

# ZONING ORDINANCE

PRINCETON, NORTH CAROLINA

**ADOPTED December 5, 2005**  
**EFFECTIVE January 1, 2006**  
**UPDATED September 8, 2015**  
**UPDATED September 14, 2020**

Adopted By the Princeton Board of Commissioners Prepared by the Princeton Planning Board

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This electronic copy of the zoning ordinance is provided for informational and reference purposes only and may not reflect the latest amendments adopted by the municipality as of December 5, 2005. In any instance of a discrepancy between this version and the official version or the official ordinance, the official ordinance shall be considered definitive. The official version is on file in the office of the Town Clerk. Consult municipal records for most recent amendments not contained herein.

Technical Assistance Provided by:



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**ARTICLE 1: GENERAL PROVISIONS**

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**Section 1.1 Enactment and Authority**

In pursuance of the authority granted by the North Carolina General Statutes (NCGS), Chapter 160A Article 19, Part 3, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PRINCETON, as follows:

**Section 1.2 Title**

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

**Section 1.3 Purpose**

This Ordinance was adopted for the following purposes:

- (a) To promote the health, safety, morals, convenience, order, prosperity, and general welfare of the people; to make adequate provisions for traffic; to secure safety from fire, panic, and other hazards; to provide for light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to protect property against blight and depreciation.
- (b) To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public infrastructure.
- (c) To provide affordable housing and desirable living conditions, to enhance the quality of life in residential neighborhoods; to provide convenient access to a range of goods and services; and to expand the Town’s economic and employment base.
- (d) To provide a coordinated, balanced, and harmonious approach to land development and to establish an efficient development application, review, and decision-making process.
- (e) To implement the goals and polices of the comprehensive plan.

**Section 1.4 Jurisdiction and Applicability**

The jurisdiction of this Ordinance is the incorporated area of Princeton and its duly adopted extraterritorial jurisdiction as shown on the Official Zoning Map. This ordinance shall apply to all lands and structures.

**Section 1.5 Minimum Requirements**

In their interpretation and application, the provisions of this ordinance are the minimum requirements deemed necessary to carry out the purposes for which this ordinance was adopted.

**Section 1.6 Conflicting Provisions**

- 1.6.1** Conflicts with public laws: If a provision of this Ordinance conflicts with another provision of this ordinance or with the provisions of any other public law, ordinance, rule, or regulation, the provision that is more restrictive or that impose a higher standard shall govern.

- 1.6.2** Conflicts with private agreements: This ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, if the provisions of this ordinance are more restrictive or impose higher standards than a private easement, covenant, or agreement, the requirements of this ordinance shall govern.

### **Section 1.7           Violations Continues**

Any violation of the previous Zoning Ordinance will continue to be a violation under this Ordinance and be subject to the enforcement and penalty provisions of this Ordinance. If the use, development, construction or activity was a violation under the previous Ordinances but complies with this Ordinance, enforcement action will cease except to collect penalties for violations that occurred before the effective date of this Ordinance. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of the ordinance in effect before the effective date of this Ordinance.

### **Section 1.8           Severability**

If a provision of this ordinance is judged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected. If the application of this Ordinance to a particular structure, land, or water is judged unconstitutional or invalid by a court of competent jurisdiction, the judgment shall not be applicable to any other structure, land, or water not specifically included.

### **Section 1.9           Effective Date and Repeal**

This Ordinance is hereby adopted this 5th day of December, 2005, and shall be effective on January 1, 2006. The Zoning Ordinance adopted on May 6th, 1996 is hereby repealed as of the effective date of this Ordinance.

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**ARTICLE 2: DEFINITIONS**

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**Section 2.1 Purpose**

For the purpose of interpreting this Ordinance, certain terms and phrases are defined in this Article and elsewhere in this Ordinance. Words not defined in this Ordinance shall have their customary meaning unless the context of its usage indicates otherwise.

**Section 2.2 General Rules of Interpretation**

- 2.2.1 The requirements of this ordinance are the minimum standards that must be complied with unless the context of the requirements indicates otherwise.
- 2.2.2 An act authorized by this Ordinance to be carried out by a specific Town official may also be carried out by a designee of that official.
- 2.2.3 If a conflict or inconsistency exists between the text of this Ordinance and a caption, figure, illustration, table, or map, the text shall control.
- 2.2.4 The word "person" includes a firm, joint venture, association, organization, partnership, corporation, trust or company, as well as an individual.
- 2.2.5 The word "lot" includes the word "tract" or "parcel."
- 2.2.6 The words "shall", "must", and "will", are mandatory in nature, establishing an obligation to comply with a particular provision. The word "may" is permissive in nature.
- 2.2.7 Words used in the present tense include the future tense, and the reverse is true.
- 2.2.8 Words used in the singular number include the plural number and words used in the plural number include the singular number unless the context of the particular usage indicates otherwise.
- 2.2.9 The words "used" or "occupied" as applied to any land or building shall be construed to mean intended, arranged, or designed to be used or occupied.
- 2.2.10 Words used in the masculine gender include the feminine gender, and vice versa.
- 2.2.11 Words not defined in this ordinance shall have their customary meaning.

**Section 2.3 Land Use Categories**

- 2.3.1 Purpose: Land use categories are defined to provide a guideline for assigning land uses to the appropriate zoning district. Categories are defined by the functional and physical characteristics of a specific use. Characteristics include type and intensity of activity, type of customers or residents, how goods or services are sold or delivered, type and volume of traffic generated, and impact on surrounding properties. The defined categories may be supplemented by the North American Industrial Classification System (NAICS) published by the US Census.

**2.3.2** Land use categories defined:

**AGRICULTURE:** Uses in this category are principally involved in the on-site production of crops, animal, or fiber products by farming, plowing, tilling, cropping, seeding, cultivating, harvesting, or other agricultural methods.

**RESIDENTIAL:** This consists of dwellings used to provide long term living accommodations to one or more persons with occupancy arranged for a period of 1 month or longer.

**COMMERCIAL:** This category consists of establishments that are principally engaged in the retail sale or leasing of goods or services to the general public.

**INDUSTRIAL USE:** This category consists of establishments principally involved in assembling, fabricating, finishing, manufacturing, packaging, or processing of goods or mineral extraction. It also includes uses that warehouse or distribute materials in large quantities.

**INSTITUTIONAL USE:** Consists of nonprofit or quasi-public institutions typically engaged in public service. It includes religious institutions, libraries, public or private schools, and hospitals.

**UTILITIES:** This consist of facilities primarily used to produce or deliver utilities needed to support other land use activities. It includes electricity, natural gas, water supply, sewage removal and other services. This definition excludes administrative offices of utility companies.

**PUBLIC:** This category includes uses that are sponsored by a federal, state, or local governmental entity for the benefit of the general public.

**Section 2.4**      **Definitions**

**APPROVING AUTHORITY:** The Town official or body authorized to take final action on an administrative decision.

**BERM:** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

**BUILDING CODES:** The latest edition of the North Carolina State Building Codes or other building code adopted by Johnston County.

**BUILDING HEIGHT:** The vertical distance between the highest point of a building and the finished grade at the building line.

**BUILDING LINE:** A line parallel to the street right-of-way line and representing the minimum distance that any part of the building may be set back from said right-of-way line.

**BUILDING, ATTACHED:** A building that has at least part of a wall in common with another building or that is connected to another building by a roof.

**BUILDING:** A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

(A) Principal building: The building in which the primary use of the lot is conducted.

(B) Accessory building: A building that is customarily incidental and subordinate to the principal building.

**CERTIFICATE OF COMPLIANCE:** A document issued by the Zoning Enforcement Officer certifying that the development and use of a site complies with these regulations and the approved plans, and that the site may be used for the intended purposes.

**COMMERCIAL COMMUNICATION TOWERS:** A commercial structure used to transmit or receive electromagnetic communications. This definition excludes dish antennas and earth stations.

**COMMUNITY CENTER:** A building or other facility used as a place of meeting, recreation, or social activity and is not operated for profit. The facility is generally open to the public and designed to serve significant segments of the community.

**COMPREHENSIVE PLAN:** The comprehensive plan, land use plan, small area plans, thoroughfare plans, official map, and any other plans regarding land use and development that have been officially adopted by the Town Board.

**DAYCARE:** An individual, agency, or organization providing care on a regular basis for 3 or more children who are not related by blood or marriage, and who are not the legal wards or foster children of the supervising adult.

**DAY CARE FACILITY:** A building or facility other than an occupied dwelling, where daycare is provided on a regular schedule and such facility is licensed by the State of North Carolina.

**DAY CARE HOME:** A dwelling in which a permanent occupant provides daycare for more than 2 but less than 9 children at any one time.

**DENR:** Is the North Carolina Department of Environment and Natural Resources and its divisions

**DEVELOPMENT:** Any land-disturbing activity that changes the amount of impervious surface on a land area or otherwise decreases the infiltration of precipitation into the soil.

**DEVELOPMENT PERMIT:** A building permit, zoning permit, final plat approval, special use or conditional use permit, variance, or any local action having the effect of permitting the development of property.

**DEVELOPMENT PLAN:** A plat or drawing showing the location and dimensions of buildings, signs, fences and other structures, uses, open space and buffer areas, and other pertinent information about the site proposed to be developed.

**DWELLING UNIT:** One or more rooms arranged to provide living, sleeping, eating, cooking, and sanitation facilities for a single family.

**DWELLING:** A building containing one or more dwelling units used for non-transient occupancy.

- (A) Single-family dwelling: A detached building containing 1 detached dwelling unit.
- (B) Two-family dwelling (duplex): A building containing 2 attached dwelling units.
- (C) Multi-family dwelling: A building or group of buildings under contiguous ownership containing 3 or more dwelling units.

**EXISTING DEVELOPMENT:** Any development that was legally constructed or established before the effective date of this ordinance or that meets one of the following criteria:

- (A) There have been substantial expenditure of resources (time, labor, money) based on good faith reliance on a valid development permit to proceed with the project.

- (B) There is a valid building permit as authorized by the General Statutes (NCGS 153A-344.1 and NCGS 160A-385.1).
- (C) There is an approved site-specific or phased development plan.

**EXISTING STRUCTURE:** A site-built structure previously located on any lot and is moved to another lot within Princeton's zoning jurisdiction. This definition excludes manufactured homes and modular homes.

**EXISTING USE:** The lawful use of a lot or structure at the time of enactment of this ordinance or subsequent amendment.

**FAMILY:** An individual or a group of 2 or more individuals related by blood, marriage, legal adoption or guardianship; or a group of not more than 5 unrelated individuals living as a single household.

**FAMILY CARE HOME:** A facility that provides room and board, and personal care and habilitation services in a family environment for not more than 6 resident handicapped persons.

**FENCE:** A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement, or concealment.

**FLEA MARKET:** A market held in an open area or structure where goods are sold to the general public by individual sellers from open or semi-open facilities or temporary structures. Periodic non-profit fund raising activities are excluded from this definition.

**FRONTAGE:** The distance for which the boundary of a lot abuts a public or private street. **GARAGE:** An accessory building or structure used for the parking and storage of vehicles.

**HAZARDOUS WASTE:** Any combination of solid wastes that may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HOME OCCUPATION:** A business, occupation, or activity conducted by a resident as an accessory use in the resident's dwelling.

**IMPERVIOUS SURFACE:** Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. "Impervious area" shall include graveled driveways and parking areas.

**INFRASTRUCTURE:** Facilities and services needed to sustain development activities. This includes streets, utility lines, schools, fire stations, and park and recreation facilities.

**JUNK:** Pre-used or unusable metallic parts and other non-metallic manufactured products that are worn, deteriorated or obsolete making them unusable in their existing condition, but are subject to be dismantled and salvaged.

**LANDFILL:** A facility used for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130-A Article 9 of the North Carolina General Statutes. For the purpose of this ordinance this term does not include composting facilities.

**LOT:** A parcel of land occupied or capable of being occupied by permitted buildings devoted to a permitted use, together with its customary accessories and required setbacks, and is recorded in the Johnston County Register of Deeds.

**LOT AREA:** The area within a lot, including land over which easements have been granted, but excluding land within the street right-of-way.

**LOT, CORNER:** A lot located at the intersection of 2 or more streets.

**LOT, DEPTH:** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or the rear most point of the lot if there is no rear lot line.

**LOT LINE:** The line dividing one lot from another or from the street right-of-way.

- (A) **Front lot line:** The line dividing the lot from the street and provides the principal means of access to the lot.
- (B) **Rear lot line:** The line most opposite to and most distant from the front lot line. On irregularly shaped lot where no rear lot line is apparent, the rear lot line shall be a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.
- (C) **Side lot line:** A lot line that is not a front lot line or rear lot line.

**LOT, SUBSTANDARD:** A lot that does not conform with the minimum dimensional requirements of this Ordinance.

**LOT, THOROUGH** A lot having frontage on 2 parallel streets.

**LOT WIDTH:** The horizontal distance between side lot lines measured at the required front setback line.

**MANUFACTURED HOME:** Is a detached dwelling unit built to the standards of the National Manufactured Housing Construction and Safety Act of 1974 (HUD Code), is composed of one or more components, each of which substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and is at least 40 feet in length and 8 feet in width

**MANUFACTURED HOME PARK:** A contiguous parcel of land under single ownership that is developed for the placement of 3 or more manufactured homes.

**MANUFACTURED HOME SPACE:** An area within a manufactured home park allotted and designated to accommodate a single manufactured home and its permitted accessory structures.

**MINIWAREHOUSE:** A building consisting of individual, compartmentalized, and self-contained units that are leased or owned to store business and household goods. It includes the term self-storage facilities, and mini-storage facilities.

**MODULAR HOME:** A detached single-family dwelling constructed in accordance with the North Carolina Building Code, but is composed of one or more components that were substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**NONCONFORMANCE:** A condition that occurs when (on the effective date of adoption of this ordinance or a previous ordinance or on the effective date of an ordinance text amendment or rezoning) an existing lot, structure, building, sign, development, or use does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.

**PLANNING BOARD:** The duly designated planning board of the Town. **PLAT:** A map or plan of a parcel of land that is to be subdivided.



**PRINCIPAL BUILDING:** The building in which the principal use of the lot is conducted.

**PUBLIC HEARING:** A formal public meeting that is legally required to gather information or public comment on a zoning decision:

- a) **Legislative public hearing:** A hearing held to gather public comment on proposed policies such as zoning amendments.
- b) **Quasi-judicial public hearing:** A court-like hearing held to gather evidence on the application of existing laws related to variances, special use permits, conditional use and appeals.

**OPEN SPACE:** Land that is preserved in a natural state unoccupied by any structures or impervious surfaces; and is suitable for recreation, resource protection, amenity, or as buffer areas as designated.

**OUTDOOR SALES BUSINESS:** A business that displays and sales products and services outside a building and limited to those items generally stored or used outside, including vehicles, garden supplies, boats, farm equipment, motor homes, manufactured homes, building and landscape materials, and similar merchandise.

**OUTDOOR SALES AREA:** An area of designated size used for the long-term display of merchandise or tangible property normally sold within the contiguous business on the premises where the area is located.

**ORDINANCE:** A law or regulation adopted by the Town.

**OWNER (landowner):** The legal or beneficial owner of a lot, the holder of an option or contract to purchase, or other person having an enforceable proprietary interest.

**PARK:** Any land used for recreational, educational, cultural, aesthetic and other leisure activity. **PERMIT:** A document issued by the Town that permits the applicant to undertake certain activities.

- (A) **Special use permit:** A permit issued by the Town Board pursuant to Section 15.8 (*Use Permitting Procedures*).
- (B) **Zoning Permit:** A permit issued by the Zoning Enforcement Officer pursuant to Section 15.5: (*Zoning Permit*).
- (C) **Conditional Use Permit:** A permit issued by the Board of Adjustment pursuant to Section 15.8 (*Use Permitting Procedures*).

**REZONE:** An amendment to the zoning map that changes the zoning classification of particular lots.

**SALVAGE OPERATION:** A business involved in the reclamation, dismantling, or storage of used commodities, junk, and similar material for the purpose of resale, processing, distribution, or disposition.

**SCHOOL:** An institution that offers regular instruction at the preschool, primary, or secondary level, or serves disabled students. This definition excludes charter schools, day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting on a specialized subject.

- (A) **Public school:** A school that is directly controlled and supervised by the Johnston County Board of Education or State agency.

- (B) Private school: A school that is not directly controlled and supervised by the Johnston County Board of Education or State agency.

**SCREENING**: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berm, or densely planted vegetation.

**SHOPPING CENTER**: A group of retail and other commercial establishments that is planned, owned, and managed as a single entity.

**SETBACK**: The minimum distance between two (2) points prescribed by this ordinance.

- (A) Front setback: The minimum distance between the front lot line and the foremost point of any structure.
- (B) Side setback: The minimum distance between the side lot line and the nearest point of any structure.
- (C) Rear setback: The minimum distance between the rear lot line and the rear most point of any structure.

**STREETS**: A thoroughfare that affords vehicular movement or access to abutting property and is recorded as such in the Office of the Johnston County Register of Deeds.

**STREET LINE**: The line that forms the boundaries of the street right-of-way.

**STRUCTURE**: Anything constructed, erected, or assembled on the ground or attached to something located on the ground. This includes buildings, signs, fences, communication towers, garages, and other structures.

**SUBDIVIDER**: Any person who subdivides any land.

**SUBDIVISION**: The division of a tract of land into 2 or more lots for the purpose of sale or building development, and all division of land involving the dedication of new streets or a change to existing streets. The following is excluded from this definition:

- (A) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots meets the Town's standards.
- (B) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (C) The public acquisition, by purchase, of strips of land for the widening or opening of street.
- (D) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots meets the Town's standards.

**TOWN**: The municipality of Princeton, NC.

**TOWN BOARD**: The governing board of the Town of Princeton.

**TOXIC SUBSTANCE**: Any substance or combination of substances (including disease-causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

TRAVEL TRAILER: Any structure that:

- (A) Consists of a single unit completely assembled at the factory;
- (B) Is designed so that the total structure can be transported on its own chassis;
- (C) Is not over 32 feet in length and 8 feet in width; and
- (D) May be used as a dwelling unit. Such structures shall be considered travel trailers regardless of other titles that may also be applicable such as camper, mini mobile homes, etc.

USE: The purpose or activity for which a lot and its structures are used.

- (A) Principle use: The main or primary use of land or building.
- (B) Accessory use: A use that is customarily incidental and subordinate to the principal use.
- (C) Temporary use: A use established for a fixed period of time and discontinued upon the expiration of the time period.

VARIANCE: A modification or alteration of any of the literal requirements of this ordinance.

YARD: A space on the same lot with a principle building and occupied only by landscaping, fencing, utilities, and accessory structures as are expressly permitted.

- (A) Front yard: A yard extending the full width of the lot, and situated between the street right-of-way and the front building line projected to the side lot lines.
- (B) Side yard: A yard between the side lot line and the building extending from the front building line to the rear building line.
- (C) Rear yard: A yard extending across the full width of the lot and lying between the rear lot line and the rear building line projected to the side lot lines.

ZONING VESTED RIGHT: The right of a landowner to complete the development and use of a property as permitted under an approved site-development plan.

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**ARTICLE 3: ZONING VESTED RIGHTS**


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**Section 3.1 Purpose**

This Article sets forth the procedures for approving a site-specific development plan for the purpose of establishing vested rights pursuant to NCGS 160A-385.1.

**Section 3.2 Applicability**

This Article applies to existing developments that have secured a valid development permit before the effective date of this ordinance or subsequent amendments.

**Section 3.3 Site-specific Development Plan Defined**

Site-specific development plan is a plan that describes with reasonable certainty the type and intensity of land use for a specific parcel, and is submitted to establish a vested right in accordance with NCGS 160A-385.1. The plan may be a subdivision preliminary plat, development plan, or planned unit development plan, or other development plan as applicable to the development.

**Section 3.4 Establishment of Zoning Vested Rights**

- 3.4.1** A zoning vested right shall be established upon the valid approval of a site-specific development plan.
- 3.4.2** The Town may approve the plan upon such terms and conditions necessary to protect the public health, safety, and welfare.
- 3.4.3** Notwithstanding subsections above, approval of a site-specific development plan with the condition that a variance is obtained shall only confer a zoning vested right when the necessary variance is obtained.
- 3.4.4** A site-specific development plan shall be considered approved upon the date of the approving authority's action relating thereto.
- 3.4.5** Establishment of a vested right confers upon the landowner the right to undertake and complete the development and use the property as proposed in the approved site-specific development plan.
- 3.4.6** A zoning vested right shall attach to and run with the applicable property. The landowner and all successors and assigns shall be entitled to exercise such right and responsibilities while the vested right is valid.

**Section 3.5 Site-specific Development Plan Procedures**

- 3.5.1** Approval procedures: Applications for a site-specific development plan approval shall be filed, processed, and reviewed in accordance with the procedures for a special use permit.
- 3.5.2** Required Notation: Each site-specific development plan shall contain the following notation:

"Approval of this plan establishes a zoning vested right under GS 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until [2 years from date of approval]."

- 3.5.3** Subsequent reviews: An approved site-specific development plan is subject to subsequent reviews and approvals by the Town to ensure compliance with the terms and conditions of the original approval. The subsequent reviews shall be consistent with the original approval.

### **Section 3.6 Voluntary Annexations**

A petition for voluntary annexation filed with the Town under NCGS 160A-31 or NCGS 160A-58.1 shall include a signed statement declaring whether a zoning vested right with respect to the properties subject to the petition has been established under NCGS 160A-385.1. A statement that declares that no zoning vested right has been established, or failure to sign a statement declaring that a vested right has been established is binding on the landowner and shall result in the termination of any vested right that may have existed.

### **Section 3.7 Duration and Termination**

- 3.7.1** Duration of vested right: A zoning vested right shall remain vested for a period of 2 years. Amendments to the site-specific development plan shall not extend the duration of the vested rights period unless expressly provided for by the Town.
- 3.7.2** Extension of vested rights period: Notwithstanding the provisions of the above paragraph, the Town Board may extend the duration of the vested rights period beyond 2 years but not more than 5 years where warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations are at the sound discretion of the Town Board.
- 3.7.3** Issuance of building permit: Upon issuance of a building permit, the provisions of NCGS 160A-418 and NCGS 160A-422 (regarding the validity and revocation of building permits) shall apply, except that a building permit shall not expire or be revoked because of the running of time while a vested right is outstanding.
- 3.7.4** Termination of vested rights period: A right that has been vested shall terminate at the end of the vesting period with respect to buildings and uses for which no valid building permit applications have been filed.
- 3.7.5** Application of new regulations: Regulations adopted subsequent to obtaining vested rights shall become effective on all properties subject to a site-specific development plan upon the expiration, revocation, or termination of vested rights period.

### **Section 3.8 Subsequent Changes Prohibited, Exceptions**

A vested right precludes any subsequent action that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the approved site-specific development plan except as follows:

- 3.8.1** With the written consent of the affected landowner;
- 3.8.2** If the Town finds by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan.
- 3.8.3** The affected landowner is compensated for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, financing fees, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the town, together with interest thereon at the legal

**3.8.4** rate until paid. Compensation shall not include any diminution in the value of the property that is caused by the action.

**3.8.5** Upon findings, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the site-specific development plan by the Town.

**3.8.6** Upon the enactment or promulgation of a state or federal law or regulation which precludes development as contemplated in the site-specific development plan or the phased development plan. In which case the Town may modify by ordinance, after notice and public hearing, the affected provisions of the site-specific development plan to comply with the change in State or federal law that has a fundamental effect on the plan.

**Section 3.9 Provisions to which Vesting Does Not Apply**

**3.9.1** Overlay District Regulations: A vested right shall not preclude the application of overlay district regulations that impose additional requirements but do not affect the permissible type or intensity of use.

**3.9.2** General land use regulations: A vested right shall not preclude those ordinances and regulations that are general in nature and are applicable to all properties subject to land use regulations, including building, fire, plumbing, electrical, and mechanical codes.

**Section 3.10 Limitations**

Nothing in this section is intended or shall be considered to create any vested rights other than those established pursuant to NCGS 160A-385.1.

**Section 3.11 Repealer**

In the event that NCGS 160A-385.1 is repealed, this Article shall be repealed and the provision shall be no longer effective unless otherwise provided for in this ordinance.

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**ARTICLE 4: NONCONFORMITIES**

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**Section 4.1 Purpose**

The purpose of this Article is to establish regulations for nonconforming lots, structures, and uses. The intent of this ordinance is to permit these nonconforming lots, structures and uses to continue subject to the provisions of this Section, but to encourage the eventual elimination of the nonconformity.

**Section 4.2 General Provisions****4.2.1 Maintenance and Damage:**

- A.** Maintenance and repairs necessary to keep a structure in sound condition is permitted.
- B.** A nonconforming structure damaged to an extent of more than 50 percent of its replacement value may only be reconstructed or repaired in conformance with the provisions of this Ordinance.

**4.2.2 Undue Hardship:**

- A.** To avoid undue hardship, nothing in this ordinance shall require a change in the plans, construction, or designated use of any structure on which actual construction has lawfully begun, and upon which actual construction has been diligently carried on before the effective date of this ordinance or amendment.
- B.** Actual construction includes placing construction materials in permanent position and fastening in a permanent manner.

**Section 4.3 Nonconforming Lots**

**4.3.1 Definition:** Is an undeveloped lot that were lawful prior to the effective date of this Ordinance or amendment, but fails to conform to the lot area and minimum dimensional requirements of the current ordinance.

**4.3.2 Use of lot:** Except as limited by the provisions for substandard lots, the lot may be used as permitted in the district in which it is located if the yard requirements for that district are satisfied.

**4.3.3 Modifications:** A nonconforming lot may only be modified to conform with the current requirements of this Ordinance.

**Section 4.4 Nonconforming Uses**

**4.4.1 Definition:** Is a use of land and structures that were legally established in accordance with the ordinance in effect at the time, but fails to conform to the current ordinance.

**4.4.2 Nonconforming Uses of Land:** A nonconforming use of land includes salvage yards, auto sales lots, and similar open uses. Such uses may continue subject to the following:

- A. The use of land may not be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of this ordinance or subsequent amendment.
- B. The nonconforming use of land shall not be changed to another nonconforming use.
- C. If any part of a nonconforming use of land is made to comply with these regulations, that part shall only be subsequently changed in compliance with this ordinance.
- D. If a nonconforming use of land is discontinued for 180 consecutive days, any subsequent use must comply with the current Ordinance.

**4.4.3** Nonconforming Uses of Structures and Land: The nonconforming use of structures and land may continue subject to the following:

- A. Existing structure devoted to a nonconforming use may be enlarged, extended, reconstructed, or structurally altered if the use is changed to conform with this ordinance.
- B. The nonconforming use may not be extended to occupy a greater area of land than was occupied before the effective date of this ordinance or amendment.
- C. No part of the nonconforming use may be moved to another part of the lot or structure not occupied by the use before the effective date of this ordinance or subsequent amendment.
- D. The nonconforming use may not be changed to another nonconforming use unless approved under a special use permit. The other use must be more in character with the uses permitted in the district than the original use. Once the alternative use is approved, the original use loses its nonconforming status and may not be re-established.
- E. When any part of a nonconforming structure or use is made to conform to the regulations of this ordinance, the part that is made to conform may not be subsequently changed in a manner that would be nonconforming.
- F. If the nonconforming use of a building is discontinued for 180 consecutive days or for more than 18 months in any 3-year period, subsequent use of the building or land must be permitted in the applicable zoning district.

## **Section 4.5 Nonconforming Structures**

**4.5.1** Definition: Is an existing structure that fails to comply with the size, dimension, or setback requirements of the current ordinance.

**4.5.2** Continuation: Nonconforming structures may remain and its conforming use may continue subject to the following:

- A. These structures may only be enlarged or modified to comply with this ordinance.



- B.** If the structure is damaged or destroyed by fire, explosion, or other calamity to an extent of more than 50 percent of its replacement value, it may only be reconstructed in conformity with this Ordinance.
- C.** If the structure is moved for any distance for any reason, it shall conform to the regulations for the district in which it is located.

**4.5.3** Nonconforming Manufactured Homes: A nonconforming manufactured home on a lot may be replaced by another manufactured home subject to the following:

- A.** The replacement manufactured home is 10 years old or less at the time of its placement.
- B.** The replacement manufactured home is placed on the lot in compliance with the yard requirements of the zoning district.
- C.** The replacement manufactured home is placed on the lot within 180 days of the date the nonconforming manufactured home was removed from the lot.

**4.5.4** Nonconforming signs: A nonconforming sign may remain as long as it is properly maintained and not detrimental to the public health, safety, and welfare subject to the following:

- A.** The sign may only be structurally changed, altered, substituted, or enlarged to comply with the provisions of this Ordinance.
- B.** A nonconforming sign that becomes obsolete must be removed by the owner.

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**ARTICLE 5: GENERAL REGULATIONS**

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**Section 5.1      Applicability**

This Article applies to all uses, structures, and lands and in all zoning districts of the Town of Princeton.

**Section 5.2      Visibility at Intersections**

- 5.2.1**      Visibility at street intersections: Nothing shall be placed or maintained near a street intersection that obstructs the vision of approaching motorist.
- 5.2.2**      Sight-visibility triangle: A sight visibility triangle shall be maintained. The triangle shall be formed by the right-of-way lines of the intersecting streets, and a diagonal line connecting at a point on each intersecting street that is 20 feet from the point where the streets intersect. Nothing between the height of 2-1/2 feet and 10 feet shall be placed or maintained within this triangle.
- 5.2.3**      Visibility at driveway intersections: Nothing that obstructs the view of vehicles entering or leaving a site shall be maintained at a driveway and street intersection.

**Section 5.3      Buildings and Structures**

- 5.3.1**      General requirements: All buildings and structures erected after the effective date of this ordinance or amendment shall comply with the requirements of this Ordinance. Existing structures may only be enlarged, altered, reconstructed, or relocated in compliance with the requirements of this Ordinance.
- 5.3.2**      Exceptions to height limitations: Structures not intended for human occupancy may exceed the district height limitations with an approved special use permit. Such structures include water towers, observation towers, transmission towers, chimneys, smokestacks, flagpoles, radio towers, and similar structures,

**Section 5.4      Lot Standards**

- 5.4.1**      General requirements: No lot shall be created, modified, or developed in a manner that does not conform with this ordinance.
- 5.4.2**      Exceptions for existing substandard lots:
- A.** If 2 or more lots with continuous frontage are under single ownership at any time after the effective date of this ordinance, and the lots have less than the minimum width or area required, then the lots shall be considered a single lot or several lots, with each lot having the minimum width, depth, and area required.
  - B.** Except as set forth in the paragraph above, an existing lot with less than the minimum width or area required for a single-family dwelling in a district may be developed for a single-family dwelling subject to the setback requirement of the applicable district.

- C. Except as set forth above, the Zoning Enforcement Officer may reduce the side yard setback to not less than 10 feet for an existing lot with less than the minimum width required.

**5.4.3** Yard requirements:

- A. No building shall be erected in a manner to have narrower or smaller side yards or rear yards than specified for the use in this Ordinance. No part of a required side yard or rear yard shall be included as a part of the yard required for another building.
- B. No yard setback on existing lots shall be reduced in dimension or area to less than the minimum required in these regulations.

**5.4.4** Setback on through lots and corner lots:

- A. On through lots, the minimum front yard setback shall be provided on both streets.
- B. On corner lots, the minimum front yard setback and lot width shall be provided on each side of the lot that fronts on a street right-of-way.

**5.4.5** Minimum frontage: The minimum frontage shall be measured at the front yard setback line.

**5.4.6** Ingress and egress: Every lot shall have a safe and convenient point of ingress and egress from an improved public street.

**Section 5.5 Use of Land and Structures**

**5.5.1** Uses of land and structures: No persons shall use any land or structure for any purposes except as permitted in the applicable district. Uses not listed in this Ordinance are prohibited.

**5.5.2** One principle use and structure per lot: Only 1 principle structure and use is permitted on a lot except within an integrated development under single ownership, such as shopping centers, manufactured home parks, and multi-family complexes.

**Section 5.6 Utilities:**

**5.6.1** Service required: No person shall place or alter a structure for human occupancy on a lot or use any part of a structure or lot for residential, commercial, industrial, or other purpose that is not provided with a safe and sanitary potable water supply, and wastewater collection and treatment system

**5.6.2** Compliance with applicable standards: Water, sewer, and other utilities must comply with the applicable standards of the State of North Carolina, Johnston County, the Town, and utility company.

## Section 5.7 Fences and Walls

- 5.7.1** Location: Fences shall be located on the lot of an existing principal use or building. The owner of the lot upon which the fence is located is responsible for locating property lines and utility lines prior to constructing the fence.
- 5.7.2** Maximum height: Fences and walls located in front of the front setback line shall not exceed a height of 4 feet. Fences and walls located behind the front setback line shall not exceed a height of 6 feet. The height of the fence or wall shall be measured from the ground to the uppermost portion of the fence.
- 5.7.3** Construction and Maintenance: Fences shall be constructed of durable, weather-treated or rust proofed materials and shall be maintained in good condition.
- 5.7.4** Required Retaining Walls: The setback requirements of this ordinance shall not be restricted by the construction of any necessary retaining walls.

## Section 5.8 Buffers and Screening

- 5.8.1** Purpose and applicability: Required buffer and screening are intended to increase compatibility between conflicting land uses. Buffer and screening shall minimize noise, dust, odor, litter and other nuisances; enhance the visual impact on adjacent land uses; and establish a sense of privacy. This section applies to all new development and redevelopment, and to all building expansion projects.
- 5.8.2** Buffering and screening required:
- A.** Nonresidential uses must be buffered and screened along all property lines abutting a residentially used or zoned lot.
  - B.** Multifamily residential uses shall be buffered and screened along all property lines abutting a single-family residentially used or zoned lot.
  - C.** The perimeter of outdoor storage areas shall be screened from public view on all sides.
  - D.** Trash containers at multi-family complexes and nonresidential uses shall be screened from public view on all sides.
- 5.8.3** Specifications for buffers and screenings: Unless stricter standards are specified elsewhere in this ordinance, required buffer and screening must meet the following specifications:
- A.** Buffer areas must be undisturbed except at approved access and utility crossing. Buffer areas may only consist of natural vegetation, screenings, and utilities. The buffer shall be at least 10 feet in width from adjoining property lines.
  - B.** Screening along adjoining lot lines shall be at least 6 feet in height. Screening may consist of a wood or masonry fence or a vegetated strip of evergreen shrubs that will reach at least 6 feet in height within 3 years from date of planting,

- 5.8.4** Maintenance: Buffer areas and screening material shall be maintained to continue their effectiveness and appearance.
- 5.8.5** Berms: Berms are subject to the permitting requirements of DENR. Any berm constructed pursuant to this provision shall be vegetated and landscaped with appropriate evergreen landscape material.
- 5.8.6** Plan required: Development plans must show compliance with the provisions of this Section. The required buffer and screening must be installed before a certificate of compliance is issued.

## **Section 5.9 Outdoor storage and display areas**

- 5.9.1** General: No outdoor storage or display area shall be located on a vacant lot or at any vacant building location. Building materials used for construction on the premises may be stored with a valid building permit.
- 5.9.2** Outdoor storage areas:
- A.** Storage materials are limited to merchandise, materials, equipment and other items sold or leased by the business on the premises.
  - B.** Outdoor storage areas shall be located to the side or rear of the principle building, and shall be setback at least 15 feet from all property lines.
  - C.** A solid fence or wall shall screen storage materials from public view on all sides. The height of stored material shall not exceed the height of the fence. The Zoning Enforcement Officer may impose restrictions on the type of storage or location of storage areas to avoid adverse visual effect.
- 5.9.3** Outdoor display areas:
- A.** Outdoor display areas shall be limited to merchandise offered for sale or lease by the business establishment on the premises.
  - B.** Outdoor display areas shall be setback at least 15 feet from all property lines.

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## ARTICLE 6: HOME OCCUPATIONS

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### Section 6.1 Purpose and Intent

The purpose of this Article is to allow the occupant of a residential dwelling to conduct limited commercial activity in a manner that is incidental and subordinate to the residential use of the property. The intent of this Article is to ensure that home occupations are compatible with, and do not change the character of the surrounding residential properties by generating traffic, noise, odors, visual impacts, or storage of materials that exceeds what would normally be expected in a residential zoning district.

### Section 6.2 General Requirements

- 6.2.1** Maintenance of residential character: The residential character of the dwelling shall be maintained. The conduct of a home occupation shall not cause a dwelling or its premises to differ from its residential character. The conduct of the occupation shall be incidental and subordinate to the residential character of the dwelling.
- 6.2.2** Fire rating: Chemicals, or electrical or mechanical equipment used in conjunction with the home occupation shall not change the fire rating of the dwelling.
- 6.2.3** Emissions and Nuisances:
- A.** No home occupation shall generate traffic, sound, smell, vibration, light or dust that is offensive or creates a nuisance. No equipment that interferes with radio or television reception is allowed. No home occupation shall emit sound that is detectable beyond the property.
  - B.** No home occupation shall discharge waste into any waterway, stream, lake, ground, or septic tank that will damage plants or crops, or that is dangerous or a nuisance to persons or animals.
- 6.2.4** Vehicles and parking: Only passenger vehicles shall be used in connection with the conduct of the occupation. All vehicles shall be parked within the confines of the residential driveway, garage, or other on-site parking spaces.
- 6.2.5** Required licenses: Business or occupational license or registration required by state or local regulations shall be presented to the Town before the home occupation can be established.
- 6.2.6** Uses specifically prohibited: Uses prohibited as home occupations are: car washes, truck terminals, abattoirs, paint, petroleum, and chemical plants; the bulk storage of flammable liquids, funeral homes and mortuaries, message parlors, sale, rental, or viewing of material of a pornographic nature, movie, theaters, animal hospitals and kennels, and bottled gas sales.
- 6.2.7** Signs: Only 1 non-illuminated sign identifying the home occupation is permitted. The sign shall have a maximum area of 2 square feet.

## Section 6.3 Classes of Home Occupations

**6.3.1** Class A Home Occupation: Class A home occupations may be conducted on any size residential lot subject to the following:

- A.** Only occupants of the dwelling may be employed in the home occupation.
- B.** No more than 25 percent or 500 square feet of the gross floor area of the dwelling may be devoted to the home occupation.
- C.** Accessory structures must resemble a residential garage. Accessory structures may be used to store commercial vehicles or materials used in the conduct of the occupation. One accessory structure with no more than 1000 square feet may be used for other purposes with a conditional use permit. Conditional use permit applications must include a sketch of the accessory structure and a list of materials to be stored.
- D.** Manufacturing processes, instruction, sales, services, or other work in connection with the home occupation is prohibited.
- E.** Outdoor sales or storage is prohibited.
- F.** Automotive repair garages are prohibited.

**6.3.2** Class B Home Occupation: Class B home occupations may be conducted on residential lots of at least 40,000 square feet in size subject to the following:

- A.** Only occupants of the dwelling and 2 non-resident employees may engage in the home occupation.
- B.** No more than 800 square feet, or no more than 50 percent of the gross floor area of the dwelling unit may be devoted to the home occupation.
- C.** One accessory structure may be used in connection with the home occupation. The maximum gross floor area of the structure shall be 75 percent or less of the principle dwelling. The accessory structure may be used to store commercial vehicles and materials used in connection with the home occupation and to conduct the occupation.
- D.** No outdoor sales or storage is allowed.

**6.3.3** Class C Home Occupations: Class C home occupations may be conducted on residential lots of 5 acres or more in size and 350 feet in width at building line subject to the following:

- A.** Only occupants of the dwelling and 5 additional employees may engage in the home occupation.
- B.** No more than 50 percent of the gross floor area of the dwelling unit shall be devoted to the home occupation.
- C.** No more than 5000 square feet of the gross floor area of an accessory building may be devoted to the home occupation. The accessory building shall be in the rear yard of the lot, and setback at least 50 feet from all property lines.
- D.** Outdoor display and storage areas shall be screened from public view on all sides by a solid screen at least 6 feet in height.

**ARTICLE 7: ESTABLISHMENT OF ZONING DISTRICTS**

**Section 7.1 Purpose**

The zoning districts established in this Ordinance are intended: to promote the orderly development of the Town in accordance with the Land Use Plan; to discourage development that would create excessive requirements and costs for public services; to discourage uses which because of their size or type would generate an abnormal amount of traffic on minor streets; to establish relationships between and among land uses that will ensure compatibility; to maintain a high quality of life; and to protect and promote suitable environments for residences, institutions, commercial and other uses.

**Section 7.2 Establishment of Zoning Districts**

To carry out this purpose the following zoning districts are hereby established:

Reference	District Title
Zoning Districts	
R1	Rural Residential District
R2	Low Density Residential District
R3	Medium Density Residential District
R4	Multifamily Residential District
R5	Mobile Home Park District
C1	Reserved for Future Use
C2	Downtown District
C3	Neighborhood & Highway Comm. District
I1	Light Industrial District
I2	Heavy Industrial District
P	Public District

**Section 7.3 Designation of Official Zoning Map**

**7.3.1** The zoning district boundaries for lands within the Town’s jurisdiction are shown on the digital geographic coverage layer entitled “Zoning”, which are maintained by the Johnston County GIS Department. This geographic coverage layer as amended, constitutes the official zoning map for the Town and is incorporated into this zoning ordinance by reference. This map supersedes all prior official zoning maps.

**7.3.2** The Town Clerk shall keep an original copy of the zoning map on file and available for public inspection. The Town Clerk shall certify that the original copy is a true and correct copy of the official zoning map as of the date of its adoption. The Town Clerk shall periodically inspect the certified copy of the map and correct any discrepancies between the official map and the original copy.

**7.3.3** The Town Clerk shall immediately notify the Johnston County GIS Department of any amendments approved by the Town Board to the official zoning map. The notice shall describe all properties affected by the amendment and the nature of the amendment, request that the amendment be shown on the Official Zoning Map, and shall contain the following statement:

"On [date of public meeting], by official action of the Town Board of Commissioners, the following changes were made to the Official Zoning Map:  
 \_\_\_\_\_ [brief description of nature of change]."



- 7.3.4** The Town Clerk shall also note on the certified copy the amendment and date of approval.
- 7.3.5** Any change to the official zoning map made after the effective date of this Ordinance is only valid if approved by the Town Board of Commissioners.
- 7.3.6** The Zoning Enforcement Officer may distribute printed copies of the official zoning map as a convenience to the public. If discrepancies exist between the official zoning map and copies, the official zoning map shall govern.
- 7.3.7** If the Official Zoning Map is damaged, destroyed, lost, or difficult to interpret, the Town Board may adopt an ordinance designating a new Official Zoning Map. The new map shall be the same in every detail as the map it replaces. The new map shall bear the signatures of the current officials and the seal of the Town under the following words:
- "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ [date of adoption of map replaced]".
- 7.3.8** The date of adoption of the new Official Zoning Map shall also be shown.

#### **Section 7.4 Rules for Interpreting Base Zoning District Boundaries**

The following rules shall apply when interpreting the location of boundary lines shown on the zoning map to the ground.

- 7.4.1** Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- 7.4.2** Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- 7.4.3** Boundaries indicated as approximately following town limit lines shall be construed to follow such town limit lines.
- 7.4.4** Boundaries indicated as following the rights-of-way of railroad lines shall be construed to follow such rights-of-way.
- 7.4.5** Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- 7.4.6** The scale of the map shall determine distances not specifically indicated on the official zoning map
- 7.4.7** If the physical or cultural features on the ground differ with those shown on the Official Zoning Map, the Board of Adjustment shall determine the boundary
- 7.4.8** Where a district boundary divide a lot, the Board of Adjustment may extend the regulations for either portion of the lot into the remaining portion for a distance not to exceed 50 feet beyond the district line.

## **Section 7.5      Designation of Watershed Areas**

The boundaries of the watershed districts are designated by the Public Water Supply Watershed by the N.C. Environmental Management Commission and shown on the map entitled, "Watershed Protection Map of Princeton, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all explanatory matter are made a part of this Ordinance. The Watershed Map shall be permanently kept on file in the office of the Town Clerk.

## **Section 7.6      Rules for Interpreting Watershed Boundaries**

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

- 7.6.1**      Where boundaries are indicated as approximately following street, alley, railroad or highway lines or centerlines thereof, those lines shall be construed to be those boundaries.
- 7.6.2**      Where area boundaries are indicated as approximately following lot lines, those lot lines shall be construed to be the boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Town as evidence that one or more properties along these boundaries do not lay within the watershed area.
- 7.6.3**      Where the watershed area boundaries lie at a scaled distance more than 25 feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
- 7.6.4**      Where the watershed area boundaries lie at a scaled distance of 25 feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
- 7.6.5**      Where other uncertainty exists, the Zoning Enforcement Officer shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Board of Adjustment.

**ARTICLE 8: ZONING DISTRICT REGULATIONS**

**Section 8.1 R1, Rural Residential District**

**8.1.1 Purpose:** This district is intended to provide appropriate locations for low-density single-family residential development, agricultural activities, and complementary land use activities that will preserve the rural character of outlying areas; create a healthy living environment for residents of the district; and prevent slum and blight conditions. This district is limited to the rural sections of the Town’s jurisdiction where the mixing of such uses has been found to be necessary and desirable.

**8.1.2 Dimensional requirements:** Minimum dimensional requirements for R1 districts.

Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Setback			Maximum Building height
				Front	Rear	Side	
Single-family dwelling unit/manufactured home	21,750 square feet	100 feet	200 feet	30 feet	30 feet	20 feet	35 feet
Nonresidential uses	43,250 square feet.	100 feet	200 feet	35 feet	40 feet	25 feet	35 feet

**Section 8.2 R2, Low Density Residential District**

**8.2.1 Purpose:** This district is to provide appropriate locations for low density single-family residential neighborhoods and complimentary activities. The regulations of this district are intended to restrict or discourage activities that, because of their nature, would interfere with the residential characteristics of these areas.

**8.2.2 Dimensional requirements:** Minimum dimensional requirements for R2 districts:

Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Setback			Maximum Building height
				Front	Rear	Side	
Single-family dwelling units or manufactured home	15,000 square feet	100 feet	150 feet	30 feet	25 feet	10 feet	35 feet
Nonresidential uses	20,000 square feet	100 feet	200 feet	30 feet	30 feet	20 feet	35 feet

**Section 8.3 R3, Medium Density Residential District**

**8.3.1 Purpose:** This district is designed to provide appropriate locations for medium-density residential neighborhoods offering single family and two-family housing opportunities and other complementary uses and amenities. The regulations of this district will implement controls to provide an attractive living environment for residents and to ensure development is compatible with the surrounding areas.

**8.3.2** Dimensional requirements: Minimum dimensional requirements in R3 districts.

Use	Minimum Lot	Minimum Lot Width	Minimum Lot Depth	Minimum Setback			Maximum Building Height
				Front	Rear	Side	
Single-family dwelling unit or Manufactured home	10,000 square feet	75 feet	125 feet	25 feet	25 feet	15 feet	35 feet
Two-family dwelling unit	15,000 square feet	75 feet	125 feet	25 feet	25 feet	15 feet	35 feet
Nonresidential uses	20,000 square feet	90 feet	150 feet	30 feet	30 feet	15 feet	

**Section 8.4 R4, Multifamily Residential Density District**

**8.4.1** Purpose: This district is designed to provide appropriate locations for high-density residential neighborhoods offering multifamily housing opportunities. The regulations of this district will implement controls to provide an attractive living environment for residents and to ensure development is compatible with the surrounding area.

**8.4.2** Dimensional requirements: Minimum dimensional requirements for R4 districts.

Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Setback			Maximum Building Height
				Front	Rear	Side	
Multi-family dwelling units	10,000 for 1 <sup>st</sup> Dwelling unit, overall density may not exceed 6 dwelling units per acre.	90 feet	150 feet	25 feet	25 feet	10 feet	2 occupied floors/stories

**Section 8.5 R5, Mobile Home Park District**

**8.5.1** Purpose: This district is designed to provide appropriate locations for mobile home parks.

**8.5.2** Dimensional requirements: All development within an R5 district shall comply with the mobile home regulations found in section 11.5 of the Zoning Ordinance. Mobile Home Parks as defined in 11.5 should be the only permitted use in this zone.

**Section 8.6 C1, Reserve for Future Use**

**Section 8.7 C2, Downtown District**

**8.7.1** Purpose: This district is established to allow activities that will promote the downtown district as the retail, business, institutional, governmental, and cultural center for residents and visitors of Princeton.

**8.7.2** Dimensional requirements: Minimum dimensional requirements for C2 districts.

Lot area	No minimum required
Lot width	No minimum required
Lot depth	No minimum required
Minimum Setbacks	
Front yard	No minimum required
Rear yard	No minimum required
Side yard	No minimum required
Building height	35 feet

**Section 8.8      C3, Neighborhood & Highway Commercial District**

**8.8.1**      Purpose: This district is designed to provide appropriate areas for intensive, high impact commercial activities that serve the needs of the community and surrounding region, and expand the economic tax base of the Town. This district is also designed to provide appropriate locations for higher density multifamily residential housing opportunities. Activities allowed within this district will typically generate large volumes of heavy-truck traffic and require high visibility. Therefore, these activities are best suited for location along major highways. The regulations of this district are designed to minimize traffic congestion and hazards, and to eliminate blight.

**8.8.2**      Dimensional requirements: Minimum dimensional requirements for C3 districts:

Minimum Lot Area	10,000 square feet; overall density for multifamily residential may not exceed 10 dwelling units per acre.
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Setbacks	
Front	25 feet
Rear	25 feet
Side	10 feet
Maximum Building height	35 feet; for multifamily residential structures, no more than 2 occupied floors/stories.

**Section 8.9      I1, Light Industrial District**

**8.9.1**      Purpose: This district is designed to provide appropriate locations for light industrial, warehousing activities, and certain heavy commercial activities that do not generate noticeable amounts of noise, dust, odor, smoke, or glare outside the building in which these activities are located. The regulations of this district are intended minimize the external impact these activities may have on the surrounding neighborhood.

**8.9.2** Dimensional requirements: Minimum dimensional requirements for I1 districts.

Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Setback	
Front	25 feet
Rear	25 feet
Side	10 feet
Maximum Building Height	35 feet

**Section 8.10**      **I2, Heavy Industrial**

**8.10.1**      Purpose: This district is designed to provide appropriate locations for heavy industrial and other activities that, by their nature, can have significant external impact (noise, traffic, odor, smoke, etc.) on the environment and on surrounding areas. The regulations of this district will implement special design and site controls that will minimize the adverse impact these activities may have on the public health, safety, and welfare.

**8.10.2**      Dimensional requirements: Minimum dimensional requirements for I2 districts:

Lot area	20,000
Lot width	100 feet
Lot depth	150 feet
Minimum setbacks	
Front yard setback	25 feet
Rear yard setback	25 feet
Side yard setback	10 feet
Building height	35 feet

**Section 8.11**      **P, Public**

**8.11.1**      Purpose: This district is designed to provide appropriate areas for certain public and institutional activities that support residential, commercial, and industrial developments, and enhance the quality of life of residents. The regulations of this district are intended to ensure adequate public facilities are available to meet the needs of existing and proposed developments.

**8.11.2** Dimensional requirements: Minimum dimensional requirements for P districts:

Lot area	7500 square feet
Lot width	75 feet
Lot depth	100 feet
Front yard setback	25 feet
Rear yard setback	25 feet
Side yard setback	10 feet
Building height	35 feet

**Section 8.12 Table of Permitted Uses**

All uses shall be permitted as indicated in the following table, and pursuant to *ARTICLE 15: Administrative Procedures*. For purpose of this section the following abbreviations shall have the following meanings: P= Permitted by right (subject to Zoning Enforcement Officer approval); C=Conditional Use subject to Board of Adjustment review and approval; S= Special use permitted by Town Board upon recommendation from Planning Board; A dash (--) = Not permitted. Uses not listed are prohibited.

TABLE OF PERMITTED USES

		RURAL RESIDENTIAL	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	MULTIFAMILY RESIDENTIAL	MOBILE HOME PARK RESIDENTIAL	RESERVED FOR FUTURE	DOWNTOWN COMMERCIAL	NEIGHBORHOOD HIGHWAY COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PUBLIC
USE	SPECIFIC USE STANDARDS REFERENCE	R1	R2	R3	R4	R5	C1	C2	C3	I1	I2	P
<b>Residential uses</b>												
Single-family dwelling		P	P	P	P	-		--	--	--	--	--
Manufactured Home Accessory	11.4.1	C	C	C	--	--		--	--	--	--	--
Modular home		P	P	P	P	P		--	--	--	--	--
Manufactured home, Class A	11.3.1	P	--	--	--	P		--	--	--	--	--
Manufactured home, Class B	11.3.2	--	--	--	--	P		--	--	--	--	--
Manufactured home, Class C	11.3.3	--	--	--	--	P		--	--	--	--	--
Manufactured home, Family	11.4	S	S	S	S	P		--	--	--	--	--
Two-family dwelling		--	--	P	--	-		--	--	--	--	--
Multi-family dwelling	10.5.4	--	--	--	S	-		--	S	--	--	--
Townhouse	10.5.4	--	--	-	S	-		--	S	--	--	--
Family care homes	10.5.3	P	P	P	P	-		--	--	--	--	--
Upper floor residential	10.5.14	--	--	--	--	-		S	--	--	--	--
Home occupations	Article 6	P	P	P	P	-		--	--	--	--	--
Accessory Structures	6.3.1	C	C	C	--	--		--	--	--	--	--
Accessory buildings	10.3	P	P	P	P	-		--	--	--	--	--
<b>Agricultural uses</b>												
Crop production (farming)		P	--	--	--	--		--	--	--	--	--
Forestry and logging		P	--	--	--	--		--	--	--	--	--
Greenhouse, nursery, and floriculture		P	--	--	--	--		--	--	--	--	--
<b>Commercial uses</b>												
ABC store		--	--	--	--	--		--	P	--	--	--
Administrative offices		--	--	--	--	--		P	P	--	--	--
Agricultural supply store		--	--	--	--	--		--	P	P	--	--
Antique shops		--	--	--	--	--		P	P	--	--	--
Art dealers, supplies, sales and service		--	--	--	--	--		P	P	--	--	--
Arts, entertainment, and recreation facilities		--	--	--	--	--		P	P	--	--	--
Automobile dealerships		--	--	--	--	--		--	P	P	--	--
Automobile parking lots		--	--	--	--	--		P	P	P	--	--
Automobile parts and accessories		--	--	--	--	--		P	P	P	--	--
Automobile repair service		--	--	--	--	--		--	P	P	--	--
Bakery		--	--	--	--	--		P	P	--	--	--
Barbershop or Beauty Salon		--	--	--	--	--		P	P	--	--	--
Bars or drinking establishments		--	--	--	--	--		S	P	S	--	--
Bed and breakfast inns		--	--	--	--	--		P	P	--	--	--
Bicycle, motorcycle, ATV sales and service		--	--	--	--	--		S	P	P	--	--
Billboard (off-premise) signs		--	--	--	--	--		--	S	S	S	
Billiards, bowling establishments		--	--	--	--	--		P	P	P	--	--
Boat and marine craft dealership sales and service		--	--	--	--	--		--	P	P	--	--
Bookstores		--	--	--	--	--		P	P	--	--	--
Camera and photographic supply store		--	--	--	--	--		P	P	--	--	--
Car washes		--	--	--	--	--		--	P	P	--	--
Car, truck, RV rental establishments		--	--	--	--	--		--	P	P	--	--



TABLE OF PERMITTED USES

		RURAL RESIDENTIAL	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	MULTIFAMILY RESIDENTIAL	MOBILE HOME PARK RESIDENTIAL	RESERVED FOR FUTURE	DOWNTOWN COMMERCIAL	NEIGHBORHOOD HIGHWAY COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PUBLIC
USE	SPECIFIC USE STANDARDS REFERENCE	R1	R2	R3	R4	R5	C1	C2	C3	I1	I2	P
Caterers		--	--	--	--	--		P	P	--	--	--
Clothing and apparel		--	--	--	--	--		P	P	--	--	--
Commercial and industrial machinery rental		--	--	--	--	--		--	P	P	--	--
Commercial communication towers		S	S	S	S	-		S	S	S	S	S
Communication and Information		--	--	--	--	--		P	P	--	--	--
Computer stores, (hardware and software)		--	--	--	--	--		P	P	--	--	--
Convenience store, w/o gas station		--	--	--	--	--		P	P	--	--	--
Cosmetic and beauty supplies		--	--	--	--	--		P	P	--	--	--
Credit and finance establishments		--	--	--	--	--		P	P	--	--	--
Daycare centers		P	P	P	P	-		P	P	--	--	--
Department stores, warehouse clubs, superstores		--	--	--	--	--		--	P	P	--	--
Dry cleaners and laundries		--	--	--	--	--		P	P	--	--	--
Electronic and appliance sales and service		--	--	--	--	--		P	P	P	--	--
Existing Structure Relocation	10.5.15	C	C	C	--	--		C	C	--	--	--
Extermination and pest control		--	--	--	--	--		P	P	--	--	--
Financial institutions		--	--	--	--	--		P	P	--	--	--
Fitness centers and gyms		--	--	--	--	--		P	P		--	--
Flea markets	10.5.16	--	--	--	--	--		--	S	S	--	--
Florists and gift shops		--	--	--	--	--		P	P	--	--	--
Furniture or home furnishings (no outside storage)		--	--	--	--	--		P	P	P	--	--
Furniture or home furnishings (with outside storage)		--	--	--	--	--		S	P	P	--	--
Gasoline service station,		--	--	--	--	--		P	P	P	--	--
Grocery store or supermarket		--	--	--	--	--		P	P	--	--	--
Hardware and home centers		--	--	--	--	--		P	P	--	--	--
Heating and plumbing equipment		--	--	--	--	--		P	P	P	--	--
Hotels, and motels, and accommodations		--	--	--	--	--		--	P	P	--	--
Insurance-related establishments		--	--	--	--	--		P	P	--	--	--
Investment banking and brokerages		--	--	--	--	--		P	P	--	--	--
Janitorial services		--	--	--	--	--		P	P	--	--	--
Jewelry and watch sales and repair		--	--	--	--	--		P	P	--	--	--
Kennel	10.5.6							S	S	S		
Lawn and garden supplies		--	--	--	--	--		P	P	--	--	--
Lumberyards and building supplies		--	--	--	--	--		S	P	P	--	--

TABLE OF PERMITTED USES

USE	SPECIFIC USE STANDARDS REFERENCE	RURAL RESIDENTIAL	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	MULTIFAMILY RESIDENTIAL	MOBILE HOME PARK RESIDENTIAL	RESERVED FOR FUTURE	DOWNTOWN COMMERCIAL	NEIGHBORHOOD HIGHWAY COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PUBLIC
		R1	R2	R3	R4	R5	C1	C2	C3	I1	I2	P
Manufactured home sales		--	--	--	--	--		--	P	P	--	--
Medical offices, clinics		--	--	--	--	--		P	P	--	--	--
Miniature golf establishment		--	--	--	--	--			P	P	--	--
Mini-warehouse		--	--	--	--	--		--	P	P	--	--
Museums		--	--	--	--	--		P	P		--	--
Newspaper offices		--	--	--	--	--		P	P	--	--	--
Personal service establishment		--	--	--	--	--		P	P	--	--	--
Pet or pet supply store		--	--	--	--	--		P	P	--	--	--
Pharmacy or drug store		--	--	--	--	--		P	P	--	--	--
Private recreation facilities		S	S	S	S	-		S	S	S	S	--
Professional service offices		--	--	--	--	--		P	P	--	--	--
Property management services		--	--	--	--	--		P	P	--	--	--
Radio and television stations		--	--	--	--	--		P	P	--	--	--
Real estate offices		--	--	--	--	--		P	P	--	--	--
Real estate, and rental and leasing		--	--	--	--	--		P	P	--	--	--
Restaurants w/ no drive thru		--	--	--	--	--		P	P	--	--	--
Restaurants, drive-thru		--	--	--	--	--		--	P	P	--	--
Retail sales and services		--	--	--	--	--		--	P	P	--	--
Rooming, tourist, boarding home		--	--	--	--	--		S	P	--	--	--
Service establishments		--	--	--	--	--		--	--	--	--	
Shoe sales and repair		--	--	--	--	--		P	P	--	--	--
Skating rinks		--	--	--	--	--		P	P	P	--	--
Sporting goods, musical instruments		--	--	--	--	--		P	P	--	--	--
Toy stores,		--	--	--	--	--		P	P	--	--	--
Travel agencies		--	--	--	--	--		P	P	--	--	--
Veterinary services		--	--	--	--	--		P	P	--	--	--
Video arcades		--	--	--	--	--		P	P	P	--	--
<b>Institutional uses</b>												
Educational institutions		--	--	--	--	--		P	--	--	--	--
Colleges and universities		--	--	--	--	--		P	P	P	--	--
Private schools		S	S	S	S	-		P	P	P	--	--
Public schools		S	S	S	S	-		P	P	P	--	--
Mobile classrooms (as accessory to public schools)		S	S	S	S	-		S	S	S	--	--
Technical or trade schools		--	--	--	--	--		P	S	S	--	--
Public administrative offices		S	S	P	P	-		P	P	P	P	P

TABLE OF PERMITTED USES

P = PERMITTED USE C = CONDITIONAL USE S = SPECIAL USE -- = NOT PERMITTED		RURAL RESIDENTIAL	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	MULTIFAMILY RESIDENTIAL	MOBILE HOME PARK RESIDENTIAL	RESERVED FOR FUTURE	DOWNTOWN COMMERCIAL	NEIGHBORHOOD HIGHWAY COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PUBLIC
USE	SPECIFIC USE STANDARDS REFERENCE	R1	R2	R3	R4	R5	C1	C2	C3	I1	I2	P
Public recreation facilities	10.5.10	P	P	P	P	-		P	P	P	P	P
Public safety	10.5.11	S	S	S	S	-		P	P	P	P	P
Public utilities	10.5.11	S	S	S	S	-		P	P	P	P	P
Electrical power		P	P	P	P	-		P	P	P	P	P
Natural gas, petroleum, fuel, etc		P	P	P	P	-		P	P	P	P	P
Sewer treatment and disposal facilities	10.5.10	P	P	P	P	-		P	P	P	P	P
Telephone and other wired telecommunications		P	P	P	P	-		P	P	P	P	P
Water supply, storage, and treatment facilities	10.5.11	P	P	P	--	-		P	P	P	P	P
Ambulatory and outpatient services		--	--	S	--	-		P	P	P	--	--
Cemeteries and cremation services		--	--	--	--	-		P	P	P	--	--
Churches and accessory buildings		P	P	P	--	-		--	--	--	--	--
Civic, social, and fraternal clubs and lodges	10.5.2	--	--	S	--	-		P	P	P	--	--
Funeral homes and services		--	--	--	--	-		P	P	P	--	--
Hospitals		--	--	--	--	-		--	P	P	--	P
<b>Industrial uses</b>												
Manufacturing and wholesale trade		--	--	--	--	-		--		P	P	--
Allied products		--	--	--	--	-		--	P	P	P	--
Chemical, plastic, and rubber products		--	--	--	--	-		--	--	P	P	--
Electrical equipment and appliances		--	--	--	--	-		--	--	P	P	--
Food and beverages		--	--	--	--	-		--	P	P	P	--
Furniture and related products		--	--	--	--	-		--	P	P	P	--
Machinery manufacturing		--	--	--	--	-		--	--	P	P	--
Medical supplies		--	--	--	--	-		--	--	P	P	--
Metal manufacturing		--	--	--	--	-		--	--	P	P	--
Nonmetallic mineral		--	--	--	--	-		--	--	P	P	--
Optical goods		--	--	--	--	-		--	--	P	P	--
Paper and printing materials		--	--	--	--	-		--	--	P	P	--
Petroleum and coal products		--	--	--	--	-		--	--		P	--
Professional, scientific, and photographic products		--	--	--	--	-		--	--	P	P	--
Salvage (Junk) yards	10.5.5	--	--	--	--	-		--	--		S	--
Textiles		--	--	--	--	-		--	P	P	P	--
Warehouse and storage facilities		--	--	--	--	-		--	P	--	--	--

TABLE OF PERMITTED USES

		RURAL RESIDENTIAL	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	MULTIFAMILY RESIDENTIAL	MOBILE HOME PARK RESIDENTIAL	RESERVED FOR FUTURE	DOWNTOWN COMMERCIAL	NEIGHBORHOOD HIGHWAY COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PUBLIC
USE	SPECIFIC USE STANDARDS REFERENCE	R1	R2	R3	R4	R5	C1	C2	C3	I1	I2	P
Wholesale trade establishments		--	--	--	--	-		--	P	--	--	--
Wood products		--	--	--	--	-		--	--	P	P	--
Transportation, communications, utilities		--	--	--	--	-		--	--	P	P	--
Construction-related businesses		--	--	--	--	-		--	P	P	P	--
Building and general contracting		--	--	--	--	-		--	P	P	P	--
Heavy construction contractors		--	--	--	--	-		--	P	P	P	--
Special trade (carpentry, painting, electrical, etc.)		--	--	--	--	-		--	P	P	P	--
Mining and extraction establishments		--	--	--	--	-		--	--	S	S	--
Metals (iron, copper, etc.)		--	--	--	--	-		--	--	S	S	--
Quarrying and stone cutting		--	--	--	--	-		--	--	S	S	--
Sanitary landfill, non-hazardous	10.5.12	--	--	--	--	-		--	--		S	S
Bulk storage of oil, petroleum	10.5.1	--	--	--	--	-		--	S	S	S	
<b>Planned Developments</b>												
Cluster subdivision		S	S	S	--	-		--	--	--	--	--
Commercial shopping centers		--	--	--	--	-		--	P	P	P	--
Manufactured home parks	11.5	--	--	--	--	P		--	--	--	--	--
Overburden storage berm	5.8.5					-						
Planned unit developments	10.5.9	--	--	S	--	-		--	--	--	--	--
<b>Watershed Regulations</b>												
Commercial New Development	9.8.1	--	--	--	--	--		C	C	C	C	--
Commercial Expansions to Existing Development	9.8.1	--	--	--	--	--		C	C	C	C	--

**Section 8.13 HMU, Highway Mixed Use Special Use Zoning Overlay District<sup>3</sup>**

- 8.13.1 Purpose: The Highway Mixed Use Special Use Zoning District is intended to encourage a mix of medium density residential development in conjunction with appropriately scaled and compatible commercial development, consisting of retail sales and services, professional offices, accommodations services and similar uses on properties within 500 feet of the U.S. Highway 70 corridor. A special use permit, as provided for in Article 15 herein, is required as a prerequisite to any use or development. A development plan is required as design becomes a critical consideration when uses which previously have been deemed incompatible are authorized to be placed in close proximity to each other.
  
- 8.13.2 Dimensional requirements: Dimensional and use provisions in the zones that they are permitted will apply in the overlay district. In the event that there is a conflict between the dimensional requirements of the proposed mixed uses, the more stringent requirement will apply.
  
- 8.13.3 Permitted Uses: The following uses are permitted by Special Use Permit in the Highway Mixed Use Special Use Zoning District provided they meet all requirements of this Section and all other requirements established in this Ordinance. Uses not listed are prohibited.

- Accessory uses & structures
- Adult care homes
- Automobile car washes
- Banks & other financial institutions
- Bed & breakfast facilities
- Billboards (Off-premise Advertising Sign)<sup>5</sup>
- Business services
- Child care centers
- Child care homes
- Civic clubs & fraternal organizations
- Construction trades facilities, so long as the storage of equipment and materials is screened from view from any public rights-of-way
- Convenience stores with or without gasoline sales
- Cultural arts buildings
- Dance, health & fitness facilities
- Dry cleaning and laundry establishments
- Funeral homes
- Greenhouses & commercial nurseries
- Home occupations
- Hotels & motels
- Laundries, coin-operated
- Lawn & garden centers
- Music & art studios
- Neighborhood community centers
- Newspaper offices & printing establishments
- Nursing homes
- Offices, business, professional and public
- Parking lots & parking garages
- Parks
- Personal services

<sup>3</sup> Adopted February 4, 2013

<sup>5</sup> Adopted December 12, 2015

Progressive care facilities  
Recreational facilities, indoors  
Recreational facilities, outdoors, commercial  
Religious institutions  
Repair services, miscellaneous  
Residential care facilities  
Residential dwellings, single family  
Residential dwellings, multi-family  
Residential dwellings, two-family  
Restaurants  
Retail stores  
Schools  
Service stations  
Theaters, indoors

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## ARTICLE 9: WATERSHED REGULATIONS

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### Section 9.1 Authority and Enactment

The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations that promote the public health, safety, and general welfare of its citizenry. The Town Board of Commissioners of Princeton ordains and enacts into law this Article as the watershed protection regulations of Princeton.

### Section 9.2 Relation to Other Regulations

These watershed regulations supplement the regulations applicable to the base zoning district. If the watershed regulations conflict with the base district requirements, the requirements of the watershed regulations shall govern.

### Section 9.3 Jurisdiction and Applicability

The provisions of this Article shall apply within areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and located in the territorial jurisdiction of this Ordinance.

### Section 9.4 Exceptions to Applicability

- 9.4.1** Nothing in this Article shall repeal or amend any Federal or State law or regulation, or any regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Article amend, modify, or restrict any provisions of this Zoning Ordinance or the Code of Ordinances of Princeton; however, the adoption of this Article shall and does amend any ordinance, resolution, and regulation in effect in the town at the time of the adoption of this Article that impairs or reduces its effectiveness or conflicts with any of its provisions.
- 9.4.2** It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- 9.4.3** [Existing developments](#) as defined in this ordinance are not subject to the requirements of this Article. Expansions to structures classified as existing development must meet the requirements of this Article. The built-upon area of the existing development is not required to be included in the density calculations.
- 9.4.4** If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Article if it is developed for single-family residential purposes. Any lot created as part of a family subdivision after the effective date of these rules shall be exempted if it is developed for one single-family detached residence and if it is exempt from the Town's subdivision regulation. Any lot created as part of any other type of subdivision that is exempted from the subdivision ordinance is subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot must meet the minimum buffer requirements to the maximum extent practicable.

### Section 9.5 Repeal of Existing Watershed Regulations

- 9.5.1** This Article in part carries forward by re-enactment, some of the Watershed regulations of the Town of Princeton, North Carolina previously adopted by the Town Board, and it is not intended to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued are preserved and may be enforced.

**9.5.2** All provisions of the watershed regulations that are not re-enacted herein are hereby repealed.

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

## **Section 9.6 Remedies**

In addition to the remedies available to the Town for violations of this Ordinance, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a) for violations of these watershed regulations.

## **Section 9.7 Subdivision Regulations**

### **9.7.1 General Provisions.**

- A.** No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article and the ordinance regulating subdivisions. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Article.
- B.** The approval of a plat does not constitute or effect the acceptance by the Town or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.
- C.** All subdivision plats shall conform to the mapping requirements of NCGS 47-30.
- D.** All subdivisions of land within the jurisdiction of Princeton after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to this Article and the subdivision ordinance.

### **9.7.2 Subdivision Application and Review Procedures.**

- A.** All subdivision applications shall be reviewed by the Zoning Enforcement Officer to determine whether or not the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area are not subject to the provisions of this Article and may be recorded provided the Zoning Enforcement Officer initials the vicinity map. Subdivisions within a WS-IV watershed are subject to the provisions of this Article when state law requires an erosion and sedimentation control plan. Subdivisions within the designated watershed area shall comply with the provisions of this Article and all other applicable state and local requirements.
- B.** Subdivision applications shall be filed, processed, and reviewed in accordance with the subdivision regulations. The application shall include 2 additional copies of the plat and supporting documentation that the Zoning Enforcement Officer or the Planning Board considers are necessary.





- C. Applications shall be accompanied by a description of the proposed method of providing storm water drainage. The applicant shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.
- D. If a sedimentation and erosion control plan is required, a written statement specifying that a Sedimentation and Erosion Control Plan has been submitted to and approved by the appropriate approving authority shall accompany the application. [N.C. Division of Land Quality].
- E. Where possible, roads shall be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

**9.7.4** Construction Procedures.

- A. No construction or installation of improvements shall commence in a proposed subdivision until a subdivision preliminary plat has been approved.
- B. No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all requirements of this Article have been met. The applicant, before commencing any work within the subdivision, shall make arrangements with the Zoning Enforcement Officer to provide for adequate inspection.

**9.7.5** Penalties for Transferring Lots in Unapproved Subdivisions: Any person who subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the 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 may bring an action for injunction for any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

**Section 9.8 Development Regulations**

New development activities that require an erosion and sedimentation control plan under State law are required to meet the provisions of this section when located in a watershed overlay district.

**9.8.1** WS-IV-PA watershed regulations:

- A. Uses Allowed: The following uses may be permitted in a WS-IV-PA watershed area as permitted under the base zoning district.
  - 1. Agriculture uses, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
  - 2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
  - 3. Residential development.
  - 4. Non-residential development.

- B. Density and built-upon requirements:** In order to accommodate a moderate to high land use intensity, development shall comply with the following density requirements.
1. Single-family residential development shall not exceed a density of 2 dwelling units per acre (2 du/ac), as defined on a project-by-project basis. For projects with a curb and gutter system, no residential lot shall be less than one-half acre (1/2 acre), or 20,000 square feet excluding street right-of-way. For projects without a curb and gutter system, no residential lot shall be less than one-third of an acre (1/3 ac) unless approved under a cluster development.
  2. All other residential and nonresidential development shall not exceed 24 percent built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed 36 percent built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.
  3. In commercial zoning districts, new development and expansions to existing development may occupy up to 10 percent of the protected area of the watershed with up to 70 percent built-upon area on a project-by-project basis when granted a conditional use permit by the [Board of Adjustment](#). Projects must, to the maximum extent practical, minimize built-upon surface area, direct stormwater away from surface waters, and incorporate Best Management Practices to minimize water quality impacts.
  4. Off-street parking shall be designed to minimize built-upon area.
  5. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

**9.8.2 WS-IV-CA regulations:**

**A. Allowed uses:**

1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209).
3. Residential.
4. Non-residential development, excluding: landfills and sites for land application of residuals or petroleum contaminated soils.

**B. Density and Built-upon Limits:**

1. Single-family residential development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way), except within an approved cluster development.

2. All other residential and non-residential development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

**Section 9.9 Cluster Development**

Cluster development may be permitted in watershed districts subject to the provisions of this section:

- 9.9.1 Lot sizes: Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in the applicable zoning district. Density or built-upon area for the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.
- 9.9.2 Built-upon areas: All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- 9.9.3 Dedicated open space: The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government upon mutual agreement for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

**Section 9.10 Buffer Areas Required.**

- 9.10.1 In the WS-IV watershed district, a minimum 50 foot vegetative buffer is required for development activities along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- 9.10.2 No new development is allowed in the buffer area except for water dependent structures and other structures such as flag poles, signs, and security lights that result in only diminutive increases in impervious area; and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area and direct runoff away from the surface waters, and maximize the utilization of stormwater Best Management Practices.

**Section 9.11 Application Of Regulations**

- 9.11.1 No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.
- 9.11.2 No area required for the purpose of complying with the provisions of this Article shall be included in the area required for another building.
- 9.11.3 If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

## Section 9.12 Existing Development

Existing development as defined in this Article may be continued and maintained subject to the provisions of this section. Expansions to structures classified as existing development must meet the requirements of this article, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

**9.12.1** Existing Uses of Land: This category consists of uses existing at the time of adoption of this ordinance, but is not permitted hereafter in the watershed area in which it is located. These uses may be continued except as follows:

- A.** A change in the use of land shall be only to a use that is permissible in the applicable zoning district.
- B.** Once the use has been changed, it may not be reverted to a prohibited use.
- C.** When the use ceases for a period of one year, it shall not be reestablished.

**9.12.2** Reconstruction of Buildings or Built-upon Areas: An existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired or reconstructed (except that there are no restrictions on single family residential development) provided:

- A.** Repair or reconstruction is initiated within twelve (12) months and completed within 2 years of such damage.
- B.** The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

## Section 9.13 Public Health Regulations

**9.13.1** Public health in general: No activity, situation, structure or land use shall be allowed within the watershed that poses a threat to water quality or the public health, safety and welfare. Such threats may arise from inadequate on-site sewage systems that utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

**9.13.2** Abatement:

- A.** The Zoning Enforcement Officer shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- B.** The Zoning Enforcement Officer shall report all findings to the Board of Adjustment. The Zoning Enforcement Officer may consult with any public agency or official and request recommendations.
- C.** Where the Board of Adjustment finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition or violation.

**Section 9.14 Administration, Enforcement, And Appeals**

**9.14.1** Administration and enforcement of watershed regulations:

- A.** The Zoning Enforcement Officer shall provide copies of all amendments to these watershed regulations upon adoption to the Water Quality Section of the Division of Water Quality.
- B.** The Zoning Enforcement Officer shall keep records of the Town’s use of the *Density and built upon requirements* of this Ordinance. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan (if applicable).
- C.** The Zoning Enforcement Officer may enter any building, structure, or premises, as provided by law to perform any duty imposed upon him by this Article.

**9.14.2** Variations and appeals: Requests and review of variations and appeals to these watershed rules shall comply with the procedures for such prescribed under ARTICLE 15: (*Administrative Procedures*) in addition to the following:

- A.** The Town shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.
- B.** The Zoning Enforcement Officer shall notify in writing those local governments having jurisdiction in the watershed and the entity using the water supply for consumption. The notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Zoning Enforcement Officer before a decision is made. The comments shall become a part of the record of proceedings of the Board of Adjustment.
- C.** The Board of Adjustment shall refuse to hear an appeal or an application for a variance that has been denied if the Board finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

**Section 9.15 Amendments To Watershed Regulations**

Amendments to these watershed regulation provisions shall comply with the provisions of *Section 15.13* of this Ordinance.

**Section 9.16 Definitions**

The definition of the following terms shall apply when used in the context of these watershed regulations.

**AGRICULTURAL USE:** The use of waters for stock watering, irrigation, and other farm purposes.

**BEST MANAGEMENT PRACTICES (BMP).** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**BUFFER AREA:** 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 buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**BUILDING:** Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of 2 buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be considered to make them one building.

**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 (e.g. roads, parking lots, and paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

**CLUSTER DEVELOPMENT:** Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Article, planned unit developments and mixed-use development are considered as cluster development.

**CRITICAL AREA:** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**CUSTOMARY HOME OCCUPATIONS:** Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over 25 percent of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

**DEVELOPMENT:** Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area, or which otherwise decreases the infiltration of precipitation into the soil.

**FAMILY SUBDIVISION:** Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, except parcels kept by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

**IMPERVIOUS SURFACE:** Any material that reduces or prevents the infiltration of stormwater into the ground, including but not limited to buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts), compacted soils, sand, lime rock, clay, etc. (Note: Wooden slatted desks and the water area of a swimming pool are considered pervious.)

**INDUSTRIAL DEVELOPMENT:** Any non-residential development that requires an NPDES permit for an industrial discharge or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

**NONCONFORMING LOT OF RECORD:** A lot described by a plat or a deed that was recorded before the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

**NON-RESIDENTIAL DEVELOPMENT:** All development other than residential development, agriculture and silviculture.

**PROTECTED AREA.** Is the area that adjoining and is upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within 5 miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

**RESIDENTIAL DEVELOPMENT.** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**RESIDUALS.** Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

**SINGLE FAMILY RESIDENTIAL:** Any development where: 1) no building contains more than 1 dwelling unit, 2) each dwelling unit is on a separate lot, and 3) where no lot contains more than 1 dwelling unit.

**TOXIC SUBSTANCE.** Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

**MAJOR VARIANCE:** A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- (A) The relaxation, by a factor greater than 10 percent, of any management requirement under the low density option;
- (B) The relaxation, by a factor greater than 5 percent, of any buffer, density or built-upon area requirement under the high density option;
- (C) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

**MINOR VARIANCE:** A variance from the minimum statewide watershed protection rules that result in a relaxation, by a factor of up to 5 percent of any buffer, density or built-upon area requirement under the high-density option; or that results in a relaxation, by a factor of up to 10 percent, of any management requirement under the low-density option.

**WATER DEPENDENT STRUCTURE:** Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

**WATERSHED.** The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)



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**ARTICLE 10: SPECIFIC USES STANDARDS**

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**Section 10.1 Purpose**

The purpose of this Article is to establish development standards for specific uses. These uses are generally compatible with the land uses allowed under a particular zoning district. However, because of the unique characteristics of these uses, they require supplemental regulations to minimize adverse impacts on the surrounding environment. The provisions of this Article regulate the design, configuration, and operation of these uses to protect the public health, safety, and general welfare.

**Section 10.2 Applicability**

This article applies to the specific uses listed. The requirements are in addition to all other requirements of the Ordinance.

**Section 10.3 Accessory uses and structures**

- 10.3.1** Accessory uses and structures must be customarily incidental and subordinate to the principle use and structure.
- 10.3.2** No permit shall be issued for an accessory structure until after construction has begun on the principle structure. No accessory use shall begin until after the principle use is established.
- 10.3.3** Accessory structures shall be located in the rear yard on corner lots, and in the rear or side yard on all other lots.
- 10.3.4** Detached accessory buildings shall be setback at least 10 feet from any other building and at least 5 feet from any lot line.
- 10.3.5** The height of an accessory structure shall not exceed the height of the principle building.
- 10.3.6** The square footage of any single non-farm accessory structure shall be no more 40 percent of the square footage of the principle structure. The total square footage of all non-farm accessory structures shall be no more than 75 percent of the total square footage of the principle structure.

**Section 10.4 Temporary Uses**

This section applies to permitted temporary uses.

**10.4.1 Carnival or Circus:**

- A.** In any non-residential district, a temporary use permit may be issued for a carnival or circus.
- B.** The carnival or circus shall be setback at least 100 feet from all residential districts or uses.
- C.** The temporary use permit shall be valid for not more than 15 days.

**10.4.2** Christmas tree sale:

- A.** In any commercial district, a temporary use permit may be issued for the open-sale of Christmas trees.
- B.** Temporary use permit shall be valid for not more than 30 days.

**10.4.3** Construction offices:

- A.** In any zoning district, a temporary use permit may be issued for a contractor's temporary office and equipment shed if it is incidental to an ongoing construction project and located on the lot where construction is taking place.
- B.** The permit shall be valid until completion of the construction project or expiration of the development permit.

**10.4.4** Mobile Classrooms:

- A.** A temporary use permit may be issued for mobile classrooms as an accessory to a school
- B.** The permit shall be valid for not more than 2 years. The Board of Adjustment may extend the permit for not more than two 1-year periods.
- C.** Mobile classrooms shall be setback at least 100 feet from a dwelling and a least 15 feet from any other building.

**10.4.5** Real estate sales office:

- A.** In any subdivision with final plat approval, a temporary use permit may be issued for a temporary real estate sales office. Sales shall be limited to lots within the subdivision. The office shall contain no sleeping or cooking accommodations.
- B.** The permit shall be valid for not more than 1 year. The Zoning Enforcement Officer may grant a maximum of 2 one-year extensions if more than 10 percent of the lots remain unsold.

**10.4.6** Religious tent meeting:

- A.** In any nonresidential district, a temporary use permit may be issued for a tent or other temporary structure to house religious meetings.
- B.** The permit shall be valid for not more than 30 days.

**10.4.7** Seasonal sale of farm produce:

- A.** In any non-residential district, a temporary use permit may be issued for the sale of farm produce grown on the premises.

- B. Sale spaces shall be of portable or sectional construction with a maximum area of 100 square feet. Spaces shall be removed when not in use.
- C. Temporary structures used for this purpose shall be set back from all street right-of-way a distance of not less than fifteen (15) feet
- D. The temporary use permit shall be valid for no more than 4 months in any given year.

## Section 10.5 Principle uses

The following principle uses are permitted as provided for under Section 8.12 (Table of Permitted Uses) and subject to the requirements of this ordinance and this section.

### 10.5.1 Bulk storage of oil, gasoline, and other flammable materials:

- A. The minimum front, rear, and side yard setback is 50 feet;
- B. The yard and storage areas shall meet the buffer and screening requirements of Section 5.8 (*Buffering and Screening*).
- C. Tanks and other storage facilities shall meet the requirements of the National Fire Protection Association.

### 10.5.2 Civic, social, and fraternal clubs and lodges:

- A. The minimum lot size of the site shall be that of the district in which it is located.
- B. The minimum front, side, and rear yards shall be that of the district in which it is located.
- C. Food, refreshments, or entertainment may be provided to club members and their guests unless the approving authority finds that it will constitute a nuisance.

### 10.5.3 Family care home: No family care home may be located within a one-half (1/2) mile radius of another family care home.

### 10.5.4 Multi-family dwellings and Townhomes:

- A. A site plan shall be filed with the application for permit approval. The Planning Board shall review the plan and file its recommendation with the approving authority.
- B. Accessory structures, garbage and trash facilities, and recreation facilities shall be located in the rear yard, and shall be setback at least 15 feet from all principle structures and from any lot line.
- C. The Town Board shall approve the design and location of garbage and trash facilities.
- D. Parking spaces shall be located off street and shall have no direct access from a public street

**10.5.5** Junkyards and Salvage Yards:

- A. The minimum front, side, and rear yards shall be 50 feet.
- B. A solid wooden fence of a least 6 feet in height shall enclose the perimeter of areas storing junk materials. The fence shall effectively screen junk or salvaged materials from public view from all sides.
- C. Salvaged and junk parts shall not become a breeding ground for insects or rodents.
- D. Salvaged parts and materials shall not collect water.

**10.5.6** Kennels

- A. The minimum lot size shall be 1 acre.
- B. The minimum yard setbacks on all sides shall be 35 feet

**10.5.7** Manufactured Home (Family): See *Section 11.4: Manufactured Home (Family)***10.5.8** Manufactured Home Parks: See *Section 11.5: Manufactured home parks***10.5.9** Planned Unit Development (PUD):

- A. Only uses permitted in the district in which the PUD is located shall be permitted in the PUD.
- B. The minimum lot size shall be 2 acres.
- C. A minimum of 25 percent of the total acreage shall be reserved for open space.
- D. The gross density of the PUD shall not exceed the maximum density permitted in the zoning district in which the development is located.
- E. A minimum number of off-street parking and spaces for each use shall be as provided for under ARTICLE 12:(*Off-street parking and loading*).
- F. Permit applications shall include a site development plan. The Planning Board shall review the site plan, and shall file a recommendation with the approving authority within 30 days from the meeting where the plan was first considered.

**10.5.10** Public or Private Recreation Facility:

- A. The minimum buffer from residential development shall be 50 feet in depth.
- B. The minimum off-street parking spaces provided shall be 1 space per 5 members.
- C. The minimum lot size shall be 1 acre.

**10.5.11** Public Safety and Utility Facilities:

- A.** The minimum setback of water treatment and sewage disposal facilities, and electric substations shall be 100 feet from all property lines.
- B.** A strip of evergreen shrubs shall buffer the facilities.
- C.** The perimeter of the lot shall be screened with a fence of not less than 6 feet in height.
- D.** The minimum lot size shall be 1 acre.

**10.5.12** Sanitary Landfills: Same as for *Public Safety and Utility Facilities***10.5.13** Commercial Communication Towers:

- A.** The applicant shall show that a reasonable effort has been made to lease space on an existing tower that technically satisfies the applicant's needs.
- B.** The design and construction of the tower shall accommodate at least 2 users.
- C.** Along with the permit application, the owner shall file a letter of intent to lease space to other users in good faith. The owner may charge the lessee a proportionate cost of the capital, financing, and operating costs, plus the cost of insulating the equipment from interference with one another transmission.
- D.** The approving authority may grant an exception to the height limitations of the applicable zoning district. The approved height shall be no more than what is required for the tower to serve the geographic or market area it is designed to serve.
- E.** The tower structure shall be setback from all lot lines and from all structures a distance that is equal to the height of the tower.
- F.** No part of the tower, including guy wires or supports, shall extend into any yard required in the district in which the property is located.
- G.** If the tower is to be located on a leased portion of a lot, all parts of the tower shall be located on the leased portion, but the setback and yards may be measured from the lot line of the entire parcel if the setback from other structures is maintained.
- H.** Notwithstanding any of the provisions of the above paragraphs, the approving authority may reduce the required setbacks if each of the following conditions is met:
  - 1.** The proposed tower is less than 200 feet in height and of monopole design;
  - 2.** If the tower is to be located upon a leased part of the lot, the owner of the lot submits a statement certifying that the owner waives all setback requirements from existing structures on the lot;
  - 3.** The setbacks from the base of the tower to all adjoining property lines are greater than the height of the tower;

4. Lesser setbacks may be approved if the applicant submits a written statement from a licensed engineer certifying that the tower is designed to collapse in an area less than the height of the tower in the event of failure,.

**10.5.14** Upper floor residential:

- A. All residential units shall be located above the first floor above ground level of a commercial structure.
- B. The first floor shall be dedicated to a retail or office use.

**10.5.15** Existing Structure: Existing structures as defined in this Ordinance shall be permitted in all zoning districts as a conditional use subject to the following:

- A. The applicant shall provide a written statement from a state licensed engineer or contractor, or certified building inspector certifying that the structure to be moved is structurally sound, capable of being moved and remodeled as needed to receive a certificate of occupancy.
- B. The use and placement of the existing structure shall comply with the regulations of the zoning district in which it is to be located.
- C. The structure shall not be detrimental to the neighborhood.

**10.5.16** Flea Markets

- A. The site plan for a flea market shall show the following information:
  1. Name and address of applicant and the owner of the flea market
  2. Name and address of landowners.
  3. Location (vicinity map) and legal description of flea market site.
  4. A legible map drawn to a minimum scale of 1 inch =100 feet, with a north arrow, and showing site layout, parking, booth arrangements, etc.
  5. Total area and dimensions of site.
  6. The location, width and area of roadways, parkways, streets, driveways and walks.
  7. Location of all water and sewer lines.
  8. Plans and specifications (including phases if applicable) of all buildings to be constructed on site.
  9. The location and details of outdoor lighting and electrical systems.
  10. Gross density or number of booths per building and gross sales area, number of parking spaces.
  11. Location of service buildings and other proposed structures.

- B.** The minimum lot area of a flea market site shall be 1 acre.
- C.** Unlicensed vehicles (golf carts, trash trucks, security cars, tractors, etc.) used on the market site are limited to those owned by the market and used as part of the operation.
- D.** Thrash shall be stored in sealed containers and must be removed from the market site on at least a weekly basis. Trash, cardboard and other debris must be disposed of by private means. Trash receptacles for public use shall be placed within 75 feet of all sales areas.
- E.** No overnight camping is permitted.
- F.** No open container of alcohol is permitted. The sale or use of fireworks is prohibited. No firearms or ammunition shall be allowed on property.
- G.** Restroom facilities must be centrally located and free standing. The legal number of restrooms (including the number of stalls, location, provision for handicap, inspections etc.) shall be determined by the Johnston County Health Department. Portable toilets are allowed for construction purposes.
- H.** Food preparation areas shall comply with the Johnston County Health Department guidelines and are subject to inspection at all times. Placement of hand wash sinks, sewer hookups, restroom facilities, etc., shall be as required by the Johnston County Health Department. Food preparation areas connected to the town sewer system shall have a grease trap located before the public sewer connection point.
- I.** Public entrance shall meet NCDOT standards for street access. The minimum setback of the market area (including internal driveways, trash receptacles, structures, sales areas) is 25 feet from public street pavement and 10 from all property lines.
- J.** The initial building shall have a floor area of at least 4,000 square feet. All roofs must be of the same type and pitch. Public walkways shall have a width of at least 10 feet and shall be maintained clear of all obstacles.
- K.** Except for motorized wheel chairs and similar devices used by disabled persons, the use of scooters, skateboards, bicycles or the like, are not allowed in buildings. Spaces within a building or on the site must be marked to facilitate finding the space in case of an emergency. Buildings must be constructed within 6 months after the appropriate permit is issued. No temporary buildings are allowed.
- L.** The following types of buildings may be used for retail sales space.
  - 1.** Buildings enclosed with a permanent roof, permanent floor and permanent sides with a minimum square footage of 2,000 square feet.
  - 2.** Open buildings with permanent roof and permanent floor with a minimum square footage of 2,000 square feet. The total square footage of all open buildings shall be not more than the total square footage of all enclosed buildings.

- M.** The minimum off-street parking space shall be not less than 6 spaces per 1000 square feet of gross sales area, plus 1 space per booth, table, or sales area . Otherwise, the off- street parking requirements of this Ordinance shall govern.
- N.** Insect and Rodent Control:
1. The grounds, buildings and structures shall be kept free of insect and rodent harborage and infestation.
  2. Insect and rodent control measures shall comply with the Johnston County Health Department requirements.
  3. The flea market site shall be kept free of debris that may provide harborage or breeding places for rodents, flies, mosquitoes, and other pests.
  4. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects.
  5. Flea markets shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other noxious weeds considered detrimental to health.
  6. Open areas shall be maintained free of heavy undergrowth of any description.
  7. The flea market shall be subject to the requirements of any ordinances regarding to insect and rodent control.
- O.** A buffer strip of at least 15 feet in width shall be provided along lot lines adjacent to any residentially zoned district or any resident, church, or school. The strip shall be composed of at least 2 rows of evergreen bushes, trees, or shrubs. Vegetated buffers shall maintain a minimum height of 6 feet and foliage overlap within 6 years of planting.
- P.** While this ordinance lists general guidelines for the development of a flea market within the Princeton extraterritorial jurisdiction, the reviewing authority shall also consider site-specific details when considering an application.



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## ARTICLE 11: MANUFACTURED HOME REGULATIONS

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### Section 11.1 Purpose

- 11.1.1 To ensure that manufactured homes are installed on a site according to applicable federal, state, and manufacturer requirements.
- 11.1.2 To ensure architectural compatibility of manufactured homes with adjacent single-family residences and other land uses through the application of compatibility standards.
- 11.1.3 To increase quality, affordable housing opportunities for all citizens of Princeton and to encourage the development of safe, well planned manufactured home parks in the Town's jurisdictional area.

### Section 11.2 Applicability:

This article applies to all manufactured homes, manufactured home parks, and family manufactured homes.

### Section 11.3 Manufacture Homes Appearance Criteria

- 11.3.1 Class A (Doublewide) Manufactured Home: A Class A manufactured home shall meet the following criteria:
  - A. The home shall be constructed no more than 10 years prior to its placement. The home shall be certified by appropriate authority as meeting or exceeding the standards of the US Department of Housing and Urban Development in effect at the time of its construction.
  - B. The maximum length of the home shall be not more than 4 times its width, with the length measured along the longest axis and the width measured at the narrowest part of the other axis.
  - C. The minimum roof pitch of the home shall have a vertical rise of no less than 3 feet for each 12 feet of horizontal run (3:12), and shall have a roof finished with a type of shingle that is commonly used in standard residential construction;
  - D. The eaves of the roof structure shall project no less than 6 inches, which may include a gutter;
  - E. The exterior siding of the home shall consist predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint) wood, or hardboard; and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
  - F. The manufactured home shall be set up in accordance with the standards of the North Carolina Department of Insurance for installation and tie downs, and shall be on a permanent foundation or a brick curtain wall, un-pierced except for required ventilation and access shall be installed under the perimeter of the manufactured home.

- G.** Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina Department of Insurance standards, and shall be attached firmly to the primary structure and anchored securely to the ground; and
- H.** The moving hitch, wheels and axles, and transporting lights shall be removed.

**11.3.2** Class B (Singlewide) Manufactured Home: A class B manufactured home must meet the following criteria:

- A.** The home shall be constructed no more than 10 years prior to its placement. The home shall be certified by appropriate authority as meeting or exceeding the standards of the US Department of Housing and Urban Development in effect at the time of its construction.
- B.** Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and
- C.** The moving hitch, wheels and axles, and transporting lights has been removed.
- D.** The manufactured home shall be set up in accordance with the standards of the North Carolina Department of Insurance for installation and tie downs, and shall be on a permanent foundation or a brick curtain wall, un-pierced except for required ventilation and access shall be installed under the perimeter of the manufactured home.

**11.3.3** Class C Manufactured Home: A manufactured home that does not meet the criteria for a Class A or Class B manufactured homes.

#### **Section 11.4      Manufactured Home (Family)**

**11.4.1** Conditional Use Permit Required: A family manufactured home shall be permitted as an accessory to any single-family residential dwelling with a conditional use permit.

**11.4.2** Standards for approval: A permit may be approved if the following standards are met:

- A.** The home shall be an accessory to an existing single-family dwelling located on the same lot.
- B.** The manufactured home shall be a Class A or B home.
- C.** The occupant of the manufacture home shall be related to the occupant of the existing dwelling, either by blood, marriage, or legal guardianship.
- D.** The occupant of the manufactured home shall be physically dependant (due to illness or disability) on the occupants of the existing residence.

- E. he occupant can not move to avoid hardship because of financial of other hardship conditions, necessitating parking the manufactured home adjacent to the principle dwelling;
- F. The manufactured home’s location on the lot shall not create unhealthy or unreasonable living standards;
- G. The manufactured home shall be placed in a location where it can be served by the public water and sewer system. The location of the home shall be approved in advanced by the Zoning Enforcement Officer.
- H. The minimum off-street parking requirements for both dwellings shall be provided.
- I. The minimum setback requirements for both dwellings shall be that of the applicable zoning district.

**11.4.3** Expiration of conditional use permit: An approved conditional use permit shall expire 6 months from the date of approval if a certificate of compliance is not secured.

**11.4.4** Certificate of compliance; removal of manufacture home:

- A. The certificate of compliance shall expire within 2 years from the date it was issued or upon the date that the illness or disability has concluded.
- B. The Board of Adjustment may extend the permit for additional 2-year periods if the Board finds that the conditions upon which the original permit was granted continue to exist.
- C. The manufactured home shall be removed from the premises within 30 days from the date the certificate expires.

**11.4.5** Home Foundation and Anchorage: The foundation and anchorage of the manufactured home shall comply with those set forth in the latest edition of the State of North Carolina Regulations for Manufactured (Mobile) Homes at the time the conditional use permit application is filed.

**Section 11.5      Manufactured Home Park**

**11.5.1** Permit required:

- A. A manufactured home park may be permitted as provided for under ARTICLE 8: *Zoning District Regulations.*
- B. Except as provided for in this Section, applications shall be filed, processed, and reviewed in accordance ARTICLE 15: *Administrative Procedures.*
- C. Lawfully existing manufactured home parks that do not comply with the minimum requirements of this Ordinance are declared to be a nonconforming use of land.

**11.5.2** Preliminary Plan: Applications for permit approval shall include 7 copies of the preliminary plan. The plans shall be drawn to a legible scale of at least 1 inch = 100 feet and shall show at least the following:

- A.** The name of the surveyor or designer who prepared the plan.
- B.** The names of the property owner, park owner, and park operator.
- C.** The proposed name of the park and address.
- D.** The date plan was prepared, scale and north point of the plan.
- E.** Boundary and dimensions of the manufactured home park.
- F.** Vicinity map showing relationship of the park to adjacent properties and surrounding zoning.
- G.** Names of adjoining property owners.
- H.** Location and dimension of each manufactured home space. A number, letter, or name shall be designate to each space.
- I.** Location and dimensions of all existing and proposed buildings and their proposed use.
- J.** Location and width of park streets, driveways, pedestrian ways, watercourse, and easements.
- K.** Location of street and other outdoor lighting fixtures
- L.** Proposed utility systems including water, sewer, gas, drainage, and electrical power.
- M.** The location, dimension, and proposed use of recreational areas, common areas and buildings.
- N.** Location and type of landscape plantings, fences, walls, and screening materials.
- O.** Off-street parking and loading facilities location and design.
- P.** Fire hydrant locations.
- Q.** The setback lines of each manufactured home space.
- R.** Land contours of the site in 5 feet intervals.
- S.** Location of concrete or iron pipe markers, which shall be placed at all corners.

**11.5.3** Planning Board recommendation required: Applications for manufactured home parks shall be referred to the Planning Board before final action being taken. The Planning Board shall first consider the application no later than 30 days after the application is referred. The Planning Board shall file its recommendation to approve or deny the application with the Town Board and applicant no later than 30 days after the date the application was first considered. If the Planning Board has not filed its recommendation with the Town Board within the required 30 days, the approving authority may take final action without a recommendation from the Planning Board.

**11.5.4** Certificate of Compliance:

- A.** No manufactured home space may be leased until after a certificate of compliance is issued.
- B.** If any manufactured home park fails to continuously comply with this ordinance, the Zoning Enforcement Officer may revoke the certificate of compliance.

**11.5.5** Uses permitted within the park:

- A.** Class A or Class B manufactured homes for residential use only.
- B.** One manufactured home may be used for the park's administrative offices.
- C.** Customary accessory structures
- D.** Utilities and services approved by the Town Board.
- E.** Community recreation facilities for residents of the park and their guests.
- F.** Convenience commercial establishments used by park residents and their guests.

**11.5.6** Commercial establishments:

- A.** The establishment shall be subordinate to the residential character of the park.
- B.** The establishment shall only serve the needs of persons residing in the park.
- C.** No evidence of the commercial nature of the establishment shall be visible beyond the confines of the park.

**11.5.7** Sale of Manufactured Home Limitations:

- A.** The owner of a manufactured home may only sell the manufactured home in which the owner resides.
- B.** The park owner or operator may sell any manufactured home he owns if the home is located on an individual manufactured home space and is connected to water, sewer, electric, and other utilities.
- C.** The transfer of title to a manufactured home space within the park is prohibited.

**11.5.8** General site requirements:

- A.** The site of the park shall be on land that is not susceptible to hazards such as flooding, erosion, or other hazards.
- B.** The minimum size of a manufactured home site shall be 1 acre, and the minimum number of manufactured home spaces available for lease shall be 3 spaces.
- C.** Manufactured home park development shall comply with the Sedimentation Pollution Control Act of 1973.

**11.5.9** Perimeter buffer and screening:

- A.** A landscape buffer strip at least 20 feet wide shall be installed and maintained along the perimeter of the park except at approved access and utility crossings. Only landscaped materials and utilities may be located within the required the buffer strip.
- B.** A solid screen shall be installed along all property lines within 50 feet of a residentially zoned or used lot. The minimum height of the screen shall be at least 6 feet in height.

**11.5.10** Recreation areas and open space required: Recreation areas and open space shall be provided for manufactured home parks with 25 or more spaces. The amount of recreation space provided shall be no less than 400 square feet of recreation area per manufactured home space. At least 20 percent of the park site shall be dedicated open space, which may include the required recreation area and perimeter landscape buffer.

**11.5.11** Park Identification Sign: One park identification sign shall be permitted at each park entrance from a public street. The maximum sign area shall be 32 square feet in area and the maximum height shall be 6 feet. The sign shall only provide the name and address of the park. The illumination of the sign shall be limited to indirect and non-animated lighting.

**11.5.12** Manufactured home space requirements:

- A.** Each space shall be designed and constructed to allow for safe and efficient placement and removal of the manufactured home.
- B.** Each manufactured home space shall have direct access to an internal drive or street. No direct access from a public street is permitted.
- C.** Each space shall have a concrete pad of sufficient size to accommodate the typical manufactured home to be located within that space.
- D.** Each manufactured home space shall be at least 50 feet wide and 100 feet in depth. The minimum area of a manufactured home space shall be 5000 square feet. The corners of each manufactured space shall be clearly defined on the ground with concrete or iron pipe markers.
- E.** Only 1 manufactured home shall occupy an individual manufactured home space.
- F.** A walkway at least 2 feet wide shall be provided from each individual space to connect the manufactured home with the sidewalk or street and to resident parking area.

**11.5.13** Setback requirements for manufactured homes: The minimum setback of a manufactured home from the street pavement is 20 feet, and from any manufactured home space boundary is 5 feet. The minimum setback of an accessory structure from a manufactured space boundary is 5 feet.

**11.5.14** Internal street layout and design standards:

- A.** Streets shall provide safe and convenient access to fire apparatus and emergency service vehicles. Driveways shall be provided on the site where necessary to provide safe and convenient access to service entrance of buildings, and to delivery and collection points for refuse and other materials.

- B.** Interior streets shall be private and paved with asphalt, concrete, or other hard surface. The minimum street right-of-way width shall be 60 feet, and the minimum street pavement width shall be 24 feet.
- C.** Streets shall be graded and drained for vehicular circulation.
- D.** Dead-end streets shall be no more than 500 feet in length and shall have a turnaround of at least 80 feet in diameter.
- E.** Streets shall intersect as close as possible at right angles. No street shall intersect at less than 60 degrees.
- F.** New street names shall not duplicate or be similar to existing street names in Princeton. The Town Board shall approve all street names upon recommendation from the Planning Board.
- G.** The park owner shall maintain all internal streets and drives.

**11.5.15** Off-street parking: The minimum number of off-street parking spaces shall be 2 spaces per manufactured home space. Off-street parking spaces shall be in locations convenient to residents of the manufactured home. Additionally, guest parking shall be provided at a ratio of at least 1 parking space per 6 manufactured home spaces. Guest parking shall be distributed evenly throughout the manufactured home park.

**11.5.16** Lighting of streets and common areas: Streets, off-street parking areas, and common areas shall be appropriately lighted from sunset to sunrise. The minimum size streetlight shall be a 175-watt mercury vapor (approximately 7,000 lumen class) or its equivalent. Streetlight posts shall be spaced at no more than 300 feet intervals.

**11.5.17** Water and Sewer:

- A.** Buildings in the park shall connect to public water and sewer where available. The location, size, and installation of the water and sewer system shall be in accordance with applicable standards and codes in effect at the time of installation.
- B.** Parks not connected to the public water or sewer system shall require a water supply plan. Plans for parks with between 4 and 14 manufactured home spaces and serving less than 25 residents shall be approved by the Johnston County Health Department Division of Environmental Health. Plans for parks with at least 15 manufactured home spaces and serving at least 25 residents must be approved by the Division of Environmental Health of DENR.
- C.** The minimum diameter of sewer riser pipes shall be 3 inches. Riser pipes shall terminate at the end of the manufactured home space. Pipes shall be located so that the sewer connection to the manufactured home drain outlet will approximate a vertical position.
- D.** A two-foot by two-foot (2'x2') concrete apron shall be installed around all sewer connection riser pipes for support and protection. The sewer connection points shall be located at least 100 feet from the water supply.
- E.** The sewer connection pipe shall have a nominal inside diameter of at least 3 inches and the slope of any position thereof shall be at least one-fourth inch (1/4") per foot. The sewer connection shall consist of one (1) pipeline only without any branch fittings. All joints, including the connection from the manufactured home to the sewer riser pipe, shall be watertight.

- F. Materials used for sewer connections shall be semi-rigid, corrosion-resistant, non- absorbent and durable. The inner surface shall be smooth.
- G. Sewer pipes shall be plugged when a manufactured home does not occupy the space. Surface drainage shall be diverted away from the riser pipe. The rim of the riser pipe shall extend at least 4 inches above ground elevation.

**11.5.18** Other utilities installation: Other utilities shall be installed in accordance with Town standards and to the utility company specifications.

**11.5.19** Drainage: Drainage facilities shall be designed by a licensed engineer and must be approved by the Town Engineer.

**11.5.20** Solid Waste Collection and Disposal:

- A. The park owner shall provide for solid waste storage, disposal, and collection. Solid waste services shall be conducted to prevent or eliminate rodent harborage, insect breeding areas, pollution, accidents, fire hazards, or other health hazards.
- B. Garbage shall be collected from the site no less than 1 time per week.
- C. Garbage shall be stored in standard fly-tight, watertight, rodent-proof containers. Containers shall be designed and maintained to prevent tipping, to minimize spillage and container deterioration, and shall be placed to facilitate cleaning around them.
- D. The size, number, and capacity of containers shall be sufficient to properly store all garbage. Containers shall be placed in locations convenient to each manufactured home space.

**11.5.21** Pest Control:

- A. The grounds and all structures shall be kept free of insect and rodent harborage and infestation. Pest control measures shall comply with the requirements of the Johnston County Health Department.
- B. Areas within the park shall be kept free of debris, and shall not provide shelter for rodents or breeding places for flies, mosquitoes, and other similar pests.
- C. Lumber, pipe, and other building material shall be stored at least 1 foot above ground.
- D. Parts of a structure that are susceptible to insect or rodent infestation shall be screened with wire mesh or other material suitable to control infestation.
- E. The grounds shall be maintained to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be kept free of weeds or plants that are detrimental to the public health. Open areas shall be maintained free of heavy undergrowth.



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**ARTICLE 12: OFF-STREET PARKING AND LOADING**


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**Section 12.1 Purpose**

This Article is designed to alleviate or prevent traffic congestion on the public right-of-way, provide adequate parking and loading for specific land uses, to minimized conflicts between parking and loading areas and adjacent uses, and to regulated the design, maintenance, and location of off-street parking and loading areas. Off-street parking has been defined as an open parking space which will include a Carport but does not include a Garage (whether closed off or open).

**Section 12.2 Surfacing**

Off-street parking and loading facilities shall be surfaced with a dustless, all-weather, hard surface material. Acceptable materials include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards. Crushed rock is not an acceptable surfacing material.

**Section 12.3 Off-street Parking Requirements**

**12.3.1** Off-Street Parking Required: Off-street parking facilities shall be provided on the lot it serves. If the required parking cannot be reasonably provided on the lot it serves, parking may be provided on a lot within 500 feet of the lot with the written consent of the lot owner.

**12.3.2** Parking Space Design: Each parking space shall have safe and convenient ingress and egress from a street or alley. The minimum dimensional requirements for off-street parking spaces are as specified in the following table.

ANGLE (DEGREES)	STALL WIDTH (FEET)	CURB LENGTH PER CAR (FEET)	STALL DEPTH (FEET)
0	8'	23'	8'
20	8'	23'6"	16'6"
30	8'	16'	16'6"
45	8'	11'4"	19'2"
60	8'	9'4"	20'6"
70	8'	8'6"	20'10"
90 <sup>2</sup>	7.5'	7.5'	17"

**12.3.3** Number of off-street parking spaces required: The minimum number of off-street parking spaces required for individual uses are specified in the following table.

USE	NUMBER OF PARKING SPACES
Single family dwelling unit and manufactured homes	3 spaces
Two-family dwelling units	6 spaces
Multi-family dwelling units	3 spaces per dwelling unit
Professional and administrative offices.	1 space per 250 square feet of gross floor area
Retail establishments	3.5 spaces for every 1000 square feet of gross floor area (1 space minimum)

<sup>2</sup> Adopted September 4, 2012

USE	NUMBER OF PARKING SPACES
Churches	1 space for every 4 seating spaces in principal sanctuary
Auditoriums, stadiums, and theaters	1 space per 5 seats
Motel, tourists, and boarding houses	1 space per rental room
Hospitals and nursing homes	1 space per bed space
Medical clinic	4 spaces per doctor plus 1 space per other employee
Wholesale establishment, warehouse and other businesses not catering to retail or package trade	1 space for every 2 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously.
Industries	1 space per 1½ employees plus 1 space per truck to be stored or stopped simultaneously
Institutions and clubs	1 space per 5 seats in principal assembly room
Community or private swimming clubs	1 space per 5 members
Beauty shop or barber shop as a home occupation	2 additional spaces
Day care facility	1 space per adult provider and 1 spaces per 6 children or fraction thereof.
Elementary or junior high school	3 spaces per administrative office and classroom or 1 space per 6 seats in auditoriums and other assembly facilities available for the public, whichever is greater
Senior high school	1 space per school employee and 1 space per 4 students
Restaurants or other eating establishments	1 space per 4 seats

- 12.3.4** Uses Not Listed: The minimum number of spaces of any use not listed shall be determined by the Boards of Adjustment. The Board shall consider the characteristics of the proposed use when determining parking requirements.
- 12.3.5** Maintenance: Parking areas and driveways shall be kept free of dirt, dust and debris, and the pavement shall be maintained in good condition.
- 12.3.6** Downtown Business Improvement District. Off-street parking requirements in the Business Improvement District are not regulated.

**Section 12.4 Off-street Loading Requirements**

- 12.4.1** Off-street loading required: The owner and operator of establishments involved with the receipt or distribution of merchandise shall provide off-street loading spaces in accordance with the provisions of this section. The spaces shall be located on the premises of the establishment it serves and shall be designed so that loading and unloading activities will not extend into the street or alley right-of-way or parking areas.
- 12.4.2** Design and space requirements: Off-street loading spaces shall be no less than 12 feet wide and 30 feet long, and shall have a minimum overhead clearance of 14 feet. Off-street loading spaces shall be provided in accordance with the following schedule.

USE CLASSIFICATION	SPACE REQUIREMENTS
Retail establishments with a gross floor area of at least 20,000 square feet.	2 spaces
Retail establishments with a gross floor area of less than 20,000 square feet; and wholesale and light industrial operations with less than 10,000 square feet	1 space
Office buildings and hotels with total usable floor area of 100,000 square feet or more devoted to such purposes	1 space for each 100,000 square feet of floor area
Industrials and wholesale operations:	Minimum number of loading berth required:
10,000 - 40,000 square feet	1
40,000 – 100,000 square feet	2
100,000 - 160.000 square feet	3
160,000 - 240,000 square feet	4
240,000 - 320,000 square feet	5
320,000 - 400,000 square feet	6
Each 90,000 above 400,000	1

**Section 12.5 Plans Required**

Development plans shall show the number, location, and dimension of off-street parking and loading facilities, and the location and dimension of points of ingress and egress to the facilities, including drives and aisles.

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**ARTICLE 13: SIGN REGULATIONS**

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**Section 13.1 Purpose**

The purpose of these sign regulations is to:

- 13.1.1** Encourage the use of signs as an effective means of communication;
- 13.1.2** Maintain and enhance the aesthetic appearance of the community;
- 13.1.3** Promote the economic vitality of the town;
- 13.1.4** Minimize the adverse affect of signs on nearby properties;
- 13.1.5** Enable the fair and consistent enforcement of these sign regulations.

**Section 13.2 Applicability**

All signs erected, placed, established, painted or repainted, created, or maintained within the planning jurisdiction of the Town shall comply with the standards, procedures, exemptions, and other requirements of this Article.

**Section 13.3 Sign Definitions**

The following definitions shall apply to the types of signs.

**ADVERTISING SIGN:** A sign that advertises a business, product, service, activity, or event.

**ANIMATED SIGN.** A sign that flashes, revolves, rotates, or swings by mechanical means or that uses a change of lighting to depict action or to create a special effect or scene.

**BANNER SIGN:** A temporary sign of lightweight fabric or similar material that is rigidly mounted to a pole or a building by a rigid frame at 2 or more opposite sides. This definition excludes national, state or municipal flags, or the official flag of any institution or business.

**BILLBOARD SIGN:** An off-premise advertising sign pertaining to a business, product, service, or activity not available on the premises on which the sign is located.

**BUSINESS IDENTIFICATION SIGN:** An on-premise sign that identifies the name, address, and nature of a business establishment on the site.

**CANOPY SIGN:** An attached sign that is incorporated into or attached to a canopy, awning, or other protective cover over a door, entrance, or window.

**BULLETIN BOARD SIGN:** A sign that changes copy through manual, mechanical, or electrical means, including time and temperature.

**CONSTRUCTION SIGN:** A temporary sign that identifies the owners, financiers, contractors, architects, or engineers of a project under construction.

**DEVELOPMENT SIGN:** A sign that identifies a shopping center, commercial or industrial park, other developments that contain a cluster of residents, offices, industries, or businesses.

**DIRECTORY SIGN:** A sign that lists the names, uses, or location of business or activities conducted within a building or group of buildings on a site.

**FREESTANDING SIGN:** A sign permanently anchored to the ground or supported by one or more poles, columns, or other vertical supports, and not attached to any building.

(A) **Monument sign:** A freestanding sign supported primarily by an internal structural framework or other solid structural frame other than support poles. The bottom of the structure is no higher than 6 feet to the ground or is integrated into landscaping.

(B) **Pole sign:** A freestanding sign that is mounted on a pole or other support so that the bottom edge of the sign face is 6 feet or more above grade.

**GOVERNMENT SIGN:** A sign erected and maintained by the Town of Princeton, Johnston County, the State of North Carolina, or the federal government.

**HOME OCCUPATION SIGN:** A sign listing only the name or occupation of a permitted home occupation.

**ILLUMINATED SIGN:** A sign illuminated by electricity, gas, or other artificial light source.

**INCIDENTAL SIGN:** An on-premise sign that provides only incidental information about the site and contains no commercial message visible from the street other than an identifying logo.

(A) **Directional sign:** A sign that is limited to directing the movement of pedestrian or vehicular traffic on the site upon which the sign is located. These include parking and entrance and exit signs.

(B) **Nameplate sign:** A sign identifying only the name and address of a building or the occupant thereof or the practice of a permitted activity conducted within the building.

**MEMORIAL SIGN:** A sign, tablet, or plaque that memorialize a person, event, structure, or site.

**OBSOLETE SIGN:** A sign that no longer advertises or identifies a bona fide business or activity conducted or product available.

**OFF-PREMISE SIGNS:** A sign pertaining to a business, product, service, event, or entertainment not offered on the premises upon which the sign is located.

**ON-PREMISE SIGN:** A sign pertaining to a business, product, service, event, or entertainments that is offered on the premise upon which the sign is located.

**POLITICAL SIGN:** A temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election or referendum.

**PORTABLE SIGN:** A sign that is easily moved and not permanently attached to the ground, a structure, or building.

**PROJECTING SIGN:** A sign attached to a building or other structure and extends more than 12 inches beyond the building or wall.

**REAL ESTATE SIGN:** A temporary sign that advertises the sale, rental, or lease of the premises upon which the sign is located

**ROOF SIGNS:** A sign erected above the roofline and is supported by the roof structure.

**SIGN AREA** The entire face of a sign including advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing the area, only one (1) side of a double-faced sign shall be considered.

**SIGN:** A device or structure displaying words, letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks that is designed to attract attention or convey a message, and is visible from any public way.

**SIGNAGE PLAN:** A graphic representation showing a comprehensive detailed presentation showing a presentation of all signage proposed for a particular lot.

**SPECIAL EVENTS SIGNS:** Temporary signs containing messages concerning special events occurring on the site or in the area where the event is to occur.

**SUSPENDED SIGN.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**TEMPORARY SIGN:** A sign not permanently attached to the ground, a structure, or a building, and is to be displayed for a limited period of time. Temporary signs may include banners, pennants, and portable signs.

**WALL SIGN:** A sign attached to the exterior wall of a building and not projecting more than 12 inches from the exterior wall of a building.

**WINDOW SIGN:** A sign affixed to the interior of a window or placed immediately behind a windowpane so as to attract the attention of persons outside the building.

## **Section 13.4 General Sign Regulations**

The regulations in this section apply to all signs regulated by this Article regardless of whether a permit is required.

### **13.4.1 Sign placement:**

- A.** The minimum setback of signs from a existing or planned public right-of-way shall be 5 feet. Signs shall not be suspended over a street right-of-way except as permitted in this Article.
- B.** The Board of Adjustment may require that an existing sign that is setback less than 5 feet from the street right-of-way after a street widening project is complete be moved to at least 5 feet from said right-of-way if the Board of Adjustment determines its is necessary for the safe and free movement of traffic.
- C.** No sign shall interfere with surface and underground utilities; conduits for water, sewage, gas, electricity or communications equipment or lines; natural or manmade drainage areas.
- D.** No sign shall obstruct any fire escape, fire hydrant, windows, door or wall opening intended as a means of ingress or egress, or interfere with any opening required for ventilation.

**13.4.2** Design, construction, and maintenance standards:

Signs shall be designed, constructed, and maintained to comply with the applicable provisions of the NC Building Code, NC Electrical Code, Uniform Manual of Traffic Control Devices, this ordinance, and other applicable standards at all times. Signs shall be painted or constructed of non-corrosive material

**13.4.3** Obsolete signs:

- A.** Signs shall become obsolete when located on property that becomes vacant or unoccupied, pertains to a time, event, or purpose that no longer applies, is related to a business that has been discontinued, or fails to meet the maintenance requirements of this Section within 30 days of the Town notifying the sign owner of such failure.
- B.** The owner shall remove an obsolete sign within 30 days from the date the sign becomes obsolete. If the sign is not removed within the 30-day timeframe, the Zoning Enforcement Officer may have the sign removed and all associated costs will be assessed to the sign owner.

**13.4.4** Nonconforming signs: Nonconforming signs are subject to the provisions of *ARTICLE 4: (Nonconformities)*.**13.4.5** Computation of sign area:

- A.** The area of a single faced sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with 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, but not including any supporting structure.
- B.** The area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of face with the largest area.

**13.4.6** Illumination of signs:

- A.** Illuminated signs shall be lighted from behind to silhouette letters and figures. Spotlighted signs are permitted if no glare is cast that is disturbing to motorists or reflects on any property under separate ownership. Illumination shall be placed to prevent light rays from being cast directly on any dwelling.
- B.** Other than time and temperature units, animated signs are prohibited.

**Section 13.5 Prohibited Signs**

The following signs are prohibited in all zoning districts:

- (a) Windblown signs. Including pennants, streamers, spinners, balloons, and gas-filled figures except as a permitted temporary special events sign.

- (b) Abandoned or obsolete signs
- (c) Portable signs other than permitted temporary signs;
- (d) Signs within the public right-of-way except as permitted in this Article.

### **Section 13.6 Procedural Requirements**

- 13.6.1** Permits required: No sign shall be constructed, located, or placed until a permit is issued as required under *Section 13.12: Table of Permitted Signs*. Applications shall be filed, processed, reviewed, and acted upon pursuant to *ARTICLE 15: Administrative Procedures*.
- 13.6.2** Signage plan: For any lot for which the owner or tenant proposes to erect 1 or more signs requiring a permit, the owner or tenant shall submit with the application for approval a signage plan containing the following:
- A.** An accurate plot plan of the lot at such scale as the Town may reasonably require.
  - B.** Location of lot lines, buildings, parking lots, driveways, and landscaped areas in relation to all signs.
  - C.** An accurate illustration of the design, dimensions, and location of each existing and proposed sign of any type, whether requiring a permit or not. Incidental signs, temporary signs, and signs not regulated by this Ordinance need not be shown.
  - D.** Computation of the maximum total sign area, the maximum area for individual signs, the height of signs, and the number of freestanding signs allowed on the lots included in the plan under this Ordinance.
  - E.** The name of the property owner and sign owner.

### **Section 13.7 Exempted Signs:**

The following signs are exempted from the permitting requirements of this Article:

- 13.7.1** Signs not visible from the exterior of a building or structure;
- 13.7.2** Temporary holiday decorations with no commercial message;
- 13.7.3** Hand carried signs;
- 13.7.4** Flags sanctioned by the federal, state, or local government.
- 13.7.5** Government signs posting legal notices, identifying public property or regulating traffic.
- 13.7.6** Warning signs for authorized work within a public right-of-way.
- 13.7.7** Information signs of utilities regarding poles, lines, or facilities.
- 13.7.8** Temporary yard sale, estate sale, open house and similar signs provided that:
  - A.** The sign does not exceed a sign area of 4 square feet.
  - B.** The sign is placed at least 5 feet from the street pavement.
  - C.** The sign is displayed no more than 7 days before to the event and is removed within 24 hours following the event.



### Section 13.8 Signs permitted in the public right-of-way

No sign is permitted in public right-of-way except:

- (a) Government signs.
- (b) Informational signs of a public utility regarding poles, lines, pipes, or facilities.
- (c) Warning signs for authorized work within the public right-of-way.
- (d) Temporary special event banners if approved by the Town and NCDOT if required.
- (e) Other signs as permitted by the Town of Princeton<sup>4</sup>

### Section 13.9 Regulations For Temporary Signs

Temporary signs may be permitted as provided for under *Section 13.12: Table of Permitted Signs*, subject to the restrictions of this Section.

#### 13.9.1 Construction signs: Temporary construction signs that comply with the following:

- A.** Signs shall be located on the building site where construction is actively taking place.
- B.** The maximum number of signs permitted on a site is 1 sign per street frontage.
- C.** The maximum area of the sign shall be 32 square feet, and the maximum height shall be 8 feet.
- D.** The minimum setback shall be 15 feet from all property lines.
- E.** The sign shall be non-illuminated.
- F.** The sign shall be removed within 7 days after a certificate of compliance or final plat approval is issued.

#### 13.9.2 Special events sign:

- A.** Special events signs may be permitted as required by this article.
- B.** Signs shall pertain to special events such as grand openings, business closing, special observances, functions, and the like.
- C.** Banners, pennants, and steamers must be securely attached to a building or other permanent structures.
- D.** The maximum sign area of each sign is 40 square feet.
- E.** Signs shall be displayed for no more than 10 days in any 3-month period, and shall be removed within 48 hours of the conclusion of the special event being advertised.

**13.9.3** Real estate signs: Temporary real estate signs shall meet the following standards:

- A.** The maximum sign area shall be 12 feet, and the maximum sign height shall be 4 feet.
- B.** Real estate signs shall be nonilluminated
- C.** The sign shall be displayed only while the property upon which it is placed is available for lease or sale. Signs shall be removed no later than 7 days after the close of sale or lease.

**13.9.4** Political signs: Temporary political signs are subject to the following requirements:

- A.** The sign shall be displayed for no more than thirty (30)<sup>1</sup> prior to a primary election or referendum.
- B.** The maximum sign area shall be 4 feet and the maximum height shall be 6 feet.
- C.** The maximum number of signs per lot shall be 1 per political office or issue.
- D.** All signs shall be removed within 5 days after the election or referendum.

## **Section 13.10 Regulation For On-Premise Signs**

**13.10.1** Home occupation signs: Home occupation signs are subject to the following restrictions:

- A.** The maximum number of signs shall be 1 per dwelling in which a home occupation is conducted.
- B.** The sign shall contain only the name of the permitted occupation.
- C.** The maximum sign area is 6 square feet. The sign shall be mounted flat on the wall of the house facing the street

**13.10.2** Bulletin Boards: Billboard signs are subject to the following restrictions:

- A.** Bulletin boards are permitted on the premises of religious and public institutions.
- B.** The maximum number of signs permitted shall be 1 per religious or public institution.
- C.** Signs shall not exceed an area of 15 square feet, and placed not less than 15 feet from any property line.
- D.** The information contained on the sign shall be of general interest to the public. The sign shall contain no commercial message.

**13.10.3** Memorial signs: Memorial signs, where permitted, are subject to the following restrictions.

- A.** Shall only provide information pertaining to the name of buildings and date of construction.
- B.** Shall be cut into masonry surface or constructed of metal and affixed flat against a building.

<sup>1</sup> Adopted October 1, 2017

**13.10.4** Nameplate signs: Nameplate signs where permitted, are subject to the following restrictions

- A.** Each principal building shall be permitted 1 nameplate sign per street frontage.
- B.** The maximum sign area per sign shall be 3 square feet.
- C.** Sign shall be mounted flat against a wall or door, or hung from a mailbox or lamppost.

**13.10.5** Subdivision and development signs:

- A.** Shall be subject to the approval of the Town or NCDOT.
- B.** Sign displays only the name of the subdivision.
- C.** The maximum number of signs per entrance is 1 sign with a maximum sign area of 12 square feet, or 2 signs with a maximum sign area of 9 square feet per sign.
- D.** The maximum sign height is 8 feet.
- E.** The minimum setback from street pavement is 5 feet.
- F.** The signs shall be maintained by a homeowners association, merchants association, or other parties identified as the sign owners.

**13.10.6** Directional signs:

- A.** The maximum sign area shall be 6 square feet, and the maximum height shall be 4 feet.
- B.** Other than an identifying logo, contents shall be limited to information providing directions on the site that the sign is located, including entrance and exit signs and parking. These signs shall contain no commercial message.

**13.10.7** On-premise advertising signs:**A.** Ground sign:

- 1.** The maximum number of ground signs per lot shall be 1 sign per street frontage.
- 2.** The maximum sign area for signs not fronting on Highway 70 shall be 200 square feet, and the maximum height is 35 feet.
- 3.** The maximum area of signs located in a C3, I1, or I2 zoning district and fronting on Highway 70 is 600 square feet, and the maximum height shall be 100 feet.

**B.** Attached signs:

- 1.** Wall signs shall be mounted against the wall of buildings but not painted directly on the walls; shall not exceed an area of 2 square feet of area per lineal foot of the wall; and shall not project more than 12 inches from the face of the wall.

2. Each establishment is allowed 1 projecting sign per street frontage. Projecting signs shall not exceed a sign area of 24 square feet, the height shall not exceed the height of the building upon which the sign is attached, and shall have a vertical clearance of at least 9 feet from the sidewalk or ground.
3. Window signs shall be placed on the inside of the window, and shall cover no more than 25 percent of the glass area or pane on which the sign is displayed.

**C. Canopy or Awning signs:**

1. The sign shall cover no more than 30 percent of face of the awning or canopy on which the sign is affixed.
2. Letters shall be no more than 12 inches in height.
3. The height of the sign shall not extend above the top of the face or valance of the awning or canopy upon which the sign is located.

### **Section 13.11 Regulation Of Billboards**

**13.11.1** Repeal of Conflicting Ordinances: All ordinances or parts of the zoning ordinance that conflict or are inconsistent with the provisions of this Section are hereby repealed.

**13.11.2** Districts Allowed: Billboards are allowed under a conditional use permit within 75 feet of the US 70 Highway right-of-way in C3-H, I-1, and I-2 zoning districts, and are subject to the requirements of this Section.

**13.11.3** Expiration of Existing Certificates: If construction has not begun on billboards permitted prior to the effective date of this Ordinance, the permit shall expire within 6 months from the date of issuance unless an application for extension is filed and is approved by the Town Board.

**13.11.4** Billboard Size:

- A. The maximum sign area of any billboard, including extensions, shall be 400 square feet.
- B. The maximum height of all billboards shall be 35 feet *above adjoining pavement*<sup>5</sup>.

**13.11.5** Spacing Requirement:

- A. No billboard shall be located within 750 *linear*<sup>5</sup> feet *on the same side of the road*<sup>5</sup> from another billboard or off-premise advertising sign.
- B. *The minimum distance between outdoor advertising signs and existing churches, schools, public institutions or residence shall be no less than 300 feet; however, if written permission is obtained from the owner of affected residence within the 300 foot minimum distance, allowing the outdoor advertising sign to be placed closer than 300 feet, then such permission to place the sign may be granted by the county as long as all other requirements of this article have been met*<sup>5</sup>.
- C. No part of any billboard shall be located within 25 feet from any property line.

**13.11.6** Design, construction, and maintenance:

- A.** All billboard signs shall comply with applicable provisions of the NC Building Code and the NC Electrical Code.
- B.** Illuminated billboards shall be limited to billboards lighted from behind to silhouette letters and figures or illuminated internally. Spotlit billboards are permitted if no glare is cast that is disturbing to motorist, or that reflects on property in separate ownership. Except for time or temperature units, no flashing or neon billboards shall be permitted. Illuminated billboards or structures shall be placed to prevent illumination from being cast directly on any dwelling.
- C.** Billboard structures shall be constructed of metal or steel permanent materials and shall be permanently attached to the ground. Banners and flags shall be of a fire retardant material or treated to be fire retardant.
- D.** All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance at all times<sup>5</sup>.
- E.** Automatic Changeable Facing Signs as defined and regulated by NCDOT under applicable NC Administrative Code 2E.0200 are permitted.<sup>5</sup>

**13.11.7** Nonconforming billboards: If a nonconforming billboard is damaged more than 50 percent of its replacement costs, the replacement or repaired billboard shall comply with all ordinance requirements.

**Section 13.12 Table Of Permitted Signs**

The following table established districts in which a specific sign may be permitted pursuant to *ARTICLE 15: Administrative Procedures*. The letter “X” indicates districts in which a particular sign is a use by right and does not require a permit. The letter “P” indicates districts in which particular signs are a permitted use requiring only a zoning permit. The letter “C” indicates districts in which particular signs are permitted as a conditional use upon approval of the [Board of Adjustment](#). The letter “S” indicates districts in which particular signs are permitted as a special use upon approval of the Board of Commissioners. A dash (--) indicates districts in which a particular sign is prohibited.

TYPE OF SIGN	R1	R2	R3	R4	R5	C1-N	C2-D	C3-H	I1	I2	P
Signs within Public Right-of-way											
Government signs	X	X	X	X	X	X	X	X	X	X	X
Utility information sign	X	X	X	X	X	X	X	X	X	X	X
Warning signs	X	X	X	X	X	X	X	X	X	X	X
Subdivision signs and development signs	P	P	P	P	P	P	P	P	P	P	P
Temporary Signs											
Construction signs	P	P	P	P	P	P	P	P	P	P	P
Special events signs	--	--	--	--	--	X	X	X	X	X	X
Real estate signs	X	X	X	X	X	X	X	X	X	X	X
Political signs	X	X	X	X	X	X	X	X	X	X	X
On-premise signs											
Home occupation signs	X	X	X	X	X	--	--	--	--	--	--
Bulletin board signs (For public or institutional uses only)	X	X	X	X	X	X	X	X	X	X	X
Memorial signs	X	X	X	X	X	X	X	X	X	X	X
Nameplate signs	X	X	X	X	X	X	X	X	X	X	X
Directional signs	X	X	X	X	X	X	X	X	X	X	X
Advertising signs											
Ground sign for agricultural products not exceeding 20 square feet in area.	X	X	X	X	X	X	X	X	X	X	X
Ground sign	--	--	--	--	--	P	P	P	P	P	P
Wall sign	--	--	--	--	--	P	P	P	P	P	P
Canopy or awning	--	--	--	--	--	P	P	P	P	P	P
Projecting sign	--	--	--	--	--	P	P	P	P	P	P
Window sign	--	--	--	--	--	P	P	P	P	P	P
Off-premise signs											
Billboard signs	--	--	--	--	--	--	--	C	C	C	C

**Section 13.13 Signs specific to designated downtown area<sup>4</sup>**

- (a) A business may apply for a permit to lease wall space on the side or rear of the business for advertisement by other businesses, *located within the jurisdiction of this ordinance*, using signs mounted flat to the building.
- (b) The maximum size of each sign shall not exceed 15 total square feet in area.
- (c) The total space available for advertisement of other businesses shall not exceed one-third (1/3) of the total wall space the signs are mounted upon.
- (d) No permit shall be issued to any business that erects or attaches a new wall when it appears the sole purpose of the addition or attachment is to advertise for other businesses.

<sup>4</sup> Adopted February 3, 2014

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**ARTICLE 14: ADMINISTRATIVE BODIES**

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**Section 14.1 Purpose**

This Article establishes the duties and responsibilities for the Zoning Enforcement Officer and other local officials and bodies with respect to administering the provisions of this Ordinance.

**Section 14.2 Town Board**

The Board of Commissioners of the Town of Princeton shall have the following duties, powers, and responsibilities in administering this Ordinance:

- 14.2.1 To adopt revisions or amendments to this Ordinance;
- 14.2.2 To approve or deny Special Use Permits;
- 14.2.3 To appoint the Zoning Enforcement Officer and members to the [Board of Adjustment](#) and Planning Board;
- 14.2.4 To set the administrative duties and responsibilities for the administration and enforcement of this Ordinance.

**Section 14.3 Zoning Enforcement Officer**

- 14.3.1 Creation and Appointment of Zoning Enforcement Office: This ordinance shall be administered and enforced by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall be appointed by the Town Board and shall serve at the will of the Board.
- 14.3.2 Powers and Duties:
  - A. To receive and process applications for administrative review and action by the appropriate review body pursuant to the requirements of this Ordinance.
  - B. To advise the Town Board, Planning Board, and Board of Adjustment on matters before those bodies, either as required by this Ordinance or upon the request of the body
  - C. To issue zoning permits, temporary use permits, and other permits or certificates as provided for under [Article 15: Administrative Procedures](#).
  - D. To take any action authorized by this Ordinance and state law to ensure compliance with or to prevent violations of this Ordinance.
  - E. To maintain records pertaining to applications and proceedings required by this Ordinance.



## Section 14.4 Board of Adjustment

- 14.4.1** Establishment of Board of Adjustment: The Board of Adjustment is created pursuant to the provisions of applicable statutory requirements for a board of adjustment under state law.
- 14.4.2** Composition of Board of Adjustment:
- A.** The Board of Adjustment shall be composed of:
    - 1.** 5 regular members, 3 of which shall reside in the town limits, and 2 of which shall reside in the extraterritorial area; and
    - 2.** 2 alternate members: 1 of which shall reside the town limits, and 1 shall reside in the extraterritorial area.
  - B.** The Town Board of Commissioners shall appoint members residing in the town limits. The County Board of Commissioners shall appoint members residing in the extraterritorial area.
  - C.** Alternate members shall have all powers and duties of regular members when attending meeting in the absence of a regular member.
- 14.4.3** Terms of Appointment: The terms of board members begin on July 1<sup>st</sup> and shall be as set forth under this section.
- A.** The initial appointment to the Board of Adjustment shall be as follows:
    - 1.** One (1) resident of Princeton and 1 resident of the extraterritorial area shall be appointed for a 3-year term.
    - 2.** Two (2) residents of Princeton and one (1) resident of the extraterritorial area shall be appointed for a 2-year term.
    - 3.** Alternate members' initial appointment shall be for 3 years.
  - B.** Subsequent terms after the initial appointment shall be for a 3-year period and shall begin on July 1<sup>st</sup> of the year the member was appointed.
  - C.** Members are eligible for reappointment at the discretion of the Town Board.
  - D.** The Town Board or County Board as applicable shall fill vacancies for the unexpired terms of the member.
- 14.4.4** Rules and Procedures: The Board of Adjustment shall adopt rules and procedures governing its organization and for all proceedings before it consistent with state law and this ordinance. These rules shall include the following:
- A.** The Board shall elect from its regular members, a chair, vice-chair, and secretary on an annual basis.

- B.** Meetings may be called by the board chair, at the written request of 3 or more members, or when an application or other matter that requires action by the Board of Adjustment is filed.
- C.** Interested parties may testify before the board in accordance with the rules and procedures established by this Ordinance and the Board. Testimony shall be given under oath administered by the Chairperson. The Chair may exclude evidence or testimony that the chair considers irrelevant, immaterial, or repetitious.
- D.** The Board shall not vote on any matter unless a quorum is present. A quorum consists of 5 Board members in attendance.
- E.** A member of the Board of Adjustment shall not participate in or vote in any matter requiring a quasi-judicial hearing that would violate any persons constitutional rights to an impartial decision. Impermissible conflicts include but is not limited to a member having a fixed opinion that is not susceptible to change, undisclosed ex parte communication, close familial or business relationship with an affected party, or a financial interest in the outcome of the matter.
- F.** The proceedings of the Board are subject to the requirements of North Carolina's Open Meetings Law and the provisions of this Ordinance.
- G.** The Board shall keep detailed minutes of its proceedings. The minutes shall note the relevant facts and testimony, and attendance of each board member, records of the vote or abstentions of each member. The chair and secretary of the Board of Adjustment shall sign the minutes.

#### **14.4.5** Powers and Duties:

- A.** To hear and decide appeals of an order, requirement, decision, or determination made by the Zoning Enforcement Officer.
- B.** To hear and decide on Conditional Use Permit applications.
- C.** To hear and decide on variances.
- D.** To perform other duties authorized by this ordinance and applicable state law.

### **Section 14.5 Planning Board**

In addition to the duties and responsibilities established in the planning board ordinance, the Planning Board, as the designated planning agency for the town, shall make recommendations on proposed amendments and revisions to the zoning ordinance and on applications for special use permits and other administrative approvals as required in this Ordinance.

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**ARTICLE 15: ADMINISTRATIVE PROCEDURES**

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**Section 15.1 Intent**

The purpose of this Article is to implement an efficient, fair, and timely application, review, and decision- making process for administering this Ordinance, and to ensure all proposed developments comply with the requirements of this Ordinance.

**Section 15.2 General Requirements**

Administrative decisions required by this Ordinance shall be made in accordance with the provisions of this Article. No application or plans shall be approved unless they demonstrate compliance with the requirements of this Ordinance and as provided for under an approved variance. Any permit, certificate, or other approvals issued in conflict with the provisions of this Ordinance are invalid.

**Section 15.3 General Procedures**

**15.3.1** Authorization to file: Application forms shall be signed by the property owner, or an authorized agent of the property owner or the contract purchaser specifically authorized by the owner to file the application.

**15.3.2** Application procedures:

- A.** Applications shall be filed with the Zoning Enforcement Officer. Applications shall be filed on a form provided by the Town. Applications shall include the information specified on the form and in this Article. Additional information may be required by the reviewing authorities to determine whether the application will conform to the standards set forth in this Ordinance.
- B.** The Zoning Enforcement Officer shall determine if an application is complete. Applications shall be complete when submitted on the required form and in the required numbers, contain the required information, and required fees have been paid. The Zoning Enforcement Officer shall notify the applicant of any deficiencies. The deadline for the Town to take any action to process or consider the application shall commence upon receipt of a complete application.
- C.** Once an application is complete, the application shall be processed for consideration by the appropriate reviewing bodies. The Zoning Enforcement Officer shall schedule required hearings, post required notice of hearings, and transmit the application, plans, and pertinent records to the appropriate review bodies.
- D.** If an application is denied, subsequent applications for the same request for the same property shall not be reviewed within 12 months unless the Zoning Enforcement Officer finds through clear and convincing evidence that:
  - 1.** There has been a similar or more intensive change in the use or zoning classification of adjacent properties that warrants reconsideration of the application.

2. There has been a change in local, state, or federal policies that will effect how the subject property should be developed.
3. There have been significant public improvements (road extensions, water and sewer improvements) that can accommodate additional development that would be permitted in the proposed zoning district.

**15.3.3** Filing fees: Filing fees shall be paid at the time the application is submitted. The amount of fees shall be established by resolution of the Town Board. The fees shall be an amount sufficient to defray the cost of preparing and giving notices, distributing plans and reports to reviewing bodies, and other costs associated with processing and reviewing the application.

**15.3.4** Public hearings: Applications for use permits, variances, and zoning amendments shall be reviewed at a public hearing before the appropriate approving authority. Hearings shall be conducted pursuant to the rules of the presiding body and the provisions of this ordinance. A notice of all public hearings shall be given pursuant to this Section.

**15.3.5** Required public notices.

- A. *Published notice***: A published notice is required for all public hearings required by this Ordinance. The Town shall cause a notice to be published for 2 consecutive weeks in a local newspaper having general circulation in the area affected by the application. The first notice shall be published not less than 10 days nor more than 25 days in advance of the scheduled hearing. The second notice shall be published in the next calendar week.
- B. *Mailed notice***: A mailed notice is required for all use permit, variance, appeal, and rezoning applications. The Town shall send by first class mail, a notice of public hearing to the applicant, the property owner of the subject property and of adjacent properties within 200 feet of the property for which the application is filed according to the latest Johnston County tax roll. Notice shall be deposited not less than 10 days nor more than 25 days in advance of the scheduled hearing. The Zoning Enforcement Officer shall certify to the presiding body that notices were mailed.
- C. *Posted Notice***: When a rezoning is proposed, a notice for the public hearing shall be prominently posted on the site of the proposed rezoning or on an adjacent public street right-of-way. When more than 1 parcel is proposed for rezoning, a posted notice is not required for each parcel. However, the Town shall post notice in sufficient locations to provide reasonable notice to interested parties.
- D. *Extended published notice***: For hearings on proposed rezonings that directly affect more than 50 properties owned by a total of at least 50 different property owners, a published notice pursuant to paragraph 15.3.5(A) above may be given in lieu of the mailed notices. Except that each advertisement shall not be less than one-half page and shall include a legible map showing the affected areas. Property owners that do not reside within the general circulation area of the local newspaper shall be sent a mailed notice.
- E. *Contents of notice***: The contents of all notices shall include date, time, and location of the hearing, the name of the presiding body, the address or describe the general location of the subject property, and a brief description of the subject matter. Additionally, an extended published notice shall include a legible map showing the boundaries of the areas affected by the proposed rezoning.

## Section 15.4 Development Plan Required

All development permit applications shall be accompanied by a site development plan. Plans shall be drawn at a legible scale of at least 1 inch equals 40 feet. Plans shall contain sufficient details to illustrate compliance with these regulations, which shall include at least the following:

- 15.4.1 The proposed use of land and structures.
- 15.4.2 The site address and a vicinity map showing its location.
- 15.4.3 The approximate boundaries and accurate dimensions of the lot to be developed and adjacent lots within 100 feet;
- 15.4.4 Significant, surface water drainage areas and topographical and other natural features effecting development of the site;
- 15.4.5 The approximate location on the site of existing and proposed buildings, structures, signs, and other built-upon areas;
- 15.4.6 The accurate dimensions, including building height and setback lines of all proposed and existing buildings, signs, and other structures;
- 15.4.7 A drawing indicating the location, size, color, content and materials of all signs, fences, and required buffers as well as the method of construction and attachment to the building or to the ground.
- 15.4.8 The points of ingress and egress to the site and the layout and dimensions of off-street parking areas and loading facilities.
- 15.4.9 The approximate location of all existing and proposed infrastructure that well serve the site, including water, sewer, roads, and pedestrian walkways; and
- 15.4.10 The name of person drawing the plan and the date the plan was prepared,
- 15.4.11 The north point and map scale.
- 15.4.12 Other information necessary to enforce compliance with this ordinance.

## Section 15.5 Zoning Permit

- 15.5.1 Zoning Permit Required: No construction of a building, structure, or site improvement shall begin, and no change of use shall begin until a Zoning Permit is issued.
- 15.5.2 Application requirements: Application shall include the original and 1 copy of the completed application form, 2 copies of the development plan, and the information and documents specified in the instructions of the application form. If the application involves a special use or conditional use, the procedures of Section 15.8 (*Use Permits*) shall apply.

**15.5.3** Review and action by Zoning Enforcement Officer:

- A.** The Zoning Enforcement Officer shall review the application and plans for compliance with the provisions of this Ordinance. The Officer shall not issue a zoning permit until all prior approvals required by this Ordinance are obtained.
- B.** Prior to issuing a zoning permit, the Zoning Enforcement Officer must find that the application, plans, and specifications comply with the provisions of this ordinance, and all required prior approvals have been obtained pursuant to this Article.

**15.5.4** Authorization of work and use: A zoning permit shall authorize the applicant to obtain all other approvals required to develop and establish the use as proposed in the approved application and plans. Any use, arrangement, or construction that is inconsistent with approved permit shall be deemed a violation of this Ordinance.

**15.5.5** Expiration of permit: A zoning permit shall expire if a certificate of compliance is not secured within 180 days unless Zoning Enforcement Officer approves an extension.

**15.5.6** Appeal: Appeals shall be made in accordance with *Section 15.10: (Administrative Appeals)*.

**Section 15.6 Certificate Of Compliance**

**15.6.1** Applicability: No land shall be used and no building hereafter erected or altered shall be occupied or used and no change of use shall begin in whole or in part until a Certificate of Compliance is issued by the Zoning Enforcement Officer stating that the building and use comply with the approved plans and specifications, and the provisions of these regulations.

**15.6.2** Application Procedures: Applications for a certificate of compliance shall be filed simultaneously with the application for a Zoning Permit.

**15.6.3** Issuance of Certificate: A certificate shall be issued within 30 days after the lawful erection or alteration of the buildings is completed and all required fees are paid. The Zoning Enforcement Officer shall inspect the site to determine compliance with the approved permit and plans. The Officer may consult with other government agencies necessary to enforce compliance with this Ordinance.

**Section 15.7 Temporary Use Permit**

**15.7.1** Permit required: No temporary use shall be established without first obtaining a temporary use permit. The application shall include a site plan showing the location of existing buildings, structures, and other site details necessary to determine compliance with this Ordinance.

**15.7.2** Required Findings: Before issuing a temporary use permit, the Zoning Enforcement Officer must find each of the following.

- A.** The proposed use complies with the requirements of this Ordinance.
- B.** Adequate off-street parking is available for the temporary use and for other uses on the site.
- C.** Adequate traffic control measures are provided,
- D.** Fire lanes and vehicular and pedestrian access lanes are not blocked,

- E. Adequate provisions for crowd control is provided,
- F. Adequate control of noise, odor, and other nuisances are provided.
- G. Adequate provision for trash disposal and sanitary facilities are provided

**15.7.3** Permit expiration: Approval of a temporary use permit shall expire if the use is not established within 30 days from the date of approval.

## **Section 15.8 Use Permitting Procedures**

**15.8.1** Use permits required: No zoning permit or certificate of compliance shall be issued for applications involving a conditional use or special use unless a use permit is obtained pursuant to this Section.

**15.8.2** Approving Authorities: Applications for special use permits shall be approved or denied by the Town Board. Applications for conditional use permits shall be approved or denied by the Board of Adjustment.

### **15.8.3** Conditional Use Permitting Procedures

- A. In addition to the items required under *Section 15.5: Zoning Permit*, applications shall include 7 additional copies of the development plan, and the name and address of owners of adjacent properties within 200 feet of the subject properties according to the latest County tax records.
- B. The Board of Adjustment shall hold a quasi-judicial public hearing on the application at which evidence from interested parties in support or opposition of the application will be heard.. Notice of the hearing shall be given pursuant to subsection 15.3.5 (*Required public notices*),
- C. The Board of Adjustment shall approve or deny the permit no later than 60 days after the close of the required public hearing. A supermajority of four-fifth of the voting members of the board is required to approve a conditional use permit..
- D. Appeals shall be filed with the Johnston County Superior Court.

**15.8.4** Special Use Permitting Procedures: Permitting procedures for special use permit applications shall be the same as for conditional use permit applications except:

- A. The application shall be referred to the Planning Board at its next regular scheduled meeting held at least 10 days after a complete application is filed. The Planning Board shall review all applications for special use permits and shall file a written recommendation with the Town Board. The Town Board shall take no action until it receives the Planning Board's recommendation. If the Town Board has not received the Planning Board's recommendation within the 60 days of the hearing, the Town Board may act on the application without the Planning Board's recommendation
- B. The Town Board shall hold a quasi-judicial public hearing and notice shall be given pursuant to 15.3.5 (*Required public notices*). A simple majority vote in favor of the application is required to approve a special use permit.

**15.8.5** Voting: For the purpose of this section, vacant positions and members excused from voting shall not be considered as members of the board if there are no qualified alternate available to take the place of the absent or excused member.

- 15.8.6** Standards for approval: In approving a use permit, the approving authority must make each of the findings of fact below based on the evidence presented at the public hearing.
- A.** The proposed use or structure is permitted as a conditional use or special use in the district in which it is located.
  - B.** The use, as proposed, complies with all the requirements of this Ordinance, applicable federal, state, and local laws, and with all conditions.
  - C.** The proposed use and development does not endanger the public health, safety, and welfare.
  - D.** The proposed use does not injure the value of adjoining or abutting properties.
  - E.** The proposed use will be adequately served by, and will not impose undue burdens on public utilities and infrastructure.
  - F.** The site and operation of the proposed use is compatible with existing uses and other allowable uses in the surrounding neighborhood.
  - G.** The proposed use conforms to the adopted comprehensive plan.
- 15.8.7** Special conditions: The approving authority may impose special conditions, safeguards, and limitation on the proposed use that are necessary to protect the public interest, and to satisfy the standards for approval above. Conditions may pertain to the establishment, location, construction, operation, duration, and maintenance of the use. All conditions shall be stated in the records of the meeting and on the permit.
- 15.8.8** Effect of approval or denial:
- A.** The approval of a use permit authorizes the use of the property as proposed, but does not authorize the establishment of such use without first obtaining all other required approvals, including zoning permits or building permits.
  - B.** The rights and liabilities of an approved permit and conditions shall run with the land and is transferable to the applicant, tenant, property owner and all heirs, successors, and assigns.
  - C.** If the application is denied, an application for an identical or similar use on the same property may not be re-submitted within 365 days from the date of denial unless approved by the Zoning Enforcement Officer for good cause shown:
- 15.8.9** Amendments to an approved permit: Amendments to an approved permit, including any condition, shall be reviewed and acted upon pursuant to the procedures of this Section. The expiration date of the original permit shall not change due to an amendment unless expressly provided for by the approving authority.
- 15.8.10** Expiration of permit: A use permit approval shall expire if a zoning permit is not secured within 12 months from the date of the use permit is approved. Breach of any conditions shall constitute a violation of this Ordinance and shall be grounds to revoke the permit.



## Section 15.9 Variances

**15.9.1** Purpose: The variance procedures provide a method to grant relief under limited circumstances from conformance with the strict letter of the provision of this Ordinance where conformance will cause a particular hardship or practical difficulty to a specific property and where the relief is consistent with the purpose and intent of this Ordinance.

**15.9.2** Procedures:

- A.** A request for variance shall include a written statement describing the nature of the variance, and any information that will demonstrate that each criteria specified in subsection 15.9.3: (*Required findings*) is satisfied. Additionally, the applicant shall provide the name and address of the owners of adjacent properties within 200 feet of the subject property as shown on the latest County tax records.
- B.** The Board of Adjustment shall hold a quasi-judicial public hearing after sufficient notice is given pursuant to subsection 15.3.5 (Required public notices), at which evidence from the applicant, and any evidence presented by other interested party will be heard.
- C.** Final action to approve or deny the application shall be taken within 45 days after the close of the public hearing unless the applicant and board mutually agree upon more time. The Board shall file its decision in the records, which shall specify the reasons for denial and conditions for approval.

**15.9.3** Required findings: In approving a variance request, the Board of Adjustment must, by a four-fifth supermajority vote, make each of the following findings of facts based on the evidence presented at the public hearing. For purpose of this subsection, vacant positions and members excused from voting shall not be considered as members of the board if there are no qualified alternate member available to take the place of the absent or excused member.

- A.** Strict compliance with the regulations of this ordinance would create practical difficulties or unnecessary hardships for the subject property.
- B.** The hardship results from topographical conditions and circumstances that are peculiar to the property, such as exceptional narrowness, shallowness, or topography of the property.
- C.** The hardship did not result from actions taken by the applicant.
- D.** The variance will not authorize a use that is not permitted in the applicable zoning or rezone the subject property, nor change the conditions of an approved conditional use or special use permit, or a preliminary subdivision plat.
- E.** That variance will not confer special privileges to the applicant that is denied to owners of other properties in the same zoning district;
- F.** The variance is the minimum necessary to relieve the hardship and to make possible the reasonable use of the land and structures;
- G.** The variance will not impose cost burdens on the Town or create significant obstacles to implementing the comprehensive plan.

H. The variance is consistent with the spirit and intent of this Ordinance; will secure public safety and welfare; and will preserve substantial justice.

**15.9.4** Condition: In granting a variance, the Board may impose conditions on the subject property that are necessary to minimize potential adverse impact on surrounding properties and to carry out the purpose and intent of this Ordinance.

**15.9.5** Affects of approval: If a variance is approved, the applicant shall follow the procedures set forth in this Section for the permit or certificate requested. Decisions on the permit or certificate application for which a variance was approved shall be consistent with the approved variance.

**15.9.6** Variances applicable to the watershed regulations: In addition to the requirements set forth in this Section, variances affecting the watershed provisions of this Ordinance are subject to the following.

A. If a variance qualifies as a major variance to the Watershed rules, the Board of Adjustment shall prepare a preliminary record of the variance proceedings. The record shall include: the variance application and development plans; a copy of the public hearing notices; all evidence presented at the hearing; all motions, offers of proof, and objections to evidence and rulings on them; and the proposed findings and decisions, including the conditions of approval.

B. A Zoning Permit shall not be issued on the application requiring the variance until the Emergency Management Commission has reviewed the preliminary record and approved granting the variance.

C. The Zoning Enforcement Officer shall keep a record of all watershed variances. This record shall be submitted for each calendar year to the North Carolina Division of Water Quality by January 1 of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variances.

D. The Zoning Enforcement Officer shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. The notice shall include a description of the variance being requested and shall allow a reasonable period for those local governments to submit comments before a decision is made by the Board of Adjustment. The comments shall become a part of the record of proceedings of the Board of Adjustment.

**15.9.7** Appeals: Appeals may be filed with the Johnston County Superior Court within 30 days after the decision is filed in the minutes of the Board of Adjustment.

## **Section 15.10 Administrative Appeals**

**15.10.1** Authority: The Board of Adjustment shall hear and decide administrative appeals pursuant to the provisions of this section.

**15.10.2** Right to file: Any person, or any Town official or board aggrieved by a decision or action of an administrative official may file an appeal pursuant to this Section.

**15.10.3** Filing of petition: Petitions shall be filed within 30 days from date the contested action is taken. The petition shall include the information prescribed on the application form and the appropriate application fees.

- 15.10.4** Transmit all records: After a complete petition is filed, the administrative officer whose action is being appealed shall transmit all pertinent records to the Board of Adjustment. Records shall be transmitted no later than 10 days before the scheduled date of the hearing.
- 15.10.5** Effect of filing: The filing of a petition stays all proceedings in furtherance of the contested action unless the Zoning Enforcement Officer certifies to the Board of Adjustment, that because of the facts stated in the certification, a stay would cause imminent peril to life and property; or that because of the transitory nature of the violation, a stay would seriously interfere with enforcement of this Ordinance. In such case, a restraining order from the Board of Adjustment or Superior Court is required to stay the proceedings.
- 15.10.6** Public hearing and Action by Board of Adjustment:
- A.** Within 60 days after a complete application is filed, the Board of Adjustment shall hold a public hearing pursuant to subsection 15.3.5, (*Required public notice*). At the hearing, the Board shall hear all evidence regarding the case.
  - B.** Within 60 days after the public hearing, the Board of Adjustment shall reverse, modify, or affirm the contested action. The concurring vote of 4/5 of board members is required to reverse or modify any administrative action.
- 15.10.7** Standards for reversing or modifying the contested action: Before modifying or reversing an administrative action, the Board must make a finding of facts that the administrative official erred in the administration and enforcement of this Ordinance. In its motion, the Board shall state the finding of facts that is the reason for its decision.
- 15.10.8** Appeals of the Board of Adjustment decision: Appeals may be filed with the Johnston County Superior Court within 30 days after the decision is filed in the minutes of the Board of Adjustment.

## **Section 15.11 Amendments**

- 15.11.1** Initiation of Amendments: The Town Board, Board of Adjustment, Planning Board, or the owner of property affected by a proposed amendment may initiate an amendment to this ordinance.
- 15.11.2** Authority: The Town Board shall approve or deny amendments pursuant to state law and this Section. The Town Board shall take no action on a proposed amendment until after the Planning Board has studied the proposed amendment and filed its recommendation with the Town Board.
- 15.11.3** Application procedures: For amendments not initiated by the Town, applications shall be filed with the Zoning Enforcement Officer on forms provided by the Town and shall contain at least the following.
- A.** The appropriate filing fees if initiated by property owner.
  - B.** The name, address, and telephone number of the applicant's and his authorized agent if applicable.
  - C.** A description and address of the property involved.
  - D.** The present and proposed use of the subject property.

- E.** Present and proposed zoning district.
- F.** A map showing the location of property lines, streets, existing and current zoning of the subject property and surrounding properties.
- G.** The names and addresses of the owners of adjacent properties within 200 feet of the subject properties and properties across the street from the subject properties according to the latest County tax records.

**15.11.4** Transmission of application: Proposed amendments shall be transmitted to the appropriate review bodies no later than 10 days before the meeting where the amendment will be first considered.

**15.11.5** Review and Recommendation by Planning Board:

**A.** All proposed amendments to the zoning ordinance shall be referred to the Planning Board for review and recommendation at its first regular scheduled meeting falling 10 days after a complete application is filed. Within 30 days from the date of the proposed amendment referral, the Planning Board shall make a written recommendation to the Town Board. The Town Board shall not hold the public hearing on the amendment until it has received the recommendation from the Planning Board. If no written recommendation is received from the Planning Board within the 30 day period the Town Board may hold its public hearing and may take final action without the Planning Board's recommendation.

**B.** In its recommendation, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the adopted land use plan and other adopted plans as applicable, and shall explain why its recommendation is reasonable and in the public interest with regards to plan consistency and other matters deemed appropriate by the Planning Board.

**15.11.6** Public Hearing and Action by the Town Board:

**A.** The Town Board shall hold a legislative public hearing after a notice of the hearing is given pursuant to subsection 15.3.5 (*Public notice required*) before approving any proposed amendment. At the hearing, evidence in support or opposition of the proposed amendment may be presented by interested parties.

**B.** After considering the planning board's recommendation and information presented at the public hearing, the Town Board shall approve or deny the proposed amendment, or refer the amendment back to the Planning Board or a special committee for further study and review. In evaluating a proposed amendment, the Town Board should consider the review standards specified under subsection 15.11.8 (*Review standards*)

**C.** The concurring vote of a simple majority of the qualified voting members of the Town Board is required to approve an amendment. If a valid protest is filed pursuant to the subsection below, the amendment shall become effective with the concurring vote of a supermajority of at least three-fourths of Town Board members. For the purpose of this paragraph, vacant positions and members who are excused from voting shall not be considered members of the board for calculation of the requisite supermajority.

**15.11.7** Valid Protest Petition:

- A.** A valid protest must be signed by the owners of 20 percent of the area of lots included in a proposed change; or by the owners of 5 percent of the area of a 100-foot wide buffer along the entire boundary of the area proposed to be rezoned. A street right-of-way of 100 feet or less in width shall be excluded when calculating the 100 foot buffer. When less than the entire parcel is included in a proposed rezoning, the 100 foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the most recent Johnston County tax listing may be used to identify property owners.
- B.** The petition shall include the printed name, address, and signatures of the requisite number of property owners, a statement that the signers do protest the proposed amendment, and shall include any information the Town considers necessary to determine the sufficiency and accuracy of the petition.
- C.** The petition shall be on a form prescribed by the Town and filed with the Town Clerk. The petition shall be filed at least 3 business days (excluding Saturdays, Sundays, and legal holidays) before the date of the public hearing. The Clerk shall determine the sufficiency and accuracy of the petition.
- D.** Any property owner may withdraw from the protest at any time before the Town Board vote on the amendment. Such a withdrawal deletes the owner's property from the area computation pursuant to NCGS 160A-385. The owner must submit a written request that the owner's name be withdrawn. The request must identify the rezoning petition protested against, and must state that the request has the purpose of deleting the signer from the protest petition. A protest that has been withdrawn may not be reinstated after the deadline for filing protests has passed as set forth in this section. Only protest petitions that meet the qualifying standards at the time of the vote triggers the supermajority voting requirement.
- E.** The petition shall be recorded in the minutes of the public hearing and shall be made a part of the records relating to the proposed amendment or rezoning.

**15.11.8** Review standards: Proposed amendment shall be evaluated on the following factors.

- A.** The amendment is consistent with the adopted comprehensive plan.
- B.** Public facilities and infrastructure can adequately serve the uses that will be allowed by the proposed amendment.
- C.** The amendment will not have an adverse impact on the character of the surrounding neighborhood or natural features of the site, or result in a decrease in property value.
- D.** The amendment is in response to a change in federal, state, or local policy.
- E.** Changes have occurred in the area since the land use plan or zoning ordinance was adopted that warrant the proposed amendment.
- F.** There is a need for additional land within the Town's jurisdiction.
- G.** The amendment advances the public health, safety, or welfare.

- 15.11.9** Amendments to watershed rules: No amendment shall cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. Amendments to the watershed provisions of this Ordinance must be filed with the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.
- 15.11.10** Re-submittal of rezoning petition: A petition substantially similar to an amendment that has been denied by the Town Board shall not be re-submitted within 12 months of the date of denial unless approved by at least three-fourths of the Town Board members for good cause shown.

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**ARTICLE 16: ENFORCEMENT AND PENALTIES**

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**Section 16.1 Authority**

The Zoning Enforcement Officer is authorized to enforce the provisions of this Ordinance.

**Section 16.2 Notification**

- 16.2.1** Upon finding a violation of this ordinance, the Zoning Enforcement Officer shall notify, in writing, the person responsible for the violation. The notice shall state the nature of the violation, and order the responsible party to take the necessary action to correct the violation, which may include discontinuing the illegal use of buildings, structures, or land, removing an illegal structure or addition, or any other action authorized by this Ordinance or state law to compel compliance with or prevent violation of this Ordinance.
- 16.2.2** In cases where a delay would pose a danger to the public health, safety, or welfare, the Zoning Enforcement Officer may seek enforcement without prior notice by invoking any penalties or remedies authorized in this ordinance.

**Section 16.3 Penalties For Violations**

Any person that violates this Ordinance is guilty of a misdemeanor and is subject to the fines and penalties allowed under NCGS 14-4. Each day that a violation continues shall constitute a separate violation.

**Section 16.4 Remedies**

- 16.4.1** In addition to the penalties described above, an appropriate equitable remedy issued from a court of competent jurisdiction may enforce this ordinance.
- 16.4.2** The Zoning Enforcement Officer and other appropriate Town official, or any person affected by the violation may institute injunctive action or other appropriate proceedings to restrain, correct, or abate the violation, to prevent occupancy of the structure or land, or to prevent any illegal act, conduct, business, or use in or about the premises.
- 16.4.3** The institution of an action for injunctive or other relief under this Section does not relieve any party to the proceeding from any civil or criminal penalty prescribed by this Article for violations of this Ordinance.

**Section 16.5 Right Of Appeal**

Any person found in violation of this ordinance may appeal the Zoning Enforcement Officer's decision pursuant to *Section 15.10: (Appeal of Administrative Decisions)*.