, no plat for subdivision of land within the planning and development regulation jurisdiction of this ordinance shall be certified for recording by the Administrator until it has been submitted and approved in accordance with the provisions of this Article.
9. **No Services or Permits Until Requirements of Ordinance are Met**
   No street shall be accepted and maintained by the Town nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land nor shall any permit be issued by an administrative agent or department of the Town of Ayden for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat or subdivision plat is required to be approved, unless and until the requirements set forth in this Article are met.
10. **Permits Subsequent to Plat Approval and Recording**
    - **a.** Building Permits
        - **(1)** The Administrator shall not issue permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in this ordinance.

710.030 Required Improvements for All Development

All development which does not qualify as a minor subdivision according to the criteria in *Article 8 – Development Processes* shall be required to install or construct the improvements specified

in the table below. The developer shall be responsible for the installation and construction of required improvements according to the provisions of this ordinance and other applicable Town, County or State specifications, except as may otherwise be specifically provided herein or by policy or agreement.

Required Improvement	RR	RA-20	R-12	R-10	R-8	R-6 SF	MF	MH	RMX	NMX	PUD	B-1	B-2	LI	HI	CON
Underground Drainage*			●	●	●	●	●	●	●	●	●	●	●	●	●	
Curb & Gutter*			●	●	●	●	●	●	●	●	●	●	●	●	●	
Public Water & Hydrants		●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Public Sewer		●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Street Lights		●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Paved Streets	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Street Trees		●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Street Signs	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Underground Wiring	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Park/Open Space	●	●	●	●	●	●	●	●	●	●	●	●				
Sidewalks		*See Section 710.090 - Streets & Connectivity*														
	**The Administrator may waive or alter requirements for underground drainage and curb and gutter according to the stormwater management exemptions granted in this ordinance. In certain situations, such waiver or alteration may be dependent upon the use of approved Low Impact Development Infrastructure.*															

A. Connection to Public Water Supply and Sanitary Sewer Systems

A developer shall connect all lots shown on the proposed development with the public water supply and sanitary sewage systems unless otherwise permitted by applicable Town policies.

B. Street Trees

The location and specification of trees to use in the right of way or street tree easement is provided in *Article 5 – General Development Standards.* The location of all proposed trees must be approved by the Administrator.

C. Street Names & Signage

1. Appropriate street name signs which meet standard Town or NCDOT specifications shall be placed at all street intersections. The developer shall bear the expense.
2. Proposed street names shall be submitted and subject to the approval of the Town of Ayden and/or Pitt County as appropriate. New names shall not duplicate or be similar to existing street names. Existing street names, however, shall be extended where appropriate.

D. Waste Management

The developer shall provide for adequate waste collection and disposal as outlined in the Town of Ayden Code of Ordinances.

E. Driveways

1. No portion of any residential or mixed-use driveway intersection with a Town public street shall be closer than twenty (20) feet to the corner of any intersection, measured along the right-of-way line. In commercial and industrial zones, this distance shall be thirty (30) feet. The width of any driveway intersection with the public street shall not exceed thirty (30) feet at its intersection with curb and street line. Driveway connections to NCDOT controlled streets must be requested from and approved by DOT. Driveways that have double lane ingress and egress (4-lanes) shall be a minimum 60 feet width at intersection with curb and street line.
2. All driveways shall be paved with either asphalt or concrete, or with alternative paving material (e.g., concrete pavers, brick, “turfstone” or similar material) determined to exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete.
3. No driveway shall conflict with any town facility such as traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, bus stops, utility poles, fire-alarm supports, meter boxes, and sewer clean-outs or other necessary structures, except with the express approval of the Administrator. Any adjustments to town facilities to avoid such conflicts shall be at the expense of the driveway applicant.
4. Location of Driveway Access Points
   - **a.** Two driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds fifty (50) feet.
   - **b.** Three driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds one hundred fifty (150) feet.
   - **c.** Four or more driveways entering the same street from a single lot shall be prohibited.
   - **d.** In no case may the total width of all driveways exceed fifty (50) percent of the total property frontage.
   - **e.** No driveway (nearest edge) shall be located within five (5) feet of a side lot property line except in the case of a shared driveway (single curb/access point) utilized by two or more lots.
   - **f.** No driveway (nearest edge) shall be located within twenty-five (25) feet of an intersection on a secondary road and forty (40) feet on a primary road except in the case where no other lot access to a public street or Town-approved private road is available.

F. Curb Cuts

Construction of curb cuts for purposes of ingress and egress to property abutting a Town public right-of-way shall be approved by the Administrator. Provision for all access work done on state highway right-of-way is subject to approval by the NCDOT.

G. Cluster Mail Box Units

Where required, cluster mail box units shall be provided in accordance with the United States Postal Service regulations. Units may not encroach into the public right-of-way and shall be placed in an easement on private property.

710.040 Other relevant standards for Site Plans and Subdivisions

In addition to the standards found in this Article, standards in the following may also apply:

A. Article 5 - Open Space Standards
B. Article 5 - Landscaping and Buffers
C. Article 5 - Parking, Driveways & Loading
D. Article 5 - Lighting
E. Article 5 - Signs
F. Article 6 - Environmental Regulations

710.050 Placement of Monuments

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Examiners for Engineers and Surveyors, shall apply when installing permanent monuments.

710.060 Site for Public Use

In subdividing property, due consideration shall be given by the subdivider to the reservation of suitable sites for schools and other public uses in accordance with NCGS 160D-804.

710.070 Property Owner's Association

A. **Creation**
An Owners' Association shall be established to fulfill requirements of the NC Condominium Act, NC Planned Community Act, or to accept conveyance and maintenance of all common elements (common areas) within a development. The Owners' Association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

B. **Conveyance**
Where developments have common elements serving more than one (1) dwelling unit, these areas shall be conveyed to the Owners' Association, in which all owners of lots in the development shall be members. All areas other than public street rights-of-way, other areas dedicated to the Town, and lots shall be designated as common elements. In a condominium development the common elements shall be platted in accordance with the NC Condominium Act. In other developments, the fee-simple title shall be conveyed by the subdivider or developer to the Owners' Association prior to the sale of the first lot.

C. **Subdivision or Conveyance of Common Elements**
Common elements shall not subsequently be subdivided or conveyed by the Property Owners' Association unless a revised Final Plat showing such subdivision or conveyance have been submitted and approved.

D. Minimize Number of Associations
Developments, whether including different land uses, different types of housing, or simply different sections, shall hold the number of Owners' Associations to a minimum. An association may establish different categories of membership, different budgets for the categories, and different rates of assessment when different kinds of services are provided to different categories. Smaller associations under an umbrella (master) association are permitted.

E. Exemption from Owners' Association Requirement
A development involving only two units attached by a party wall (or two separate walls back-to-back) shall not be required to have common elements or an Owners' Association. Such developments without an Owners' Association shall establish a binding agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

710.080 Lot Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed development or subdivision and for the type of development contemplated and shall conform to the following:

A. Conformance with Other Regulations
Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this ordinance.

B. Side Lot Line Configuration
Side lines of lots should be at or near right angles or radial to street lines.

C. Lot Lines and Drainage
Lot boundaries shall coincide with natural and pre-existing manmade drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

D. Lots on Arterial or Thoroughfares Street
Major subdivisions shall not be approved that permit individual residential lots to directly access on to arterial or thoroughfares streets. Such lots shall have vehicular access from a collector or local/minor street only.

E. Double Frontage
Residential lots that have frontage on two non-intersecting local or collector streets shall be accessed from one street only with treatment such as a berm, walls, or landscaping fronting on the second street to preclude access.

F. Street Frontage & Access
All lots shall front upon a public street right-of-way (publicly dedicated or privately maintained). In no case shall a lot have less than 25 feet of frontage on a public street right-of-way.

G. Flag Lots Prohibited

Flag lots shall be prohibited except where required due to extreme environmental and/or topographical circumstances or site conditions. A flag lot shall contain only one single-family dwelling with a flagpole maximum length of 300 feet. The minimum width of the flagpole shall be 25 feet.

H. Buffers and Environmental Features

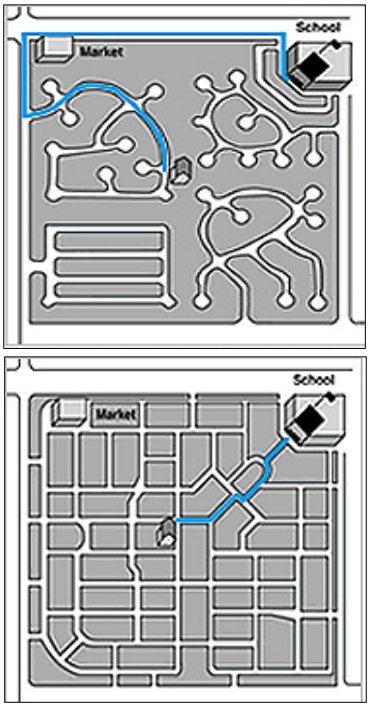
1. Buffer yards and environmental buffer areas (such as stream buffers, drainageways, special flood hazard areas, wetlands, etc.) may be included within residential lots only when all of the following conditions are met:
   - **a.** The subdivision is limited in size and has no property owners' association; and
   - **b.** There is no reason for the formation of a property owner's association other than to retain ownership and maintenance responsibilities for the buffer area; and
   - **c.** The buffer is placed within a permanent conservation easement.
2. Any required buffer yard, including those required as a zoning condition, for a residential development shall not be credited toward meeting the minimum lot size requirements.

710.090 Streets and Connectivity

The size, shape, and orientation of lots shall be appropriate for the location of the proposed development or subdivision and for the type of development contemplated and shall conform to the following:

A. General

1. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
2. The proposed street system shall be designed to provide vehicular interconnections in order to facilitate internal and external traffic movements in the area, improve access/egress for city neighborhoods, provide faster response time for emergency vehicles, and improve the connections between neighborhoods.
3. Street arrangements shall not be such as to cause hardship to the owner of adjoining property in platting their own land and providing convenient access.



B. Dedication of Right-of-Way

1. Right-of-way for public streets shall be dedicated to the Town pursuant to NCGS 160D and other applicable NC State laws. When dedication cannot be required, any future street right-of-way indicated on an adopted Comprehensive or Transportation plan shall be shown on the final plat.

The top image is an example of a poor layout with few connections and many cul-de-sacs. The lower image shows an improved street layout with required connections and a network of streets. (Images courtesy of the National Center for Safe Routes to School.

C. Conformance with Transportation Plan

1. The location and design of streets shall be in conformance with any adopted transportation plan(s). Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required to ensure conformance with these plans.

D. Internal Street Network Connectivity

1. An interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance non-vehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.
2. All proposed streets shall be continuous and connect to existing or streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets and utilities into adjoining areas.
3. Streets in residential subdivisions shall be designed so as to minimize the length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.
4. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development.
5. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.
6. Exemptions
   - **a.** New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the standards as set forth in this section, provided the Administrator determines that there is:
     - **(1)** No options for providing stub streets due to topographic conditions, adjacent developed sites or other limiting factors; and

(2) Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

E. Street Stubs

1. New developments shall connect to any existing street stubs from adjacent properties.
2. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" as indicated on the illustration to the right to inform property owners.
3. All stub streets shall include a turnaround facility in accordance Appendix D of the North Carolina State Building Code – Fire Prevention Code.
4. New development shall stub to all adjacent properties where practical at the rate of at least one street stub per 1,000 feet of property boundary where practical. The location of new required street stubs shall be prioritized as follows:
   - **a.** Adjacent parcels 20 acres or greater.
   - **b.** Adjacent parcels that abut or are traversed by existing or proposed arterials or thoroughfare streets.
   - **c.** Where any adopted transportation or land use plan recommends a street connection.
   - **d.** Where a required street stub necessitates the crossing of a stream or designated drainageway at the property line to make the required connection to an adjacent parcel, the owner or applicant shall provide a payment in lieu of building the stream crossing equal to half the total cost of the construction based on an engineer certified estimate. Such payment shall be set aside to offset the cost of constructing the stream crossing for future development.

F. Minimum Number of Access Points to External Street Network

The minimum number of points of external street access shall be based on the number of dwelling units in the proposed development as set forth below.

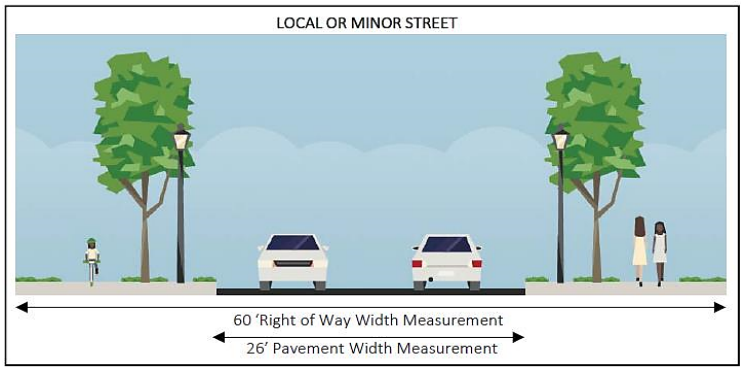
1. Single-Family residential developments with thirty (30) or more lots or units shall have at least two (2) separate points of public road access.
2. Multi-Family developments containing more than one hundred (100) dwelling units shall be required to provide a second approved access, except that when all proposed buildings and dwelling units are proposed to have sprinkler systems, then a second approved access is not required unless the development contains more than two-hundred (200) dwelling units.

G. Reserve Strips

Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

H. Street Design Criteria

All streets shall be constructed in accordance with any local standards or the standards contained in the most recent version of the NCDOT Roadway Design Manual or NCDOT Subdivision Roads Minimum Construction Standards as appropriate. The illustration to the right is a sample cross-section of a local or minor street.



1. Right-of-way widths

a. Right-of-way widths shall not be less than the following:

Street Type	Right-of-Way Width
Arterial or Major	80-100 feet
Collector	66-80 feet
Local or Minor	55-60 feet
Cul-de-sac	50-55 feet (100 feet diameter turnaround)
Marginal Access	66 feet
Alley	20 feet

2. Pavement widths

a. Pavement widths or graded widths shall be as follows:

Street Type	Streets with Curb & Gutter (measured face to face of curb)	Streets without Curb and Gutter
Arterial or Major	48 feet	44 feet
Collector	40 feet	36 feet
Local or Minor	26 feet	24 feet
Cul-de-sac	26 feet	24 feet
Marginal Access	26 feet	24 feet
Alley	18 feet	16 feet

3. Roads and street surfaces

a. All public and private streets and roads shall be constructed and paved to meet all Town or NCDOT standards for maintenance.

4. Street intersections

a. Street intersections shall be laid out as follows:

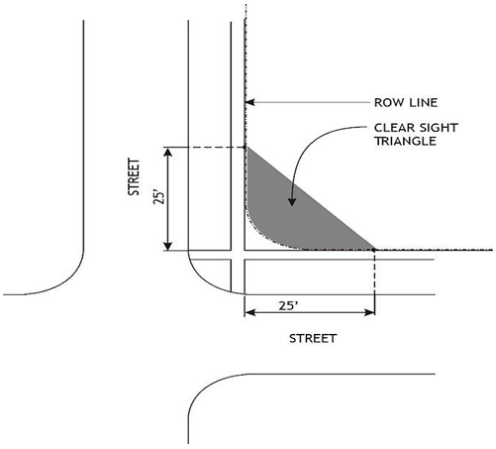
(1) Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 60 degrees;

(2) Intersections with an arterial or major street shall not be less than 600 feet apart, measured from centerline to centerline;

(3) Property lines at street intersections shall be rounded with a minimum radius of 20 feet.

(4) At an angle of intersection of less than 90 degrees, a greater radius may be required by the Administrator; and

(5) No planting, fence or other obstruction to visibility of vehicles shall be erected, planted, maintained or allowed to exist in any district within the range of three feet to ten feet above the centerline grades of the intersecting streets in the triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along these street lines 25 feet from the point of intersection.



5. Horizontal curves.

a. Where a centerline deflection angle of more than ten degrees occurs, a circular curve shall be introduced having a centerline radius of not less than the following:

Arterial or Major Street	300 feet
Collector Street	200 feet
Local or Minor Street	100 feet

b. Proper super-elevation shall be provided for curves on arterial or major streets to comply with Town and/or NCDOT design standards.

6. Vertical curves

a. All vertical curves shall have such length as necessary to provide safe sight distance to comply with Town and/or NCDOT design standards.

7. Cul-de-sac

a. The maximum distance from an intersecting street to the end of a cul-de-sac shall be five hundred (500) feet. In cases where extreme topography or other unique site features necessitate a longer street, a cul-de-sac with a maximum length of eight hundred (800) feet may be approved by the Administrator.

8. Blocks

The maximum and minimum length and width of blocks shall be as follows:

a. Block lengths shall not exceed 1,000 feet nor be less than 300 feet. Where deemed necessary by the Administrator, a pedestrian crosswalk of at least five feet minimum in width shall be provided.

b. Blocks shall have a sufficient width to allow two tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or nonresidential uses.

c. Subject to the approval of the Administrator, block lengths may be varied when, in the opinion of the Administrator, such alternative is necessary due to extreme topography or other unique site features.

9. Minimum sight distances

a. Shall comply with current Town and/or NCDOT design standards.

10. **Design speed**
    a. Shall comply with current Town and/or NCDOT design standards.

I. Street Crossing Natural Areas

1. All streets crossing natural areas, wetlands, or streams shall cross at or as near to ninety (90) degrees as possible within topographic limits.

J. Spacing between Intersections

1. A minimum spacing of one hundred fifty (150) feet between intersections of collector or local/minor streets shall be maintained. In no case shall a pair of intersecting streets be approved with an offset that does not meet this minimum distance standard.

K. Curb and Gutter

1. Except as permitted in *Article 6 – Environmental Regulations*, concrete curb and gutter shall be installed along all newly created streets within and adjoining subdivisions.
2. Where improvements, such as widening or turn lanes are required on town maintained streets adjoining subdivisions, concrete curb and gutter shall be installed in conjunction with the related improvements.

L. Temporary Turnarounds and Stubs

1. Streets stubbed to adjoining property or to phase lines shall be required to have temporary turnarounds at the end of the street which are of a sufficient size to permit sanitation and emergency vehicles to turn around in accordance Appendix D of the North Carolina State Building Code – Fire Prevention Code.
2. Stub streets and streets intended for extension during future phases shall be designed and constructed to the property line or as close to the line, vertically and horizontally, as practical. It shall be the responsibility of the second development to construct the connection to an existing stub street.
3. Stub streets shall not exceed 150 feet in length without either a paved turnaround or one constructed with 6" CABC (permanent or temporary).
4. A clearly visible street sign shall be erected at the end of the stub street stating that the street is planned to connect to a future street.

M. Grades at Intersections

1. The grade on stop streets approaching an intersection shall not exceed five percent (5%) for a distance of one hundred (100) feet from the centerline of the intersection.

N. Street Names

1. Street names, prefixes, suffixes and addresses shall conform to the guidelines and policies set forth by the applicable Pitt County street naming and addressing standards.

O. Street and Traffic Control Signs

1. **Street Signs**
   a. At each intersection, the developer shall be required to install street name signage in accordance with Town standards for the design of such signage.

2. **Traffic Control Signs**
   a. The developer/subdivider shall provide traffic control signs that meet the Manual on Uniform Traffic Control Devices (MUTCD) standards in locations designated by the Town and/or NCDOT.
3. **Maintenance**
   a. Maintenance of signs on private streets or drives shall be the responsibility of the owner or Property Owners' Association, as appropriate.

P. **Sidewalks & Pedestrian Connections**
1. Sidewalks shall be installed along in accordance with the following standards:
   a. Required Locations
      (1) Sidewalks shall be installed along one side of all streets located within the proposed subdivision.
      (2) Where existing sidewalk abuts an area where new sidewalk is to be developed, the new sidewalk shall be connected and installed at the same width as the existing sidewalk (minimum of 5’ in width).
   b. Alternative Compliance
      (1) Alternative provisions for pedestrian movement meeting the intent of this ordinance may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant street trees, impending road widening, topography, utility easements, lot configuration or other unusual site conditions. In such instances, the Administrator may approve an alternate plan that proposes different pedestrian amenities provided that the intent of this section is fulfilled.
   c. Payments in Lieu
      (1) In lieu of alternative compliance in Subsection b above, the Administrator may approve a payment in lieu (in accordance with an adopted annual fee schedule) where any one or a combination of factors render compliance impractical:
         (a) Steep slopes or environmental constraints;
         (b) Absence of existing sidewalks along the corridor and in the general neighborhood;
         (c) Where sidewalks are not shown on applicable town plans.
   d. Construction Standards. All sidewalks, whether required by this ordinance or installed voluntarily, shall be constructed to Town and/or NCDOT standard specifications for sidewalks and have a minimum width of five feet and a minimum thickness of four (4) inches of concrete.
   e. Pedestrian Accessways
      (1) Where 2 cul-de-sac streets end within 300 feet of each other, pedestrian accessways shall be provided between the cul-de-sacs where feasible as determined by the Administrator.
      (2) Where pedestrian accessways are required by this section, a strip of land of at least 20 feet in width shall be dedicated to the town or a homeowner’s association to accommodate such pedestrian accessways and shall be laid out along front, side or rear property lines.
      (3) Pedestrian accessways shall comply with the Federal Americans with Disabilities Act. The surface of accessways shall be constructed of a

smooth, compactable material that is accessible for wheelchairs and strollers.

(4) A pedestrian crosswalk not less than 10 feet in width shall be required across any street 800 feet or more in length where deemed essential by the Administrator. When required such crosswalks shall utilize ladder striping to enhance their visibility.

710.100 Utilities and Easements

A. Easements

1. Utility Easements.

a. Easements, with metes and bounds descriptions, for underground utilities shall be provided, where necessary, adjacent to street rights-of-way and shall be at least ten (10) feet wide for water, sanitary sewer and electric lines, and as required by the companies involved for other utilities. Easements shall be provided where necessary along lot lines. The Administrator will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various utilities and the subdivider shall provide the required easements at no cost to the Town. These requirements may be modified only by written approval from the Administrator.

2. Drainage Easements.

a. Where a subdivision is traversed by a watercourse, drainage way, channel, swale, stream, or contains a water storage area or facility, there shall be provided, at no cost to the Town, a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of said feature, and to provide for the possibility of flooding, protection of banks on adjacent properties, future maintenance and/or construction, and other necessary purposes. The width of said easement and/or right-of-way will be determined by the Town insofar as sufficiency for its/their intended purposes. To the extent practicable, easements shall be “along lot lines.”

3. Access, Maintenance, and/or Construction Easements.

a. The Town of Ayden, in the interest of its public health, safety, and welfare may, as a condition of approving a subdivision, require an access, maintenance, and/or temporary construction easement on and over the property, which is the subject matter of the subdivision. The obtaining of these easements, as may be required, shall be at no cost to the Town of Ayden.

4. All easements as depicted on a final plat shall be so delineated on the final plat as to the type of easement and shall contain a metes and bounds description.

5. Widths

a. To provide for electric, telecommunication, television/internet, gas service conduits, greenways and water and sewer lines within a subdivision, adequately sized utility easements shall be a minimum of ten (10) feet in width. The location of such easements shall be reviewed and approved by the approving body, with advice from utility providers, before final plat approval. The Administrator or utility provider may require wider easements and shall be determined on a case-by-case basis.

6. Restrictions on Improvements

a. Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

B. Street Lighting

See *Article 5 – General Development Standards.*

C. Fire Protection Equipment

1. Fire protection equipment shall be installed at locations determined by the Technical Review Committee or other fire service agency which will have primary response responsibility within the proposed development.

710.110 Transportation Impact Analysis

A Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and government agencies in making land use decisions involving various development reviews. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

A. Applicability

1. The following table identified the level of analysis required, if any, for different types of development proposals:

Level of Study Required by Development Type:	Residential	Office	Hotel	Industrial	Commercial Center	Other
None	Under 100 units	Under 50,000 sf	Under 100 room	Under 150 employees	N/A	Under 100 peak hour trips
Standard TIA	100-500 units	50,000 – 350,000 sf	100-500 rooms	150-1,000 employees	Under 100,000 total sf	100-500 peak hour trips
Enhanced TIA	Over 500 units	Over 350,000 sf	Over 500 rooms	Over 1,000 employees	Over 100,000 total sf	Over 500 peak hour trips

B. Standard TIA Requirements

1. A standard TIA includes the following elements:
   - **a.** Abstract or Summary:
     - **(1)** Summarize description of proposed development, location, traffic generation, existing and future conditions (level of service), and recommended improvements. The report should not exceed 2 pages and preferably limited to one page.
   - **b.** Description of Development:
     - **(1)** Describe acreage included in development, existing and proposed land use, existing and proposed zoning, proposed density (number of houses, square feet of development, etc.)
   - **c.** Study Area:
     - **(1)** Generally, ¼ mile to ½ mile from each proposed site access along roads accessed by the site. This area may, in a few cases, be greater if the site is on a road with no intersections within that distance.
   - **d.** Site Location:
     - **(1)** Include location map showing site in relation to major streets and at least one-mile radius from site.
   - **e.** Traffic Generation:
     - **(1)** Indicate number of trips generated by site daily, AM peak hour, PM peak hour (AM peak hour may be omitted for retail uses which are not expected to generate significant traffic volumes during this period). Indicate internal or pass-by traffic generation if appropriate. For rezoning, indicate traffic generation under existing zoning as well as proposed zoning. Indicate source of trip generation rate, land use code, and units used to derive generation.
   - **f.** Trip Distribution:
     - **(1)** Indicate percentage distribution of trips, by direction, within study area and method used to obtain.
   - **g.** Access Location(s):
     - **(1)** Location of planned streets or driveways and access to existing streets. Indicate other streets or driveways within study area, including those across the street. Indicate coordination with NCDOT where appropriate.
   - **h.** Existing Road and Traffic Conditions:
     - **(1)** Street laneage and classification, traffic control devices, existing daily traffic volumes within study area. Show traffic volumes and level of service of signalized intersections and proposed site access points within study area during AM and PM peak hour (PM only for retail). Include work sheets or computer printouts showing counted traffic volumes and level-of-service. Illustrate in figure(s) showing peak hour volumes, lanes, and level of service. For unsignalized intersections, show level-of-service for individual movements. Discuss transit service if applicable. Discuss accident history, if appropriate.
   - **i.** Planned Improvements:
     - **(1)** Discuss and describe any planned road improvements in the study area which could affect future traffic. Note whether project is shown on any applicable transportation plan, or NCDOT TIP.
   - **j.** Future Conditions:

(1) Same as for existing conditions, plus site traffic assigned to driveways or access points, for condition with full build-out of project, at build-out year. Include growth in background traffic due to other approved developments or to general growth in area. May show more than one phase, if project is to be phased. Discuss any conflict with other driveways or streets, queuing problems, potential safety problems.

k. Pedestrian Facilities:
Indicate location of existing and proposed sidewalks and crosswalks, internal pedestrian paths.

l. Recommended Improvements:

(1) Indicate improvements required for access points and signalized intersections within study area to operate at acceptable level of service (D or better). These may include site access, internal site circulation, signalization, signal modification (retiming, additional phases), lane modifications or additions, or street widening. A signal warrant study is not required but may be included as supporting documentation where a traffic signal is requested. Note: showing recommended improvements does not necessarily indicate responsibility for improvement. Report may indicate which improvements are due to development and which are due to existing problems or other growth in traffic, and may suggest responsibility of developer or of other parties for improvements. Proposed improvements should be shown schematically on figure.

m. Engineer's Seal:

(1) All TIAs are to be prepared and sealed by an engineer registered in the State of North Carolina and specializing in traffic or transportation, with experience in preparing TIAs.

C. Enhanced TIA Requirements

1. An enhanced TIA includes all of the elements of a standard TIA plus the following:

a. Study Area:

(1) Generally, from 1 to 3 miles from each proposed site access along roads accessed by the site. The extent of the study area should be discussed with town staff prior to initiating the TIA.

b. Internal Circulation:

(1) Review internal circulation patterns and note recommended changes.

c. Trip Distribution:

(1) Use of a computer model for distribution may be desirable for major projects.

d. Future Conditions:

(1) Projects in this category, other than perhaps shopping centers, are likely to be phased. It is desirable to show conditions at end of planning period (generally 20-year or horizon used in transportation plan).

e. Recommended Improvements:

(1) For major projects, these may involve changes to the transportation plan. The project may include the construction of portions of streets within or adjacent to the site.

D. Improvements may be Required

Based on the findings of the analysis, if a proposed development does not meet the applicable service level standards, the applicant shall be required to upgrade the facilities in accordance with the adopted level of service program. Mitigation measures may involve strategies other than roadway construction or other physical improvements such as changes to traffic signal timing or phasing, and transportation management strategies.

E. Payments-in-lieu of Improvements

The town may, at its discretion, accept either mitigation measures to be completed by the developer or a fee paid to the town in lieu of mitigation. The fee shall be equal to the costs of the required mitigation measures, as determined by the Administrator. A combination of mitigation measures and payments-in-lieu of dedication may be permitted. Payments-in-lieu of dedication shall be approved as part of the Subdivision or Site Plan.

710.120 Improvements Guarantees & Performance Securities

A. Improvement Guarantees

1. Applicability

In lieu of construction of the permanent improvements required by this ordinance, the developer shall guarantee that such improvements will be carried out according to the Town of Ayden specifications at his/her expense. At minimum, improvements such as public utilities and initial surface of street right-of-way shall be installed and inspected by the Administrator for compliance. The remaining improvements shall be built or bonded prior to the recording of the final plat.

2. Amount of Improvement Guarantees

Such guarantees shall be in an amount of 125% of the estimated cost of the construction of the required improvements. The amount of guarantee shall be approved by the Administrator based on a Professional Engineers certified cost estimate.

3. Release of Improvement Guarantees

a. The Administrator shall authorize the release of all or a portion of any guarantee posted as the improvements are completed. Such funds shall be released within 30 days after submittal of an improvements completion certification from a Professional Engineer and approval of applicable improvements by the Administrator.

4. Stormwater Structures

a. A separate guarantee shall be provided prior to the issuance of any final plat or permit in order to ensure that the structure BMPs are installed by the permit holder as required by the approved plan.

b. A separate maintenance guarantee shall be provided to ensure that each structural stormwater BMP is adequality maintained. Such guarantee shall be in the amount of 15% of the total cost of each structural stormwater BMP.

c. If the Town of Ayden takes action upon such failure by the applicant or owner, the Town of Ayden may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

d. Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

5. Warranty Against Defects

a. Upon completion of construction of new streets, stormwater controls or other required utilities, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Administrator and pass the warranty inspection, the developer shall submit the following to the Administrator:

(1) A set of acceptable as-built drawings;

(2) A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance;

(3) A financial guarantee payable to the town equal to at least 25% of the cost of the installation of such improvements as determined by the Administrator.

b. Upon approval of these materials and acceptance of the improvements by the town, a 1-year warranty period shall commence. During the 1-year warranty period, the developer shall repair any latent defects that occur. For the purposes of this section, the term “defects” refers to any condition in publicly dedicated facilities, utilities or streets that requires the town to make repairs to such improvements over and above the normal amount of maintenance that they would require. If such defects appear, the warranty may be enforced regardless of whether the facilities, utilities or streets were constructed in accordance with the requirements of this ordinance. At the end of the one-year warranty period, the developer shall request a final inspection. Upon successful completion of all warranty items, the developer shall be released from maintenance responsibilities for the warranted construction.

c. Warranty repairs shall be corrected in accordance with the recommendations of the Administrator.

d. If a developer fails to complete warranty items, future projects of the developer may not be reviewed by the Town. In addition, the town shall take appropriate legal action against the developer.

B. Types of Guarantees/Securities

1. Improvement guarantees and performance securities shall be made in one or more of the following forms in accordance with NCGS 160D-804.

a. Surety bond issued by any company authorized to do business in this North Carolina.

b. Letter of credit issued by any financial institution licensed to do business in this North Carolina.

c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

C. Forfeiture and Default

1. Forfeiture Provisions
   - **a.** All improvement guarantees and performance securities shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.
2. Default by Developer:
   - **a.** Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, or to maintain privately owned improvements in accordance with an approved operations and maintenance agreement, the town may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the town.
   - **b.** Upon payment, the town, at its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.
   - **c.** Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

D. Provision of Services and Acceptance by Town

1. The following shall not occur upon any land for which a plat is required to be approved, unless and until the requirements set forth in this ordinance have been complied with and the Final Plat has been approved and recorded with the Pitt County Register of Deeds:
2. No street shall be maintained or accepted by the Town, and
3. No water or sewer shall be extended to or connected with any subdivision of land, and
4. No permit shall be issued by the Town of Ayden for the construction of any building or other improvement requiring a permit.

710.130 Ownership & Maintenance of Common Areas

All developments containing land, amenities or other facilities under private common ownership shall provide for the ownership & maintenance of such areas. Multi-family developments that are subject to fee-simple lot/unit ownership shall convey all such common areas to a non-profit corporate property owner's association with a membership of 100% of the lots/units in the development. The developer shall file with the Pitt County Register of Deeds a "dedication of covenants" and must meet the following criteria:

A. The property owners' association must be established before the units are sold;

B. The property owners' association is established as the responsible entity for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities;

C. Sums levied by the property owners' association that remain unpaid shall become a lien on the delinquent property;

D. For condominium development, documents must meet the requirements of NCGS 47A Unit Ownership;

E. All easements over common areas for access, ingress, egress and parking shall be shown and recorded on a final plat with the Pitt County Register of Deeds.

*See *Article 5 – General Development Standards* for ownership & maintenance requirements specific to open space.

710.140 Certifications for Final Plats

The following certifications shall appear on all subdivision final plats:

A. Certificate of Ownership & Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the planning and development regulation jurisdiction of the Town of Ayden and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines, and dedicate all streets, utilities, alleys, walks, parks, open space, and other sites and easements to public or private use as noted and where applicable.

_____ _____

Owner Date

B. Certificate of Survey & Accuracy

"I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ___, Page ___, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book ___, Page ___; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this ___ day of _____, A.D. 20___." (within thirty days or it becomes void)

_____

Surveyor

"I, _____, Professional Land Surveyor, certify to one or more of the following as indicated:

1. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

2. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

3. That the survey is of an existing parcel or parcels of land;

4. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, and other exception to the definition of a subdivision;

5. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in 1-4 above.

{Seal or Stamp} _____

Registration Number

The certificate of the Notary shall read as follows:

"North Carolina, _____ County

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ___ day of _____, 20___.

_____

Notary Public

{Seal or Stamp}

My Commission expires _____."

C. Certificate of Approval for Recording

I _____, Administrator and Review Officer of Pitt County, certify that this plat creates a subdivision subject to and in accord with the Town of Ayden Unified Development Ordinance, and that it meets all statutory requirements for recording in the Office of the Register of Deeds of Pitt County.

_____ _____

Administrator/Review Officer Date

D. Certificate of Approval of the Design & Installation of Streets, Utilities, and Other Required Improvements *(where applicable)*

I hereby certify that all streets, utilities, and other required improvements have been installed in accordance with NC Department of Transportation & Town of Ayden specifications and standards, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Ayden has been received, and that the filing fee for this plat as set forth in the Town's fee schedule, has been paid.

_____ _____

Administrator Date

E. Certificate of Disclosure; Pitt County Floodplain Management Regulations *(where applicable)*

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate

shall receive and sign a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the Pitt County floodplain management regulations prior to the issuance of building permits.

_____ _____

Date Owner's Signature

F. Acknowledgement of Compliance *(Private Developments – where applicable)*

I, _____, (name of developer and/or seller) hereby certifies that the streets, parks, open space, or other areas delineated hereon and dedicated to private use, and all traffic markings and control devices shall not be the responsibility of the public or the municipality, acting on behalf of the public, to maintain. Furthermore, prior to entering any agreement or any conveyance with any prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, an acknowledgment of receipt of a disclosure statement. The disclosure statement shall fully and completely disclose the private areas and include an examination of the consequences and responsibility as to the maintenance of the private areas, and shall fully and accurately disclose the party or parties upon whom the responsibility for construction and maintenance of such private areas shall rest.

_____ _____

Date Signature of Developer and/or Seller

G. Street Maintenance Disclosure *(where applicable)*

Maintenance of the public street(s) shown on this plat is (are) intended to be the responsibility of the NCDOT or Town of Ayden, provided that all requirements for acceptance are met. Until such time as the NCDOT or Town of Ayden accepts the street(s), I (we) will provide for necessary maintenance. (NOTE: This statement shall not serve as a substitute for any other statutory disclosure requirements.)

_____ _____

Date Owner(s) Signature

710.150 Nullification of Plat or Portion of a Subdivision

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

B. Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

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

710.160 Resubdivision Procedures

A. For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.

710.170 Transferring Lots in Unapproved Subdivision

A. Per NCGS 160D-807, it shall be unlawful for any person, being the owner or agent of any land located within the planning and development regulation jurisdiction of the Town of Ayden to subdivide, transfer or sell land by reference to, exhibition of or any other use of a plat showing the subdivision of land before the plat has been properly approved under this ordinance.

TABLE OF CONTENTS

Article 8 – DEVELOPMENT PROCESSES 8-2
810.010 Development Processes and Permits 8-2
810.020 Requirements for Hearings and Decisions 8-8
810.030 Administrative Permits 8-9
810.040 Site Plans and Design Review 8-14
810.050 Subdivisions 8-18
810.060 Special Use Permits (SUP) 8-24
810.070 Appeals of Administrative Decision 8-26
810.080 Variances 8-28
810.090 Text Amendments and Rezonings (Map Amendments) 8-30
810.100 Conditional Districts 8-32
810.110 Vested Rights and Permit Choice 8-34

ARTICLE 8 – DEVELOPMENT PROCESSES

810.010 Development Processes and Permits

A. Purpose and Intent

In order to establish an orderly process to develop land within the planning and development regulation jurisdiction of the Town of Ayden consistent with standard development practices and terminology it is the purpose of this section to provide a clear and comprehensible development process.

B. Provisions and Applicability

The provisions of this section shall be applicable to all development activity under the planning and development regulation jurisdiction of the Town of Ayden.

1. Permit to Start Construction Required

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

2. Fees and Inspections

a. The Town of Ayden is authorized to establish fees to be charged by the town for the administration of the regulations in this ordinance. Based on the Town's official fee schedule, fees shall be paid to the town to cover the cost of processing, advertising and other administrative expenses regarding each application and/or plan as specified in this ordinance.

b. Agents and officials of the town are authorized to inspect land development activities to ensure compliance with this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in approved development plans are being appropriately followed. Notice of the right to inspect shall be included in the certificate of approval of each plan.

c. No person shall willfully resist, delay or obstruct an authorized representative, employee or agent of the Town while that person is inspecting or attempting to inspect a land development activity.

d. The Town shall also have the power to require written statements or filing reports under oath, with respect to pertinent questions relating to the land development activity.

3. Permits and Processes Table:

Development/Permit Process	Process Type	Review/Recommendation	Final Action	Appeal Process	Public Notice Level
Appeal of Administrative Decision	Evidentiary [Quasi-Judicial]	Administrator	Board of Adjustment	Superior Court	1
Certificate of Compliance	Administrative	Administrator	Administrator	BOA	N/A
Conditional Zoning Districts	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Conditional Use Permit	Quasi-Judicial	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Erosion & Sediment Control Permit	Administrative	Administrator/Pitt County	See Pitt County Soil Erosion & Sedimentation Control Ordinance	See Pitt County Soil Erosion & Sedimentation Control Ordinance	N/A
Final Plat	Administrative	Administrator/TRC	Administrator/TRC	BOA	N/A
Floodplain Development Permit	Administrative	Administrator/Pitt County	See Ayden Flood Damage Prevention Ordinance	See Ayden Flood Damage Prevention Ordinance	See Ayden Flood Damage Prevention Ordinance
Minor Site Plan	Administrative	Administrator/TRC	Administrator/TRC	BOA	N/A
Major Site Plan	Evidentiary [Quasi-Judicial]	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Major Subdivision Preliminary Plat	Evidentiary [Quasi-Judicial]	Planning Board	Board of Commissioner	Superior Court	1, 2 & 3
Minor Subdivision	Administrative	Administrator/TRC	Administrator/TRC	BOA	N/A
Rezoning (Map Amendment)	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Site Construction Plans	Administrative	Administrator/TRC	Administrator/TRC	BOA	N/A
Stormwater Permit	Administrative	Administrator/TRC	Administrator/TRC	BOA	N/A
Subdivision Construction Plan	Administrative	Administrator/TRC	Administrator/TRC	BOA	N/A
Text Amendment	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Variance	Evidentiary [Quasi-Judicial]	Board of Adjustment	Board of Adjustment	Superior Court	1, 2 & 3
Vested Right	Legislative	Planning Board	Board of Commissioners	Superior Court	1
Zoning Compliance Permit	Administrative	Administrator	Administrator	BOA	N/A

4. Application Completeness

a. Applications to Be Complete

(1) No application is complete unless all of the information required herein is included and all filing fees have been paid. An application that includes such information is deemed complete.

(2) Additional information may be required by the Administrator to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this ordinance. Failure to provide additional required information may result in application denial. The presumption established by this UDO is that all required application information is necessary.

(3) Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission constitute a decision as to whether application complies with the provisions of the UDO.

(4) The Administrator may agree to process an application without all required information at the risk to the Applicant that the decision-making body may later require the information prior to acting on the application.

b. Evidence of Authority

(1) The Administrator may require an applicant to present evidence of authority to submit the application.

5. Public Notice

The following procedures have been established for development processes/permits that require notification of the public prior to consideration and/or approval.

a. Level 1: Published Notice - General

(1) A notice shall be published in a newspaper of general circulation in the town once a week for two (2) successive weeks. The first publication shall appear no less than ten (10) days or more than twenty-five (25) days prior to the date fixed for the public hearing. The notice shall include the time, place and date of the hearing/meeting and include a description of the property and the nature of the proposal.

b. Level 2: Mailed Notice / Full Community Notice

(1) The owners of the affected parcel(s) of land and the owners of parcels of land abutting the subject property shall be notified of the hearing/meeting by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are abutting even if separated by a street, railroad, or other transportation corridor. Such notification shall be postmarked at least ten (10) but not more twenty-five (25) days prior to the date of the meeting at which the matter is to be heard.

(2) As an alternative, to the mailed notice requirements in subsection b(1) above and per NCGS 160D-602(b), the town may elect to serve notice through a full community notification for pending actions that affect more than fifty (50) properties, owned by at least fifty (50) different property owners. The town shall publish notice of the hearing/meeting in a newspaper of general circulation in the town. Two advertisements shall

be published in separate calendar weeks. Each advertisement shall not be less than one- half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.

c. Level 3: Posted Notice

(1) In addition to providing published or mailed notice, as required in above, a sign shall be placed in a prominent location on the subject property(ies) or on an adjacent public street or highway right-of-way with a notice of the pending action/hearing and a phone number to contact for additional information. The notice shall be posted within the same time period specified for mailing notices of the hearing.

6. Application Requirements

a. The following general standards for various applications have been identified as a means to create a hierarchy of submissions for permits/processes.

b. The Town's official application checklists are intended to provide further guidance to applicants as to the necessary level of detail for certain permit/process types. Permits/processes for which checklist requirements are needed are marked with "●" in the table below:

Development Permit/Process	Existing Conditions Map	Sketch Plan	Master Plan	Construction Plan	Final Plat	Building Elevations	As-built Drawings
Conditional District Rezonings	●		●			●[1]	
Special Use Permit	●		●			●[1]	
Final Plat					●		●[1]
Major Site Plan	●		●			●[1]	
Minor Site Plan	●		●			●[1]	
Major Subdivision Preliminary Plat	●		●				
Minor Subdivision					●		●[1]
Construction Plans	●			●		●[1]	●[1]
Vested Right			●[1]				
Zoning Compliance Permit		●				●[1]	

Stormwater Permit [3]	●			●			●
Erosion & Sediment Control Permit – Administered by Pitt County [2]							
Floodplain Development Permit – Administered by Pitt County [2]							

[1] *As needed by the Administrator.*

[2] *Administered by Pitt County.*

[3] *Issued in conjunction with construction plans.*

c. Existing Conditions Map

(1) An existing conditions map is intended to identify existing developed conditions and natural features including, but not limited to, the following:

- **(a)** Rights of way
- **(b)** Exiting structures
- **(c)** Cemeteries
- **(d)** Bridges or culverts
- **(e)** Utilities
- **(f)** Driveways & curb cuts
- **(g)** Sidewalks, surface parking & loading areas
- **(h)** Streets with pavement width
- **(i)** Existing easements
- **(j)** Natural features such as large stands of trees, water features, special flood hazard area
- **(k)** Soils type
- **(l)** Existing topography

d. Sketch Plan

(1) A sketch plan shall show in simple sketch form the dimensions of the lot on which the proposed building or use is to be constructed or conducted and the following:

- **(a)** Proposed layout of existing and proposed streets
- **(b)** Existing or proposed lot(s) layout, building(s) location and size
- **(c)** Nature of land use, parking areas and means of ingress/egress,
- **(d)** Environmental conditions (i.e. Special Flood Hazard, wetlands, Impervious Surface Area, etc.)

(2) Sketch Plans shall be reviewed as binding documents for compliance of Unified Development Ordinance conformance, but shall be used for non-binding review for all other development application processes in which a sketch plan is required. All plans shall be submitted at a scale not less than 1 inch = 50 feet (for Site Plans) or 1 inch = 200 feet (for Subdivisions) unless otherwise authorized by the Administrator.

e. Master Plan

(1) A master plan is intended to provide a detailed two-dimensional drawing that illustrates all of the required site features including:

(a) Buildings & parking areas
(b) Streets locations, street sections & new & existing rights-of-ways
(c) Property lines and setbacks
(d) Required or proposed buffers,
(e) Conceptual landscaping
(f) All related development calculations (e.g., density, proposed building areas, number of parking spaces, estimate impervious surface) in sufficient detail to show compliance with this ordinance.

(2) Detailed engineering drawings such as subsurface utilities (e.g., water and sewer) and on-site stormwater facilities are not required for Master Plans, except that horizontal water and sewer locations shall be indicated as required by the utility provider.

f. Construction Plan

(1) Construction Plans shall constitute a full and complete set of engineered drawings necessary for final permitting and construction.

(2) All plans shall be submitted at a scale not less than 1 inch = 50 feet unless otherwise authorized by the Administrator.

(3) All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the adopted Town of Ayden Specifications and utilities provider requirements where applicable.

g. Final Plat

(1) The final plat shall be prepared by a professional land surveyor, licensed to practice in the State of North Carolina and shall be drawn to a scale no less than 1 inch = 100 feet, and shall meet the requirements of NCGS 47-30.

(2) The final plat shall constitute an accurate survey of the entire phase as shown on the approved plan and shall include all the relevant notes and certifications.

h. Building Elevations

(1) In order to reasonably evaluate the building, it is necessary to submit scaled drawings of each elevation visible from a public street. These drawings should be in color and should accurately represent the building heights, floor levels, and building materials.

i. As-Built Drawings

(1) The “as built” drawings shall show the final design specifications for all public infrastructure. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in substantial compliance with the approved plans and designs and with the requirements of this ordinance. A final inspection and approval by the Administrator shall occur before the release of any performance securities.

810.020 Requirements for Hearings and Decisions

A. Standards for Conduct of Evidentiary Hearings and Quasi-Judicial Decisions

In accordance with 160D-705, an evidentiary hearing and therefore a quasi-judicial decision is a process that involves the finding of facts regarding a specific application of an ordinance and the exercise of discretion when applying the standards of the ordinance. Quasi-judicial decisions include decisions involving variances, special use permits, and appeals of administrative decisions. In accordance with NCGS 160D-803, decisions on the approval of major site plans and major subdivision preliminary plats are quasi-judicial in nature if the ordinance authorizes a decision-making board to approve or deny the application based on one or more generally stated standards requiring a discretionary decision on the findings of fact to be made by the decision-making board. As a result, the following standard procedures shall be incorporated as appropriate.

1. **Contact with Decision-Making Board Members**
   - **a.** Contact with any members of a decision-making board prior to the public hearing by any individual regarding the matter is prohibited.
2. **Conflict of Interest**
   - **a.** Members of the decision-making board shall adhere to the conflict of interest standards outlined in this Article. 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.
3. **Participants to be Sworn**
   - **a.** All participants in the public hearing shall be duly sworn in prior to the submission of any testimony.
4. **Competent Evidence Required**
   - **a.** All decisions shall be based on competent evidence entered in as part of the record.
   - **b.** The term "competent evidence," as used in this subsection, shall not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) the evidence was admitted without objection, or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision making board to rely upon it.
   - **c.** The term "competent evidence," as used in this subsection, shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
     - **(1)** The use of property in a particular way would affect the value of other property.
     - **(2)** The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

(3) Matters about which only expert testimony would generally be admissible under the rules of evidence.

d. Cross-Examination Permitted

(1) The cross-examination of witnesses submitting testimony shall be permitted upon request.

B. Decision Standards

1. Each decision-making board under the provisions of this ordinance shall ensure that the rights of petitioners have not been prejudiced because of the decision-making body's findings, inferences, or conclusions. In addition, such decision shall not be:

a. In violation of constitutional provisions, including those protecting procedural due process rights.

b. In excess of the statutory authority conferred upon the town or the authority conferred upon the decision-making board by ordinance.

c. Inconsistent with applicable procedures specified by statute or ordinance.

d. Affected by other error of law.

e. Unsupported by substantial competent and material evidence in view of the entire record.

f. Arbitrary and capricious.

C. Decision Records

1. The following shall become part of the official record of decision:

a. Documents and exhibits submitted to the decision-making board;

b. Meeting minutes;

c. Any party may request, at their expense, a transcript of the proceedings from any recorded audio/video if available.

d. Official written notice of action by the decision making board.

810.030 Administrative Permits

A. Zoning Compliance Permit

A zoning compliance permit indicates compliance with the provisions of this ordinance and shall be required for the construction or development of any new use within the planning and development regulation jurisdiction of the Town of Ayden, and any other site improvement as indicated in the UDO. In addition to new uses, a zoning compliance permit shall be required for expansions of existing uses, changes of use, any uses permitted with special conditions (Article 3 – Zoning Districts) and any signage requiring a permit (Article 5 – General Development Standards).

1. Application Prior to Building Permit

a. A zoning compliance permit application shall be presented to the Administrator prior to applying for a building permit from the Pitt County

Inspections Department. No building permit shall be issued for any activity within the Town's planning and development regulation jurisdiction until such zoning permit is approved by the town and presented to the county.

2. **Pre-Application Process**
   - **a.** No meeting is required but applicants are encouraged to call or visit the Administrator prior to requesting a zoning permit to determine what information is required for the application.
3. **Required Application Information**
   - **a.** Sketch Plan and any other relevant information to show compliance (may be waived by Administrator as appropriate). A zoning compliance permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal and shall be accompanied by a signed affidavit designating such agent), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority.
4. **Determination of Compliance**
   - **a.** Once an application containing all needed elements is submitted, the Administrator shall review the application and approve or deny it based on compliance with the standards contained in this ordinance.
5. **Appeals**
   - **a.** Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment.
6. **Permit Validity & Extensions**
   - **a.** Zoning compliance permits shall be void after twelve (12) months from date of issue unless substantial progress on the project has been made by that time or unless a statutory zoning vested right exists as described in this ordinance. Upon issuance of a building permit by the Pitt County Inspections Department, the Zoning Compliance Permit shall remain valid as long as a valid building permit exists for the project.
   - **b.** Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Zoning Compliance Permit and any subsequent building permits.
   - **c.** The Administrator may grant one extensions of this time period of up to six (6) months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

B. Certificate of Compliance

Issuance of a certificate of compliance shall be required prior to the occupancy or use of any new construction and re-occupancy or re-use of any renovation/rehabilitation in the Town of Ayden. Certificates of compliance insure that a completed development project

has complied with all the applicable requirements of this ordinance and all other applicable federal, state and local regulations. Certificates of compliance must be signed by the Administrator to certify compliance with applicable regulations of this ordinance.

1. **Determination of Compliance**
   - **a.** Upon receipt of the request for a certificate of compliance, the Administrator shall inspect the site for compliance with the approved plan and the applicable standards of this ordinance. The applicant shall be notified of any deficiencies in the building(s) or site that prevents the issuance of the certificate of compliance or the certificate shall be issued.
2. **Appeals**
   - **a.** Appeals of the decision of the Administrator shall be heard by the Board of Adjustment.

C. Environmental Permits

1. Stormwater Permit

A stormwater permit is required for all development and redevelopment unless exempt pursuant to this ordinance. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.

- **a.** A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including structural BMPs and elements of site design for stormwater management other than structural BMPs.
- **b.** The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the development or redevelopment site consistent with the requirements of this ordinance, whether the approach consists of structural BMPs or other techniques such as low-impact or low-density design. This permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this ordinance.
  - **c.** Applications shall be submitted to the Administrator pursuant to the application submittal schedule in the form established by the Administrator.
  - **d.** An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this ordinance, along with the appropriate fee. If the Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

e. Within 30 working days after a complete application is submitted, the Administrator shall review the application and determine whether the application complies with the standards of this ordinance.

f. If the Administrator finds that the application complies with the standards of this ordinance, the Administrator shall approve the application. The Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included as part of the approval.

g. If the Administrator finds that the application fails to comply with the standards of this ordinance, the Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

h. A complete revised application shall be reviewed by the Administrator within fifteen (15) working days after its re-submittal and shall be approved, approved with conditions or disapproved. If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.

i. One re-submittal of a revised application may be submitted without payment of an additional permit review fee. Any resubmittal after the first re-submittal shall be accompanied by a permit review fee additional fee, as established pursuant to this ordinance.

j. In addition to an existing conditions map, construction plans and as-built plans, the following shall be required for the Administrator to issue a Stormwater Permit:

1) **Natural Resources Inventory:** A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
2) **Stormwater Management Systems Concept Plan:** A written or graphic conceptual sketch plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits;

relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

h. Effect of Approval

Approval authorizes the applicant to go forward with only the specific plans and activity authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

i. Time Limit/Expiration

1) An approval plan shall become null and void if the applicant has failed to make substantial progress on the site within one (1) year after the date of approval. The Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.
2) In granting an extension, the Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

j. Appeals

Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment.

k. Variances

1) Any person may petition the Ayden Board of Adjustment for a variance in accordance with this section.
2) **Statutory Exemptions**

Exceptions from the thirty (30)-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

(a) When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

(b) When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to,

water, sewer, or gas construction and maintenance corridor, as long as it is located fifteen (15) feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

(c) A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

2. **Floodplain Development Permit**
   All Floodplain Development Permits are issues by Pitt County.
3. **Erosion & Sediment Control Permit**
   All Erosion & Sediment Control Permits are issued by Pitt County.

810.040 Site Plan and Design Review

A. Minor Site Plan Review

The Minor Site Plan process shall apply to development applications which do not require a Transportation Impact Analysis according to *Article 7 – Subdivisions and Infrastructure.*

1. **Pre-Application Process**
   a. No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.
2. **Process Type: Administrative**
3. **Determination of Compliance**
   a. Once an application is deemed complete by the Administrator, the Administrator and Technical Review Committee shall review the application and approve, deny, or approve with conditions the Minor Site Plan based on compliance with the standards contained in this ordinance. All decisions shall be in writing.
4. **Public Notification:** None required
5. **Appeals**
   a. Appeals of the decisions of the Administrator or TRC shall be heard by the Board of Adjustment.
6. **Permit Validity**
   a. Approval of a Site Master Plan shall be valid for two (2) years from the date of approval. A Site Construction Plan shall be presented for approval prior to the end of this two (2) year period.

7. **Permit Extension**
   a. The Administrator may grant a single extension of this time period of up to one (1) year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant. If an extension is denied, or a Site Construction Plan is not presented for approval within a granted extension period, the applicant may reapply for a Site Master Plan using the same process as if the application was being considered for the first time.

B. Major Site Plan Review

The Major Site Plan Review process shall apply to all multi-family dwelling developments and to all development applications which require a Transportation Impact Analysis according to *Article 7 – Subdivisions & Infrastructure.* Applications not meeting this threshold shall proceed directly to the minor site plan or construction plan review process.

1. **Pre-Application Process**
   a. It is required that every applicant for Major Site Plan meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans for approval.
2. **Process Type: Quasi-Judicial**
   a. Required Application Information
      (1) Existing Conditions Map, Master Plan and any other relevant information to show compliance (may be waived by Administrator as appropriate).
3. **Determination of Compliance**
   a. The Technical Review Committee shall review the plan to ensure that it is complete. The Administrator shall prepare a report and recommendation on the application for Planning Board review & recommendation. After review and recommendation on the application by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposal for official action. Upon approval, the applicant may submit a site construction plan.
4. **Review Process & Public Hearing**
   a. Planning Board Recommendation
      (1) Upon determination of compliance by the Administrator, the Planning Board shall review and provide a recommendation to the Board of Commissioners on the major site plan at the next available, regularly scheduled meeting.
      (2) If the Planning Board is able to reach a recommendation without further deliberation, the Planning Board shall submit a recommendation on the plan and refer it to the Board of Commissioners for their consideration at the next available public hearing.
      (3) If the Planning Board determines that further deliberation on the plan is required, the Planning Board shall deliver its recommendation to the

Board of Commissioners within 45 days of its first consideration on the matter. If no recommendation is received from the Planning Board within 45 days of it first consideration on the matter, the Board of Commissioners shall proceed in its consideration of the matter without a recommendation from the Planning Board.

b. Public Hearing

(1) Upon consideration by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.

c. Decision

(1) The Board of Commissioners shall approve, deny or approve with conditions the Major Site Plan. No Major Site Plan approval shall be granted unless it complies with the following:

(a) All applicable provisions of this UDO; and

(b) Provides adequate infrastructure (transportation, utilities, etc.) to support the plan as proposed; and

(c) The plan will not be detrimental to the use or development of adjacent properties.

d. Review Period

(1) The Board of Commissioners shall take action (approve, deny, or approve with conditions) within 60 days of the delivery of the Planning Board recommendation. Should the Board of Commissioners fail to act on the Site Master Plan within the prescribed period, the application shall be considered approved.

(2) Decisions

(a) If the Board of Commissioners approves the Major Site Plan, the applicant will be directed to proceed to the preparation of Construction Plans. If the Board of Commissioners disapproves or approves conditionally the plan, the reasons for such action shall be stated in writing by the Administrator and entered in the records of the Board, and the applicant may make changes and submit a revised plan for consideration in accordance with the procedures set forth in this section.

(3) Appeals

(a) An appeal from the decision of the Board of Commissioners regarding a Major Site Plan may be made by an aggrieved party and shall be made to the Superior Court of Pitt County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case,

whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

(4) Validity & Extensions

(a) Per NCGS 160D-108(d)(3), approval of a Major Site Master Plan shall be valid for two (2) years from the date of approval. Construction Plans shall be presented for approval prior to the end of this 1-year period.

(b) Per NCGS 160D-108(d)(4), the Board of Commissioners may grant a single extension of this time period of up to one (1) year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

(c) If an extension is denied, or a Major Site Plan is not presented for approval within a granted extension period, the applicant may reapply for a Major Site Plan using the same process as if the application was being considered for the first time.

(5) Substantial Changes

(a) Any substantial change to a Major Site Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners.

(b) The following changes to a Major Site Plan shall be considered substantial and require approval by the Board of Commissioners:

i. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

ii. Modification of special performance criteria, design standards, or other requirements specified in the original approval.

iii. When there is an increase in density from the total number of residential dwelling units originally authorized.

iv. When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of Commissioners.

C. Site Construction Plan Review

1. Pre-Application Process
   - **a.** No meeting is required but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.
2. Process Type: Administrative
3. Required Application Information

a. Existing Conditions Map, Construction Plans & As-Built Drawings (may be waived by Administrator as appropriate).

4. Determination of Compliance
   a. The Site Construction Plan shall be reviewed by the Technical Review Committee for compliance with the requirements of this ordinance and for conformity with the approved Major Site Plan, if applicable. Provided the application is complete, applications shall be reviewed by the committee and written review comments will be given to the applicant within thirty (30) days of receipt of the Site Construction Plan.
5. Appeals
   a. Appeals of decisions of the Technical Review Committee shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within 30 days of the receipt of the Administrators/TRCs determination of compliance.
6. Validity & Extensions
   a. Approval of a Site Construction Plan shall be valid for 1 year from the date of approval. There shall be no extensions permitted.
7. Substantial Changes
   a. Any substantial change to a Site Construction Plan as noted below shall be reviewed by the Board of Commissioners.
   b. The following changes to a Site Construction Plan shall be considered substantial and require reapproval by the Board of Commissioners:
      i. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
      ii. Modification of special performance criteria, design standards, or other requirements specified in the original approval.
      iii. When there is an increase in density from the total number of residential dwelling units originally authorized.
      iv. When the total floor area of a development is increased more than 10% beyond the total floor area last approved by the Board of Commissioners.

810.050 Subdivisions

A. Minor Subdivision Review

1. Applicability
   a. The minor subdivision review process is required for those divisions of land which contains ten (10) or fewer lots result after subdivision:
      (1) All of which front on an existing improved public street;
      (2) Not involving any new public streets, right-of-way dedication or requiring any new street for access to interior property;

(3) Not requiring drainage improvements or easements, other than rear and side lot line easements, to serve the applicant's property or interior properties;

(4) Not involving any utility extensions; and

(5) Not requiring any easements, other than rear and side lot line easements.

2. Pre-Application Process
   - **a.** It is required that every applicant for a minor subdivision meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plats for approval.
3. Process Type: Administrative
4. Required Application Information
   - **a.** Sketch Plan (may be waived by Administrator as appropriate) & Final Plat.
5. Determination of Compliance
   - **a.** Once an application containing all needed elements is submitted, the Administrator shall review the application/plan and approve or deny it based on compliance with the standards contained in this ordinance.
6. Appeals
   - **a.** Appeals of decisions of the Administrator shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within 30 days of the receipt of the Administrators/TRC's determination of compliance.
7. Validity & Extensions
   - **a.** Approval of a final plat for a minor subdivision, the plat shall be signed by the Administrator and the owner(s). Upon signature, minor subdivision plats shall be recorded at the Pitt County Register of Deeds within thirty (30) days following approval or the approval becomes invalid.

B. Major Subdivision Preliminary Plat

1. Applicability
   - **a.** The major subdivision preliminary plat review process is required for all subdivisions except those defined a minor subdivision as indicated in subsection A above.
2. Pre-Application Process
   - **a.** It is required that every applicant for major subdivision preliminary plat meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans for approval.
3. Process Type: Quasi-Judicial
4. Required Application Information
   - **a.** Existing Conditions Map & Master Plan.
5. Determination of Compliance

a. The Technical Review Committee shall review the plan to ensure that it is complete. The Administrator shall prepare a report and Recommendation on the plan for Planning Board review & recommendation. After review and recommendation on the plan by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposal for official action.

6. Review Process & Public Hearing

a. Planning Board Recommendation

(1) Upon determination of compliance by the Administrator, the Planning Board shall review and provide a recommendation to the Board of Commissioners on the major subdivision preliminary plat at the next available, regularly scheduled meeting.

(2) If the Planning Board is able to reach a recommendation without further deliberation, the Planning Board shall submit a recommendation on the plan and refer it to the Board of Commissioners for their consideration at the next available public hearing.

(3) If the Planning Board determines that further deliberation on the plan is required, the Planning Board shall deliver its recommendation to the Board of Commissioners within 45 days of its first consideration on the matter. If no recommendation is received from the Planning Board within 45 days of it first consideration on the matter, the Board of Commissioners shall proceed in its consideration of the matter without a recommendation from the Planning Board.

b. Public Hearing

(1) Upon consideration by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.

c. Decision

(1) The Board of Commissioners shall approve, deny or approve with conditions the major subdivision preliminary plat. No major subdivision preliminary plat approval shall be granted unless it complies with the following:

(a) All applicable provisions of this UDO; and
(b) Provides adequate infrastructure (transportation, utilities, etc.) to support the plan as proposed; and
(c) The plan will not be detrimental to the use or development of adjacent properties.

d. Review Period

(1) The Board of Commissioners shall take action (approve, deny, or approve with conditions) within 60 days of the delivery of the Planning Board recommendation. Should the Board of Commissioners fail to act on the major subdivision preliminary plat within the prescribed period, the application shall be considered approved.

e. Decisions

(1) If the Board of Commissioners approves the major subdivision preliminary plat, the applicant will be directed to proceed to the preparation of Construction Plans. If the Board of Commissioners disapproves or approves conditionally the plan, the reasons for such action shall be stated in writing by the Administrator and entered in the records of the Board, and the applicant may make changes and submit a revised plan for consideration in accordance with the procedures set forth in this section.

f. Appeals

(1) An appeal from the decision of the Board of Commissioners regarding a major subdivision preliminary plat may be made by an aggrieved party and shall be made to the Superior Court of Pitt County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

7. Validity & Extensions

(1) Per NCGS 160D-108(d)(3) approval of a major subdivision preliminary plat shall be valid for two (2) years from the date of approval. Construction Plans shall be presented for approval prior to the end of this two (2) year period.

(2) Per NCGS 160D-108(d)(4), if the approved major subdivision preliminary plat provides for multiple construction phases within the subdivision, contains 100 acres or more, and is subject to committed elements with a requirement to offer land for public use as a condition of approval, the multi-phase development shall be vested for a period of seven (7) years from the time of approval.

(3) The Board of Commissioners may grant a single extension of this time period of up to one (1) year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

(4) If an extension is denied, or a major subdivision preliminary plat is not presented for approval within a granted extension period, the applicant may reapply for a major subdivision preliminary plat using the same process as if the application was being considered for the first time.

8. Substantial Changes

(1) Any substantial change to a major subdivision preliminary plat as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners.

(2) The following changes to a major subdivision preliminary plat shall be considered substantial and require approval:

(a) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

(b) Modification of special performance criteria, design standards, or other requirements specified by the major subdivision preliminary plat.

(c) When there is an increase in the total number of residential dwelling units originally authorized by the approved major subdivision preliminary plat.

C. Subdivision Construction Review

1. Pre-Application Process
   - **a.** No meeting is required but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.
2. Process Type: Administrative
3. Required Application Information
   - **a.** Existing Conditions Map & Construction Plans
4. Determination of Compliance
   - **a.** The Subdivision Construction Plan shall be reviewed by the Technical Review Committee for compliance with the requirements of this ordinance and for conformity with the approved major subdivision preliminary plat, if applicable. Provided the application is complete, applications shall be reviewed by the committee and written review comments will be given to the applicant within thirty (30) days of receipt of the Subdivision Construction Plan.
5. Appeals
   - **a.** Appeals of decisions of the Technical Review Committee shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within thirty (30) days of the receipt of the committee's decision.
6. Phasing
   - **a.** Subdivision Construction Plans for phased subdivisions shall be reviewed and recorded individually in accordance with the schedule presented by the applicant during the major subdivision preliminary plat approval.
7. Validity & Extensions
   - **a.** Approval of a Subdivision Construction Plan shall be valid for two (2) years from the date of approval. A Final Plat shall be recorded prior to the end of this two (2) year period.
   - **b.** The Administrator may grant a single extension of this time period of up to one year upon submittal by the applicant of sufficient justification for the

extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

D. Final Plat

1. Process Type: Administrative
2. Required Application Information
   - **a.** Final Plat & As-Built Drawings
3. Required Improvements
   - **a.** All required infrastructure improvements shall be either installed or financially guaranteed in accordance with *Article 5 – General Development Standards*.
4. As-Builts
   - **a.** Upon completion of a development, and before a Final Plat shall be approved (unless financially guaranteed), the applicant shall certify that the completed development is in substantial accordance with the approved plans and designs, and shall submit actual "as built" plans for all public infrastructure after final construction is completed.
5. Determination of Compliance
   - **a.** The Final Plat shall be reviewed by the Administrator for compliance with the requirements of this ordinance and, in the case of major subdivision preliminary plats, for conformity with the approved Construction Plan. Provided the application is complete, plans shall be reviewed and acted upon by the Administrator and notice given the applicant within thirty (30) days of receipt of the Final Plat.
6. Appeals
   - **a.** Appeals of decisions of the Administrator shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within thirty (30) days of the receipt of the Administrators determination of compliance.
7. Effect of Approval
   - **a.** The approval of a Final Plat does not constitute acceptance for maintenance or other purposes of improvements in rights-of-way, such as utility lines, street paving, drainage facilities or sidewalks. Such improvements, when located within the corporate limits of the Town of Ayden, may be accepted only by action of the town following inspection and approval. Public land designated on a plat shall be considered to be offered for dedication, but not accepted until the Board of Commissioners has by expressed action done so.
8. Phasing
   - **a.** Final plats for phased subdivisions shall be recorded in accordance with the schedule presented by the applicant during the Construction Plan approval.
9. Validity & Extensions
   - **a.** Final plats that have been granted approval must be recorded within thirty (30) days following approval or the approval becomes invalid. No lots in a

subdivision shall be sold prior to approval by the town and recording of the Final Plat for the subdivision. Upon signature, final plats shall be recorded at the Pitt County Register of Deeds within thirty (30) days following approval or the approval becomes invalid.

810.060 Special Use Permits (SUP)

This section establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the use complies with the SUP approval criteria. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

A. Conversion of Conditional Use Permits to Special Use Permits

1. Pursuant to NCGS 160D, any Conditional Use Permit approved prior to the adoption of this subsection that is valid and legal is hereby transformed into an identical Special Use Permit subject to all established conditions and applicable standards of this Ordinance.

B. Application Procedures

1. Pre-Application Process
   - **a.** Every applicant for a Special Use Permit is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.
2. Process Type: Quasi-Judicial
3. Required Application Information
   - **a.** An application for a Special Use Permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Each application for a Special Use Permit shall contain, an Existing Conditions Map (may be waived by the Administrator as appropriate) and Master Plan. Other information necessary to show that the use or structure complies with the standards set forth in this ordinance shall also be provided.
4. Determination of Compliance
   - **a.** The Administrator shall review the plan to ensure that it is complete. The Administrator shall prepare a report and recommendation on the application for the Board of Commissioners.
   - **b.** Public Hearing

(1) The Board of Commissioners shall hold an evidentiary public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.\

c. Decision & Findings of Fact

(1) The Board of Commissioners shall approve, deny or approve with conditions the special use permit. No special use permit approval shall be granted unless it complies with the following findings of fact:

(a) Adequate and reasonable mitigation has been provided of potentially adverse effects on adjacent properties through the conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;

(b) The proposed special use permit represents an overall conformance with the adopted goals, recommendations and policies of the Land Use Plan [Comprehensive Plan], Official Zoning Map and any other applicable planning documents adopted by the Town;

(c) There exists adequate infrastructure (transportation, utilities, etc.) to support the proposed use;

(d) The proposed use will not cause undue traffic congestion or create a traffic hazard;

(e) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;

(f) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property;

(g) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

5. Additional Conditions

a. The Board of Commissioners may place conditions on the use as part of the approval to assure that mitigation measures are associated with the use. The conditions shall become part of the Special Use Permit approval.

6. Review Period

a. The Board of Commissioners shall take action (approve, deny, or approve with conditions) within sixty (60) days of the closure of the public hearing. Should the Board of Commissioners fail to act on the special use permit within the prescribed period, the application shall be considered approved.

7. Decisions

a. If the Board of Commissioners approves the special use permit the applicant will be directed to proceed to the preparation of Construction Plans. If the Board of Commissioners disapproves or approves conditionally the plan, the reasons for such action shall be stated in writing by the Administrator and entered in the records of the Board, and delivered to the property owner and applicant, and the applicant may make changes and submit a revised plan for consideration in accordance with the procedures set forth in this section.

8. Appeals

a. An appeal from the decision of the Board of Commissioners regarding a special use permit may be made by an aggrieved party and shall be made to the Superior Court of Pitt County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within thirty (30) days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

9. Validity & Extensions

a. Special Use Permits that have been granted approval must begin site development within two (2) years following approval or the approval becomes invalid.

b. The Board of Commissioners may grant a single extension of this time period of up to six (6) months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

c. If an extension is denied, or a special use permit is not presented for approval within a granted extension period, the applicant may reapply using the same process as if the application was being considered for the first time.

10. Substantial Changes

a. Any substantial change to a special use permit as noted below shall be reviewed and approved or denied by the Board of Commissioners.

b. The following changes to a special use permit shall be considered substantial and require approval by the Board of Commissioners:

(1) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

(2) Modification of special performance criteria, design standards, or other requirements specified by the special use permit.

(3) When there is an increase in the total density originally authorized by the approved special use permit.

(4) When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of Commissioners. Changes of less than 10 percent may be approved by the Administrator.

810.070 Appeals of Administrative Decision

A. Applicability

1. Parties aggrieved by any order, requirement, decision or determination, made by an administrative officer charged with enforcing the provisions of this ordinance.

B. Procedures

1. Process Type: Quasi-Judicial
2. Filing Process
   - **a.** An appeal of an administrative decision may be taken by any person aggrieved (or by their authorized agent), or by the Administrator, to the Board of Adjustment. Such an appeal shall be made within thirty (30) days of the receipt by such aggrieved party of the written notice of decision from the Administrator, within thirty (30) days of the filing of the written notice with the Town Clerk.
3. Proceedings
   - **a.** The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Pitt County.
4. Required Application Information
   - **a.** Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the appeal. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

C. Review Process

1. Upon receiving the application, the Board of Adjustment shall conduct an evidentiary public hearing on the appeal. Any party may appear in person or be represented by an agent at the hearing.
2. After conducting the evidentiary public hearing, the Board of Adjustment shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision or determination in question. It shall take a majority vote of the Board of Adjustment to reverse or modify the contested action.
3. The Board of Adjustment, in making its ruling, shall have all the powers of the Administrator from whom the appeal is taken, and may issue or direct the issuance of a permit.
4. The decision of the Board of Adjustment must be in writing and permanently filed in the minutes of that reviewing body as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Adjustment, which must be delivered to parties of interest by certified mail.

D. Appeals

1. Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Pitt County Superior Court. Any such petition shall be filed with the clerk of the superior court within 30 days after the

decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

810.080 Variances

A. Applicability

1. The variance process administered by the Board of Adjustment is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance.
2. It is not intended that variances be granted solely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general or to increase the profitability of a proposed development, although such factors can be taken into consideration.
3. In no event shall the Board of Adjustment grant a variance which would allow the establishment of a use which is not otherwise allowed in a land development district or which would change the land development district classification or the district boundary of the property in question.
4. In no event shall the Board of Adjustment grant a variance which would conflict with any state code unless otherwise authorized by laws and regulations.

B. Procedures

1. Pre-Application
   a. Every applicant for a variance is encouraged to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.
2. Process Type: Quasi-Judicial
3. Filing Process
   a. An application for a variance may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application.
4. Determination of Compliance
   a. The Administrator shall review the plan to ensure that it is complete and shall prepare a report on the application for the Board of Adjustment to consider.
5. Proceedings
   a. The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent

peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Pitt County.

6. Required Application Information
   a. Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the appeal. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

C. **Review Process**

1. Upon receiving the application, the Board of Adjustment shall conduct an evidentiary public hearing on the variance.
2. After conducting the evidentiary hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with additional conditions. A concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to grant a variance.
3. A decision by the Board of Adjustment shall be made within forty-five (45) days of the date of the hearing.
4. Any approval or denial of the request shall be accompanied by written findings of fact supporting the conclusion that the variance meets or does not meet each of the standards set forth in subsection 5 a-d below.
5. The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:
   a. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
   b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
   c. The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
   d. The requested variance is consistent with the spirit, purpose, and intent of the regulation(s), such that the public safety is secured, and substantial justice is achieved.
6. Additional Conditions

a. In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The Board of Adjustment may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this ordinance. Such conditions and safeguards must be reasonably related to the condition or circumstance that gives rise to the need for a variance.

810.090 Text Amendments and Rezonings (Zoning Map Amendments)

The Board of Commissioners may from time to time amend any part of the text of this ordinance or amend the Official Zoning Map of the Town.

A. Application Procedures

1. Pre-Application Process
   - **a.** Every applicant for a rezoning or text amendment is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of` the application.
2. Process Type: Legislative
3. Required Application Information
   - **a.** A petition for a text amendment or rezoning of a part of the Town's official zoning map shall be filed on a form provided by the Administrator. Such petition shall contain all the information required on the form and must be determined to be complete by the Administrator prior to advancing it through the review process.
4. Determination of Compliance
   - **a.** The Administrator shall review the application to ensure that it is complete. The Administrator shall prepare a report and recommendation on the application for Planning Board review & recommendation. After review and recommendation on the application by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposal for official action.
5. Review Process & Public Hearing
   - **a.** Planning Board Recommendation
     - **(1)** Upon determination of compliance by the Administrator, the Planning Board shall review and provide a recommendation to the Board of Commissioners on the application at the next available, regularly scheduled meeting.
     - **(2)** If the Planning Board is able to reach a recommendation without further deliberation, the Planning Board shall submit a recommendation on the application and refer it to the Board of Commissioners for their consideration at the next available public hearing.

(3) If the Planning Board determines that further deliberation on the application is required, the Planning Board shall deliver its recommendation to the Board of Commissioners within 45 days of its first consideration on the matter. If no recommendation is received from the Planning Board within 45 days of it first consideration on the matter, the Board of Commissioners shall proceed in its consideration of the matter without a recommendation from the Planning Board.

(4) The Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that the request is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

b. Legislative Public Hearing

(1) Upon consideration by the Planning Board, the Board of Commissioners shall hold a legislative public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.

c. Board of Commissioners Decision

(1) Following receipt of a recommendation from the Planning Board, or after forty-five (45) days from the Planning Board meeting if no recommendation is received, the Board of Commissioners shall conduct a public hearing on the matter.

(2) Upon reviewing all of the pertinent information, the Board of Commissioners take action to:

(a) Adopt the proposed amendment/rezoning request.

(b) Adopt the proposed amendment/rezoning request with modifications.

(c) Reject the proposed amendment/rezoning request.

(d) Refer the proposed amendment back to the Planning Board for further consideration.

6. Land Use Plan Consistency

a. In accordance with NCGS 160D, all rezonings/zoning map amendments shall be made in accordance with the comprehensive plan.

b. Prior to adopting or rejecting any such request, the Board of Commissioners shall adopt a statement describing the proposal's consistency or inconsistency with the Town's comprehensive plan.

7. Citizen Comments

a. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this ordinance to the Town Clerk at least two business days prior to the proposed vote on such

change, the Town Clerk shall deliver such written statement to the Board of Commissioners.

b. Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

8. Appeals

a. An appeal from the decision of the Board of Commissioners regarding a text amendment/rezoning may be made by an aggrieved party and shall be made to the Superior Court of Pitt County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within thirty (30) days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

9. Period to Subsequent Application

a. After an application for an amendment has been approved or denied by the Board of Commissioners, there shall be a six (6) month waiting period before an application shall be considered on the same issue.

b. This waiting period may be waived by the Board of Commissioners (3/4 vote required) if it determines that there have been substantial changes in conditions or circumstances which may relate to the request.

810.100 Conditional Districts

Conditional Districts (CD) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Commissioners in accordance with NCGS 160D-703(b). Conditional districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Conditional Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

A. Application Procedures

1. Process Type: Legislative

2. Applicant and Property Information

a. Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included in the specific Conditional District request.

b. A Conditional District shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. Unified control means that all land to be included within a Conditional District shall be

owned or otherwise under the legal control of the applicant for a Conditional District.

c. The applicant shall be legally capable of providing a commitment to the town that the Conditional District development will comply with all documents, plans, standards and conditions ultimately approved by the Town.

3. Required Application Information

a. A Conditional District shall consist of the Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners.

b. A Conditional District Master Plan, is a site specific plan that is a condition of the Conditional District rezoning.

c. In addition to those items required for Master Plans, a Conditional District Master Plan shall, at a minimum, illustrate the following:

(1) The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts. Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental standards, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District;

(2) General traffic routes (external and internal) to and from the development with major access points identified;

(3) Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;

(4) A proposed development schedule if the project is to be phased.

B. Exception for Conditional Districts with Use Limitations Only

1. If an applicant proposes a Conditional District which meets the following criteria, no Conditional District Master Plan shall be required in the application:

a. The only proposed deviation in use from the underlying zoning is to impose additional limitations on the uses that will be allowed in the Conditional District.

b. No other deviations from the standards of the underlying zoning are proposed in the Conditional District.

C. Review Process and Public Hearing

1. The procedure for approval of a Conditional District shall follow the procedure for review of Text Amendments and Rezonings (Zoning Map Amendments) as outlined in Section 810.090.

a. Effect of Approval

(1) The applicant may proceed with development only after approval of the Conditional District Master Plan by the Board of Commissioners, followed by approval of any necessary Site or Subdivision Plans/Plats, except that all subsequent approvals shall be completed by the Administrator. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.

b. Substantial Changes

(1) Any substantial change to a Conditional District Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District. The following changes to a Conditional District Master Plan shall require approval by the Board of Commissioners:

(a) Land area being added or removed from the Conditional District.

(b) Modification of special performance criteria, design standards, or other requirements specified by the original approval.

(c) A change in land use or development type beyond that permitted by the approved Conditional District Master Plan.

(d) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

(e) When there is an increase in the total density originally authorized by the approved Conditional District Master Plan.

(f) When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of Commissioners. Changes of less than 10 percent may be approved by the Administrator.

810.110 Vested Rights and Permit Choice

Per NCGS 160D-108, a person claiming a statutory or common law vested right may submit information to substantiate that claim to the Board of Commissioners, who shall make a determination as to the existence of the vested right. An applicant for a vested rights determination shall be processed concurrently or after the approval of a special use permit, preliminary plat, planned development, or site plan. Obtaining a permit or plan approval through the vested right procedure gives the applicant 2 years, or up to 5 years to begin and/or complete work as appropriate.

A. Application Procedures

1. Process Type: Legislative
2. Required Application Information
   - **a.** Sketch Plan (may be waived by Administrator) and Master Plan
3. Determination of Compliance

a. The Administrator shall review the application to ensure that it is complete. The Administrator shall prepare a report and recommendation on the application for Planning Board review & recommendation. After review and recommendation on the application by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposal for official action.

B. Review Process & Public Hearing

1. Planning Board Recommendation
   - **a.** Upon determination of compliance by the Administrator, the Planning Board shall review and provide a recommendation to the Board of Commissioners on the application at the next available, regularly scheduled meeting.
   - **b.** If the Planning Board is able to reach a recommendation without further deliberation, the Planning Board shall submit a recommendation on the application and refer it to the Board of Commissioners for their consideration at the next available public hearing.
   - **c.** If the Planning Board determines that further deliberation on the application is required, the Planning Board shall deliver its recommendation to the Board of Commissioners within 45 days of its first consideration on the matter. If no recommendation is received from the Planning Board within 45 days of it first consideration on the matter, the Board of Commissioners shall proceed in its consideration of the matter without a recommendation from the Planning Board.
2. Public Hearing
   - **a.** Upon consideration by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.
3. Board of Commissioners Decision
   - **a.** Following a public hearing, the Board of Commissioners shall take one of the following actions:
     - **(1)** Approve the vested rights request. The Administrator is then directed to issue a vested rights zoning permit.
     - **(2)** Approve the vested rights request subject to conditions which are necessary to protect the public health, safety and welfare. The Administrator is then directed to issue the vested rights zoning permit subject to the changes in the plan/plat to be made by the developer.
     - **(3)** Table the vested rights request pending the submittal of additional information.
     - **(4)** Deny the vested rights request.
4. Appeals

a. An appeal from the decision of the Board Commissioners regarding vested rights may be made by an aggrieved party and shall be made to the Superior Court of Pitt County.

TABLE OF CONTENTS

Article 9 – NONCONFORMITIES 9-2
910.010 Purpose and Intent 9-2
910.020 General Provisions & Applicability 9-2
910.030 Nonconforming Lots 9-4
910.040 Nonconforming Manufactured Home Parks 9-5
910.050 Nonconforming Plans 9-6
910.060 Nonconforming Uses and Structures 9-6
910.070 Nonconforming Signs 9-8

ARTICLE 9 – NONCONFORMITIES

910.010 Purpose and Intent

A. The purpose of this Article is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use prior to the adoption of this ordinance or prior to any amendment to this ordinance that otherwise renders such use unlawful. A non-conforming use or structure that was recognized prior to the adoption of this ordinance shall continue to operate under the provision of law under which the nonconforming structure or use was recognized so long as the non-conforming use or structure is not in violation of such provision of law, the adoption of this ordinance notwithstanding.

B. Nothing in this Article prohibits the voluntary compliance with any future ordinance, regulation, or incentive. Modifications to non-conforming situations shall be required to comply with standards of this UDO in effect at the time of the modification unless specifically exempted in this Article or otherwise approved by the Town.

910.020 General Provisions & Applicability

Upon the effective date of this ordinance, and any amendment thereto, pre-existing structures or lots of record and existing and lawful uses of any building or land which do not meet the minimum requirements of this ordinance or which would be prohibited as development in the district in which they are located shall be considered as nonconforming.

A. Except as specifically provided in this Article, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

1. The nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, or adoption of ordinances repealed by this ordinance, was clearly designed or arranged to accommodate such uses. However, a nonconforming use may not be extended to additional buildings or to land outside the original buildings.

2. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming.

3. Where a nonconforming situation exists, the equipment or processes may be changed if these or similar changes amount only to changes in degree or activity rather than changes in kind and no violations of other Articles of this ordinance occur.

4. Physical alteration of structures or the placement of new structure(s) on open land are unlawful if they result in:

a. An increase in the total amount of space devoted to a nonconforming use; and/or

b. Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements.

5. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged.

B. Applicability Table

The following table summarizes the requirements that shall be met when there are changes to existing development and/or to nonconforming structures or uses. A "●" indicates that compliance with the referenced UDO Article in the table below is required.

	Article 3: Dimensional Standards Table	Article 5: Building Design Standards	Article 5: Landscaping and Buffering	Article 5: Lighting	Article 5: Signs	Article 5: Parking Lot Landscaping	Article 7: Sidewalks
Existing Development							
Change of Use (from residential to non-residential)		●	●	●	●	●	●
Parking Area Expansion							
Less than 15 spaces or 50% paved area				● [1]		● [1]	
Expansion of 15 spaces or more or 50% of paved area			●	●	●	●	●
Structure or Building Expansion/Reconstruction							
Less than 50% of existing gross floor area	● [1] [2]	● [1]		● [1]	●		
50% or greater of existing gross floor area	● [1] [2] [3]	● [2]	●	●	●	●	●

[1] *For expanded/reconstructed portion only.*

[2] *Exception: Maximum front setbacks should be met to the extent practical as determined by the Administrator.*

[3] *For expansions, reconstruction areas and all other walls facing public streets.*

C. Appeals and Modifications

1. The Board of Adjustment shall hear and decide appeals from any land owner:

a. To make a change in use of a nonconforming use to a different, less-intense nonconforming use;

b. To make a change in location of a nonconforming use of land to another location on the same property; or;

c. Allow the replacement of a nonconforming use.

2. The Board of Adjustment may only grant a change for a nonconforming use or replacement of a nonconforming structure which has been destroyed after having first held a public hearing and having determined that:

a. Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation; and

b. The proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question; and,

c. The decision to grant the change will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

d. The Board of Adjustment, in granting such changes, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards when made a part of the terms upon which the change was granted, shall be deemed a violation of this ordinance and shall be subject to enforcement provisions a prescribed per *Article 10 – Enforcement & Penalties* of this ordinance.

D. Discontinuance

1. A nonconforming use shall be presumed discontinued when any of the following has occurred:

a. The owner has indicated intent, in writing to the Administrator, to abandon the use.

b. A conforming use has replaced the original nonconforming use.

c. The building or structure housing the nonconforming use has been removed.

d. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use.

e. The property, structure or use has been vacant or completely inactive for 180 days.

910.030 Nonconforming Lots

A. Definition and Applicability

A nonconforming lot is a lot of record existing on the effective date of this ordinance or any amendment to it that does not meet the dimensional requirements of *Article 2 – Administration* for the zoning district in which the lot is located. A nonconforming vacant lot of record is one that was recorded by plat or description in the Pitt County Register of Deeds prior to the adoption of this ordinance or prior to the time that the lot was brought into the Town's planning and development regulation jurisdiction. This definition shall not be interpreted to include recorded lots that were in violation of any prior zoning or subdivision regulations of the Town and which will remain in violation.

B. Standards

1. Adjoining Lots

a. When two or more adjoining lots of record with continuous frontage, where no more than one is developed, are in one ownership at any time after the

adoption of this ordinance, and such lots individually or together are less than the minimum square footage and/or have less than the minimum width required in the zoning district in which they are located, then such lot(s) shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.

2. **Lots Not Meeting Minimum Lot Size**
   - **a.** Except as set forth in Section 910.030.B.1.a above, in any zoning district in which single-family dwellings are permitted, and regardless of whether or not a vested right has been established, any lot of record existing at the time of the adoption of these regulations which has dimensions which are less than required by these regulations may be used as a building site for a single-family dwelling with related accessory buildings, provided that the lot area and width are not less than 80% of the requirements in the district.
   - **b.** If the lot is smaller or narrower, a variance may be requested of the Board of Adjustment.
   - **c.** If a lot of record existing at the time of adoption of this ordinance in a zoning district other than residential, has dimensions which are less than required by these regulations, a variance may be requested from the Board of Adjustment.
3. **Existing Structures on Non-Conforming Lots**
   - **a.** Any structure on a nonconforming occupied lot may be occupied, without expansion, by a conforming use or may be improved or expanded in accordance with the standards listed in this section. Structural alterations or remodeling of structures on nonconforming lots required by an authorized public official shall be permitted. Routine maintenance shall also be permitted so long as no expansion of the nonconformity occurs as a result of the maintenance.
   - **b.** Any improvement or expansion of any structure on a nonconforming occupied lot must comply with all other minimum requirements of this ordinance or a variance must be obtained from these requirements through an action of the Board of Adjustment

910.040 Nonconforming Manufactured Home Parks

All Manufactured Home Parks existing at the time of the adoption of this ordinance shall not be allowed to expand or increase in any manner unless such expansion meets fully the requirements set forth in this ordinance.

910.050 Nonconforming Plans

A. Approved Plans

1. Previously Approved Plans Grandfathered

Any plan (including but not limited to preliminary plats, site plans, construction plans, final plats, conditional district plans, special use permit plans) for the development of property and/or construction of a building which has received final approval by the Town for development and/or construction, but does not conform to this ordinance, may be developed and/or constructed in accordance with the rules and regulations, including any conditions imposed upon approval, that were in place prior to the effective date of this ordinance. Any plan approved prior to the adoption of this ordinance, but which conforms to its provisions, shall be administered, interpreted, amended and implemented in accordance with the provisions of this ordinance.

2. Choice of New Ordinance

A property owner with an approved plan as identified in 910.050.A.1 above may elect to develop such property and/or construct such building in accordance with the terms and provisions of this ordinance in lieu of the rules and regulations upon which the plan was approved. The Administrator shall notify the property owner in writing of any additional required procedures or modifications which may be necessary in order for the plan to conform to the ordinance.

3. Amendments or Modifications of Previously Approved Plans

Any amendment or modification to an approved plan, which would have required approval pursuant to the ordinance, the rule or regulation by which the plan was originally approved, shall be reviewed and considered in accordance with the terms and provisions of this ordinance as if it were an amendment or modification to a plan originally approved under this ordinance.

4. Vested Rights

This section does not prohibit the exercise of any vested right established by common law ordinance or statute.

910.060 Nonconforming Uses and Structures

A. Definition and Applicability

1. Nonconforming Use: A nonconforming use is a use which was once a permitted use on a parcel of land or within a structure, or which precedes any ordinances, but which is now not a permitted use of that parcel according to *Article 3 – Zoning Districts* of this ordinance. This definition includes open uses of land as well as the structures that contain nonconforming uses. The nonconformity may result from the adoption of this ordinance or any subsequent amendment.

2. Nonconforming Structure: A nonconforming structure does not conform to dimensional, design, locational, or other requirements of this ordinance. The

nonconformity may result from adoption of this ordinance or any subsequent amendment.

B. Standards for Nonconforming Uses

1. Continuation

Any legally established nonconforming use may be continued subject to the standards listed in this ordinance. However, once a nonconforming use is made conforming, it may not later be used for any nonconforming use or expanded in violation of this ordinance.

2. Extension of Use

Any non-conforming use of land or structure, shall not hereafter be enlarged or extended in any way which serves to increase the nature of non-conformity, except where the non-conforming use is a residential structure used exclusively for dwelling purposes, said structure is a permitted use and the proposed addition shall conform to all zoning requirements; and the total area of the addition shall be limited to 25% percent of the area of the original non-conforming structure; and shall be used solely for residential purposes.

3. Loss of Nonconforming Status:

A nonconforming use that is discontinued for a continuous period of more than 180 days may not be reestablished. All subsequent uses of the site or structure must be in conformance with the particular regulations for the zoning district in which the property is located.

C. Standards for Nonconforming Structures

1. Continuation

Any legally established nonconforming building or structure may be continued subject to the standards listed in this ordinance. However, once a nonconforming structure is made conforming, it may not later be used for any nonconforming use or expanded in violation of this ordinance. Should any non-conforming structure be moved for any reason for any distance, whatever, it shall hereafter conform to the regulations for the zoning district in which it is relocated.

2. Repairs and Modernization

Repairs and modernization of any nonconforming building or structure are permitted provided that such repairs or modernization shall in no way serve to augment the nature of non-conformity. Nothing in this ordinance shall be construed so as to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by the Administrator charged with protecting the public safety, health and welfare.

3. Loss of Nonconforming Status

The nonconforming use of a building or structure may be extended throughout the building provided no structural alterations (except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building) are made therein but no such use shall be extended to occupy any land outside

the building. If the nonconforming use of such building is discontinued for a continuous period exceeding 180 days, every future use of such premises shall be in conformity with the provisions of this ordinance.

4. **Restoration After Destruction or Damage**
   - **a.** Should a non-conforming building or structure or non-conforming portion of a building or structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
   - **b.** The above requirement does not apply to single-family dwellings and accessory buildings or structures. Structures meeting these classifications may be reconstructed as long as such reconstruction does not increase the nonconformity of the original structure.

5. **Enlargement and Expansion**

   Any structure which is nonconforming solely because of its encroachment in a required yard area may be extended in any lawful manner that does not further encroach in that yard. Expansions to structures classified as existing development must meet the requirements of this ordinance; however, the built-upon area of the existing development is not required to be included in the density/built-upon area calculations.

6. **Nonconforming Non-Residential Structures within a Special Flood Hazard Area**

   Any nonconforming building or structure wholly or partly within a Special Flood Hazard Area may be flood-proofed according to methods and specifications set for in the Pitt County Flood Damage Prevention Ordinance.

D. Nonconforming Accessory Uses and Structures

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or structure is made to conform to the standards for the zoning district in which it is located. No nonconforming accessory use or structure shall become or replace any terminated principal nonconforming use or structure except as permitted in Section 910.060.C.4 above

910.070 Nonconforming Signs

A. Regulations

1. Signs erected after the passage of this ordinance shall conform to the standards set forth in *Article 5 – General Use Standards*. All nonconforming signs in existence as of the effective date of this ordinance may be continued and shall be maintained in good condition.
2. Nothing in this Article shall prevent the normal maintenance of an existing nonconforming sign. However, a nonconforming sign shall not be:

a. Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered;
b. Structurally altered, except for normal maintenance;
c. Physically expanded, enlarged or extended in any manner;
d. Reestablished after the sign is removed, except for normal maintenance; or
e. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 50% of the assessed value of the sign in its entirety.

B. Discontinuance

All non-conforming signs created as a result of the passage of this ordinance shall be allowed to remain in place in accordance with this section. Signs erected after the passage of this ordinance shall conform to the standards set forth herein.

TABLE OF CONTENTS

Article 10 – ENFORCEMENT AND PENALTIES 10-2
1010.010 Complaints Regarding Violations 10-2
1010.020 Persons Liable 10-2
1010.030 Enforcement Authority 10-2
1010.040 Civil Remedies 10-3
1010.050 Notice of Violation; Opportunity to Cure 10-3
1010.060 Equitable Relief 10-4
1010.070 Combination of Remedies 10-4
1010.080 Permit Revocation 10-4
1010.090 Specific Types of Violations 10-5

ARTICLE 10 – ENFORCEMENT AND PENALTIES

1010.010 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written, signed complaint. Such complaint shall include a detailed description of the cause and basis for the alleged violation and shall be filed with the Administrator who shall establish a record of such complaint, investigates in a timely manner, and take appropriate action as provided by this ordinance.

A. Unless specifically set forth otherwise in this ordinance, or prohibited by law, the Administrator is hereby authorized to enforce the provisions of this ordinance.

B. The Administrator may enter any building, structure or premises as provided by law, to perform any duty imposed upon them by this ordinance, with consent required to inspect areas not open to the public unless an appropriate inspection warrant is obtained.

1010.020 Persons Liable

Pursuant to NCGS 160A-175, any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any building, structure, sign or sign structure or develops, grades or otherwise alters property in violation of this ordinance, and any person who uses any building, structure, sign or sign structure or land in violation of this ordinance shall be subject to civil penalties. For the purposes of this Article, responsible persons(s) shall include but not be limited to:

A. **Person(s) Maintaining Condition Resulting In or Constituting Violation:** An architect, engineer, builder, contractor, developer, agency or any other person who participates in, assists, directs, creates, causes or maintains a condition that constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.

B. **Person(s) Responsible for Land or Use of Land:** The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person who has control over, or responsibility for, the use, development or redevelopment of the property

1010.030 Enforcement Authority

This ordinance shall be enforceable in accordance with the provisions of NCGS 160A-175.

1010.040 **Civil Remedies**

The Town shall issue civil citation and penalties for any violation of this ordinance which shall require the payment of a civil penalty according to the following procedure:

1010.050 **Notice of Violation; Opportunity to Cure**

A. Whenever the Administrator has reasonable cause to believe that a person is violating any of the provisions of this ordinance or any plan, order, or condition issued pursuant to this Article, that official shall immediately notify that person of the violation. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved if the landowner is not the holder of the development approval.

B. Such notice of violation shall be in writing and shall be served in any manner permitted by NC General Statute, including personal delivery, electronic delivery, or first class mail. If notice cannot with due diligence be achieved by personal delivery, certified mail, registered mail, USPS signature confirmation, or by a designated delivery service pursuant to 26 U.S.C. Section 7502(f)(2), notice may be given by publication consistent with NCGS Section 1A-1, rule 4(j1). This notification shall also include possible penalties and/or legal actions, deadlines for correction or appeal, and method of appeal.

C. The person providing the notice of violation shall certify and document in the office of the Administrator or Town Clerk that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud.

D. If the violation has not been corrected, or substantial action taken to this purpose, and no appeal has been made to the Board of Adjustment within ten (10) days of the date of the notification, the Administrator shall issue a citation in the amount of $50.00 per day per violation to begin on the eleventh (11th) day after the original notification date and to continue accumulating until the violation is corrected.

E. The alleged violator or property owner may seek an appeal to the notice of violation from the Administrator through the Board of Adjustment within 30 days of receipt of the initial notice of violation. In the case of an appeal, the alleged violator or property owner shall notify the Administrator of their intent to appeal the notice of violation. At that time the Administrator shall grant in writing an extension of 30 days from the delivery of the notice of violation to allow the alleged violator or property owner to appeal the notice. Once an appeal is in process, enforcement actions, including fines, shall be paused.

F. If the penalty is not paid in a timely manner a lien may be placed upon the property in that amount and/or the town may sue for payment, including legal expenses, through the civil courts**.**

G. **Notice of Stop Work/Operation/Activity:** If, in the opinion of the Administrator, work or activity is in progress in violation of this ordinance and can be reasonably halted until a notice of violation may be delivered in accordance with this Article, a notice may be posted

on-site or hand delivered to the apparent responsible party on-site. Such notice shall stay all further work or activity on the site in violation of this ordinance.

H. If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure, or land is occupied or used in violation of the General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby, the Town of Ayden may apply to any court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

I. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement.

1010.060 **Equitable Relief**

In addition to the civil penalties set out above, any provision of this ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The Administrator may apply to a judicial court of law for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Administrator's application for equitable relief that there are other remedies provided under general law or this ordinance.

1010.070 **Combination of Remedies**

The Town may choose to enforce this Article by any one, all or combination of the above procedures.

1010.080 **Permit Revocation**

A. The Administrator may revoke any permit by written notification to the permit holder when violations of this ordinance or any State law delegated to the town for enforcement purposes in lieu of the State, have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been

a failure to comply with the requirements of this ordinance, or a permit has been mistakenly issued in violation of this ordinance.

B. Before a special use permit (formerly conditional use permit) may be revoked, all of the notice and hearing and other requirements of this ordinance shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

C. Before a permit is revoked, the Administrator shall give the permit recipient ten days' notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

D. No person may continue to make use of land or buildings in the manner authorized by any permit after such permit has been revoked in accordance with this Article.

E. The same development review and approval process required for issuance of the development or permit approval, including any required notice or hearing, shall be followed in the review and approval of any revocation of that approval.

F. The revocation of a development approval by the Administrator may be appealed. Appeals shall be taken to the Board of Adjustment according to the provisions of *Article 8 – Development* Processes of this ordinance.

1010.090 Specific Types of Violations

A. Erosion and Sediment Control Violation

1. Any person engaged in land-disturbing activity, who fails to file a plan in accordance with the erosion and sedimentation control regulations of Pitt County, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan will be deemed in violation of the erosion and sedimentation control regulations of Pitt County.
2. See the Pitt County Sediment and Erosion Control Ordinance for specific violation procedures and penalties.

B. Flood Damage Prevention

1. Violation of the provisions of the Pitt County Flood Damage Prevention Ordinance provisions or failure to comply with any of their requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates the Pitt County Flood Damage Prevention Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Pitt County from taking such other lawful action as is necessary to prevent or remedy any violation.
2. See the Pitt County Food Damage Prevention Ordinance for specific violation procedures.

C. Summary of Sign Removal

1. Pursuant to NC General Statues, the Administrator shall have the authority to summarily remove, abate, or remedy a sign or sign structure which has been determined to be dangerous or prejudicial to the public health or safety.
2. The expense of the action shall be paid by the sign owner or if the sign owner cannot be ascertained, by the property owner, and if not paid, there shall be a lien placed upon the land or premises where the violation arose, and it shall be collected as a money judgment.
3. The Administrator shall have the authority to remove summarily any signs or sign structures prohibited under *Article 5 – General Use Standards*.

D. Stormwater Management

1. Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by *Article 6 – Environmental Regulation* of this ordinance shall constitute a violation of this ordinance.
2. Each day that a violation continues shall constitute a separate and distinct violation or offense.
3. The remedies and penalties provided for violations of this ordinance, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.
4. **Withholding of Zoning Compliance Certificate or Certificate of Occupancy:** The Administrator may refuse to issue a Zoning Compliance Certificate for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the person liable has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations.
5. **Disapproval of Subsequent Permits and Development Approvals:** As long as a violation of this ordinance continues and remains uncorrected, the Administrator or other authorized agent may withhold and/or disapprove any request for permit or development approval or authorization provided for by this ordinance.
6. **Injunction, Abatements, Etc.:** The Administrator, with the written authorization of the Town of Ayden Board of Commissioners, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the North Carolina General Statutes or at common law.
7. **Correction as Public Health Nuisance, Costs as Lien, etc.:** If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by NC General Statues, the Administrator, with the written authorization of the Town of Ayden Board of Commissioners, may

cause the violation to be corrected and the costs to be assessed as a lien against the land or premises where the violation occurred or such other property allowed under NC General Statues.

8. **Stop Work Order:** The Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

9. **Emergency Enforcement:** If delay in correcting a stormwater management violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

E. Illegal Subdivision/Sales of Land

1. Any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of the Town of Ayden, subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use or a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the Pitt County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town, through its attorney or other official designated by the Ayden Board of Commissioners, may seek to enjoin an illegal subdivision, transfer, or sale of land by action for injunction.

TABLE OF CONTENTS

Article 11 – DEFINITIONS 11-2
1110.010 Word Interpretation 11-2
1110.020 Abbreviations 11-2
1110.030 Definitions (general) 11-3
1110.040 Definitions (specific) 11-24

ARTICLE 11 – DEFINITIONS

1110.010 Word Interpretation

A. Generally

The text within the UDO shall control where there is any conflict between text within the UDO and any caption, illustration or graphic presentation. Unless prohibited by context, reference to any article, section or paragraph shall include all portions of that article, section or paragraph.

B. Rules of Construction

a. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number.

b. In computing any period of time prescribed or allowed by the udo, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event, the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than ten (10) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

c. A word importing the masculine gender only shall extend and be applied to female persons and to firms, partnerships and corporations, as well as to male persons.

d. The words "may" and “should” are always permissive and never mandatory.

e. The word "shall" is always mandatory and not merely permissive.

f. The word "month" shall mean thirty (30) calendar days.

g. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.

h. Whenever the udo refers to a specific portion of the code of ordinances or the udo itself, that reference shall include any subsequent amendment to the referenced portion or any subsequent provision superseding the provision.

i. The terms "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 term "existing" as applied to any use, structure, or development includes the words "existing on the effective date of this udo.”

C. Responsibility for Interpretations

All interpretations shall be the responsibility of the administrator.

1110.020 Abbreviations

As used in this UDO, the following abbreviations shall have the meanings assigned to them:

A. BMP: Best Management Practices

B. DBH: Diameter at breast height, which is the diameter of a tree measured four and one-half (4 ½) feet above grade

C. **NCDEQ:** North Carolina Department of Environmental Quality
D. **IESNA:** Illuminating Engineering Society of North America
E. **NCDOT:** North Carolina Department of Transportation
F. **TIA:** Traffic Impact Analysis
G. **TRC:** Technical Review Committee
H. **NCGS:** North Carolina General Statutes
I. **UDO:** Unified Development Ordinance
J. **NCGS:** North Carolina General Statues

1110.030 **Definitions (general)**

As used in the udo, the following terms shall have the meanings assigned to them in this section. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

ABUTTING. Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.
ACCESS. A way of approaching or entering a property. Access also includes ingress, the right to enter and egress, the right to leave.
ACTIVE CONSTRUCTION. Activities that contribute directly to the building of facilities including land-disturbing activities for roads, parking lots, footings, etc.
ADMINISTRATIVE DECISION. Decision made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this ordinance.
ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.
ADMINISTRATOR. The person designated to carry out the responsibilities established in this UDO or their designee.
ADULT ESTABLISHMENT. Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS, Section 14.210.10 (or any successor thereto).
AIRSTRIP. A surface used for take-off and landing of aircraft.
ALCOHOLIC BEVERAGE SALES STORE. The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.
APPLICANT. A person, including any governmental entity, seeking development approval.
AMUSEMENTS, INDOOR. Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, shooting ranges, bowling alleys, and billiards/pool halls.
AMUSEMENTS, OUTDOOR. Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.
ANIMAL PRODUCTION. Industries in the Animal Production subsector raise or fatten animals for the sale of animals or animal

products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

ATM. Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

AUTOMOBILE/VEHICLE SALES, RENTAL, SERVICE & REPAIR. Establishments which may have showrooms or open lots for selling, renting or leasing automobiles, light trucks, motorcycles, and ATVs.

BANKS, CREDIT UNIONS, FINANCIAL SERVICES. Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

BAR/TAVERN. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

BED AND BREAKFAST FACILITIES. A private home of not more than 8 guest rooms that offers bed and breakfast accommodations, and that: 1) No more than eight (8) guest rooms that offers bed and breakfast accommodations may be provided on each private residence for a period of less than one week; 2) Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home; 3) An owner/manager of a bed and breakfast facility shall reside on the property; and 4) Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.

BERM. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BEST MANAGEMENT PRACTICES (BMP): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

BONA FIDE FARM PURPOSES. Includes the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS 106-581.1 and all other purposes described in NCGS 160D-903.

BUFFER. A combination of physical space and vertical elements, such as plantings or fencing, used to separate and screen incompatible land uses form each other.

BUFFERYARD. The area of a required buffer in which plantings or other screening elements are to be located.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY OR ACCESSORY STRUCTURE. A building or structure that is located on the same Lot as a Principal Building or Structure, used incidentally to a Principal Building or used for purposes that are secondary the Principal Use of the site. For example, a storage shed is considered an Accessory Building when located on a Lot with a Single-Family dwelling.

BUILDING, PRINCIPAL OR PRINCIPAL STRUCTURE. The building or structure on a Lot that houses the Principal Use. For example, in the example for the previous definition, the Single-Family home would be the Principal Building

BUILDING FLOOR AREA. The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.

BUILDING FRONT OR FRONTAGE. The length of that side of the principal building that faces the street. For corner Lots, the front shall be determined by the Administrator based on other development along the faces of the block on which the corner Lot is located.

BUILDING HEIGHT. The vertical distance from the average sidewalk or street grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.

BUILDING STORY. A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Unoccupied attics less than 7 feet in height and raised basements less than 6 feet in height (as measured from the average grade of the fronting sidewalk) are not considered stories for the purposes of determining building height. A mezzanine shall be considered a story if it is contiguous with at least 60% of the building's front façade, is designed to be occupiable, and maintains an average depth of at least 16 feet. The under-roof area with dormers does not count as a story.

BUILT-UPON AREA. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas, recreation facilities, etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

CAMPS & CAMPING ESTABLISHMENTS. Sites where the main operation is to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, trailer parks, etc.

CANOPY TREE. Large-growing, shade-producing trees with an expected mature height of 40 feet or greater and an expected mature crown spread
of 30 feet or greater.

CEMETERY. A parcel of land used for internment of the dead in the ground or in mausoleums.

CHEMICAL, MEDALS, MACHINERY & ELECTRONIC MANUFCATURNG. Manufacturing facility that transforms or refine chemicals or metals, and manufacture products from chemicals or metals.

CO-LOCATION. The use of an approved telecommunications structure to support antenna for the provision of wireless services.

CHANGE OF USE. For the purposes of this UDO only this term shall mean any alteration in the use of a lot or structure which, in the determination of the Administrator, changes the primary use such lot or property from one use type listed in the Use Table in Article 3 to another use type.

CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS). An individual, agency, or

organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate more than 8 children or adults at a time based on State regulations; not an accessory to residential use.

CHILD/ADULT DAY CARE HOME (8 OR LESS PERSONS). Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for no more than 8 children (no more than 5 of which may be of pre-school age) or for no more than 8 adults. The children or adults cared for do not live in the home or reside there overnight.

CERTIFICATE OF OCCUPANCY. Official certification that a structure conforms to provisions of the UDO (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied or used.

CIRCULATION AREA. That portion of the vehicle use area used for access to parking or loading areas or other facilities on the lot.

CORNER LOT. A lot which abuts the right-of-way of two streets at their intersection.

COLLEGE/UNIVERSITY. Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

COMMUNITY SUPPORT FACILITY. A permanent, stand-alone support facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services. This definition does not include emergency/hazard shelters or clothing/food collection centers as accessory uses.

COMBINATION USE. A use consisting of a combination on one lot of two or more principal uses separately.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT. No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

COMPATIBLE/COMPATIBILITY. A condition in which land uses or conditions can coexist in a relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility does not require homogeneity, but does consider the relative scale, design and intensity of nearby structures, uses and activities.

COMPREHENSIVE PLAN. The plans adopted by the Board of Commissioners that set forth goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within the Town's planning and development jurisdiction for public and private development of land and water, including but not limited to the Community Plan, Transportation Plan, small area plans, Open Space and Greenway Plans, and Parks, Recreation and Cultural Resources Master Plan.

CONDITIONAL ZONING. Pursuant to G.S. § 160D, a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONFERENCE/CONVENTION FACILITY. A commercial facility for public assembly including, but not limited to auditoriums,

conference facilities, convention centers, exhibition halls, and the like.

COMMUNITY GARDEN. An exterior area for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens.

CORRECTIONAL INSTITUTION. Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

CONSERVATION EASEMENT. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall either remain in its natural, scenic, open or wooded state; or be used for agricultural purposes authorized specifically authorized by the easement.

CRITICAL ROOT ZONE. The circular area of ground surrounding a tree extending from the center of tree to the greater of 1.5 feet per caliper inch DBH of the tree or the dripline (furthest extent of tree canopy).

CUTOFF FIXTURE. An outdoor light fixture shielded or constructed in such a manner that no more than two and one half (2½) percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

DECISION MAKING BOARD. A governing board, planning board, board of adjustment, historic district board or other board assigned to make quasi-judicial decisions.

DEDICATION. A gift, by the owner, or a right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

DENSITY. The number of dwelling units per acre determined by dividing the total number of dwelling units located on a development site by the gross area. Accessory dwelling units are not included in density calculations.

DETERMINATION. A written, final and binding order, requirement, or determination regarding an administrative decision.

DEVELOPMENT FLOOR AREA. The total building floor area of any construction projects simultaneously developed by a single developer.

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT. Shall mean the following: (1) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; (2) excavation, grading, filling, clearing or alteration of land; (3) the subdivision of land as defined by NCGS 160D-802 or (4) the initiation or substantial change in the use of land or the intensity of use of land.

DEVELOPMENT APPROVAL. A written, administrative or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, administrative permits, site master plan approvals, construction plan approvals, special use permits, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this ordinance, including plat approvals and permits issued.

DEVELOPMENT CONDITIONS. The written development program, dimensional standards, special conditions and restrictions on

development submitted with the application for conditional zoning approval.

DEVELOPMENT ENVELOPE. Area within which grading, lawns, pavement and buildings will be located.

DEVELOPMENT PATTERN. A type of development described in this UDO or otherwise established that is characterized by a mix of uses, intensities of development or specific design characteristics.

DEVELOPMENT REGULATION. Those regulations contained or incorporated by reference within this Unified Development Ordinance or any other regulation adopted pursuant to NC General Statutes.

DOUBLE FRONTAGE LOT. A continuous (through) lot which is accessible from both streets upon which it fronts.

DRAINAGE EASEMENT. A 20' wide minimum strip of land reserved for conveyance of stormwater required when the total drainage area exceeds 4 lots or 4 acres, whichever is less, generally located along rear or side lot lines, but may cross lots at such points that will not pose a hazard to persons or property.

DRAINAGEWAY. A natural or artificial stream or depression that conveys surface water.

DRIVE-THRU/DRIVE-IN FACILITY. A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

DRIVE-IN THEATER. A specialized outdoor theater for showing movies or motion pictures on a projection screen where patrons view movies from their vehicles.

DRIPLINE. A vertical line extending from the outer edge of a tree canopy to the ground.

DRY CLEANING & LAUNDRY SERVICES. Coin operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

DWELLING OR DWELLING UNIT. Pursuant to G.S. § 160D-102, a building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

DWELLING, ACCESSORY. A dwelling unit either detached or attached, such as a garage apartment or cottage, located on a lot with an existing single-family dwelling.

DWELLING, MULTI-FAMILY. A building including three (3) or more dwelling Units.

DWELLING, MULTI-FAMILY CONVERSION. A multi-family dwelling containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of Gross Floor Area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOME). A multi-family dwelling in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance and each dwelling unit is conveyed through a subdivision plat.

DWELLING-SINGLE FAMILY DETACHED. A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code.

DWELLING, TWO-FAMILY OR DUPLEX. A two-family residential use in which the

dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

EASEMENT. A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures except when authorized by the town.

ELECTRONIC GAMING OPERATIONS. Any business activity, whether as a principal or accessory use, in which patrons use electronic or mechanical machines, including, but not limited to, computers and gaming terminals, to conduct or stimulate games of chance, including the use of the machines to reveal the pre-determined value of an entry, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether the value is determined by the machines or by pre-determined odds. Gaming Operations do not include any Lottery approved by the State of North Carolina or any nonprofit activity otherwise lawful under state law.

EMERGENCY/HAZARD SHELTERS. A shelter intended to protect occupants from temporary emergencies and hazards.

ENGINEERED (OR STRUCTURAL) STORM-WATER CONTROLS. A structural best management practice (BMP) used to reduce non-point source pollution to receiving waters in order to achieve water quality protection goals.

EROSION. The wearing away of land surface by the action of the wind, water, gravity, or any combination thereof.

ESTABLISHED FARM. Means an ongoing agricultural operation including all such operations that qualify for the agricultural use value tax rate.

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this ordinance.

EXISTING DEVELOPMENT. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance.

EXTRATERRITORIAL PLANNING JURISDICTION (ETJ). That portion of the Town's Planning Jurisdiction that lies outside the corporate limits of the Town.

FACADE. That portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

FAMILY. One or more persons living together as a single housekeeping unit.

FAMILY CARE HOME (6 OR FEWER RESIDENTS). A home with 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 and is certified by the State of North Carolina. (NCGS 168-21)

FINISHED GRADE. The grade after construction, exclusive of any filling, berming, mounting, or excavating.

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

FRONTAGE. All property abutting a street line measured along the street line.

FUNERAL HOMES/CREMATORIUMS. Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

GROSS FLOOR AREA. The sum of the enclosed area on all floors of a building measured from the outside faces of the exterior walls. It includes any below grade floor areas used for habitation or storage.

GAS / FUELING STATION. Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the gas station.

GENERAL COMMERCIAL. A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser.

GENERAL COMMERCIAL – GREATER THAN 25,000 SF. A use category allowing general commercial premises greater than 25,000 square feet in gross leasable area to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing.

GOVERNING BOARD. This term is interchangeable with the term “Board of Commissioners” and shall mean any governing board without regard to the terminology employed in charters, local acts or other portions of the NCGS or other local customary usage.

GREENWAY. A linear natural preserve available for free and unstructured recreation to the general public. This term is not meant to be inclusive of required pedestrian/bicycle connections from adjacent development to greenways.

GROSS FLOOR AREA. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROSS LEASABLE FLOOR AREA. The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors. It is measured from the center line of joint partitions and from outside wall faces.

GROUND COVER. Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

HALFWAY HOUSE. A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 122C-3. (14), or anti-social or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES. Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

HOME OCCUPATION. Any occupation or profession carried on entirely within a dwelling by one or more occupants thereof, provided that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

HOSPITAL. A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for profit or not-for-profit basis; but not including group homes.

HOTEL/MOTEL/INN. Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may

also be included. Extended-stay hotels are included in this category.

ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IES OR IESNA). The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

IMPERVIOUS SURFACE. Impervious surface area includes any material which reduces and/or prevents absorption of storm water. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc.

INDUSTRY, HEAVY. A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances; or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity; or that involves the mining or extraction of any minerals, ore, fossil fuels, or other materials from beneath the surface of the earth. Typically, the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

INDUSTRY, LIGHT. A non-residential use that involves the manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

INFILL DEVELOPMENT. The term defining new development on land that has been previously developed or vacant land where development has occurred around the vacant land.

KENNELS, OUTDOOR. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

LAND-DISTURBING ACTIVITY. Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LANDFILL. A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills.

LANDSCAPE PLAN. A plan illustrating the design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location

and design of built features such as berms, fencing, walls, etc.

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation or an applicable local act. It also includes the decision or approve, amend, or rescind a development agreement**.**

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

LIGHT MANUFACTURING WORKSHOPS. The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman. May also include beer brewing or other similar facilities as part of a microbrewery and other beverage tasting facilities.

LIGHT POLLUTION. Any adverse effect of manmade light including, but not limited to, Light Trespass, up-lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

LIVE-WORK UNITS. An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

LOT. A parcel of land having frontage on a public street or other officially approved means of access.

LOT FRONTAGE. The lot width measured at the street right-of-way line from which the lot obtains access.

LOW IMPACT DEVELOPMENT. A method of site development and stormwater management that mimics the natural hydrologic functions of infiltration, runoff, and evapotranspiration on a site before development occurs.

MANUFACTURED HOME. A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the building site.

MANUFACTURED HOME, CLASS A. A dwelling unit constructed with one or more components which are pre-fabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Residential Building Code as amended.

MANUFACTURED HOME, CLASS B. A dwelling unit that: (1) Is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended; and (2) Is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site; and (3) Meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development.

MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definition criteria of a Class A or Class B manufactured home but which, at a minimum, exceeds 32 feet in length and 8 feet in width.

MANUFACTURED HOME PARK. A residential use in which more than one Class B or Class C manufactured home is located on a single Lot.

MAJOR SUBDIVISION. Any subdivision of land into 4 or more lots, or which requires the dedication of public utilities and/or public streets.

MATERIALS RECOVERY & WASTE TRANSFER FACILITIES. This industry comprises establishments primarily engaged

in a) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or b) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

MECHANICAL UTILITY. Any piece of machinery or equipment with moving parts, generates noise, or causes any kind of environmental disturbance or creates emission of any kind, including air movement. Said machinery or equipment is generally functional or utilitarian in nature.

MEDICAL CLINIC. Medical service facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning services; community health centers and clinics; blood and organ banks; and medical services such as physician's and dentist's offices.

MICROBREWERY. An establishment where beer and malt beverages are made on the premises and then sold or distributed. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

MINOR SUBDIVISION. Any subdivision of land into 10 or fewer lots which front on an existing improved street;

MULTI-USE TRAIL. A trail designed for compatible and safe concurrent use by pedestrians and bicyclists.

MUSEUM/CULTURAL FACILITIES. Facilities designed to promote cultural advancement and serve the community such as occasional live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; and libraries.

NEIGHBORHOOD PARKS. Improved space set aside for public use and recreation that is comprised of one or more of the following: Greenway, Green, Square, Playground, or Community Garden.

NIGHT CLUB. A business that operates primarily in the evening hours that principally provides entertainment such as live music, and/or dancing, comedy, etc.

NON-CONFORMING PROJECT. Any structure, development or undertaking that is incomplete at the effective date of this UDO and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NURSERIES & GARDEN CENTERS. Any establishment that provides activities related to growing crops mainly for commercial food and fiber. Establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds should be included in this category.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Ayden Board of Commissioners as a guide to the development of the Town of Ayden.

OPEN AIR RETAIL. A retail sales establishment operated primarily in the open air including, but not limited to: farmers market, flea markets, sidewalk kiosks and the like. Uses not included are: car sales, equipment sales, boats sales, and home and garden supplies and equipment.

OPEN SPACE. Those areas set aside and protected from development which may be left in a generally unimproved state.

OUTPARCEL. A parcel of real property having access to at least one public street, private roadway or private drive that is part of a larger commercial development, but that

may be sold or leased without further subdivision.

OUTSIDE OR DISPLAY SALES. The sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn and garden supplies, and produce.

OWNER. The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

PARCEL. An area of land not dedicated for public or common use capable of being described with such definiteness that its location and boundaries may be established and includes but is not limited to lots.

PARKING LOT/STRUCTURE – PRINCIPAL USE. A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

PARKING AREA AISLES. That portion of the vehicle use area consisting of lanes providing access to parking spaces.

PAWNSHOPS. Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, Chapter 91A)

PERMIT ISSUING AUTHORITY. A person or entity authorized by this UDO to grant development approval, whether discretionary or ministerial.

PERSONAL CARE SERVICES. Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services.

PERSONAL CARE SERVICES (RESTRICTED). A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

PLANNING JURISDICTION. The area within the Town limits as well as the area beyond the Town limits within which the Town is authorized to plan for and regulate development, as set forth in this UDO.

PLAT. A map or plan of a parcel of land which is to be, or has been subdivided.

POST OFFICE. Establishments conducting operations of the United States Postal Service including permanent, contract, and lease stations.

PROFESSIONAL SERVICES. Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking,

securities, brokerages; and insurance-related services.

PRODUCE STANDS. A temporary open air stand or place for the seasonal selling of agricultural produce by an individual (excludes Open Air Retail).

PUBLIC SAFETY STATION. Facilities for federal, state and local law enforcement and fire protection agencies, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

PUBLIC ADMINISTRATION/ CIVIC MEETING FACILITY. Not-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. The uses often include meeting and storage facilities.

QUASI-JUDICIAL DECISION. A decision that involves the finding of facts regarding a specific application of an ordinance and the exercise of discretion when applying the standards of the ordinance.

RACETRACK. An outdoor course prepared for horse, dog, automobile, or other vehicle racing.

RECREATION FACILITIES, INDOOR. Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

RECREATION FACILITIES, OUTDOOR. Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, and tennis courts and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters.

RECYCLING COLLECTION STATIONS. A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

REDEVELOPMENT. Any rebuilding activity other than a rebuilding activity that results in no net increase in built- upon area and provides equal or greater stormwater control than the previous development.

RESIDENTIAL CARE FACILITIES. A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

RELIGIOUS INSTITUTION. Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

RESTAURANT. A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria

or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

RETENTION POND. A pond that has a permanent pool and which also collects storm water runoff, filters the water and releases it slowly over a period of days.

RIDING STABLES. An establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing and/or the hiring of horses for riding is offered.

RIGHT-OF-WAY. An interest in land to the Town, County or State that provides for the perpetual right and privilege of the Town, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and Signage, sanitary sewer, stormwater drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of- way.

ROOMING AND BOARDING HOUSE. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

SCHOOLS – ELEMENTARY & SECONDARY. A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education.

SCHOOL – VOCATIONAL/TECHNICAL. A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

SEDIMENT. The solids particulate matter both mineral and organic that has been or is being transported by water, air, gravity or ice from its site of origin.

SEDIMENTATION. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

SEEDING. Seed, straw and tack, hydro-seed, sod, or other approved seeding method.

SETBACK (MINIMUM). A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

SHOOTING RANGE, OUTDOOR. A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range exclude any area for the exclusive use of archery or air guns or enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and

ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

SHOPPING CENTER. A collection of commercial businesses located in one or more buildings on a site that is under common ownership or management. Shopping Centers may include outparcels.

SIGN. Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trademarks by which anything is made known, such as the designation of an individual, firm, association, profession, business commodity or product, which are visible from any public way and used to attract attention.

SIGN, AREA. (1) The surface area of a sign shall be computed as including the entire area visible from any one point, within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign including latticework, wall work and individual letters and spaces between letters comprising part(s) of the sign. (2) Computations of sign area shall include only one side of a double-faced sign structure. If a sign has two sides joined at an angle of greater than 60 degrees, the surface of both sides of the sign shall be included in the computation of area.

SIGN, AWNING/CANOPY. Signs integrated into traditional storefront awnings or canopies that may project over a sidewalk from the building façade.

SIGN, DIRECTIONAL/IDENTIFICATION. Public purpose signs designed to identify parking areas, control traffic, and provide guidance to special areas and to announce one’s arrival into the heart of the community. These signs are solely for the purpose of navigation and do not contain commercial messages.

SIGN, ELECTRONIC MESSAGE BOARD. An electronically generated changeable copy message within a sign frame which does not incorporate any mechanical movement of the sign itself.

SIGN, FLASHING. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and/or color at all times when such is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a flashing sign. Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

SIGN, FREESTANDING. (1) A sign that is attached to, erected on or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. (2) A sign that stands without supporting elements, such as a “sandwich sign,” is also a freestanding sign.

SIGN, IDENTIFICATION. A sign used to display only the name, address, crest or trademark of the business, individual, family, organization or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, park, or public or quasi-public structure, facility or development and the name of the owners or developers.

SIGN, MONUMENT. A freestanding sign where the base of the sign is on the ground and is supported by solid structural features other than support poles. The width of the top of the sign structure can be no more than 120%.

SIGN, NONCONFORMING. A sign legally established prior to the effective date of this ordinance or subsequent amendment thereto, that does not conform to the sign regulations found herein.

SIGN, OFF-PREMISES (BILLBOARDS). A sign that draws attention to or communicates information about a business, establishment, service, commodity, accommodation, attraction, entertainment or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, POLE. A freestanding sign that is affixed, attached or erected on a pole.

SIGN, PORTABLE. Any sign not exceeding 32 square feet in billboard area and not permanently attached to the property on which it is located.

SIGN, PROJECTING. A sign attached to a wall and projecting away from that wall more than 12 inches, but not more than five feet.

SIGN, ROOF. A sign which is displayed above the eaves of a building.

SIGN, TEMPORARY. A display, informational sign, banner or other advertising device constructed of cloth, canvas, fabric, wood or other temporary material, with or without a structural frame (including banners), and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

SIGN, WALL. A sign attached to a wall and not projecting away from the wall more than 12 inches.

SIGN, WINDOW/DOOR. Signs Flat signs or letters which are painted or attached to the window of a building or structure.

SILTATION. Sediment resulting from accelerated erosion which can be settled or removed by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

SINGLE-TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

SITE PLAN. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but not be limited to site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to project and site plan review.

SMOKE & TOBACCO SHOP. Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, usage or marketing of tobacco, tobacco products, or tobacco paraphernalia.

SOLAR ENERGY SYSTEM. The following defines a Solar Energy System (also known as a Solar Farm): the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

SPECIAL EVENTS CENTER. A venue to allow for various gatherings such as weddings, receptions, arts and crafts shows, corporate meetings, etc. on a smaller scale and which can be indoor or outdoor or a combination thereof.

SPECIAL EVENTS: Temporary, organized events that: 1) Run no longer than two weeks; 2) Are intended to or likely to attract substantial crowds; and 3) Are unlike the customary or usual activities generally

associated with the property where the special event is to be located.

SPECIAL USE PERMIT (SUP). A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

SPECIFIED ANATOMICAL AREAS: For the purpose of this UDO, "Specified Anatomical Areas" is defined as: 1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and 2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

STABILIZATION. The process of restoring a site with ground cover or armor to resist soil erosion from the forces of air, wind, or water.

STATE MANDATE. The minimum rules adopted by the Environmental Management Commission (EMC) for application to state's water supply watersheds, as required by the Water Supply Watershed Protection Act. The purpose of the Act, as stated in its opening paragraph is "…to protect and enhance the quality of the state's surface water supplies by establishing a cooperative program of water supply protection to be administered by local governments consistent with statewide management requirements established by the Environmental Management Commission (EMC)."

STORMWATER RUNOFF. The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

STREAM. An intermittent or perennial surface water subject to US Army Corps of Engineers (Corps) and/or NC Division of Water Resources (DWR) 404/401 jurisdiction. To confirm jurisdictional status, a formal Corps and/or DWQ response is required (e.g. Jurisdictional Determination).

STOP WORK ORDER. A written order to stop work, issued by the Administrator, upon determining that work is being conducted in violation of this ordinance.

STORAGE-OUTDOOR STORAGE YARD. The storage of various materials outside of a structure, as a principal use. This includes salvage yards used for the storage and/or collection of any type of equipment.

STORAGE – SELF-SERVICE. A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

STORAGE-WAREHOUSE, INDOOR STORAGE. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER BEST MANAGEMENT PRACTICE MANUAL. The Stormwater Best Management Practice Manual approved for use in Phase II jurisdictions by the N.C. Division of Water Resources and certified by this jurisdiction is at least as stringent as the Stormwater Best Management Practice Manual approved for use in Phase II jurisdictions the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater Best Management Practice

Manual are to the latest published edition or revision.

STREAM CLASSIFICATION. The existing or contemplated best usage of streams, pursuant to 15A NCAC 02B .0300, and/or subsequent clarifications, modifications, and addenda.

STREAM BUFFER. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The stream buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

STREET. A dedicated and accepted public right-of-way for vehicular and pedestrian traffic which affords the principal means of access to abutting property:

(1) ***ALLEY.*** A minor right-of-way privately or publicly owned, primarily for the service access to the back or side of properties.

(2) ***ARTERIAL OR MAJOR STREET.*** A traffic artery designed primarily to carry heavy volumes of local vehicular traffic from the intersecting minor streets.

(3) ***COLLECTOR STREET.*** A street designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.

(4) ***CUL-DE-SAC.*** A street intersecting another street at one end and permanently terminated by a vehicular turnaround at the other.

(5) ***LOCAL OR MINOR STREET.*** A street, the principal purpose of which is to provide vehicular access to the properties abutting it.

(6) ***MARGINAL ACCESS STREET.*** A local or minor (service) street which parallels and is immediately adjacent to a major street or highway, and which provides access to abutting properties and protection from through traffic and control of intersections with major traffic streets.

STRUCTURE. Anything constructed or erected, including but not limited to buildings, which requires location on land or attachment to something having permanent location on the land.

STUDIO – ART, DANCE, MARTIAL ARTS, MUSIC. Small facilities for individual and group
instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

SUBDIVIDER. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedications of a new street or a change in existing streets. Does not include exempt subdivisions as defined by NC General Statutes.

SUBSTANTIAL PROGRESS. For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. “Substantial progress” for purposes of determining whether an approved plan is null and void is not necessarily the same as “substantial

expenditures" used for determining vested rights pursuant to applicable law.

THEATER, INDOOR MOVIE OR LIVE PERFORMANCE. A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

THEATER, OUTDOOR. An establishment for the performing arts with open-air seating for audiences.

TOP OF BANK. The points in a cross-section where the stream channel makes a transition to flood plain. Top of bank can be identified by a change in the slope of the land, a transition from terrestrial to riparian vegetation, and/or changes in the composition of substrate materials.

TOWER. Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TRACT. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TRAFFIC VISIBILITY ZONE. A sight triangle at intersections of two public streets or a public street and private driveway with the triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle one the area of the lot adjacent to the street intersections.

UNDERSTORY TREE. Small-growing trees with an expected mature height of 20 to 40 feet.

USE, ACCESSORY. A use incidental to and customarily associated with a specific Principal Use located on the same Lot, Tract or Parcel.

USE, PRINCIPAL. The primary or main use of land or structures, as distinguished from a secondary or accessory use.

UTILITIES. Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes:

(1) ***CLASS 1:*** Transmission and collection lines (above and below ground) including electrical, natural, gas, waste water collection/transmission, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft.).

(2) ***CLASS 2:*** Elevated water storage tanks; water and wastewater package treatment plants, telephone switching facilities (over 200 sq. ft.), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

(3) ***CLASS 3:*** Generation, production, or treatment facilities such as power plants, water and sewage plants (greater than 0.3 mgd), and landfills.

VEHICLE USE AREA. That portion of a lot or parcel that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas (spaces and aisles).

VESTED RIGHT. The right to undertake and complete the development and use of property under the terms and conditions of an

approval secured as specified by NC General Statutes or under common law.

VETERINARY SERVICES. Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

VEHICLE RENTAL/LEASING/SALES. Establishments which may have showrooms or open lots for selling, renting or leasing automobiles, light trucks, motorcycles, and ATVs.

VEHICLE RENTAL/LEASING – MOVING TRUCKS. Establishments exclusively for renting or leasing trucks, vans, and trailers for moving furniture and other goods.

VEHICLE SERVICES – MAJOR REPAIR/BODY WORK. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR. The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

WETLANDS. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition of wetlands is used by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) since the 1970s for regulatory purposes in Section 404 of the Clean Water Act.

WHOLESALING AND DISTRIBUTION. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This does not include selling to the public. Examples of these establishments include: 1) Agents, merchandise or commodity brokers, and commission merchants; 2) Assemblers, buyers and associations engaged in the cooperative marketing of farm products;3) Merchant wholesalers; 4) Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

WIRELESS TELECOMMUNICATIONS TOWER. A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment, including but not limited to cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for

transmitting and/or any form or type of wireless communications or service, including but not limited to commercial radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

WIRELESS TELECOMMUNICATIONS FACILITY (NON-TOWER). A Wireless Telecommunication Facility not located on a structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

YARD. The area between a building and the property line.

YARD SALE. All general sales, open to the public, conducted from or on a residential premise in any residential district for the purpose of disposing of personal property. The term “yard sale” shall include all such herein described sales, whether or not they are “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea market,” or “rummage” sales. Only four (4) one-day yard sales in any 365-day period of time will be permitted.

YARD, FRONT. The area between the Building Front and the front property line.

YARD, SIDE. The area between the side of a building and the side property line that extends from the building front to the rear-most part of the building.

YARD, REAR. The area between the rear of a building and the rear property line.

ZONING MAP AMENDMENT or REZONING. An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by a local government or the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.

1110.040 **Definitions (specific)**

The following definitions include those applicable to the Stormwater Regulations of this ordinance.

BUILT-UPON AREA (BUA). That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-Upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

DEPARTMENT. The North Carolina Department of Environmental Quality.

DESIGN MANUAL. The stormwater best management design manual approved for use in Phase II jurisdictions by the Department. All references herein to the Design Manual are to the latest published edition or revision.

DEVELOPMENT. Any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the soil.

DIVISION. The Division of Water Resources in the North Carolina Department of Environmental Quality.

HIGH-DENSITY PROJECT. Any Project that exceeds the low-density threshold for dwelling units per acre and/or built-upon area.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE. Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is an announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including, but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

LOW-DENSITY PROJECT. A project is a low-density project if it has no more than two dwelling units per acre for residential development and no more than twenty-four (24) percent built upon area (BUA) for non-residential development.

A project with an overall density at or below the relevant low-density threshold, but containing areas with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post-construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainage ways to the maximum extent practicable.

1-YEAR, 24-HOUR STORM. The surface runoff resulting from a 24-hour rainfall of intensity expected to be equaled or exceeded, on average, once in 12 months and with duration of 24 hours.

OWNER. The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description

in this definition, such as a management entity.

REDEVELOPMENT. Any development on previously-developed land, other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

STRUCTURAL BMP. A physical device designed to trap, settle out or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and their methods installed or created on real property. “Structural BMP” is synonymous with “structural practice”, “stormwater control facility,” stormwater control practice,” “stormwater treatment practice,” “stormwater management practice,” “stormwater control measures,” “structural stormwater treatment systems,” and similar terms used in this ordinance.

SUBSTANTIAL PROGRESS. For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. “Substantial progress” for purposes of determining whether an approved plan is null and void is not necessarily the same as “substantial expenditures” used for determining vested rights pursuant to applicable law.

APPENDIX A OFFICIAL PLANTING LIST

The following list contains plant species that are native to the town area or are known to be suitable for the climate of the town area. Applicants seeking approval shall not be required to select materials from this list, but shall be required to select plant species that are known to be suitable for the climate of the town area.

Botanical Name	Common Name	Permitted in Bufferyards (X)
Large Trees - Deciduous		
Acer rubrum	Red Maple	
Acer saccharinum	Silver Maple	
Acer saccharum	Sugar Maple	
Betula nigra	River Birch	
Carya illinoinensis	Pecan	
Catalpa bignonioides	Southern Catalpa	
Celtis laevigata	Sugar Hackberry	
Celtis occidentalis	Common Hackberry	
Cladrastis lutea	Yellowwood	
Diospyros virginiana	Persimmon	
Fagus grandifolia	Beech	
Fagus sylvatica	European Beech	
Fraxinus americana	White Ash	
Ginkgo biloba	Maidenhair Tree	
Gleditsia triacanthos inermis	Thornless Honeylocust	
Gymnocladus dioicus	Kentucky Coffee Tree	
Liquidambar styraciflua	Sweet-Gum	
Liriodendron tulipifera	Tulip-Tree	
Magnolia acuminata	Cucumber Tree	
Metasequoia glyptostroboides	Dawn Redwood	
Nyssa sylvatica	Black Tupelo	
Paulownia tomentosa	Empress-Tree	
Platunus x acerifolia	London Plane-Tree	
Platanus occidentalis	Sycamore	
Prunus sargentii	Sargent Cherry	
Quercus acutissima	Sawtooth Oak	
Quercus alba	White Oak	
Quercus coccinea	Scarlet Oak	
Quercus macrocarpa	Bur Oak	
Quercus nigra	Water Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	
Quercus rubra maxima	Eastern Red Oak	
Quercus velutina	Black Oak	
Salix babylonica	Weeping Willow	
Sassafas alkidum	Sassafras	
Quercus shumardii	Shumard Oak	
Quercus falcata	Southern Red Oak	
Taxodium distichum	Bald Cypress	

Tilia americana	American Linden	
Tilia cordata	Littleleaf Linden	
Zelkova serrata	Japanese Zelkova	
Large Trees - Evergreen		
Cedrus atlantica	Atlas Cedar	
Cedrus deodara	Deodar Cedar	**X**
Cedrus libani	Cedar of Lebanon	
Cryptomeria japonica	Japanese Cryptomeria	**X**
Ilex attenuata `Savannah'	Savannah Holly	
Juniperus virginiana	Eastern Red Cedar	**X**
Magnolia grandiflora	Southern Magnolia	**X**
Pinus bungeana	Lacebark Pine	
Pinus eliotti	Slash Pine	
Pinus palustris	Longleaf Pine	
Pinus strobus	White Pine	
Pinus sylvestris	Scotch Pine	
Pinus taeda	Loblolly Pine	
Pinus thunbergiana	Japanese Black Pine	**X**
Tsuga canadensis	Canadian Hemlock	
Quercus laurifolia	Laurel Oak	
Quercus virginiana	Southern Live Oak	
Small Trees - Deciduous		
Acer buergeranum	Trident Maple	
Acer ginnala	Amur Maple	
Acer griseum	Paperbark Maple	
Acer palmatum	Japanese Maple	
Acer palmatum dissectum	Laceleaf Japanese Maple	
Albizia julibrissin	Mimosa	
Amelanchier arborea	Serviceberry	
Betula platyphylla japonica	Carpinus Japanese White Birth	
caroliniana	American Hornbeam	
Cercis canadensis	Eastern Redbud	
Cornus florida	Flowering Dogwood	
Cornus kousa	Kousa Dogwood	
Cornus mas	Cornelian-Cherry Dogwood	
Cotinus coggyria	Smoketree	
Crataegus phaenopyrum	Washington Hawthorne	
Elaeagnus angustifolius	Russian-Olive	
Firmiana simplex	Chinese Parsol Tree	
Franklinia alatamaha	Franklinia	
Halesia carolina	Carolina Silverbell	
Hamamelis mollis	Chinese Witch-Hazel	
Koelreuteria bipinnata	Chinese Flame Tree	
Koelreuteria paniculata	Golden-Rain-Tree	
Lagerstroemia indica	Crape-Myrtle	
Magnolia macrophylla	Bigleaf Magnolia	
Magnolia x soulan- giana	Saucer Magnolia	
Magnolia stellata	Star Magnolia	
Magnolia tripetala	Umbrella Magnolia	

Malus domestica	Apple	
Malus hybrida	Flowering Crab Apple	
Morus alba	White Mulberry	
Morus alba `Pendula'	Weeping White Mulberry	
Oxydendrum arboreum	Sourwood	
Pistacia chinensis	Pistachio	
Prunus cerasifera `Atropurpurea'	Pissard Plum	
Prunus cerasus	Sour Cherry	
Prunus persica	Peach	
Prunus serrulata	Japanese Cherry	
Prunus subhirtella pendula	Weeping Cherry	
Prunus yedoensis	Yoshino Cherry	
Punica granatum	Pomegranate	
Salix caprea	Goat Willow	
Sassafras albidum	Common Sassafras	
Ulmus parvifolia	Chinese Elm	
Viburnum prunifolium	Blackhaw Viburnum	
Viburnum rufidulum	Southern Blackhaw	
Vitex agnus-castus	Chaste - Tree	
Small Trees - Evergreen		
Cupressus arizonica	Arizona Cypress	**X**
Ilex x Attenuata	Hybrid Holly	**X**
Ilex x attenuata `Fosteri'	Foster Hybrid Holly	**X**
Ilex cassine	Dahoon Holly	
Ilex x `Nellie R. Stevens'	Nellie Stevens Holly	**X**
Ilex opaca	American Holly	
Ilex vomitoria	Yaupon Holly	**X**
Magnolia grandiflora "Little Gem"	Little Gem Magnolia	**X**
Magnolia virginiana	Sweet Bay	
Osmanthus americanus	Devilwood	**X**
Pinus nigra	Austrian Pine	**X**
Pinus virginiana	Virginia Pine	
Prunus caroliniana	Carolina Cherry-Laurel	**X**
Quercus acuta	Japanese Evergreen Oak	**X**
Quercus glauca	Ring-Cupped Oak	**X**
Shrubs – Deciduous (6 -12 feet)		
Azalea calendulacea (also known as Rhododendron calendulacem)	Flame Azalea	
Azalea hybrida `Exbury'	Exbury Hybrid Azalea	
Azalea periclymenoides (also known as Rhododendron periclymenoides or nudiflorum)	Pinxterbloom Azalea	
Buddleja davidii	Butterfly-Bush	
Calycanthus floridus	Sweet Shrub	
Chimonanthus praecox	Winter Sweet	
Chionanthus virginicus	Fringe Tree	
Cortaderia selloana	Pampass Grass	
Cotoneaster salicifolius floccosus	Willowleaf Cotoneaster	
Cytisus scoparius	Scotch Broom	

Deutzia scabra	Pride of Rochester	
Elaegnus commutata	Silverberry	
Elaeagnus multiflora `Crispa'	Cherry Elaeagnus	
Elaeagnus umbellata	Autumn Elaeagnus	
Euonymus alatus	Winged Euonymus	
Euonymus americanus	Strawberry-Bush	
Exochorda racemosa	Pearl-Bush	
Ficus carica	Common Fig Tree	
Forsythia x intermedia	Border Forsythia	
Hamamelis virginiana	Common Witch-Hazel	
Hibiscus syriacus	Rose of Sharon	
Hydrangea paniculata `Grandiflora'	Peegee Hydrangea	
Ilex decidua	Possumhaw	
Ilex verticillata	Winterberry	
Kolkwitzia amabilis	Beautybush	
Lonicera fragrantissima	Winter Honeysuckle	
Philadelphus coronarius	Sweet Mock Orange	
Poncirus trifoliata	Hardy Orange	
Rhododendron prunifolium	Plumleaf Azalea	
Spiraea prunifolia `plena'	Bridal Wreath Spirea	
Spiraea x vanhouttei	Vanhoutte Spirea	
Syringa x persica	Persian Lilac	
Tamarix ramosissima	Salt Cedar	
Viburnum x burkwoodii	Burkwood Viburnum	
Viburnum dilatatum	Linden Viburnum	
Viburnum x juddii	Judd Viburnum	
Viburnum macrocephalum `Sterile'	Chinese Snowball	
Viburnum opulus `Roseum'	European Snowball	
Viburnum plicatum tomentosum	Doublefile Viburnum	
Viburnum wrightii	Wright Viburnum	
Weigela florida	Weigela	
Shrubs – Evergreen (6 -12 feet)		
Azalea indica	Indian Azalea	
Camellia japonica	Camellia	
Camellia sasanqua	Sasanqua Camellia	
Camellia sinensis	Tea Plant	**X**
Cleyera japonica	Cleyera	**X**
Cotoneaster franchetii	Franchet Cotoneaster	
Elaeagnus pungens	Thorny Elaeagnus	**X**
Euonymus japonica	Evergreen Euonymus	
Ilex cornuta	Chinese Holly	**X**
Ilex cornuta `Burfordii'	Burford Holly	**X**
Ilex crenata	Japanese Holly	**X**
Ilex glabra	Inkberry Holly	
Ilex latifolia	Lusterleaf Holly	**X**
Ilex pedunculosa	Longstalk Holly	**X**
Ilex pernyi	Perny Holly	
Ilex vomitoria `Pendula'	Weeping Yaupon Holly	

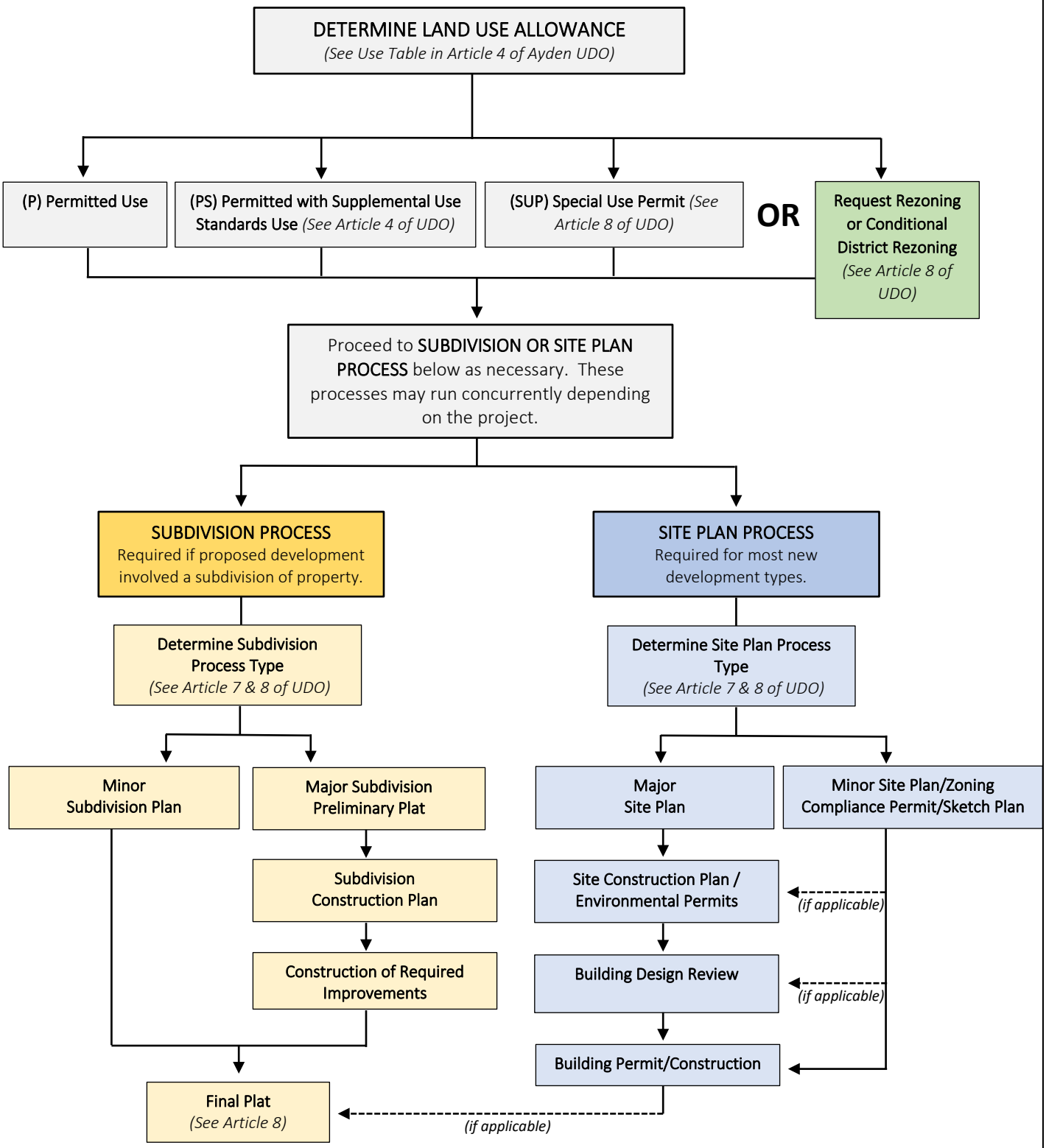
Illicium anisatum	Anisetree	
Illicium floridanum	Florida Anisetree	
Juniperus chinensis `Hetzii'	Hetzi Juniper	
Juniperus chinensis `Kaizuka'	Hollywood Juniper	
Laurus nobilis	Laurel	X
Leucothoe populifolia	Florida Leucothoe	
Ligustrum japonicum	Japanese Privet	X
Ligustrum lucidum	Tall Glossy Privet	X
Ligustrum sinense `Variegatum'	Variegated Chinese Privet	
Loropetalum chinense	Loropetalum	X
Michelia figo	Banana Shrub	
Myrica cerifera	Wax-Myrtle	X
Myrtus communis	Myrtle	X
Osmanthus x fortunei	Fortune Tea Olive	X
Osmanthus fragrans	Fragrant Tea Olive	
Osmanthus heterophyllus	Holly Osmanthus	X
Osmanthus heterophyllus `Rotundifolius'	Curlyleaf Tea Olive	
Photinia x fraseri	Fraser Photinia	X
Photinia glabra	Red Photinia	X
Pittosporum tobira	Pittosporum	
Podocarpus macrophyllus maki	Podocarpus	X
Prunus laurocerasus	English Laurel	X
Pyracantha koidzumii	Formosa Firethorn	X
Thuja orientalis	Oriental Arborvitae	X
Viburnum japonicum	Japanese Viburnum	X
Viburnum rhytidophyllum	Leatherleaf Viburnum	
Viburnum tinus	Laurestinus Viburnum	X
Yucca aloifolia	Spanish-Bayonet	
Shrubs – Deciduous (1.5 -6 feet)		
Azalea molle hybrida	Mollis Azalea	
Berberis x men- torensis	Mentor Barberry	
Berberis thunbergii	Japanese Barberry	
Callicarpa americana	American Beautyberry	
Callicarpa dichotoma	Beautyberry	
Callicarpa japonica	Japanese Beautyberry	
Chaenomeles japonica	Japanese Flowering Quince	
Chaenomeles speciosa	Flowering Quince	
Cotoneaster divaricatus	Spreading Cotoneaster	
Hamamelis vernalis	Vernal Witch-Hazel	
Hydrangea macrophylla	Bigleaf Hydrangea	
Hydrangea quercifolia	Oakleaf Hydrangea	
Hypericum kalmianum	Kalm St.-John's-Wort	
Jasminum nudiflorum	Winter Jasmine	
Kerria japonica	Kerria	
Potentilla fruticosa	Bush Cinquefoil	
Rosa multiflora	Japanese Rose	
Rosa rugosa	Rugose Rose	
Spiraea cantoniensis	Reeves Spirea	
Spiraea nipponica `Snow Mound'	Snowmound Nippon Spirea	

Spiraea thunbergii	Thunberg Spirea	
Vaccinium ashei	Rabbiteye Blueberry	
Shrubs – Evergreen (1.5 -6 feet)		
Abelia x grandiflora	Glossy Abelia	
Aucuba japonica	Japanese Aucuba	
Azalea hybrida	Glenn Dale Azalea	
Azalea hybrida	Satsuki Hybrid Azalea	
Azalea kaempferi	Kaempferi Azalea	
Berberis julianae	Wintergreen Barberry	
Buxus harlandii	Harland Boxwood	
Buxus microphylla japonica	Japanese Boxwood	
Buxus microphylla `Koreana'	Korean Boxwood	
Buxus sempervirens	American Boxwood	
Buxus sempervirens `Suffruticosa'	Dwarf Boxwood	
Chamaecyparis obtusa `Nana Gracilis'	Dwarf Hinoki Cypress	
Cotoneaster horizontalis	Rockspray Cotoneaster	
Danae racemosa	Alexander Laurel	
Euonymus fortunei `Vegetus'	Evergreen Bittersweet	
Euonymus japonicus `Microphyllus'	Dwarf Japanese Euonymus	
Euonymus kiautschovicus	Spreading Euonymus	
Fatsia japonica	Japanese Fatsia	
Gardenia jasminoides `Radicans'	Dwarf Gardenia	
Hypericum patulum	St.-John's-Wort	
Ilex cornuta `Burfordii Nana'	Dwarf Burford Holly	
Ilex crenata `Compacta'	Compacta Holly	
Ilex crenata `Convexa'	Convexa Japanese Holly	
Ilex crenata `Hetzi'	Hetzi Japanese Holly	
Ilex crenata `Microphylla'	Littleleaf Japanese Holly	
Ilex crenata `Rotundifolia'	Roundleaf Japanese Holly	
Ilex crenata `Yellow Berry'	Japanese Holly	
Ilex cornuta `Carissa'	Carissa Holly	
Ilex cornuta `Rotunda'	Dwarf Horned Holly	
Ilex crenata `Carefree'	Japanese Holly	
Ilex crenata `Kingsville'	Kingsville Japanese Holly	
Ilex crenata `Repandens'	Repanden Japanese Holly	
Ilex crenata `Stokes'	Stokes Japanese Holly	
Ilex crenata `Tiny Tim'	Japanese Holly	
Ilex vomitoria `Nana'	Dwarf Yaupon	
Jasminum floridum	Flowering Jasmine	
Juniperus chinensis `Pfitzeriana'	Pfitzer Juniper	
Juniperus davurica `Expansa' (`Parsoni')	Parsons Juniper	
Juniperus sabina `Tamariscifolia'	Tamarix Juniper	
Kalmia latifolia	Mountain-Laurel	
Leucothoe axillaris	Coastal Leucothoe	
Leucothoe fontanesiana	Drooping Leucothoe	
Ligustrum japonicum `Rotundifolium'	Curlyleaf Ligustrum	
Lonicera yunnanensis	Yunnan Honeysuckle	
Mahonia bealei	Leatherleaf Mahonia	

Mahonia pinnata	Cluster Mahonia	
Myrica pensylvanica	Northern Bayberry	
Nandina domestica	Nandina	
Pieris japonica	Japanese Andromeda	
Pinus mugo `Compacta'	Mugo Pine	
Prunus laurocerasus angustifolia	Narrow-Leaved English Laurel	
Prunus laurocerasus `Otto Luyken'	Otto Laurel	
Prunus laurocerasus `Schipkaensis'	Skip Laure	
Prunus laurocerasus `Zabeliana'	Zabel Laurel	
Pyracantha coccinea	Scarlet Firethorn	
Pyracantha koidzumii `Low-Dense'	Lowdense Pyracantha	
Raphiolepis indica	India Hawthorn	
Rhododendron hybrida	Hybrid Rhododendron	
Siphonos- manthus delavayi	Delavay Tea Olive	
Yucca filamentosa	Adam's Needle Yucca	
Yucca gloriosa	Mound-Lily Yucca	

APPENDIX B TYPICAL DEVELOPMENT PROCESS CHART

The chart below illustrates the typical development review process that most projects in the Town of Ayden will follow. It is not intended to be inclusive of all the application/approval processes that may be required in every instance. For specific information regarding what application/approval processes are required, contact the Town of Ayden Planning Department.



APPENDIX C TABLE OF AMENDMENT HISTORY

Case Number	Date	Article & Section	Description

APPENDIX D INFORMATION FOR SUBDIVISION PLATS

In addition to the items required in Article 8 of this ordinance, the following information should to be provided on major subdivision preliminary plat and both minor & final subdivision plats. The requirements of these items may vary on a case by case bases as approved by the Administrator. An **"x"** indicates that the information is required.

Information:	**Major Subdivision Preliminary Plat**	**Minor Subdivision Final Plat**	**Subdivision Final Plat**
Title Block Containing: –Property Designation –Name of Owner –Location (including township, county, and state) –Date or dates survey was conducted and plat prepared –A scale of drawing in feet per inch listed in words or figures –A bar graph –Name, address, registration number, and seal of the Registered Land Surveyor	x x x x x x x	x x x x x x x	x x x x x x x
The name of the subdivider	x	x	x
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area. Scale: 1" = 400'	x	x	x
Corporate limits, township boundaries, county lines if on the subdivision tract	x	x	x
The names, addresses, and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	x	x	x
The registration numbers and seals of the professional engineers	x	x	x
Date of plat preparation	x	x	x
North arrow and orientation	x	x	x
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	x	x
The names of owners of adjoining property	x	x	x
The names of any adjoining subdivisions of record or proposed and under review	x	x	x
Building line minimum	x	x	x
The zoning classifications of the tract to be subdivided and adjoining properties	x	x	x
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	x		
Proposed lot lines, lot and block numbers, and approximate dimensions	x	x	x
The lots numbered consecutively throughout the subdivision	x	x	x

Information:	Major Subdivision Preliminary Plat	Minor Subdivision Final Plat	Subdivision Final Plat
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site	x		
The exact location of the flood hazard, floodway, and floodway fringe areas from the FIRM	x	x	x
The following data concerning streets:			
–Proposed public streets	x		x
–Proposed private streets	x		x
–Existing and platted streets on adjoining properties and in the proposed subdivision	x		x
–Rights-of-way, location, and dimensions in accordance with the UDO	x		x
–Pavement widths	x		x
–Approximate grades	x		x
–Design engineering data for all corners and curves	x		x
–Typical street cross-sections	x		x
–Street names	x		x
–Type of street dedication; all streets must be designated "public." The subdivider must submit all public street plans to the Administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to the Town of Ayden, the subdivider must submit the following documents to the NC Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths, and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas	x		x
–Where streets are dedicated to the public, but not accepted into the Town of Ayden system or the state system before lots are sold, a statement explaining the status of the street in accordance with this Ordinance			x
–If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on Driveway Regulations. Evidence that the subdivider has obtained such approval	x		
The location and dimension of all of the following, if proposed:			
–Utility and other easements	x	x	x
–Riding trails	x		x

Information:	Major Subdivision Preliminary Plat	Minor Subdivision Final Plat	Subdivision Final Plat
–Natural buffers	x		x
–Pedestrian or bicycle paths	x		x
–Parks and recreation areas with specific type indicated	x		x
–Areas to be dedicated to or reserved for public use	x		x
–Areas to be used for purposes other than residential with the zoning classification of each stated	x		x
–The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands	x		
The plans for utility layouts including:			
–Sanitary sewers	X		
–Storm sewers	x		
–Other drainage facilities, if any	x		
–Water distribution lines	x		
–Natural gas lines	x		
–Telephone lines	x		
–Electric lines illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains, and gate valves	x		
Plans for individual water supply and sewage disposal systems, if any	x		
–Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers	x		
Site calculations including:			
–Acreage in total tract to be subdivided	x	x	
–Acreage in parks and recreation and open space areas and other nonresidential areas	x		
–Total number of parcels created	x		
–Acreage in the smallest lot in the subdivision	x		
–Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute			x
–The accurate locations and descriptions of all monuments, markers, and control points		x	x
–A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas or open space areas are established	x	x	x

Information:	Major Subdivision Preliminary Plat	Minor Subdivision Final Plat	Subdivision Final Plat
–Where land disturbing activity is an acre or more in size, a copy of the erosion control plan submitted to the appropriate office of the North Carolina Department of Environment and Natural Resources, which complies with NCGS 113A, Article 4 (Sedimentation Pollution Control Act of 1973). Evidence of approval must be provided prior to construction stage submittal of a final plat for approval	x		
–Topographic maps with contour intervals of no greater than five (5) feet at a scale of no less than one (1) inch equals four hundred (400) feet	x		
–404 wetland areas as determined by the Wilmington District office of the U.S. Army Corps of Engineers	x	x	x
–All certifications required in Section 710.150 – Certifications for Final Plats in the UDO.		x	x
–All mapping shall comply with NCGS 47-30	x		x