

CHAPTER 7. ZONING

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LEGAL AUTHORITY

Section 7-1-1 Enactment and Authority

The Town Council of the Town of Holly Ridge, North Carolina pursuant to the authority granted by Article 1, Chapter 160A of the North Carolina General Statutes does hereby ordain and enact into law the following Articles and Sections.

Section 7-1-2 Title

This Ordinance shall be known as the Zoning Ordinance of the Town of Holly Ridge, North Carolina.

Section 7-1-3 Official Zoning Map

An official zoning map depicting the actual location of the Zoning Districts is made a part of this ordinance and adopted by reference. The official zoning map, which is identified by the title “Zoning Map of Holly Ridge”, shall be known as the “Zoning Map”. The official zoning map shall be maintained in the Town Hall of Holly Ridge, shall bear the date the map was created and the date of any subsequent map amendments, and may consist of a series of maps. The zoning map, both current and prior adopted versions, shall be on file in the office of the Zoning Administrator. The zoning map(s) may be in paper or digital format.

Section 7-1-4 Jurisdiction

The provisions of this Ordinance shall apply within the areas designated as Zoning Districts on the official zoning map(s) by the Town Council of Holly Ridge. The official Zoning Map will be on file at the Town Hall of Holly Ridge.

Section 7-1-5 Zoning Affects all Land and Every Building and Use

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

Section 7-1-6 Bona Fide Farms Exempt

Within the extra-territorial jurisdiction, this Ordinance shall in no way regulate, prohibit or otherwise deter any bona fide farm and its related uses except that any use of such property for non-farm purposes shall be subject to all regulations specified herein.

Section 7-1-7 Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants or other agreements between parties. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires

larger open space than is imposed or required by other ordinance, rules, regulations, or by newly created easements, covenants, or agreements following the enactment of this ordinance, the provisions of this Ordinance shall govern.

Section 7-1-8 Severability

If any Article, Section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portion of this ordinance. The Holly Ridge Town Council hereby declares that it has passed this Ordinance and each Article, Section, clause and phrase thereof, irrespective of the fact that any one (1) or more Articles, Sections, sentences or phrases be declared invalid by the courts.

Section 7-1-9 Relationship to Adopted Plans

Officially adopted plans including the CAMA Land Use Plan, also referred to herein as the Town of Holly Ridge Comprehensive Plan, the Town of Holly Ridge Land Use Study, Transportation Plans, and other official plans adopted by the Holly Ridge Town Council shall be used to guide the application of this Ordinance. In the event of ambiguity this ordinance shall be interpreted to reflect and be consistent with the policies stated in the Town of Holly Ridge Comprehensive Plan.

ADMINISTRATION

Section 7-1-10 Zoning Administrator

The Zoning Administrator, or his authorized agent, is hereby authorized, and it shall be his or her duty, to enforce the provisions of this Ordinance. The Zoning Administrator and staff of the department are authorized to enter any premises within the jurisdiction of the Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas do not open to the public or that an appropriate inspection warrant has been secured. It is the intention of this Ordinance that all questions arising in connection with its enforcement and interpretation shall be presented first to the Zoning Administrator. Appeal from the Zoning Administrator's decision shall be made to the Board of Adjustment.

In Administering the Provisions of this Ordinance, the Zoning Administrator Shall:

- (A) Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.
- (B) File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for inspection at reasonable times by any interested person.
- (C) Transmit to the appropriate board or Town Council all applications and plans for

which their review and approval is required.

- (D) Conduct inspections of the premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

VESTED RIGHTS AND PERMIT CHOICE

Section 7-1-11 Purpose

The purpose of this section is to implement provisions of G.S. 160D-108 and 160D-108.1 that establishes a statutory zoning vested right upon the approval of a site-specific vesting plan. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

Section 7-1-12 Procedure

- (A) At the time that the landowner submits an application for a subdivision plat or Special Use Permit, the landowner must declare in writing, using a form provided by the Town of Holly Ridge for that purpose, that he is seeking to acquire a vested right pursuant to G.S.160D-108 and the Town of Holly Ridge Zoning Ordinance.
- (B) For a subdivision plat, where a vested right is sought, the Zoning Administrator will advertise and schedule a public hearing in accordance with the procedures used for Special Use Permits.
- (C) For proposed developments that do not require subdivision plat approval or a Special Use, the landowner may seek to establish a vested right by following the procedures promulgated for applications for a Special Use.
- (D) A variance shall not constitute a site-specific vesting plan and approval of a site-specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the variance is approved.

Section 7-1-13 Establishment of Vested Right

- (A) A vested right shall be deemed established upon the valid approval, or special approval, of a planned unit development plan, a subdivision plat, site plan, or special use permit. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved plan consistent with G.S 160D-108.1.

- (B) A right that has been vested, as provided for in this section, shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications unless expressly provided by the Town. The Town may, but is not required to, extend the vested term to three (3) years for a maximum total of five (5) years.

Section 7-1-14 Termination

A vested right, once established as provided for in this section, precludes any zoning action by the Town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except that the right may be terminated without further recourse under the following circumstances:

- (A) With written consent of the affected landowner.
- (B) Upon finding that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a threat to the public health, safety and welfare if the project were to proceed as contemplated in the site-specific vesting plan.
- (C) To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the Town, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.
- (D) Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the Town of the site-specific vesting plan or the phased development plan.
- (E) Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the Town may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.
- (F) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

ENFORCEMENT AND PENALTIES

Section 7-1-15 Enforcement Authority

This Ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Article 11, Chapter 160D-1125. The Zoning Administrator may initiate the process to revoke any permit or other authorization granted under this Ordinance

for failure to comply with any provision of this Ordinance or with a term or condition of the permit or authorization, or for a false statement or misrepresentation made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State, County or Town law. Such revocation shall be in accordance with the process as was used in granting the initial approval, including any applicable notice and required hearing.

Section 7-1-16 Violation

It is unlawful and a violation of this Ordinance to establish, create, expand, alter, occupy or maintain any use, land development activity, or structure, including, but not limited to any signs or buildings, that violates or is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance. Approvals and authorizations include, but are not limited to Special Use Permits, Building Permits, Zoning Permits, variances, development plans, site plans, sign plans and conditions of such permits, certificates, variances and plans. It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance. Each day of a violation is a separate and distinct violation.

Section 7-1-17 Complaints Regarding Violations

Any interested person who is a citizen or landowner of the Town of Holly Ridge may file a written complaint alleging a violation of this ordinance. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Administrator, or his/her authorized agent. An investigation shall be made within ten (10) days. Actions as provided in these regulations shall be taken. When a violation is discovered and is not remedied through informal means, written Notice of the Violation shall be given to the violator. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, certified mail, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the town that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. The notice shall include the following:

- (A) A description of the violation and its location.
- (B) The measures necessary to correct the violation.
- (C) The possibility of civil penalties and judicial enforcement action if appropriate.
- (D) Notice of right to appeal.
- (E) The time period allowed, if any, to correct the violation, which time period may vary depending on the nature of the violation. This notice is an administrative determination subject to appeal as provided below.

Section 7-1-18 Appeal to Board of Adjustment

A violator who has received a zoning Notice of Violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request within thirty (30) days of receipt of the Notice of Violation. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. The Board of Adjustment shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation. If there is no appeal, the determination of the Zoning Administrator shall be final.

Section 7-1-19 Failure to Comply with Notice or Board of Adjustment Decision

Violators shall be subject to enforcement action if they fail to comply with final decisions of the Zoning Administrator or the Board of Adjustment. If the violator does not comply with a Notice of Violation, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to enforcement action.

Section 7-1-20 Criminal Penalties

Any person, firm, or corporation violation any Section or provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than thirty (30) days for each violation. Each day such violation continues, shall be a separate and distinct offense.

Section 7-1-21 Civil Penalties

A violator who fails to correct a violation in the time and manner specified shall be subject to a civil penalty of one hundred dollars (\$100.00) for each offense. For each day the violation is not corrected, the violator will be subject to a new and separate offense with additional civil penalties. Town of Holly Ridge may apply to the District Court, Civil Division or any other court of competent jurisdiction for a mandatory or prohibitory injunction and Order of Abatement commanding the violator to correct the unlawful condition. If the violator fails or refuses to comply with an injunction or with an Order of Abatement within the time allowed by the court, the violator may be cited for contempt and the Town may execute an Order of Abatement. The Town shall have a lien on the property for all the costs associated with execution of an Order of Abatement.

Section 7-1-22 Equitable Relief

The Town of Holly Ridge may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the Town's application for equitable relief that there is an adequate remedy at law.

ARTICLE II. POWERS AND DUTIES

TOWN COUNCIL

Section 7-2-1 Powers and Duties

PLANNING BOARD

Section 7-2-2 Powers and Duties

Section 7-2-3 Basic Studies

Section 7-2-4 Comprehensive Plan

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Section 7-2-14 Appeal from Board Decision

CONFLICTS OF INTEREST

Section 7-2-15 Conflicts of Interest

TOWN COUNCIL

Section 7-2-1 Powers and Duties of the Town Council

- (A) The Holly Ridge Town Council has those powers and duties as provided herein and by Article 5 of Chapter 160A of the North Carolina General Statutes.
- (B) In considering proposed changes in the text of this Ordinance or in the zoning map, the Town Council acts in its legislative capacity and must proceed in accordance with the requirements of Article VII.
- (C) Unless otherwise specifically provided in this Ordinance, in considering amendments to this Ordinance or the zoning map, the Town Council shall follow the regular voting and other requirements as set forth in other provisions of the Town code.

PLANNING BOARD

Section 7-2-2 Powers and Duties of the Planning Board

Pursuant to Chapter 2 of the General Code, it shall be the duty of the Planning Board, in

general:

- (A) To make studies of the area within its jurisdiction and surrounding area;
- (B) To determine objectives to be sought in the development of the study area; To prepare and adopt plans for achieving these objectives;
- (D) To develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans that the Town Council may direct;
- (E) To advise the Town Council concerning the means for carrying out plans;
- (F) To exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct.

Section 7-2-3 Basic studies

- (A) As background for its comprehensive plans and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important in determining the amount, direction, and kind of development to be expected in the area and its various parts.
- (B) In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities, which may include but are not limited to studies of housing; commercial and industrial facilities, parks, playgrounds, recreational facilities, public and private utilities, and traffic, transportation and parking facilities.
- (C) All officials of the Town shall upon request, furnish to the Planning Board such available records or information as it may require in its work. The board or its agents may, in the performance of its official duties, enter upon lands, and make the examinations or surveys and maintain necessary monuments thereon.

Section 7-2-4 Comprehensive Plan

- (A) The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Planning Board's recommendations to the Town Council for the development of the area, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other utilities and terminals, whether publicly or privately owned or operated, for water, power, gas, sanitation, transportation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, sidewalks, properties, utilities or terminals.
- (B) The Comprehensive Plan and any ordinances or other measures to effectuate the plans shall be made with the general purpose of guiding and accomplishing a coordinated,

adjusted, and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote health, safety, morale, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provisions, for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, the wise efficient expenditure of public funds, and the adequate provision of public utilities, services and other public requirements.

(C) Plans shall be adopted by the Town Council with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under this ordinance may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110. Plans adopted under this ordinance shall be advisory in nature without independent regulatory effect. Plans adopted under this Chapter do not expand, diminish, or alter the scope of authority for development regulations adopted under this Chapter.

(D) If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

Section 7-2-5 Zoning Amendments

The Planning Board may initiate from time to time proposals for amendment of the zoning ordinance and map based upon its studies and plans.

Section 7-2-6 Subdivision Requirements

The Planning Board shall review from time to time, the existing regulations for the control of land subdivision in the area and submit to the Town Council its recommendations, if any, for the revision of said regulations.

Section 7-2-7 Miscellaneous powers and duties

The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the plans. The Planning Board shall have power to promote public interest and an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

BOARD OF ADJUSTMENT

Section 7-2-8 Powers and Duties of the Board of Adjustment

(A) The Board of Adjustment shall hear and decide the following:

- (1) Special Use Permits,
- (2) Requests for variances, and
- (3) Appeals of any final and binding order, requirement, or determination by the Zoning Administrator or the Zoning Administrator's authorized agent.

Section 7-2-9 Procedures

The Board of Adjustment shall follow the procedures set forth in N.C. Gen. Stat. § 160D and quasi-judicial procedures when deciding appeals, requests for variances, and Special Use Permits.

QUASI-JUDICIAL HEARINGS

Section 7-2-10 Applicability

(A) Hearings for the following are considered quasi-judicial and must comply with the requirements in this section:

- (1) Special Use Permits,
- (2) Requests for variances, and
- (3) Appeals of any final and binding order, requirement, or determination by the Zoning Administrator or the Zoning Administrator's authorized agent.

Section 7-2-11 Notice

(A) Mailed Notice

Notice of any hearing conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons who have made a written request for such notice. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. The applicable board may continue an evidentiary hearing that has been convened without further advertisement. If a quasi-judicial hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(B) Posted Notice

Notice of any hearing conducted pursuant to this section shall be prominently posted on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The notice must be posted at least 10 days, but not more than 25 days, prior to the date of the hearing and may be removed after the date of the hearing.

Section 7-2-12 Quasi-judicial Proceedings

It is not intended that quasi-judicial proceedings before the Board of Adjustment be conducted as formally as those before courts. Nevertheless, the Board Chair shall take reasonable measures during the hearing to ensure that decorum is maintained, and an orderly process is followed in order to secure competent, material, and substantial evidence and to assure fairness to all interested parties. These proceedings shall be conducted in accordance with G.S. 160D-406.

(A) Disqualification of Member

A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial member does not recuse himself or herself, the remaining members shall vote on the objection.

(B) Administering Oaths

The Chair of the Board of Adjustment or any member acting as chair and the Secretary to the Board of Adjustment are authorized to administer oaths to witnesses in any matter coming before the board.

(C) Subpoenas

The Board of Adjustment through its Chair, or in the Chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160D-1402 may make a written request to the Chair of the Board of Adjustment explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(C) Presentation of Evidence

The applicant, the town, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the quasi-judicial evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

Section 7-2-13 Decision

- (A) The Board of Adjustment shall determine contested facts and make its decision within a reasonable time.
- (B) Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.
- (C) The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered in the calculation of the requisite majority.
- (D) Each quasi-judicial decision shall be provided in writing and shall state the Board of Adjustment's findings of fact, the application of applicable standards based on the Board's findings of fact, and any required conclusions in support of the Board's decision. The written decision shall be signed by the Chairman of the Board of Adjustment or other duly authorized member of the board.
- (E) A quasi-judicial decision is effective upon filing the written decision with the Secretary to the Board of Adjustment.
- (F) The Secretary to the Board of Adjustment shall deliver the decision of the Board by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective and shall certify that proper notice has been made.

Section 7-2-14 Appeal from Board Decision

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review

shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given pursuant to this Section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

CONFLICTS OF INTEREST

Sec. 7-2-15 Conflicts of Interest

(A) Town Council

A council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(B) Appointed Boards

Members of appointed boards, which shall include the Planning Board, shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(C) Administrative Staff

No staff member shall make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the town, as determined by the board of commissioners.

(D) Quasi-Judicial Decisions.

A member of any board exercising quasi-judicial functions pursuant to this ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate

affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(E) Resolution of Objection.

If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(F) Familial Relationship.

For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

ARTICLE III. ZONING DISTRICTS

- Section 7-3-1 Zoning Districts Established
- Section 7-3-2 District Boundaries Shown on Zoning Map
- Section 7-3-3 Rules Governing Interpretation of District Boundaries
- Section 7-3-4 Intent of Zoning Districts
- Section 7-3-5 OAR - Open Area/Recreation District
- Section 7-3-6 R-20 Residential District
- Section 7-3-7 R-15 Residential District
- Section 7-3-8 R-15A Residential District
- Section 7-3-9 R-10 Residential District
- Section 7-3-10 R-10A Residential District
- Section 7-3-11 R-7.5 Residential District
- Section 7-3-12 R-7.5A Residential District
- Section 7-3-13 R-5A Residential District
- Section 7-3-14 Commercial District
- Section 7-3-15 NB Neighborhood Business
- Section 7-3-17 MFR Residential District
- Section 7-3-18 RA Rural Agriculture
- Section 7-3-19 Overlay Districts

DIMENSIONAL REQUIREMENTS

- Section 7-3-21 Exemptions and Modifications
- Section 7-3-22 Front Yard Modifications in Residential Districts
- Section 7-3-23 Other Yard Modifications
- Section 7-3-24 Height Limit Exceptions
- Section 7-3-25 Zero Lot Lines

PERMITTED USES

- Section 7-3-26 Permitted Use Table

Section 7-3-1 Zoning Districts Established

For purposes of this Ordinance, the Town of Holly Ridge is hereby divided into zoning districts with designations as listed below:

OAR	Open Area/Recreation District
R-20	Residential District
R-15	Residential District
R-15A	Residential District
R-10	Residential District
R-10A	Residential District
R-7.5	Residential District
R-7.5A	Residential District
R-5A	Residential District
C	Commercial Business District
NB	Neighborhood Business District

LI	Light Industrial District
MFR	Multiple Family Residential District
RA	Rural Agriculture

Section 7-3-2 District Boundaries Shown on Zoning Map

The boundaries of the districts are shown and made a part of the map accompanying this Ordinance, entitled “Zoning Map of Town of Holly Ridge.” The Zoning Map and all notations, references and amendments thereto, and other information shown thereon are hereby made part of this Ordinance the same as if such information set forth on the map were fully described and set out herein. The Zoning Map is posted at the Town Hall of Holly Ridge and is available for inspection and review by the public.

Section 7-3-3 Rules Governing Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- (A) Where such district boundaries are indicated as following street or highway lines, such lines shall be construed to be such boundaries.
- (B) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

Section 7-3-4 Intent of Zoning Districts

Listed below is the intent of each zoning district. Each district was formulated using goals and recommendations of the Planning Board and Town Council. See the Table of Uses for permitted Special Uses for each district. Exemptions to dimensional standards are found in this article.

Section 7-3-5 OAR - Open Area/Recreation District

This district is established to protect wetlands and prevent development in areas of potential flood hazard, where such development would be detrimental to both the natural and economic environment of the community. It is also the purpose of this district to provide both passive and active recreational opportunities to the public.

Minimum required lot area	20,000 square feet
Minimum required front yard setback (Must not differ more than 10 feet from the average of adjacent buildings)	30 feet
Minimum required side yard	12 feet

(Provided, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots)

Minimum required rear setback 30 feet

Building Height Limits 40 feet

Section 7-3-6 R-20 Residential District

The purpose of this district is to stabilize established and/or planned single-family residential neighborhoods by providing a place for low density stick-built homes, modular homes and recreational uses and light agricultural purposes.

Minimum requirement lot area 20,000 square feet

Minimum required front yard setback 35 feet
(Must not differ more than 10 feet from the average of adjacent buildings)

Minimum required side yard 12 feet
(Provided, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots)

Minimum required rear setback 30 feet

Building Height Limits 40 feet

Section 7-3-7 R-15 Residential District

The purpose of this district is to stabilize established and planned single-family residential neighborhoods by providing a place for low density stick-built and modular homes uses, and to be protected from undesirable future development and residential developments.

Minimum required lot area 15,000 square feet

Minimum required front yard setback 25 feet
(Must not differ more than ten (10) feet from the average of adjacent buildings)

Minimum required side yard 12 feet
(Provided, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots)

Minimum required rear setback 25 feet

Building Height Limits 40 feet

Section 7-3-8 R-15A Residential District

The purpose of this district is to stabilize established and planned single-family residential

neighborhoods by providing a place for low density stick-built homes, modular homes and manufactured homes and to be protected from undesirable future development and residential developments.

Minimum required lot area	15,000 square feet
Minimum required front yard setback (Must not differ more than ten (10) feet from the average of adjacent buildings)	25 feet
Minimum required side yard (Provided, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots)	12 feet
Minimum required rear setback	25 feet
Building Height Limits	40 feet

Section 7-3-9 R-10 Residential District

The purpose of this district is to stabilize established and planned single-family residential neighborhoods by providing a place for medium density stick-built and modular homes.

Minimum required lot area	10,000 square feet
Minimum required front yard setback (Must not differ more than ten (10) feet from the average of adjacent buildings)	25 feet
Minimum required side yard (Provided, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots)	12 feet
Minimum required rear setback	25 feet
Building Height Limits	40 feet

Section 7-3-10 R-10A Residential District

The purpose of this district is to stabilize established and planned single-family residential neighborhoods by providing a place for medium density stick-built, modular and manufactured homes and campers and recreational vehicles contained within an approved park.

Minimum required lot area	10,000 square feet
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Minimum required front yard setback (Must not differ more than ten (10) feet from the average of adjacent buildings)	25 feet
Minimum required side yard (Provided, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots)	12 feet
Minimum required rear setback	25 feet
Building Height Limits	40 feet

Section 7-3-11 R-7.5 Residential District

The purpose of this district is to stabilize established and planned single-family neighborhoods by providing a place for medium density stick-built and modular homes.

Minimum required lot area	7,500 square feet
Minimum required front yard setback (Must not differ more than ten (10) feet from the average of adjacent buildings)	25 feet
Minimum required side yard (Provided, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots)	12 feet
Minimum required rear setback	25 feet
Building Height Limits	40 feet

Section 7-3-12 R-7.5A Residential District

The purpose of this district is to stabilize established and planned single-family neighborhoods by providing a place for medium density stick-built, modular and manufactured homes.

Minimum required lot area	7,500 square feet
Minimum required front yard setback (Must not differ more than ten (10) feet from the average of adjacent buildings)	25 feet
Minimum required side yard (Provided, on corner lots the side yard adjacent on the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots)	12 feet
Minimum required rear setback	25 feet
Building Height Limits	40 feet

Section 7-3-13 R-5A Residential District

The purpose of this district is to stabilize established and planned single-family neighborhoods by providing a place for higher density stick-built, modular and manufactured homes

Minimum required lot area	5,000 square feet
Minimum required front yard setback (Must not differ more than ten (10) feet from the average of adjacent buildings)	25 feet
Minimum required side yard (Provided, on corner lots the side yard adjacent to the street shall not be less fifty (50) percent of the front yard required on lots in rear of such corner lots)	10 feet
Minimum required rear setback	25 feet
Building Height Limits	40 feet

Section 7-3-14 Commercial District

The purpose of this district is to accommodate the development of retail, service and related businesses abutting major roadways throughout the town that cater to the traveling public.

Minimum required lot area	15,000 square feet
Minimum required front yard setback	0 feet
Minimum required side yard (Eight (8) feet mandatory if structure does not meet NC State Building Code)	0 feet

Where the rear of a lot abuts a residential district, there shall be fifteen (15) foot rear yard and where a lot abuts upon the side of lot zoned residential, there shall be a side yard of not less than ten (10) feet in width.

Building Height	40 feet
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Off Street Loading and Unloading Space - No off street loading space is required in the C Commercial District except for hotels, motels, guest houses and any residential uses.

Section 7-3-15 NB Neighborhood Business

The purpose of this district is to accommodate retail, service and related businesses that cater to the immediate community and residential districts. Neighborhood business districts in which traffic and parking congestion can be reduced to a minimum in order to preserve residential values and promote the general welfare of the surrounding residential district.

Minimum required lot area	4,500 square feet
Minimum required front yard setback	20 feet
Minimum required side yard (Common walls shall be allowed)	10 feet
Minimum required rear setback	10 feet
Building Height Limits	40 feet

Section 7-3-16 LI Light Industrial District

The purpose of this district is to provide locations for light industrial and/or manufacturing, processing and assembly uses and to protect adjacent rural/residential areas from such land uses.

Minimum required lot area	4,500 square feet
Minimum required front yard setback	20 feet
Minimum required side yard	10 feet
Minimum required rear setback	10 feet
Building Height Limits	40 feet

Whenever an industrial lot which abuts a residential district is developed, there shall be fifteen (15) foot rear yard and where a lot abuts upon the side of lot zoned residential, there shall be a side yard of not less than ten (10) feet in width.

Section 7-3-17 MFR Residential District

This district is established to provide for high density residential development such as townhouses, condominiums, apartments, assisted living facility, duplex or multi-family dwellings excluding manufactured homes and travel trailers.

Minimum required additional lot area for each dwelling unit above two (2) up to a maximum density of ten (10) units per acre

Minimum required front yard setback	20 feet
Minimum required side yard (This distance required between principal buildings)	10 feet
Minimum required rear yard	20 feet

Building Height Limits 40 feet

Section 7-3-18 RA Rural Agriculture

The purpose of this district is to maintain a rural development pattern where low and medium density single-family, modular, on frame modular and manufactured homes are intermingled with agricultural uses. This district is also designed to protect rural areas from the intrusion of non-agriculture land uses that could create a nuisance, detract from the quality of life, and/or present a danger to the natural environment.

Minimum required lot area	20,000 square feet
Minimum required lot width	60 feet
Minimum required front yard setback (easement)	25 feet (from a right-of-way or easement)
Minimum required side yard	8 feet
Minimum required rear yard	15 feet
Building Height Limits	40 feet
Accessory Building - Setback from property line	5 feet

Section 7-3-19 Overlay Districts

The Town reserves the right to adopt overlay districts to achieve zoning purposes consistent with this ordinance.

Section 7-3-20 Planned Unit Developments

The intent of this overlay district is to achieve site design and land development of superior quality by encouraging flexibility and creativity while achieving the purposes of other districts in this zoning ordinance by departing from the strict application of use and dimensional requirements under certain conditions and imposing other requirements in lieu thereof. The objective of the planned unit development is to encourage ingenuity, imagination, and flexibility of design efforts on the part of builders, architects, site planners, and developers to produce developments which are in keeping with density from the strict application of use, setback, height, and minimum lot size requirements of the zoning ordinance, which:

- * Permit a creative approach to the development of residential communities,
- * Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the zoning ordinance,
- * Provide for an efficient use of land resulting in smaller networks of utilities and streets and therefore lower housing costs,
- * Enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities and the provision of recreation areas and open space in excess of

existing zoning, subdivisions, and comprehensive plan requirements,

- * Provide an opportunity for new approaches to home ownership, and
- * Provide an environment of stable character compatible with surrounding residential areas

Section 7-3-21 Camp Davis Industrial Park Overlay

The Camp Davis Industrial Park Overlay is primarily intended to accommodate a wide range of assembling, fabricating, manufacturing, and distribution activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties. As established, the Camp Davis Industrial Park Overlay will apply to parcels within the Camp Davis Industrial Park as indicated by Onslow County Register of Deeds, Onslow County GIS Maps, the Official Zoning Map of Holly Ridge, and/or as determined by the Town of Holly Ridge. The overlay shall apply to currently existing parcels within as well as any/all proposed expansion of the Camp Davis Industrial Park. Properties directly adjoining US Hwy 17 and part of Camp Davis, as defined by parcel record, are omitted from the Camp Davis Industrial Park Overlay.

DIMENSIONAL REQUIREMENTS

Section 7-3-22 Exemptions and Modifications

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Town Council as provided for in this ordinance.

Section 7-3-23 Front Yard Modifications in Residential Districts

Where fifty (50) percent or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yard are less than the minimum required front yard as specified in this ordinance, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in this ordinance, whichever is less.

Provided further that, if any lot lies between two (2) buildings, which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Section 7-3-24 Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features and uncovered porches may not project more than four (4) feet into any required yard setback. Sills, cornices, eaves, gutters, buttresses, ornamental features and similar items may not project into any required yard setback more than thirty (30) inches.

Section 7-3-25 Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas) and similar structures and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated.

Section 7-3-26 – Permitted Use Table

See Attachment A

ARTICLE IV. SUPPLEMENTAL USE REGULATIONS

Section 7-4-1 Group Developments

Section 7-4-2 Adult Entertainment Section 7-4-3

Electronic Gaming Operation

Section 7-4-4 Manufactured Homes

Section 7-4-5 Manufactured Home Parks

Section 7-4-6 Multi-Family Development (Includes Apartments, Condominiums, Duplexes, and Townhouses)

Section 7-4-7 Shopping Centers

Section 7-4-8 Mini-Warehousing

Section 7-4-9 Family Child Care Homes

Section 7-4-10 Wireless Communication Towers

Section 7-4-11 Campers and RVs

Section 7-4-12 Indoor/Outdoor Firing Range (Shooting Ranges)

Section 7-4-13 Home Occupation

Section 7-4-14 Horse Stable, Residential (Non-Agricultural Support or Services)

Section 7-4-15 Horse Stable, (Agricultural Support or Services)

Section 7-4-16 Mobile Vendor

Section 7-4-17 Microbrewery or microdistillery

Section 7-4-18 Planned Unit Developments

Section 7-4-1 Group Developments

The purpose of promulgating standards for group developments is to promote orderly development where two (2) or more structures or uses are to be constructed on a single parcel or group of parcels. The Zoning Administrator must approve a plan before construction shall begin. Group developments shall comply with this article, as well as any other applicable requirements with this ordinance. Site plans shall be prepared and reviewed for all group developments in accordance with the standards listed in Section 7-5-5 Site Plans.

Section 7-4-2 Adult Establishment

Sale of adult magazines and pornographic material:

- (A) A business beside or across from a church that conducts business between the hours of 8:30 am and 12:00 pm on Sundays will not operate in a manner that disrupts, disturbs or interferes with services held during the above stated hours.
- (B) Adult establishments are only permitted within the Commercial (C) District. Adult establishments must have a Special Use and be reviewed by the Planning Board and approved by the Town Council. If approved by the Town Council, the adult establishment has to be 1,500 feet from any church, school, daycare or public park.

Section 7-4-3 Electronic Gaming Operation

- (A) An ELECTRONIC GAMING OPERATION is a business enterprise where persons utilize electronic machines, included but not limited to personal computers and dedicated gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise, or other prizes are redeemed or otherwise distributed. May also be referred to as cyber or internet sweepstakes.
- (B) Electric Gaming Operation is not allowed in the following zoning district: OAR, R-20, R-15, R-15A, R-10, R-10A, R-7.5, R-7.5A, R-5A, MFR, LI, RA or NB. The Commercial Zoning district for Electronic Gaming Operation must apply for a Special Use Permit and be reviewed by the Board of Adjustment and approved by the Town Council. If approved by the Town Council, the Electronic Gaming Operation has to be 1,500 feet from any church, school, daycare or public park and shall meet all State and Federal laws. See table of uses for allowed zoning districts.
- (B) Hours of Operation. The business shall operate only on Monday through Saturday between the hours of 10:00 AM and 12:00 AM (midnight) and on Sunday between the hours of 1:00 PM and 12:00AM (midnight).
- (C) This Ordinance does not refer to or affect any uses conducted by the State of North Carolina and its official lottery.
- (D) Location. The operation shall not be located closer than:
- (1) Fifteen-Hundred (1,500) feet from any residential zoning district.
 - (2) Fifteen-Hundred (1,500) feet from any church or other religious institution, day care center, public or private elementary or secondary educational school including technical schools, community college or university, governmental institute, public park or playground, public library, cemetery, skating rink, video arcade, or motion picture theater which shows G or PG-rated movies to the general public on a regular basis.
 - (3) Fifteen-Hundred (1,500) feet from any existing Electronic Gaming Operation, Tattoo or Body Piercing Establishment, Adult Entertainment Business or Sexually Oriented Business.
- (E) Maximum Number of Machines. No more than twenty (20) electronic gaming machines shall be permitted at any single Electronic Gaming Operation facility.

Section 7-4-4 Manufactured Homes

All manufactured homes moved into Holly Ridge will require a permit and will be inspected to ensure that they are in compliance with the State of North Carolina Regulations for Manufactured Homes.

(A) Underskirting for Manufactured Homes

Manufactured homes are required to install skirting. The skirting for the manufactured home must be in place prior to issuance of a Certificate of Occupancy. The skirting has to be a material that is made by a manufacturing company that makes underpinning materials for manufactured homes.

In order to protect the integrity of the building components under a mobile home from weather and animals, skirting shall remain in place. Any damaged or missing skirting must be replaced within thirty (30) days.

(B) Temporary Uses Manufactured Homes

Temporary use of a manufactured home as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner. A Temporary Occupancy Permit must be obtained from the Zoning Administrator before the use of the manufactured home is initiated or at the same time as the building permit is applied for in the case of construction of a new permanent home on the same lot. This Temporary Occupancy Permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction or construction takes place and may be renewed once for an additional six (6) month period by the Zoning Administrator. Applicable certifications from the Planning Department must be obtained for new home construction at the same time a Temporary Occupancy Permit is granted.

Section 7-4-5 Manufactured Home Parks

(A) The Owner/Operator shall be required to provide adequate supervision to maintain the manufactured/mobile home park in compliance with the requirements of this Ordinance.

The Owner/Operator shall keep all park-owned facilities, improvements, equipment and all common areas in good repair and maintained in such a manner as to prevent the accumulation of storage of materials which could constitute a fire hazard or would cause insect or rodent breeding and harborage. Abandoned vehicle storage, the accumulation of junk, or the storage of possessions and/or equipment in the area beneath the manufactured/mobile homes is expressly prohibited in preexisting and/or new manufacture/mobile home parks.

(B) The Owner/Operator will use extermination methods and other measures that conform to the requirements of the Inspections Department to control insects and rodents.

(C) The Owner/Operator will cause all lumber, pipes, and other building materials to be stored at least one (1) foot above the ground.

(D) Prior to the issuance of a Certificate of Compliance/ Occupancy, the Owner/Operator will provide in writing a road disclosure statement regarding the maintenance of the manufactured/mobile home parks roads. The disclosure will outline the Owner/Operator's plan for road upkeep and maintenance. The disclosure statement is required for pre-existing

manufactured/ mobile home parks as well as new Manufactured/Mobile Home Parks if the Town does not own and maintain the streets.

- (E) The Owner/Operator will ensure that all manufactured/Mobile Home Park roads will allow for unencumbered access for emergency and safety vehicles to enter and service emergency and safety needs of the residents of the manufactured/mobile home park.
- (F) The Owner/Operator shall be required to observe the placement of all manufactured/mobile homes to guarantee that the home is not occupied until a current Certificate of Occupancy is issued by the Building Inspections Department.
- (G) All applicable health regulations shall apply to manufactured/mobile home parks except where such regulations are in conflict with the provisions of this Ordinance, in which case the more restrictive provisions shall apply.
- (H) Failure to comply with any of these responsibilities and duties shall be cause to revoke or deny a manufactured/mobile home park Certificate of Compliance/ Occupancy along with other penalties.
- (I) Placement and Anchoring
 - a. All manufactured/mobile homes within a manufactured/mobile home park shall be properly anchored or provided with tie downs, in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, manufacturer's instructions and meet all code requirements.
 - b. All manufactured/mobile homes within a manufactured/mobile home park shall be a minimum of Wind Zone II Certified as designated by the North Carolina Department of Insurance.
- (J) Skirting
 - (1) Manufactured homes are required to install skirting. The skirting for the manufactured home must be in place prior to the issuance of a Certificate of Occupancy. The skirting shall be a material that is made by a manufacturing company that makes underpinning materials for manufactured homes.
 - (2) In order to protect the integrity of the building components under a mobile home from weather and animals, skirting shall remain in place. No area beneath the manufactured home shall be visible from any direction. Any damaged or missing skirting must be replaced within thirty (30) days
- (K) Residential Units Not To Be Travel Trailers. The Operator shall not permit a travel trailer to locate within the manufactured/mobile home park if to be used for any dwelling purpose whatsoever. Travel trailers or recreational vehicles may be stored on any lot in any residential zoning district provided they are not stored in the required setback for front yards. Recreational vehicles, while being stored in this area, cannot be used for sleeping, utility, office, material storage, etc.

- (L) Non-Residential Uses. No part of the manufactured/mobile home park may be used for non-residential purposes, except for home based businesses that would be allowed under the table of uses for that zoning district and uses that are required for the direct servicing and wellbeing of the manufactured/ mobile home park residents and for the management and maintenance of the manufactured/ mobile home park.
- (M) Assist County Tax Assessor. The Operator shall be required to comply with North Carolina General Statute 105-316, which requires that as of January 1st of each year, the Operator of the manufactured/mobile home park renting spaces for three (3) or more manufactured/mobile homes, furnish to the County Tax Assessor the name of the owner of and a description of each manufactured/mobile home located in the manufactured/mobile home park.
- (N) Application. Prior to the construction of a new mobile home park or the expansion of an existing mobile home park, the developer shall make application to the Planning Department for a Special Use Permit to construct or expand such a park. The application shall be accompanied by seven hard copies and one electronic copy of the proposed Site Plan. Such application must be received at least 30 days prior to a regularly scheduled meeting of the Board of Adjustments. Upon receipt of the application, the Planning Department shall distribute the plans to the Technical Review Committee (TRC) for review and comment.
- (O) Issuances of Construction Permit and Operating Permit. After receiving approval of the mobile home park plan by the Board of Adjustments, the Planning Department is authorized to issue a construction permit. If a Special Use Permit was granted, the Planning Department shall issue a construction permit only after all requirements have been met.
- (P) If the construction of the park has not begun within 12 months from the issue date of the construction permit, the Planning Board may grant an extension of the construction permit if the developer appears before the Planning Board and shows cause.
- (Q) When the developer has completed the construction of a phase of a mobile home park, he shall make application to the Planning Department for a certificate of completion. The application shall be accompanied by a certification stating that all improvements in the phase to be licensed are complete and in substantial compliance with consulting agencies having jurisdiction over the improvements. The certification shall bear the seal and signature of a professional engineer or land surveyor registered to practice in the state and qualified under chapter 89C of the General Statutes to design the improvements to which the certification applies, if required. Any variances from the plans shall be noted on the certification. The Planning Department and other officials having jurisdiction may make an on-site inspection to verify the proper installation of the improvements, and:
- (1) If the plan conforms to the park plans approved by the Planning Board or Board of Adjustment and other agencies, the Planning Department shall issue the developers a

- certificate of completion.
- (2) If the plan does not conform with the approved plan, the Planning Department shall delay issuance of the certificate of completion until it comes into conformity.
- (R) The certification of completion issued to the developer shall constitute authority to lease or rent spaces in the mobile home park.
- (S) When a mobile home park is to be developed in stages, the proposed park plan may be submitted for the entire development, and application for a certificate of completion may be made for each stage of development.
- (T) Individual mobile home spaces in mobile home parks shall not be sold or transferred as long as the park is in operation unless addressed under the terms and conditions of the town's subdivision regulations.
- (U) If any application, construction permit or operating permit is denied or disapproved the applicant may appeal to the Board of Adjustments.
- (V) Design standards. The following standards shall be considered the minimum requirements for all new mobile home parks:
- (3) Within a mobile home park, one mobile home may be used as an administrative office.
- (4) Mobile homes connected with a fair, carnival or circus may be parked for the duration of the fair, carnival or circus, but not to exceed 15 days, provided that all sewage and solid waste is disposed of in a manner approved by the town inspection department.
- (5) Streets – Improved Surface widths (feet).
- i. All streets – 20 ft.
 - ii. Service road – 12 ft.
 - iii. Cul-de-sac – 20 ft. (90 diameter turnaround)
- (6) Parking
- i. Each mobile home space shall be provided with off-street parking for two cars. Each parking space shall be properly graded. Maintenance of such streets and parking areas shall be provided by the owner or operator of the park. Streets shall be surfaced in a manner to provide for all-weather travel by passenger vehicles.
- (7) Permanent dead-end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turnaround that meets NCDOT standards. Street length shall be measured from the entrance to the center of the road.
- (8) Intersections. Streets shall intersect as nearly as possible at right angles, and no

street shall intersect at less than 60 degrees. Where a street intersects a highway, the design standards of the state department of transportation shall apply. Street jogs of less than 125 feet shall not be allowed.

(9) Traffic-control signs and devices shall be required as approved by the Planning Department.

(10) Buffer requirements shall be as required by Section 7-9-20.

(X) Mobile home spaces.

(1) All mobile homes shall be located on individual mobile home spaces. Where a community or municipal sewage disposal system is used, each mobile home space shall not be less than 50 feet wide, which shall be opened and unobstructed, and every mobile home shall be located on a mobile home space not less than 5,000 square feet in size.

(2) Where individual sewage disposal systems are to be used, each mobile home space shall be at least as large as the minimum requirement of the county health department and the state laws and rules for sanitary sewage collection, treatment and disposal. In no case shall a mobile home space be less than 5,000 square feet. Additional land area may be deemed necessary as determined by soil analysis, depth of water table, percolation tests, and other information obtained by the health department during on-site inspections.

(3) Each mobile home space shall be clearly defined in a permanent manner.

(4) Each mobile home space within the 100-year floodplain shall be developed according to the terms and conditions of the town flood damage prevention ordinance.

(5) Each mobile home shall be located at least 20 feet from any other mobile home park, at least eight feet from any property line, and at least 25 feet from the edge of the right-of-way of any public street or state road. A mobile home shall be at least 11 feet from the edge of any improved road surface serving only the rental spaces of the mobile home.

(6) Each mobile home space shall have a site number. Numbers at least four inches high shall be attached to the mobile home in a manner readable from the street providing access to the mobile home.

(7) Mobile homes shall be skirted in a neat and orderly fashion with an opaque material so that the area beneath the mobile home is not visible from any direction.

(Y) Utility requirements.

(1) An accessible, adequate, safe and potable supply of water shall be provided in each

mobile home park. Where a public water supply is available, connection shall be encouraged thereto, and its supply used exclusively. When a public water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the sanitary engineering division of the state board of health and the county health department.

- (2) If a county water system (ONWASA) is to be used, each mobile home space shall be individually metered.
 - (3) Adequate and safe sewage disposal facilities shall be provided in all mobile home parks. Collection systems and sewage treatment plants complying with the requirements of the state department of environmental management should be provided. Plans for sewage collection systems and treatment facilities shall be submitted to the State Department of Environmental Management. Individual septic tank systems can be considered if soil, topography and groundwater conditions are favorable.
 - (4) The storage, collection and disposal of solid waste in the mobile home park shall be so conducted as to create no health hazards or pollution.
 - (5) All mobile home parks shall provide for solid waste collection in a manner approved by the Planning Department subject to review and approval by the Planning Department. All solid waste shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All solid waste shall be collected and transported in covered vehicles or covered containers.
 - (6) Where public or private disposal service is not available, the mobile home operator shall dispose of the solid waste by transporting to an approved disposal site.
- (Z) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health department.
- (AA) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (BB) Storage areas shall be so maintained as to prevent rodent harborage.
- (CC) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
- (DD) All electrical connections shall meet the NC State electrical code. All streets in the

mobile home park shall be adequately illuminated from sunset until sunrise. The minimum size light shall be a 175-watt mercury vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 400 feet unless the system so provided can provide the same illumination with a greater interval.

(EE)Registration of occupants. Every mobile home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of mobile homes in the park. The register shall be maintained for a period of two years and shall contain the following:

- (1) Name of owner or occupant and social security number;
- (2) Mobile home space number or site number;
- (3) Description of mobile home;
- (4) Date of arrival and departure of the occupants.

(FF) Inspection.

- (1) The town building inspector and/or the zoning officer are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter. It shall be the duty of the owners or occupants of mobile home parks to give these agencies free access to such premises at reasonable time for the purpose of inspection.
- (2) The person to whom a certificate of completion for a mobile home park is issued shall cause the park to be operated in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition. This responsibility shall run with the property and be a continuing responsibility.

Section 7-4-6 Multi-Family Development (Includes Apartments, Condominiums, Duplexes, and Townhouses)

Minimum density requirements shall not exceed those permitted for the zoning districts:

MFR 10 units per acre

A minimum of fifteen (15) percent of the gross acreage shall be open space. Any group of buildings forming a courtyard shall reserve at least twenty-five (25) percent of the perimeter of such courtyard open for access by emergency vehicles. Buffers shall be installed meeting the requirements of this ordinance. A plan for solid waste storage, collection and disposal shall comply with the Solid Waste Ordinance. Upkeep and maintenance of the common open space, or any shared or outlying drain fields/wastewater systems as shown on the approved site plan, must be identified by one of the following methods for the purpose of upkeep and maintenance: by leasing or conveying title to a corporation, homeowner's association or other legal entity and if units are rented, the property owner or management firm. Identification of access and utility

easements to be reserved and dedicated to allow future development of adjoining properties that do not possess a public right of way to a public street. A copy of the maintenance agreement must be submitted with the development plan.

For townhouse developments which propose to subdivide land for sale of each single-family dwelling unit, the minimum lot size and setback requirements of the base zoning district shall only apply to the parent parcel. However, in no case shall subdivided townhouse lots be less than 750 square feet. Where subdivision of townhouse units is proposed, a preliminary plat and final plat must be provided in accordance with the applicable subdivision review procedure as provided in Chapter 8.

Section 7-4-7 Shopping Centers

Minimum lot size of two (2) acres. Building and accessory structures shall be located a minimum of fifty (50) feet from any street right-of-way and thirty (30) feet from any side or rear property lines. Buffers shall be installed meeting the requirements of this ordinance. A plan for solid waste storage, collection and disposal shall comply with the Solid Waste Ordinance. The total ground cover of all principal buildings and all necessary structures shall not exceed thirty (30) percent of the total site. Ten (10) percent of all parking areas shall be comprised of landscaped areas distributed throughout the parking area with an engineered storm water plan. Identification of access and utility easements to be reserved and dedicated to allow future development of adjoining properties that do not possess a public right-of-way to a public street.

Section 7-4-8 Mini-Warehousing

Buildings and accessory structures shall be located a minimum of fifty (50) feet from highways and thoroughfares and thirty (30) feet from any other side or service roads. Buildings and accessory structures shall be located no closer than twenty (20) feet from one another, providing adequate access for loading, unloading, ingress and egress. The total ground cover of all principal buildings and all accessory structures shall not exceed seventy (70) percent of the total site.

Section 7-4-9 Family Child Care Homes

The Town of Holly Ridge recognizes the desire and/or need for citizens to use their residence for limited non-residential activities. However, the town believes that the need to protect the integrity of residential areas is of paramount concern. It is important to allow, but to also regulate, non-residential activities in the town residential districts. In essence, a "Family Child Care Home" is a permitted activity in a residential area to an extent that no neighbors will be aware, by outward appearance, of the activity. In practice, a "Family Child Care Home" gives the resident the legal right to use his/her residence to provide in home care for up to eight (8) children at any given time.

- (A) Performance Criteria - A family childcare home shall meet the following minimum conditions:

- (1) The activity shall not be inconsistent with the use of the premises as a dwelling;
- (2) Family child care homes must be licensed by the North Carolina Division of Child Development and must meet all applicable code requirements;
- (3) There shall be no exterior evidence from a public right-of-way of a family child care home except a sign as permitted by Section 7-4-9 (B);
- (4) A family child care home may only be conducted within the primary structure except required outdoor play area;
- (5) Required outdoor play areas shall be located in the rear yard. The outdoor play area will be required to be fenced unless it is located in a high density housing area or is otherwise required by the appropriate State of North Carolina regulatory agency; Homes located in areas designed as high density housing areas will be required to have a solid wood, vinyl or composite fence no less than six (6) feet tall surrounding the play area;
- (6) A family child care home shall not be permitted within two hundred (200) feet of another family child care home unless separated by a public right-of-way. Spacing shall be measured from the center of the parcel on which the family child care home is located. Spacing between homes located in areas designed as high density housing areas will be extended to four hundred (400) feet; and
- (7) No family child care home shall result in garbage disposal exceeding standard residential use.

(B) Permitted Signs

An indirectly lighted name plate or professional sign not over two (2) square feet in area and attached flat against the building shall be permitted in connection with an incidental family child care home.

(C) Inspections

Operators of licensed family child care homes within the corporate limits of Holly Ridge, including the extra territorial jurisdiction, will be required to submit to a fire inspection every two years, with the first being conducted prior to licensing with the Division of Child Development. An inspector from Holly Ridge Zoning, Code Enforcement, Fire, Planning or other governmental department shall have the right, at any time, upon reasonable request, to enter and inspect the premises for safety and compliance purposes, with the consent of the property owner.

(D) Required Permits

Individuals wishing to operate a family child care home within the corporate limits of Holly Ridge, including the extra territorial jurisdiction, must have an approved Home Occupation Permit and shall be licensed with the Division of Child Development.

7-4-10 Small Wireless Communication Facilities

(A) Purpose

The purpose of this section is to:

1. Minimize the impacts of small wireless facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
2. Encourage the location and collocation of small wireless facilities, equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, and to reduce the need for additional antennae supporting structures;
3. Encourage coordination between suppliers of small wireless facilities in the Town of Holly Ridge and its planning jurisdiction;
4. Accommodate the growing demand for wireless services and the resulting need for small wireless facilities;
5. Regulate in accordance with applicable State and Federal laws;
6. Establish review procedures to ensure that applications for small wireless facilities are reviewed and acted upon within a reasonable period of time or any specific period of time required by law;
7. Protect the unique aesthetics of the Town while meeting the needs of its citizens and businesses to enjoy the benefits of wireless communications services; and
8. Encourage the use of existing buildings and structures as locations for small wireless facilities infrastructure as a method to minimize the aesthetic impact of related infrastructure. It is not the purpose or intent of this section to prohibit or have the effect of prohibiting wireless communications services; unreasonably discriminate among providers of functionally equivalent wireless communication services; regulate the placement, construction or modification of wireless communications facilities on the basis of the environmental effects of radio frequency emissions where it is demonstrated that the small wireless facility does or will comply with applicable FCC regulations; or prohibit or effectively prohibit collocations or modification that the town must approve under state or federal law. The provisions of this Section are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or other permits issued by the Town.

(B) Definitions

The following terms shall be defined as follows: ·

Accessory Equipment means any equipment installed and owned by a third party used to deliver a service (other than a communications service) to a telecommunications facility, such as an electric meter.

Antenna has the same meaning as the term "antenna" defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3. Applicable Codes has the same meaning as the term "applicable codes" defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3. Base Station means a structure or equipment at a fixed location that enables Federal Communications Commission licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a wireless support structure, or any equipment associated with such structure. The term includes wireless facilities.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennae, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small wireless facilities).
3. The term includes any structure other than a wireless support structure that, at the time the relevant application is filed with the Town under this section, supports or houses equipment described in paragraphs 1 - 2 above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
4. The term does not include any structure that, at the time the relevant application is filed with the Town under this ordinance, does not support or house equipment described in paragraphs 1-2 above.

City Utility Pole has the same meaning as the term "city utility pole" as defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3.

Collocation has the same meaning as the term "collocation" as defined in N. C. Gen. Stat. Chapter 160D, Article 9, Part 3.

Concealed (Stealth) Wireless Facility, Wireless Support Structure, or Antenna means any telecommunications facility, wireless support structure, or antenna that is integrated as an architectural feature of a structure or that is designed to camouflage or conceal the presence of the telecommunications facility, wireless support structure, or antenna so that the purpose of the telecommunications facility, wireless support structure, or antenna is not readily apparent to a casual observer. Concealment Element means any design feature, including but not limited to painting, shielding requirements, shrouds, and restrictions on location or height in relation to the surrounding area that are intended to make a telecommunications facility less visible to the casual observer. The design elements of a concealed (stealth) telecommunications facility are concealment elements. ·

Eligible Facilities Request means any request for modification of an existing wireless support structure or base station that does not substantially change the physical dimensions of such telecommunications tower or base station, as defined in either 47 C.F.R. 1.4000l(b) or N.C. Gen. Stat. Chapter 160D, Article 9, Part 3. Monopole means a single, self-supporting, freestanding pole-type structure built for the sole purpose of supporting one or more antennae. For the purposes of this Ordinance, a Utility Pole is not a monopole.

Qualifying City Utility Pole means a modified or replacement city utility pole that does not exceed 50 feet above ground level and that is associated with a new small wireless facility that does not extend more than 10 feet above such city utility pole.

Qualifying Small Wireless Facility means a new small wireless facility that does not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated and is located either (i) in the Town right-of-way or (ii) outside of Town right-of-way on property other than single family residential property.

Qualifying Utility Pole means a new utility pole or a modified or replacement utility pole that does not exceed 50 feet above ground level and that is associated with a new small wireless facility that does not extend more than 10 feet above such utility pole. Shroud means a box or other container that contains, and is designed to camouflage or conceal the presence of, a telecommunications facility, antenna, or accessory equipment.

Small Wireless Facility has the same meaning as the term "small wireless facility" as defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3. .

Substantial Change has the same meaning as the term "substantial change" as defined by Federal Communications Commission regulations, 47 CFR 1.4000l(b)(7). Substantial Modification has the same meaning as the term "substantial modification" as defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3.

Telecommunications Facility means a facility consisting of a base station and accessory equipment, and the utility pole, city utility pole, or wireless support structure, if any, associated with the facility.

Utility Pole has the same meaning as the term "utility pole" as defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3.

Wireless Facility has the same meaning as the term "wireless facility" as defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3. The term includes small wireless facilities. Wireless Support Structure has the same meaning as the term "wireless support structure" as defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3. A utility pole or city utility pole is not a wireless support structure.

(C) Siting

To protect the unique aesthetics of the Town, to minimize new visual, aesthetic and public safety impacts, and to reduce the need for additional antenna supporting structures, the Town prefers that small wireless facilities be located outside the public right of way; collocated on

existing utility poles or wireless support structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support structure. These preferences are intended as guidance for development of an application for small wireless facilities.

(D) Applicability; Compliance with Law; Exemptions.

1. The standards established herein shall apply only to qualifying small wireless facilities, qualifying utility poles, and qualifying city utility poles, as defined herein. Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of, any other requirement of State or local law, except as specifically provided herein. Without limitation, the provisions of this ordinance do not permit placement of small wireless facilities on privately-owned utility poles or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property.

2. Unless expressly set forth herein, the following categories of small wireless facilities are exempt from the requirements of this Section, provided they meet the location and design requirements set forth below:

a. Any telecommunications facility below 65 feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations.

b. Over the air reception devices covered under 47 C.F.R. § 1.4000 which comply with the requirements of § 154-264(F) of this Ordinance.

c. Eligible facilities requests that satisfy the requirements set forth in § 154-264.

d. Routine maintenance of small wireless facilities; the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or installation, placement, Maintenance, or replacement of micro wireless facilities (as defined in N.C. Gen. Stat. Chapter 160D, Article 9, Part 3) that are suspended on cables strung between existing utility poles or city utility poles in compliance with all applicable laws or regulations by or for a communications service provider authorized to occupy the Town rights-of-way and who is remitting taxes under N.C. Gen. Stat. § 105-164.4(a)(4c) or (a)(6).

e. A temporary small wireless facility, upon the declaration of a state of emergency by federal, state, or Town, and a written determination of public necessity by the Town of Holly Ridge; except that such facility must comply with all federal and state requirements and must be removed at the conclusion of the emergency.

f. Public safety facilities or installations required for public safety on public or private property, including transmitters, repeaters, and remote cameras so long as the facilities are designed to match the supporting structure.

g. A small wireless facility located in an interior structure or upon the site of any stadium or athletic facility, provided that the small wireless facility complies with applicable codes.

(E) Collocation of Small Wireless Facilities

Collocation of small wireless facilities on land used as single-family residential property or vacant land that is zoned for single-family development, and any small wireless facility that extends more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated, are subject to § 154-264 of this Ordinance.

Notwithstanding the foregoing, replacement of an existing streetlight for which the Town is financially responsible with a streetlight capable of including a collocated, concealed small wireless facility is permitted on land used as single-family residential property or vacant land that is zoned for single family development, pursuant to the requirements of § 154-264(F).

Collocations of qualifying small wireless facilities in Town right-of-way or outside of Town right-of-way on land that is in a non-residential zoning district or land that is used for non-single-family residential property, are subject to the following requirements:

1. Application. Applicants must complete an application as specified in form and content by the Town.
2. Height. Each new small wireless facility shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated.
3. Public Safety. In order to protect public safety:
 - a. Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.
 - b. A structural engineering report prepared by an engineer licensed by the State of North Carolina, certifying that the host structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennae and other equipment, extensions, and appurtenances associated with the installation.
 - c. A traffic and pedestrian management plan must be submitted for any installation that requires work in the public right-of-way.
 - d. No portion of a small wireless facility may be placed in the public right-of-way in a manner that:
 - i. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference;

Or

 - ii. Involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than 8 feet above ground level.

e. An abandoned small wireless facility shall be removed within 180 days of abandonment.

4. Objective Design Standards.

a. No advertising signs or logos are permitted on small wireless facilities. b. Small wireless facilities shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.

5. Stealth and Concealment.

a. All small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed.

6. Screening, Landscaping, and Spacing Requirements for Ground Equipment. a.

Ground equipment shall be screened, to the extent possible, with evergreen plantings or other acceptable alternatives approved by the Planning Director.

7. Applicable Codes.

Small wireless facilities must meet applicable codes.

F. Utility Poles and City Utility Poles Associated with Small Wireless Facilities.

Modification or replacement of qualifying utility poles and qualifying city utility poles existing as of the date of adoption of this code of ordinances, is not prohibited; however, the maintenance, modification, operation, or replacement of qualifying utility poles and qualifying city utility poles associated with small wireless facilities are subject to the following requirements:

1. Application. Applicants must complete an application as specified in form and content by the Town.

2. Height. Each modified or replacement utility pole or city utility pole shall not exceed (i) 40 feet above ground level on property zoned for or used as single-family residential property, or in the right of way adjacent to such property, where existing utilities are installed underground, unless a variance is granted; or (ii) 50 feet above ground level on all other property. Each new small wireless facility shall not extend more than 10 feet above the associated utility pole, city utility pole, or wireless support structure on which it is collocated.

3. Small Wireless Facilities. All requirements of Subsection E of this Section apply to small wireless facilities located on a utility pole, city utility pole, or wireless support structure.

4. Public Safety. In order to protect public safety:

- a. No portion of a utility pole or city utility pole associated with a small wireless facility may be placed in the public right-of-way in a manner that:
 - i. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference;
 - or
 - ii. Involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than 8 feet above ground level.

5. Objective Design Standards.

- a. Utility poles or city utility poles associated with a small wireless facility shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Utility poles or city utility poles associated with a small wireless facility shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.

6. Stealth and Concealment.

- a. All antenna and accessory equipment must be shrouded or otherwise concealed.

7. Applicable Codes.

- a. Utility poles and city utility poles associated with a small wireless facility must meet applicable codes.

G. Standard Conditions.

1. Applicant must obtain all other required permits, authorizations, approvals, agreements, and declarations that may be required for installation, modification, and/or operation of the proposed facility under Federal, State, or local law, rules, or regulations, including but not limited to encroachment agreements and FCC approvals. An approval issued under this Section is not in lieu of any other permit required under the Town Code, nor is it a franchise, license, or other authorization to occupy the public right-of-way, or a license, lease, or agreement authorizing occupancy of any other public or private property. It does not create a vested right in occupying any particular location, and an applicant may be required to move and remove facilities at its expense consistent with other provisions of applicable law. An approval issued in error, based on incomplete or false information submitted by an applicant or that conflicts with the provisions of this Ordinance, is not valid. No person may maintain a small wireless facility in place unless required State or Federal authorization remain in force.

2. All small wireless facilities and related equipment, including but not limited to fences, cabinets, poles, and landscaping, shall be maintained in good working condition over the life of the use. This shall include keeping the structures maintained to the visual standards established at the time of approval. The small wireless facility shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than thirty (30) calendar days from the date of notification by the Town. In public rights-of-way, damaged or deteriorated components must be corrected within five (5) business days of notification.
3. The property owner(s) or applicant shall submit a certification letter from a North Carolina certified land surveyor or licensed engineer which verifies that structure height complies with the approved development plan.
4. The applicant or owner shall maintain onsite at the facility contact information for all parties responsible for maintenance of the facility.
5. Small wireless facilities, whether operating alone or in conjunction with other facilities, shall not generate radio frequency emissions in excess of the standards established by the Federal Communications Commission.
6. After written notice to the applicant and/or owner, the Town may require the relocation, at the applicant/owner's expense, of any small wireless facility, and the associated utility pole, city utility pole, or wireless support structure on which it is collocated, located in the public right-of-way, as necessary for maintenance or reconfiguration of the right-of-way or for other public projects, or take any other action or combination of actions necessary to protect the health and welfare of the Town.
7. Collocation or modification of small wireless facilities on an existing non-conforming wireless support structure or base station shall not be construed as an expansion, enlargement, or increase in intensity of a non-conforming structure and/or use, provided that the collocation or modification constitute an eligible facilities request.

Section 7-4-11 Campgrounds, travel trailer, and RV parks

- (A) Travel trailers or recreational vehicles may only be set up in a RV Camp Ground for use.
- (B) Travel trailers or recreational vehicles may be stored on any lot in any residential zoning district provided they are not stored in the required setback for front yards. Travel trailers or recreational vehicles, while being stored in this area, cannot be used for sleeping, utility, office, material storage, etc. or be permanently connected to utilities including, but not limited to, water, sewer, electric, etc.
- (C) It is the intent of the following sections to set minimum standards for areas that are to be developed for occupancy on a temporary basis. A travel trailer or recreational vehicle is not considered to be a residential structure but is considered to be a vehicle in which people live temporarily. Throughout the following sections, use of either of the phrases

“travel trailer” or “recreational vehicle” shall be deemed to include both.

(D) Minimum Site Requirements. The minimum requirements for a site to be approved for development as a travel trailer park shall include:

- (1) Each travel trailer park must contain fifteen (15) or more spaces.
- (2) Each travel trailer or structure must be a minimum of fifteen (15) feet from every other travel trailer or structure.
- (3) Travel trailer spaces shall be a minimum of one thousand five hundred (1,500) square feet each.
- (4) All spaces adjacent to a public street must provide a mandatory minimum setback of not less than forty (40) feet from the street right-of-way;
- (5) Each park shall have streets passable in all weather conditions, directly accessible from each space and not less than eighteen (18) feet wide for two-way streets or twelve (12) feet for one-way streets. Streets with anticipated heavy traffic may be required to be in excess of eighteen (18) feet.
- (6) No park shall allow direct access from any space to a public roadway.
- (7) Streets designed to be permanently closed at one end shall not exceed 150 feet in length. Streets in excess of 150 feet shall have a cul-de-sac with a minimum diameter of 80 feet or other approved NCDOT turnaround. Streets that end in a cul-de-sac or approved turnaround shall not exceed 500 feet in length measured from the entrance to the center of the turnaround.
- (8) Park entrances or exits onto public roadways must be a minimum of three hundred (300) feet apart and a minimum of three hundred (300) feet from the intersection of any two (2) public roadways.
- (9) Separate toilet facilities shall be provided for each sex in one (1) or more structures and easily accessible to all spaces within the park. Such a structure may house additional conveniences for the use of park.
- (10) All swimming pools and bathing areas must be installed, used or improved in compliance with all applicable regulations, including, but not limited to, the approval of the code enforcement official.
- (11) Not more than one (1) sign identifying the park shall be erected at each entrance and each sign may not exceed thirty-six (36) square feet. All signs must be erected in accordance with other applicable ordinances.
- (12) Each travel trailer park shall provide and maintain recreation areas equal to not less than one-half ($\frac{1}{2}$) acre for each fifteen (15) spaces within the park.

(13) Buffering shall be as required by Section 7-9-20.

(E) Sanitation Facilities. All toilet, shower, lavatory and laundry facilities provided shall be maintained in a clean and sanitary condition; shall be kept in good repair; shall be safely and adequately lighted; shall be easily accessible and conveniently located to all spaces; and shall be constructed according to applicable building codes and maintained in compliance with all rules and regulations of the Onslow County Health Department, ONWASA, or other utility providing service.

(F) Safe Water Supply Required. A safe, adequate and conveniently located water supply must be provided within each park. All water supply systems shall be installed and operated pursuant to the State of North Carolina, Onslow County Health Department, ONWASA and/or other utility service provider guidelines, rules and regulations.

(G) Sewage Disposal. Each park shall provide and maintain at least one (1) sewage disposal station (dump station) within the park, operated and constructed pursuant to all statutes, rules and regulations of the State of North Carolina, the Onslow County Health Department, ONWASA and/or other utility service provider guidelines, rules and regulations. All sewage disposal systems shall be installed and operated pursuant to all applicable state statutes and/or state, county or town rules and regulations.

(H) Garbage and Solid Waste. Each park shall provide solid waste storage, collection and disposal within the park in such a manner as to not create a health hazard, promote rodents or insect breeding, cause accidents, fire hazards, or a nuisance from the odor. In addition, each park shall provide a minimum of one (1) leak proof container with a tight-fitting lid and a capacity of at least twenty (20) gallons for every two (2) spaces within the park. Such containers shall be no more than one hundred fifty (150) feet from any space and stored in such a manner as to prevent spillage.

(I) Electrical Services. Where electrical service is provided, the installation and use of such facilities shall conform to all applicable codes and shall be subject to inspection by a town code enforcement official.

(J) Manufactured Homes Prohibited. It shall be unlawful for a person to park or store a manufactured home in a travel trailer park.

(K) Road Worthiness Required at all Times. Each park shall maintain a permanent record book, which shall be available during regular business hours of the park for inspection by a town code enforcement official, containing the following information:

(1) Name and address of owners of each travel trailer or recreational vehicle located within the park at any point in time;

(2) Date when the vehicle was parked in its current location;

(3) License plate numbers for each vehicle. Every travel trailer or recreational vehicle located within the Town of Holly Ridge shall maintain a current license plate issued

by the State of North Carolina or the Department of Motor Vehicles or similar agency within the state where the vehicle is registered.

- (4) A notation as to the date of each inspection by park officials to verify that each vehicle is properly licensed and road worthy. Road worthy shall be defined as being fully intact so that the vehicle can be removed from the park within a reasonable time in the event that an emergency situation arises requiring evacuation. A vehicle that has the tongue or other device needed to tow the vehicle removed, the axles removed, flat tires, missing tires or tires in extremely poor condition shall not be considered road worthy; except that vehicles designed with a quick release system relating to the tongue or other towing device, may detach the device and store it within close proximity of the vehicle.
- (5) Additionally, vehicles that, for whatever reason, are neither capable of self-propulsion nor towable by a light duty truck as originally designed by the manufacturer, shall not be considered road worthy. Any vehicle requiring a Department of Transportation permit or any other special permit for towing is specifically prohibited from placement within any travel trailer park. Additionally, any vehicle in excess of three hundred twenty (320) square feet, as measured in the towing mode, is prohibited within any travel trailer park.
- (6) In connection with this subsection, each park in existence at the time of the adoption of this ordinance shall submit a park design to a code enforcement official within thirty (30) days, indicating the number of spaces within the park, their relative positions and all streets within the park. All spaces should be appropriately numbered on the design and, following approval of the numbering system by a code enforcement official, such numbers must be displayed within park.

(L) Structural Attachments to Travel Trailers Prohibited. All structural improvements or additions to a travel trailer or used in connection with a travel trailer which might contribute to a delay or the inability to readily remove that or any other trailer from its parking space are prohibited. In addition, all attachments or improvements to travel trailers or used in connection with travel trailers not herein specifically permitted are prohibited. The following attachments or improvements are permitted:

- (1) Any addition built into the travel trailer by the manufacturer and designed to fold out or extend from the trailer which does not interfere with the immediate removal of the trailer or any other travel trailer.
- (2) Decks which are property anchored;
 - (a) Not in excess of ten (10) feet by twenty (20) feet, however, alternate configurations may be approved by the code enforcement officer on a case by case basis, provided that no deck may exceed two hundred (200) square feet. The approval of alternate configurations may not be arbitrarily withheld;

- (b) No more than ten (10) feet perpendicular to the travel trailer;
- (c) No more than twenty (20) feet parallel with the travel trailer;
- (d) One (1) level, not more than sixteen (16) feet from grade;
- (e) With or without rails;
- (f) Not enclosed with either walls or a roof, except as permitted in (8) and (9) below. Specifically, no solid or permanent wall or roof coverings will be permitted. Glazing of any kind shall be considered permanent. Any material other than screen shall be considered permanent.
- (g) Covered by a canvas awning attached to the travel trailer, but not to the deck itself;
- (h) Screened with temporary pre-manufactured aluminum screen panels or pre-manufactured aluminum roof panels designed to be readily removed and approved by a code enforcement official of the town prior to issuance of permit. All screening materials allowed within this section must be contained within the perimeter of the allowable deck. Alternate equivalent screening materials may be approved on a case by case basis by the Code Enforcement Official. Such approval shall not be arbitrarily withheld.
- (i) Not placed in such a manner as to interfere with the removal of the travel trailer that is used in connection with, or any other travel trailer.

(3) Storage boxes or bins not in excess of three (3) feet by four (4) feet by three (3) feet or storage boxes or bins not in excess of thirty-eight (38) inches by fifty-one (51) inches by seventy-seven (77) inches or the equivalent Rubbermaid type storage bin, which is property anchored.

(4) Landscaping or vegetation with does not interfere with the immediate removal of the travel trailer.

(M)Improvement Permits Required. Any improvements or repair activity within a travel trailer park or in connection with a travel trailer, whether within a park or not, may require permits. Any individual contemplating improvements or repair to or in connection with a travel trailer must consult a code enforcement official before commencing any action.

Section 7-4-12 Indoor/Outdoor Firing Range (Shooting Ranges)

(A) This section is intended to regulate the establishment and operation of shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining

properties. This section does not otherwise apply to the general discharge of firearms or the use of bows and arrows in accordance with all other applicable laws or regulations. Further, the regulations of this article have been made with reasonable consideration among other things, as to the character of the town and its areas and their peculiar suitability for these businesses and recreational facilities.

(B) It is the intent of this article to accomplish the following:

- (1) Shot containment. Each shooting range facility shall be designed to contain the bullets, shot or arrows on the range facility within the safety fan zone.
- (2) Noise mitigation. Each shooting range facility shall be designed to minimize offsite noise impacts generated by the activities conducted on the range facility.

(C) All new shooting facilities shall be designed, constructed and operated in strict compliance with National Rifle Association (herein referred to as the N.R.A.) standards, specifically "The Range Manual, A Guide to Planning and Construction," Section 1: Chapters 1 through 7, Section 2: Chapters 1 through 18, Section 3: Chapters 1 through 12; Section 4 and verified by the NRA Range Technical Team, National Shooting Sports Foundation (NSSF), the U.S. Occupational Safety and Health Administration (OSHA:), and the National Institute of Occupational Safety and Health (NOISH). In addition, construction standards shall comply with all appurtenant North Carolina Building Codes and verified by a professional engineer.

(D) Setbacks. All outdoor shooting stations on a range facility shall be located a minimum of 150 feet from any property line.

(E) Warning signs. Warning signs meeting N.R.A. guidelines for shooting ranges shall be posted at 100-foot intervals along the entire perimeter of the shooting range facility.

(F) Distance from occupied dwelling. All outdoor shooting range stations shall be located at least 1000 feet from any occupied dwelling, excluding those dwellings occupied by the range owner and staff of the range. A shooting range lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a residence within 1000 feet of the shooting station.

(G) The permittee shall be required to carry a minimum of \$500,000.00 of liability insurance. Such insurance shall name the town as an additional insured party and shall save and hold the town, its elected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The Town shall be notified of any policy changes or lapses in coverage.

(H) A site plan shall be prepared in accordance with Section 7-5-5, but shall also include a

complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, when necessary and projected noise contours;

- (I) Permit display. Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.
- (J) Permit transferability. A permit issued pursuant to this article may not be transferred to another operator without the written approval and consent of the town's Planning Department.
- (K) Changes or expansions. If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations or activities not covered by an approved permit or otherwise cause nonconformance with this article, a new permit for the entire facility shall be secured in accordance with all of the provisions of this article.
- (L) Abandonment and discontinuance. When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the Town of such intent by providing written notice to the Planning Department.

Section 7-4-13 Home Occupation

- (A) Home occupations are permitted as an accessory use to a dwelling in all zoning districts except LI, and OAR, subject to the following requirements:
 - (1) No display of products shall be visible from the street. (Not applicable in the R- 15, R-15A, R20, or Rural Agriculture (RA) district.)
 - (2) No mechanical equipment shall be installed or used that creates vibration, glare, fumes, odors, or electrical interference that is detectable off site.
 - (3) The square footage of floor area devoted to the home occupation (which may be located within the home and/or accessory buildings) shall not exceed forty percent (40%) of the livable square footage of the home, or one thousand (1,000) square feet, whichever is smaller.
 - (4) The home occupation may only employ residents of the dwelling and up to two (2) nonresident employees.
 - (5) Signage identifying the home occupation shall be limited to a single sign with no more than four (4) square feet of sign area.
 - (6) The home occupation shall generate no more than thirty (30) vehicle trips per day or a number of vehicle trips equal to five percent (5%) of the average daily traffic volume on the adjacent street, whichever is less, nor more than sixteen (16) vehicle trips during that hour of the day when the street's traffic volume is at its peak.

- (7) Shipments and delivery of products, merchandise, or supplies shall be limited to the hours between 8:00 AM and 8:00 PM and shall occur only via trucks or smaller vehicles typically used to serve residential areas. In no case may any commercial vehicle or truck with a gross weight greater than thirteen (13) tons be used for shipments, deliveries, or service. The site shall be able to accommodate the on-site loading/unloading and maneuvering of trucks used for shipments, deliveries, or service.
 - (8) Home occupation commercial fishing (including, but not limited to oystering, shrimping, clamming, scalloping, net fishing, and crabbing) may include use of accessory structures (e.g., buildings used for crab shedding) and equipment (e.g., refrigerators) provided, however, that crab pots, fishing nets, coolers, and other items necessary to operate commercial fishing activities must be kept so as not to pose a health or safety risk in violation of the Chapter 14-Solid Waste Ordinance.
- (B) A plot plan of sufficient detail and accuracy to allow a determination of compliance with the above requirements must be submitted with the zoning permit application.

Section 7-4-14 Horse Stable, Residential (Non-Agricultural Support or Services)

- (A) Horse stables are permitted as an accessory use to a dwelling in all zoning districts, subject to the following requirements:
- (1) Minimum Site Size - Horse stables shall have a minimum pasture area of at least 1.25 acres for each of the first two horses and an additional 1 acre of pasture for each additional horse after two.
- | Minimum Pasture Size | |
|---------------------------------------------------------------------------------------|------------------------------|
| # of Horses | Minimum Pasture Size (Acres) |
| 1 | 1.25 |
| 2 | 2.50 |
| For each additional horse over 2, 1 acre of additional pasture area shall be provided | |
- (1) Minimum Stall Size - Each horse stall shall be at least 120 square feet in size.
 - (2) Minimum Area for Feed, Supplies and Manure/Bedding Storage - Horse stables with 10 horses or less shall provide 144 square feet of storage space for feed and supplies.
 - (3) Manure storage for all stables shall be designed to accommodate 7 cubic yards of material per horse that is properly disposed of monthly.
 - (4) Each structure or fence shall comply with setback requirements in this Ordinance.

Section 7-4-15 Horse Stable, (Agricultural Support or Services)

- (A) Horse stables shall comply with the following requirements:

- (1) Minimum Site Size - Horse stables shall have a minimum pasture area of at least 2 acres for each of the first two horses and an additional 1 acre of pasture for each additional horse after four.

Minimum Pasture Size	
# of Horses	Minimum Pasture Size (Acres)
1	2
2	4
3	5
4	6
For each additional horse over 4, 1 acre of additional pasture area shall be provided	

- (2) Minimum Stall Size – Each horse stall shall be at least 120 square feet in size.
- (3) Minimum Area for Feed, Supplies and Manure/Bedding Storage - Horse stables with 10 horses or less shall provide 144 square feet of storage space for feed and supplies. Horse stables with more than 10 horses shall provide 144 square feet of storage space for feed and supplies, plus both a separate hay storage and separate grain bin large enough to accommodate hay and grain needed to feed 10 horses for 7 days.
- (4) Manure storage for all stables shall be designed to accommodate either 7 cubic yards of material per horse that is properly disposed of monthly or storage for 20 cubic yards of material per horse that shall be properly disposed of at least once per year.
- (5) Setbacks - Horse stables shall comply with the following setbacks:

Horse Stable Setbacks		
Feature	Setback from Closest Adjoining Dwelling (feet)	Setback from Lot Lines (feet)
Pasture	100	20
Stalls	200	50
Manure	400	100

Section 7-4-16 Mobile Vendor

(A) Permitting

- (1) A mobile vendor permit shall be required prior to the operation of a mobile vendor trailer or vehicle. A \$240.00 regulatory fee will be assessed to cover the costs associated with regulation of mobile vendors. This fee will be prorated within the calendar year at the time the permit is issued. All mobile vendor operators shall obtain an annual permit from the Zoning Administrator. No fee shall be required for mobile vendors operating at a town approved special event.
- (2) A mobile vendor permit is valid through December 31 of the year upon which the permit was issued. This permit shall be posted in a visible location on the mobile vendor.
- (3) Mobile vendor operators shall have the signed approval of the property owner for each location at which the vendor operates. This approval must be made available with the permit application.
- (4) A mobile vendor operating as a food truck shall provide documentation of approval from the North Carolina Department of Health. A valid health permit must be maintained for the

duration of a mobile food truck vendor permit and shall be placed in a visible location for public inspection.

- (5) No permit issued shall authorize a mobile vendor to operate on a public right-of-way.
- (6) Mobile Vendors with an operating “brick and mortar” establishment within the zoning jurisdiction of Holly Ridge will be exempt from the required permit fee if the mobile vendor operation is an extension of the established business. A mobile vendor permit as noted will still be required.

(B) Regulations

Mobile vendors shall be allowed in the Neighborhood Business, Commercial, and Light-Industrial zoning districts with the following restrictions:

- (1) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
- (2) Mobile vendors shall only operate on private property, unless they are part of a town approved special event.
- (3) No mobile vendor shall conduct business on any public right-of-way, sidewalk, upon any public road in the town, or on any property owned by the town; except for town approved special events.
- (4) A mobile vendor must have the following fire extinguisher on board during hours of operation: minimum Class 2A, 10B, and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the truck. All National Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.
- (5) A mobile vendor shall not operate as a drive-in window.
- (6) Lighting shall be such that minimizes the glare on roadways and surrounding properties.
- (7) No signage shall be allowed other than signs permanently attached to the motor vehicle and one temporary sign may be permitted in accordance with the temporary sign standards in 7-10-1-B-6.
- (8) The noise level from the mobile vendor truck shall comply with the Town's noise ordinance.
- (9) Mobile vendors shall be positioned at least five (5) feet away from any fire hydrants, any fire department connection, utility box or vault. The mobile vendor truck shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. A mobile vendor shall not impede ingress and egress from driveway entrances, handicapped parking spaces and ramps, building entrances and exits.
- (10) Regulations specific to food truck vendors are the following:
 - a) The food truck shall be positioned at least 100 feet from the customer entrance of an existing restaurant during its hours of operation, unless the vendor provides documentation that the restaurant owner supports a closer proximity.
 - b) A trash receptacle shall be provided for customers. All associated equipment, including trash receptacles, must be within three (3) feet of the food truck.
 - c) No liquid, grease or solid wastes may be discharged from the food truck. Absolutely no waste may be disposed of in tree pits, storm drains, the sanitary sewer system or public streets.
 - d) Ice cream trucks are considered mobile vendors and must comply with these regulations.

(C) Mobile Vendors shall be allowed in zoning districts other than Neighborhood Business, Commercial, and Light Industrial with the following restrictions:

- a) All requirements of Section (B) shall apply.
- b) All mobile vendors shall be located in common open space of the property. Common Open Space is defined as “open space held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants.”

(D) Suspension and revocation of permit

- (1) The permit issued for the mobile vendor business may be revoked if the vendor violates any of the provisions contained in this article.
- (2) The Zoning Administrator may revoke a permit if he or she determines that the mobile vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

7-4-17 Microbrewery or microdistillery

Where permitted, the following shall apply:

- (1) Microbreweries or microdistilleries shall not exceed 10,000 square feet of gross floor area, except that there is no size limit within the LI Zoning District.
- (2) Required parking shall be calculated based on square footage proposed for each use.
- (3) Storage of materials, including silos, products for distribution and other items requiring long-term storage shall be allowed in areas behind a building, in enclosed buildings, or otherwise screened from the public right-of-way or pedestrian way.
- (4) All microbreweries or microdistillers shall include one (1) or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other use incidental to the facility and open and accessible to the public.
- (5) All microbreweries or microdistillers shall be designed such that all newly constructed loading and unloading facilities (if applicable) are internal to the site or in-service alleys or back of building.

7-4-18 Planned Unit Developments

1) **Permitted uses.** Uses permitted within the PUD zoning district will correspond with those of parent (principal) zoning district subject to any supplemental requirements as provided and conditions imposed by Town Council.

2) **General requirements.**

- a) Minimum size: The minimum size of a planned unit development shall be ten (10) acres.
- b) Location: The planned unit development shall have access to major streets without creating traffic on minor residential streets outside the district. It shall be adequately served by utilities or services approved by appropriate public agencies.
- c) Ownership: Prior to final approval of the development land, evidence of the unified control of the entire site must be submitted and to include:
 1. The proposed development in accordance with the planned unit development plans as submitted, and such conditions and safeguards as may be set by the Town Council in granting the rezoning;
 2. Agreements, contracts, deed restrictions and sureties acceptable to Holly Ridge, North Carolina, for completion of such development according to plans, and for continuing operating and maintenance to such areas, functions, and facilities as are not to be provided, operated, or maintained by Holly Ridge, North Carolina, pursuant to written agreement; and
 3. Bind their successors in title to any commitments made in their petition.
- d) Density. For purposes of this section of the zoning ordinance, the planned unit development site shall be divided into a maximum of three (3) residential density districts. The districts shall be as follows: low-density, medium density, and commercial district. The density for the entire planned unit development shall not exceed sixteen (16) units per gross acre. All lots shall be consistent with Ocean Hazard and Estuarine Shoreline AEC standards

for development under CAMA.

1. **Low density district (R-20/R-15).** The low density district shall be limited to one- and/or two-family detached or attached structures. Parcels shall be no less than 15,000 (15,000) square feet unless approved by Town Council with conditions that 20 percent of the gross acreage shall be for open space. Property along Hwy 17 and 50 must include commercial uses along highway frontage.

a. In an effort to encourage cluster development of housing units, minimum lot sizes may be reduced up to twenty-five (25) percent. In a cluster development no more than two (2) individual single-family units nor more than two-family units may be erected on a common wall.

b. In exchange for the increase in the net density of the low density district, the remaining portion of the land not devoted to lots shall be dedicated or devoted to common open space.

c. Setback requirements to follow those established for base district unless approved by Town Council. A minimum of ten (10) feet is required between structures.

2. **Medium density district (R-10/R-7.5).** The medium density district may include townhouses and/or duplexes in addition to single-family stick built or modular dwellings. No more than sixteen (16) units per gross acre shall be permitted in the medium density district. Property along Hwy 17 and 50 must include commercial uses along highway frontage.

a. Townhouses/Duplex shall follow standards established in Section 7-4-6 or as modified by Town Council. A minimum of ten (10) feet is required between structures.

b. Setback requirements to follow those established for base district unless approved by Town Council. A minimum of ten (10) feet is required between structures.

3. **Commercial district (C/NB).** The commercial density district shall include commercial development only along road frontage at no less than 10% of the gross acreage and can include single-family stick built or modular dwellings and multi-family units. Multi-family units shall be at a maximum density of sixteen (16) units per gross acre. No residential development, including multi-family, accessory structures, parking, and/or open space, is permitted along road frontage. (See Section 7-4-6 for additional supplementary requirements)

3) Open space requirements:

1) As a prerequisite for approval of a planned unit development a minimum of fifteen (15) percent of the gross residential acreage shall be allocated to local open space for the use of the residents of the planned unit development.

2) Common open space must be used for amenity or recreational purposes and natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

3) The developer shall make provisions to provide for the use, improvement, and maintenance of the common open space in a manner which assures its continuing use for its intended purpose and submit appropriate documentation for such action by way of agreement.

4) Setback requirements to follow those established for base district unless approved by Town Council. A minimum of ten (10) feet is required between structures and access provided around structures creating a courtyard no less than twenty (20) feet wide and accessible for emergency response vehicles.

5) Compatibility:

a) Commercial development shall be designed to blend with the character of the

overall project and neighboring communities.

b) Commercial development shall be served internally. All parking lot areas shall be interconnected and installed as required per Article IX.

c) All landscaping, sidewalk and lighting ordinances shall be done in compliance with Article IX.

4) Procedures for PUD approval.

A petition for rezoning land to a planned unit development district shall be submitted to the town planner in accordance with Article VII and to include:

a) A written statement shall accompany the rezoning petition containing the following information:

1. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations,

2. A statement of proposed financing,

3. A statement of present ownership of all land included within the development,

4. A general indication of the expected development schedule,

5. A plat or legal description of the total area within the planned unit development.

b) Preliminary development plan shall be submitted in accordance with preliminary plats for major subdivision review in Chapter 8.

c) The planning board shall review the preliminary planned unit development (including the rezoning and development plan) and shall forward its recommendation to the town council for consideration during public hearing based upon findings that:

1. The proposed planned unit development will not adversely affect the orderly development of Holly Ridge, as embodied in the zoning ordinance and in any land use plan or portion thereof adopted by the town,

2. The proposed planned unit development will not adversely affect the health and safety of residents and/or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent properties or the general neighborhood,

3. The proposed planned unit development will accomplish the development objectives and will meet the standards and performance criteria as outlined.

d) Final development plan shall be submitted in accordance with final plats for major subdivision review in Chapter 8. The Zoning Administrator may approve minor changes in the final development plans which comply with the following criteria:

1. The total number of dwelling units and the total floor area is not increased,

2. The open space is in the same general location and in the same general amount or greater amount,

3. The number of stories in the building and the floor area thereof is not increased,

4. The roads and drives follow approximately the same course and have the same public or private rights therein.

5) Design standards and performance criteria.

1. Streets, access, buffering, sidewalks, etc. shall be required in accordance with all applicable Town ordinances and/or policies.

2. Access and circulation systems shall adequately provide for firefighting equipment, furniture moving vans, refuse collections and deliveries.

3. All areas of the planned unit development shall provide for underground installation all utilities, including power and telephone.

ARTICLE V. PLAN REVIEW AND PERMITS

ZONING PERMITS

- Section 7-5-1 Zoning Permit Required
- Section 7-5-2 Issuance of Zoning Permits
- Section 7-5-3 Certificates of Occupancy
- Section 7-5-4 Plot Plans
- Section 7-5-5 Site Plans

SPECIAL USE PERMITS

- Section 7-5-6 Purpose
- Section 7-5-7 General
- Section 7-5-8 Application
- Section 7-5-9 Hearing
- Section 7-5-10 Board Action
- Section 7-5-11 Use-Specific Standards
- Section 7-5-12 Exercise and Modification of Special Use Permit
- Section 7-5-13 Recording of Special Use Permit

ZONING PERMITS

Section 7-5-1 Zoning Permit Required

- (A) Application for a Zoning Permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. Zoning Permits will be issued along with the building permit or as a stand-alone permit when no building permit is required. Zoning permits shall be void after 12 months from the date of issue unless the Zoning Administrator determines that sufficient progress on the project has been made. A valid Zoning Permit shall be presented with any application for a Building Permit. No Building permit shall be issued for any land use in a zoned area until such Zoning Permit is presented. Zoning permits are required for all new construction, additions to buildings and alterations when the footprint of the building is changed. Zoning permits are also required for new land uses and changes of use for a property including accessory uses and pools. Zoning permits are not required for fences, piers, bulkheads, driveways, and other at-grade improvements that do not change the existing use.
- (B) Any development approval issued in accordance with this Zoning Ordinance shall be in writing. The Town may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations

created by development approvals made pursuant to this Zoning Ordinance attach to and run with the land.

Section 7-5-2 Issuance of Zoning Permits

If the proposed activity, as set forth in the application, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit. If any application for a Zoning Permit is not approved, the Zoning Administrator shall state in writing, on the application, the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation. Zoning Permits may be rescinded without recourse if issued by mistake, in violation of the Zoning Ordinance, or on false or misleading information provided by the applicant.

Section 7-5-3 Certificates of Occupancy

No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Code Enforcement Official has issued a Certificate of Occupancy therefore. A Temporary Certificate of Occupancy may, however, be issued by the Code Enforcement Official for a building or portion of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.

Section 7-5-4 Plot Plans

- (A) Purpose. Plot plan review is intended to ensure that the layout and general design of low-intensity development is compatible with all applicable standards in this ordinance and all other applicable Town regulations.
- (B) Applicability: Proposals for single-family residential uses, duplexes, and attached residential units consisting of four or fewer dwelling units or for renovation/rehabilitation projects that will modify an existing structure's footprint must be accompanied by a Plot Plan as specified in this ordinance. Changes of use whereby a structure's footprint is not modified does not require a plot plan.
- (C) Plot Plans: Plot plans shall be submitted for review along with the typical building permit application, when required. When a building permit is not required, a copy of the plan should be submitted directly to the Zoning Administrator for review and approval. Plot plans shall be prepared in a manner so that staff can ensure all applicable Town standards are met. In rare instances plans will have to be prepared by a land surveyor, engineer, landscape architect, or architect registered to practice in the State of North Carolina. This requirement will be determined by the Zoning Administrator.
- (D) The following shall be shown/labeled on the plot plan:

- (1) Project address;

- (2) Street name and if it is public or private;
- (3) Property lines;
- (4) Structures (including accessory) – label as either existing or proposed. Show their location, number of stories, dimensions and building height;
- (5) Easements – Identify their location, widths, their purpose and if they are public or private;
- (6) Label the front, side and rear minimum building (setbacks) lines. If restrictive covenants require larger setbacks and you want to identify that line also, note them “per restrictive covenants”;
- (7) If utilities are being proposed, identify the connections to existing water and sewer systems. If the site is served by a septic system, show any/all existing or proposed tanks, pipes and drain fields and repair areas. Although not required, it is recommended that the location of any/all existing utilities be identified even when no adjustments or new lines are proposed;
- (8) If a pool is being proposed, identify the required fencing and add a statement that the pool and associated requirements for draining, covering and/or fence latching requirements will be completed in accordance with any/all local, state or federal laws; and any other information needed to ensure compliance/adequately review the proposal.

(E) Plot Plan Review Procedure:

- (1) Within 8 working days of the submittal date, the necessary department shall review the plans and make a determination to approve or disapprove plans based on Town codes, ordinances and adopted plans.
- (2) If it is determined that more information is needed or that a significant number of changes must be made before the plan can be approved, the applicant shall make the necessary changes; and re-submit the plans. All re-submissions shall contain a list of the changes made. A new 8-day review period may begin on the date of the re-submission.
- (3) Once approval becomes final, the Zoning Administrator shall create certified copies of the approved plan. Approved copies will be given to the applicant or their agent and be retained in the permanent files of the Town.
- (4) If plan approval is denied, the reasons for this action shall be communicated to the applicant in writing. A revised plan may then be submitted in the manner of a new application.
- (5) Building permits may be issued once the plan is approved.

(F) Compliance:

- (1) In the event of failure to comply with an approved plot plan or condition related thereto, the plan shall immediately become void and of no effect, no further permits for construction or compliance shall be issued and existing permits may be suspended or revoked in accordance with the procedure followed for initial approval.

Section 7-5-5 Site Plans

- (A) Purpose. A Site Plan is intended for more intense development proposals requiring greater discretion of the Town.
- (B) Applicability. Proposals for new construction or renovation/rehabilitation whereby an existing structure's footprint is modified for Group Developments, Non-residential Development, Multi-family Development (4+ units), Special Uses, and Vested Rights shall be accompanied by a site plan as specified in this ordinance. Changes of use, subject to this section, whereby a structure's footprint is not proposed for modification does not require a site plan.
- (C) Pre-Application Meetings. Applicants may request a pre-application meeting with the Zoning Administrator prior to submission of an application to discuss procedural and substantive matters related to the proposed application.
- (D) Application Materials and Submittal
 - (1) Where an application is made by an agent other than an attorney, the application shall include a written agreement signed by all property owners designating the agent as the owner's representative with binding authority.
 - (2) The application shall include a site plan prepared by a licensed land surveyor or engineer. The site plan shall be of a scale no smaller than 1 inch = 100 feet and shall include the following:
- (E) The following shall be shown/labeled on the site plan:
 - (1) The names and addresses of the owner(s), tax parcel identification numbers and existing land uses of all adjoining properties.
 - (2) A boundary survey and vicinity map showing the total acreage and current zoning classification of the property, the zoning classification of adjacent properties, and the general location of the property in relation to major streets.
 - (3) Existing easements, reservations, dedications, or rights-of-way.
 - (4) Approximate location of proposed buildings, structures, streets, and access points to the public road system.

- (5) Approximate dimensions, including height of proposed buildings.
 - (6) Proposed use of all land and structures, including the maximum number of residential units and the total square footage of any nonresidential development.
 - (7) All yards, buffers, screening, and landscaping proposed by the developer or required by ordinance.
 - (8) Delineation of areas within the regulatory floodplain.
 - (9) Proposed phasing, if any, and approximate completion time for each phase of the project.
 - (10) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development.
 - (11) Approximate location of all existing and proposed infrastructure on the site, including water, sewer, and gas.
 - (12) Off street parking, loading and unloading, access to existing streets.
 - (13) Plans for the treatment of wastewater to include the approximate location of any wastewater treatment plants/facilities.
- (F) In the course of evaluating the proposed site plan, the Zoning Administrator may request additional information from the applicant. A request for such additional information shall stay until a date certain established by the Zoning Administration any further consideration of the application. This information may include (but not be limited to) the following:
- (1) Storm water management and drainage plan.
 - (2) Existing and proposed topography at contour intervals of two feet.
 - (3) Locations of existing and proposed water and sewer lines, wastewater treatment facilities, and fire hydrants intended to serve the proposed development.
 - (4) Proposed sign types and locations.
 - (5) Scale of buildings relative to abutting property.
 - (6) Proposed maximum allowable height of structures.
 - (7) Exterior features of proposed development.
 - (8) Description and copies of proposed deed restrictions to be placed on the property.

- (9) Any other information reasonably needed to consider the application in reference to these regulations.

(G) Site Plan Review Procedure:

- (1) The Zoning Administrator or his/her designee will review the site plan and shall require a review by the Technical Review Committee. The Technical Review Committee may include, but not necessarily be limited to, the following individuals/departments: Zoning Administrator, Building Inspector, Town Administrator, Fire Department, Police Department, Public Works Department, water and sewer utility, and power companies.
- (2) Upon determination that an application is complete, within 15 working days of the submittal date, the Zoning Administrator and all appropriate departments shall review the plans and make a determination to approve, disapprove, or request additional information based on Town codes, ordinances, and adopted plans.

(H) Compliance:

- (1) In the event of failure to comply with an approved site plan or condition related thereto, the plan shall immediately become void and of no effect, no further permits for construction or compliance shall be issued and existing permits may be suspended or revoked in accordance with the procedure followed for initial approval.

SPECIAL USE PERMITS

Section 7-5-6 Purpose

This section provides for certain uses that, because of their unique characteristics or potential impacts on surrounding land uses, are not permitted in zoning districts as a matter of right but may be permitted under a specific set of circumstances and conditions. While such uses, designated as Special Uses identified by an "S" on the permitted use table, are generally compatible with the intent and purpose of specific zoning districts created by this Ordinance, they require individual review of their location, design, and operation, and may require the imposition of conditions or mitigations, in order to ensure the appropriateness of the use at a particular location within a given zoning district.

Section 7-5-7 General

- (A) Any use or development designated in this Ordinance as a Special Use for a specific zoning district, or as allowed only pursuant to a Special Use Permit, may be established in the specified zoning district only after the use or development is authorized by the Board of Adjustment, or, in the case of a construction and demolition landfill, the Town Council, pursuant to the requirements in this Article.
- (B) Except for construction and demolition landfills, the Board of Adjustment shall issue Special Use Permits pursuant to the requirements in this Article. Town Council shall

issue Special Use Permits for construction and demolition landfills under the same requirements that apply to the issuance of Special Use Permits by the Board of Adjustment.

Section 7-5-8 Application

- (A) An owner of real property, or that owner's authorized representative, may apply for a Special Use Permit for that property by submitting all required application materials to the Zoning Administrator. The applicant is encouraged to meet with the Zoning Administrator prior to submitting application materials to discuss the proposed use or development.
- (B) An application for a Special Use Permit may be withdrawn by the applicant at any time prior to the Board taking action on the request.
- (C) In the event that an application for a Special Use Permit is denied by the Board of Adjustment or that the application is withdrawn after the hearing, the Administrator shall not accept another application for the same request on the same property or any portion of the same property within one year of the original hearing. However, the Board of Adjustment may consider such an application within that time period if it finds there is new and different evidence that was not reasonably available at the time of the original hearing or that a substantially revised application/plan has been submitted.
- (D) Each application for a Special Use Permit must include a site plan of sufficient detail to allow the Zoning Administrator to reasonably understand the proposed development. To achieve this purpose, such site plans shall be prepared in accordance with the standards listed in Section 7-5-5 Site Plans. The Zoning Administrator may waive some of these requirements when a reasonable understanding of the proposal can be achieved with less information due to the scale or simplicity of the request.
- (E) The Zoning Administrator shall review the Special Use Permit application for completeness and for compliance with the requirements of this Ordinance. If the Zoning Administrator certifies that the application is complete, it shall be deemed received. For each application certified as complete, the Zoning Administrator shall prepare a report that outlines the proposed use or development, lists any deficiencies or potential negative impacts of the proposed use or development, and recommends conditions to mitigate any potential negative impacts.

Section 7-5-9 Hearing

- (A) The Board of Adjustment shall hear and decide on the application within a reasonable time.
- (B) The hearing and notice shall conform to the requirements for quasi-judicial hearings contained in Section 7-2-12 through 7-2-14 of this Ordinance.

Section 7-5-10 Board Action

- (A) The Board of Adjustment shall comply with all requirements set forth in Section 7-2-12 through 7-2-14 of this Ordinance in making, documenting, filing, and delivering its decision.
- (B) The Board of Adjustment shall issue a Special Use Permit only when the Board makes an affirmative finding for each of the following:
- (1) That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;
 - (2) That the use meets all required standards set forth in this Ordinance;
 - (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
 - (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Holly Ridge Comprehensive Plan.

Section 7-5-11 Use-Specific Standards

In addition to the conditions specifically imposed in this article and such further conditions as the Board may deem reasonable and appropriate, special uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the special use provide to the contrary. Conditions and safeguards imposed under this subsection shall not include requirements for which the Town does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the Town, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. All such conditions shall be consented to in writing by the applicant or landowner.

Section 7-5-12 Exercise and Modification of Special Use Permit

- (A) A Special Use Permit authorizes its holder to use or develop a parcel of land in a particular way, as specified by the approved site plan, any conditions imposed, and all applicable provisions of this Ordinance. A Special Use Permit is not a personal right but is tied to the specific parcel of property for which it is issued.
- (B) The issuance of a Special Use Permit does not relieve the holder of the Special Use Permit of the responsibility of obtaining a Building Permit or any other permit or approval required by applicable federal, state, and local laws. No use or development authorized by a Special Use Permit may be established until the Special Use Permit has been recorded and the Zoning Administrator has approved final plans for the authorized development or any phase thereof as conforming to the plans, terms, and conditions of the Special Use Permit and all applicable requirements of this Ordinance.

(C) The Zoning Administrator may approve final plans that reflect minor modifications of the Special Use Permit's approved site plan. For the purposes of this Section, minor modifications are those that are necessary to comply with Special Use Permit's conditions or those that would not significantly change the development's general function, form, intensity, character, appearance, demand on public facilities, relationship to adjacent properties, impact on adjacent properties, or other characteristic related to the required affirmative findings for the issuance of a Special Use Permit. A change that would require evidentiary support in addition to that on which the Board of Adjustment based its decision to issue the Special Use Permit shall be considered a significant change. Any modification of the approved site plan that is not a minor modification requires the issuance of a separate Special Use Permit by the Board of Adjustment prior to the establishment of the use or development pursuant to the modified site plan.

Section 7-5-13 Recording of Special Use Permit

(A) The Special Use Permit, together with any directly related town permit or approval, will automatically become void if the holder of the Special Use Permit fails to record the Special Use Permit in the office of the Onslow County Register of Deeds within 90 days subsequent to the date that the Special Use Permit is issued.

(B) Unless otherwise specified in the Special Use Permit, if the use authorized by a Special Use Permit is not started within 12 months from date of issuance or is started but ceases for a continuous period of 12 months, the Special Use Permit will automatically become void.

(C) If a use or development subject to a Special Use Permit fails to comply with the terms and conditions of the Special Use Permit, including the approved site plan, or with the requirements of this Section, the Special Use Permit shall automatically become void, and any structures completed pursuant to the Special Use Permit shall be regarded as nonconforming uses subject to the provisions of this Ordinance.

(D) For each Special Use Permit recorded and subsequently voided pursuant to this Section, the Zoning Administrator shall record an instrument noting the voiding of the Special Use Permit in the office of the Onslow County Register of Deeds.

ARTICLE VI. NON-CONFORMING SITUATIONS

Section 7-6-1 Definition and Purpose

Section 7-6-2 Continuation, Maintenance, and Repair of a Non-Conforming Use Allowed without Permit

Section 7-6-3 Bringing a Non-Conforming Use into Compliance

Section 7-6-4 Special Use Permit Required for Any Proposed Alteration, Expansion, Change, Rebuilding or Resumption of a Non-Conforming Use

Section 7-6-5 Standards for Granting a Permit for Any Proposed Alteration, Expansion, Change, Rebuilding or Resumption of a Non-Conforming Use

Section 7-6-6 Reservation of Authority to Deal with Non-Conformities under Other Powers

Section 7-6-7 Exceptions and Modifications
Section 7-6-8 Lots Not Meeting Minimum Lot Size Requirements

Section 7-6-1 Definition and Purpose

A “non-conforming use” is any use, building, structure or lot which lawfully existed prior to the adoption of this Ordinance and which fails to comply with one or more of the applicable regulations or standards established herein. A non-conforming use is also any use, building, structure or lot which was lawfully created, constructed, etc., under this Ordinance but which was subsequently rendered non-conforming due to circumstances that were not self-created.

The basic policy of this Ordinance is to allow the continuation of any non-conforming use and the normal maintenance and repair thereof, and to classify any expanding, altering, changing, rebuilding or resuming of a non-conforming use as a special use and to review it to determine whether it will have substantial adverse impact upon adjoining properties, the neighborhood or the community. If, at the discretion of the Board of Adjustment, a proposal to expand or improve a current non-conforming use will have a substantial adverse impact, it will be denied. Conditions and safeguards may be attached to a request to expand or improve a non-conforming permit to require that the non-conforming use be brought into compliance with the regulations of this Ordinance or that any potential hazards or problems be mitigated.

Section 7-6-2 Continuation, Maintenance, and Repair of a Non-Conforming Use Allowed without Permit

The continuation of a non-conforming use and the normal maintenance and repair thereof is allowed without a general or special use approval. Normal maintenance and repair means that which is necessary to maintain and to correct any damage or deterioration to the structural soundness of an improvement, not to exceed 50% of the replacement cost. Replacement cost shall be determined by reference to values stated for the improvements in the Onslow County Tax Office records, which value may be rebutted by the property owner by presentation of a MAI Certified appraisal.

Section 7-6-3 Bringing a Non-Conforming Use into Compliance

The owner of a non-conforming use may bring it into compliance by securing any permit or approval which would have been required in the first instance for the intended or resulting use of the building, structure or lot under this Ordinance or any other applicable local law. For example, if the owner of a building wants to change its use from one which is not allowed under this Ordinance to one which is allowed pursuant to a Zoning Permit, he may secure a Zoning Permit and thus eliminate the non-conforming use. Likewise, approval may be secured under this jurisdiction’s Subdivision Regulations to recombine two (2) lots which do not comply with the minimum area regulations for building lots into one (1) lot which does satisfy minimum area regulations.

Section 7-6-4 Special Use Permit Required for Any Proposed Alteration, Expansion, Change, Rebuilding or Resumption of a Non-Conforming Use

(A) The altering, expanding, changing or rebuilding of a non-conforming use is only allowed

pursuant to a Special Use Permit issued by the Board of Adjustment under this article. The terms “altering, expanding and changing” shall be strictly construed.

(B) “Rebuilding” means the rebuilding, reconstruction or restoration of any non-conforming building or structure which was damaged or partially destroyed by an exercise of power of eminent domain or by fire, flood, wind, explosion or other calamity or act of God, if the cost of the rebuilding, reconstruction or restoration will be fifty (50) percent or more of the replacement cost of such building or structure as stated in Onslow County tax records at the time such damage or destruction occurred. If the cost will be less than fifty

(50) percent of the replacement cost, a Special Use Permit must nevertheless be obtained from the Board of Adjustment under the procedures of this article but the Board of Adjustment is only required to find that the nature and degree of the non-conforming use will not be changed or increased from that which existed prior to the damage or destruction.

(C) “Resuming” means the reusing or reoccupying of a non-conforming building or structure which was unused or unoccupied for a continuous period of one hundred and eighty (180) days or more, or the resuming of a non-conforming use which was abandoned for a continuous period of one hundred and eighty (180) days or more. To determine if the property has been used within the 180-day requirement, the applicant shall supply to the Zoning Administrator evidence of the use occupying the property within that timeframe. Such evidence shall be clear proof that the legal nonconforming use was actively utilizing the property for its stated purpose. The Zoning Administrator’s determination of the findings shall be subject to appeal by the Board of Adjustment. If a non-conforming building or structure is reused or reoccupied or an abandoned use is resumed within a lesser period of time, no special use permit is required under this ordinance as long as the nature and degree of the non-conforming use will not be changed or increased from that which existed before the non-conforming use became unused, unoccupied or abandoned. Property may not return to the status of a non-conforming use once it has been conformed to the district’s zoning requirements.

Section 7-6-5 Standards for Granting a Permit for Any Proposed Alteration, Expansion, Change, Rebuilding or Resumption of a Non-Conforming Use

After taking evidence and testimony, the Board of Adjustment shall find whether the proposed alteration, expansion, change or rebuilding of the non-conforming use will have a substantial adverse impact upon adjacent properties, the neighborhood or the public. The Board of Adjustment may consider any relevant factor, but no petition shall be granted unless it complies with the requirements of the section entitled Special Use Permits. If it finds that a petition will not have a substantial adverse impact, the Board of Adjustment may grant a Special Use Permit and may impose reasonable conditions and safeguards on the issuance of such permit. If the Board of Adjustment finds that a petition will have a substantial adverse impact, it shall consider:

(A) The possible detriment or benefit to the owner of the non-conforming use from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested;

- (B) The possible detriment or benefit of the owners of adjacent or neighboring properties from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested, and;
- (C) The possible detriment or benefit to the public from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested and furthermore consideration of setting a precedent for other areas of the town.

The Board of Adjustment may consider any other relevant factors. The Board of Adjustment shall not approve a petition which fails to comply with the criteria in this section, unless it finds that the detriment to the owner from denying the permit will be so great as to prohibit any reasonable opportunity to recoup his investment in the non-conforming use while the benefit to adjacent and neighboring owners and the public from denying the permit will be minimal. If the Board of Adjustment grants a Special Use Permit, it may impose reasonable conditions and safeguards to mitigate any potential hazards or problems or to bring the non-conforming use into compliance to the extent necessary to protect the rights and interests of adjacent and neighboring owners and the public. Conditions and safeguards imposed under this subsection shall not include requirements for which the Town does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the Town, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. All such conditions shall be consented to in writing by the applicant or landowner

Section 7-6-6 Reservation of Authority to Deal with Non-Conformities under Other Powers

Notwithstanding the policies and provisions of this Ordinance with respect to non-conformities, the Town Council expressly reserves its authority under its police and other powers to initiate criminal and civil proceedings against unlawful uses, buildings, structures and lots, including those which unlawfully existed prior to the adoption of this Ordinance, and to control or abate noxious uses, to require the repair or demolition of unsafe buildings or structures, or to control or eliminate unsafe or hazardous conditions through the exercise of any powers other than the ones exercised under this Ordinance.

Section 7-6-7 Lots Not Meeting Minimum Lot Size Requirements

In any district in which single family dwellings are permitted, any lot of record which existed before the enactment of this Ordinance, which has dimensions which are less than required by these regulations, may be used as a building site for a single family dwelling providing all setback dimensional requirements of that zoning district are met. If the lot does not meet the setback dimensional requirements of that zoning district, a variance may be requested of the Zoning Administrator.

ARTICLE VII. AMENDMENTS

- Section 7-7-1 Initiation of Amendments
- Section 7-7-2 Petition
- Section 7-7-3 Repetition for Amendment
- Section 7-7-4 Action by the Planning Board
- Section 7-7-5 Public Hearing
- Section 7-7-6 Notice
- Section 7-7-7 Action by the Holly Ridge Town Council
- Section 7-7-8 Withdrawal of the Application

Section 7-7-1 Initiation of Amendments

The Holly Ridge Town Council may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person who is a citizen or landowner of Town of Holly Ridge, may amend, modify or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Holly Ridge Planning Department according to established submittal policies. The text or map of this ordinance shall not be amended, supplanted, changed, modified or repealed until after an appropriate public hearing has been held by the Town of Holly Ridge Town Council. No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town. For purposes of this section, down-zoning means a zoning amendment that affects an area of land by either decreasing the development density of the land to be less dense than was allowed under its previous usage or by reducing the permitted uses of the land to fewer uses than were allowed under its previous usage.

Section 7-7-2 Petition

A petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved as well as the names and addresses of all adjoining landowners of the property requested to be zoned. Such petition and fees shall be submitted to the Town of Holly Ridge Planning Department in accordance with the procedures established herein.

Section 7-7-3 Repetition for Amendment

With the exception of requests originating with the Town of Holly Ridge Planning Board and Town Council, a petition for any rezoning of the same property or any petition for the same amendment to the Zoning Ordinance text shall be permitted only once within any 12 month period which shall begin immediately following final action by the Town Council. The Town of Holly Ridge Town Council may waive this restriction prior to Town Council action upon any amendment subject to this provision.

Section 7-7-4 Action by the Planning Board

Every proposed text or map amendment shall be referred first to the Town of Holly Ridge

Planning Department then to the Planning Board for its recommendation and report. The Town Council shall hold a public hearing to consider the request. The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- (A) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- (B) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- (C) There is convincing demonstration that all uses permitted under the proposed new district classification are appropriate for the area included in the proposed change.
- (D) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- (E) The proposed change is in accord with the Holly Ridge Comprehensive Plan, and any other officially adopted plan. A comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.
- (F) The Planning Board shall render its decision on any properly filed application and transmit its recommendation and report, including the reasons for its determinations, to the Holly Ridge Town Council for approval or denial.

Section 7-7-5 Public Hearing

- (A) After the Planning Board has completed its review and made a recommendation of a proposed zoning or text amendment, or has had at least thirty (30) days after receiving it to do so, the Holly Ridge Town Council shall call for and/or hold a public hearing on the proposed amendment at its next available regularly scheduled meeting, allowing sufficient time for required notices.
- (B) At the public hearing, the Town Council shall receive the amendment proposal and recommendation of the Planning Board, and hear presentations of additional comments, exhibits, and arguments pertaining to the proposal by Town staff, the applicant, representatives of the Planning Board, and any other interested party. To avoid unnecessary delay, the Town Council's presiding officer may impose reasonable limitations on the number of persons heard and, on the nature, and length of their presentation. The Town Council may continue the hearing to a later meeting to accommodate additional comments, information, or speakers. If the Town Council continues the hearing to a named date, no further notice of the continued hearing is required.

Section 7-7-6 Notice

- (A) Notice of the public hearing shall be published once a week for two (2) successive weeks in a newspaper of general circulation in the Town, with the notice being first published not less than ten (10) nor more than twenty-five (25) days before the hearing date.
- (B) If the amendment would change the zoning classification or uses permitted on land within five (5) miles of the outer boundaries of a military base, written notice of the hearing shall be sent to the base commander or military base liaison by certified mail, return receipt requested, not less than ten (10) nor more than twenty-five (25) days before the hearing date.
- (C) Except as otherwise provided in this section, where an amendment to the zoning map is proposed, written notice of the hearing shall be sent by first class mail to the owners of the subject property and to the owners of any property abutting the boundary of the subject property not less than ten (10) nor more than twenty-five (25) days before the hearing date. For the purposes of this section, properties are abutting even if separated by a street, railroad, or other transportation corridor. If the zoning map amendment directly affects more than 50 properties owned by a total of at least 50 different property owners and if each of the two published notices required in this section is not less than one half of a newspaper page in size, mailed notice is not required for those property owners residing in the area of general circulation of the newspaper which publishes the notices. For the purposes of this section, property ownership and the residence and mailing address of property owners shall be determined using to the county tax listing. Notice of the hearing shall also be prominently posted on the subject property or an adjacent public street or highway right-of-way at least ten (10) days nor more than 25 days before the hearing date.
- (D) The above time periods for notices shall not include the day of publication or mailing but shall include the hearing date.

Section 7-7-7 Action by the Holly Ridge Town Council

- (A) Following the public hearing, the Town Council shall review the proposed zoning or text amendment, recommendations of the Planning Board, and other information and comments submitted or presented at the hearing, and shall approve the proposed amendment, deny the proposal, or approve a modified amendment that is within the scope of matters considered at the public hearing. Before completing its review and making its final decision, the Council may postpone its discussion and/or action to a later meeting or refer the application to a committee or back to the staff and Planning Board for further consideration.
- (B) In deciding whether to approve or deny a proposed zoning or text amendment, the Holly Ridge Town Council shall consider, and adopt a statement describing, whether the proposed amendment is consistent with the Holly Ridge Comprehensive Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Town Council meeting that at the time of action on the amendment the Town Council was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan,

the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review.

(C) If a zoning map amendment qualifies as a large-scale rezoning under G.S. 160D-602(b), the Town Council statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(D) For all zoning map amendments, the Town Council shall also consider, and adopt a statement explaining, why the proposed amendment is reasonable and in the public interest. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a large-scale rezoning under G.S. 160D-602(b), the Town Council statement on reasonableness may address the overall rezoning. The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

Section 7-7-8 Withdrawal of the Application

Any application submitted in accordance with the provisions of this Article for the purpose of amending the regulations or district boundaries established by this Ordinance, may be withdrawn at any time. Any fees submitted as part of the Amendment process shall be forfeited.

ARTICLE VIII. VARIANCES AND APPEALS

VARIANCES

Section 7-8-1 Purpose

Section 7-8-2 Petition

Section 7-8-3 Hearing

Section 7-8-4 Board of Adjustment Action

APPEALS

Section 7-8-5 Appeals from Administrative Decisions

Section 7-8-6 Notice of Decision

Section 7-8-7 Notice of Appeal

Section 7-8-8 Transmittal of Record

Section 7-8-9 Stay of Enforcement

Section 7-8-10 Hearing

Section 7-8-11 Board Action

VARIANCES

Section 7-8-1 Purpose

The Board of Adjustment shall hear and decide petitions for variances from the terms of this Ordinance or the Subdivision Ordinance pursuant to the requirements in this Section. No change in permitted uses may be authorized by variance.

Section 7-8-2 Petition

- (A) The party seeking a variance shall submit a written petition for a variance to the Secretary to the Board of Adjustment.
- (B) Each petition for a variance shall include a site plan (if applicable) prepared as required for a Special Use Permit pursuant to Section 7-5-5 of this Ordinance.

Section 7-8-3 Hearing

- (A) The Board of Adjustment shall hear and decide on the petition within a reasonable time.
- (B) The hearing shall conform to the requirements for quasi-judicial hearings contained in Section 7-2-12 of this Ordinance.

Section 7-8-4 Board of Adjustment Action

- (A) When unnecessary hardships would result from carrying out the strict letter of this Ordinance or the Subdivision Ordinance, the Board of Adjustment shall vary any of the provisions of the ordinances upon a showing of all of the following:
 - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (B) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

(C) The Board of Adjustment shall comply with all requirements for quasi-judicial hearings set forth in Section 7-2-12 to 7-2-14 of this Ordinance in making, documenting, filing, and delivering its decision.

(D) If the Board of Adjustment determines, after receiving evidence from the Zoning Administrator or the Zoning Administrator's authorized agent and after providing reasonable opportunity for all interested parties to submit evidence on the matter, that a substantial violation of a variance condition has occurred, the Board of Adjustment may revoke the variance following required notice and hearing for a quasi-judicial decision.

APPEALS

Section 7-8-5 Appeals from Administrative Decisions

The Board of Adjustment shall hear and decide appeals of any final and binding order, requirement, or determination by the Zoning Administrator or the Zoning Administrator's authorized agent pursuant to the requirements of this Section.

Section 7-8-6 Notice of Decision

The Zoning Administrator shall give written notice of each final, binding decision to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

Section 7-8-7 Notice of Appeal

(A) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(B) Any person who has standing under G.S. 160D-1402 or the town (City) may appeal a decision to the Board of Adjustment.

(C) An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal.

Section 7-8-8 Transmittal of Record

(A) The Town Clerk shall transmit a copy of the notice of appeal upon receipt to the Zoning Administrator.

(B) Upon receipt of the copy of the notice of appeal, the Zoning Administrator shall

transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is taken and shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

Section 7-8-9 Stay of Enforcement

- (A) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Board of Adjustment and any subsequent appeal in accordance with G.S. 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. .
- (B) Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or Town may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

Section 7-8-10 Hearing

- (A) If enforcement proceedings are not stayed, the appellant may file with the Zoning Administrator a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed; otherwise, the Board shall hear and decide the appeal within a reasonable time.
- (B) The hearing shall conform to the requirements for quasi-judicial hearings contained in Section 7-2-12 of this Ordinance.
- (C) The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the Town, shall be present at the evidentiary hearing as a witness.
- (D) The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing.

Section 7-8-11 Board Action

- (A) After concluding the hearing, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. In so doing, the Board shall have all the powers of the official who made the decision.

- (B) The Board of Adjustment shall comply with all requirements set forth in Section 7-2-13 of this Ordinance in making, documenting, filing, and delivering its decision.

ARTICLE IX. DEVELOPMENT STANDARDS

- Section 7-9-1 Street Access
- Section 7-9-2 Corner Lots
- Section 7-9-3 Relationship of Building to Lot
- Section 7-9-4 Location of Accessory Structures
- Section 7-9-5 Reduction of Lot and Yard Areas Prohibited
- Section 7-9-6 Pedestrian Sidewalks

PARKING AND LOADING

- Section 7-9-7 Off Street Parking Required
- Section 7-9-8 Certification of Minimum Parking Requirements
- Section 7-9-9 Combination of Required Parking Spaces
- Section 7-9-10 Remote Parking Spaces
- Section 7-9-11 Requirements for Parking Lots
- Section 7-9-12 Vehicle Storage
- Section 7-9-13 Minimum Off-Street Parking Requirements
- Section 7-9-14 Land Uses Required Parking
- Section 7-9-15 Design Standards for Off Street Parking
- Section 7-9-16 Off Street Loading Purpose and General Requirements
- Section 7-9-17 Design Standards for Off Street Loading Spaces
- Section 7-9-18 Minimum Off-Street Loading Requirements

BUFFERS AND SCREENING

- Section 7-9-19 Purpose and Buffers
- Section 7-9-20 Buffers Required
- Section 7-9-21 Buffer Specifications
- Section 7-9-22 Construction and Maintenance
- Section 7-9-23 Deferring Requirements

Section 7-9-1 Street Access

No building shall be erected on a lot which does not abut a public street or private street, or have access to a public street or private street, by a written or otherwise enforceable easement or agreement, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or other dedicated open space which has access to a street used in common with other lots.

Section 7-9-2 Corner Visibility

On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

Section 7-9-3 Relationship of Building to Lot

Except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district, every building hereafter erected, moved or repaired or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building on lot. Two (2) permitted uses may exist on a zoned lot (parcel) providing that one (1) of the uses is a residential structure inhabited by the property owner or operator of the other use.

Section 7-9-4 Location of Accessory Structures

(A) Accessory structures shall be located in the side and/or rear yard. Accessory structures may be permitted in the front yards of waterfront lots.

(B) In all Residential Zoning districts and in the, NB zoning district, the following setbacks shall apply:

- (1) Any accessory structure of less than 180 square feet in area shall be located in the side or rear yard and shall be setback at least 5 feet from the property lines.
- (2) Any accessory structure of 180 square feet or more in area and less than 400 square feet in area or with a run of 15 feet or more shall be located in the side or rear yard and shall be setback at least 8 feet from the rear and side property lines.

Section 7-9-5 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening or the construction of public utilities and sidewalks. Yard or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.

Section 7-9-6 Pedestrian Sidewalks

Sidewalks shall be required on at least one (1) side of the street, in all new major subdivisions, and new construction nonresidential development of a principal use. Redevelopment of existing nonresidential structures does not require the installation of sidewalks. Sidewalks installation is also not required within the Light Industrial zoning district.

Such sidewalks shall be constructed to a minimum width of five (5) feet and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way or appropriate easement. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings or shall be adequately reinforced otherwise. All sidewalks must meet ADA requirements.

(A) Generally: These regulations are intended to promote walking and other forms of non-motorized transportation, allow the citizens to reap significant social, environmental,

and health benefits that are often not available in auto-oriented places. This will be achieved by ensuring safe, convenient, and accessible sidewalks to provide opportunities for exercise, help people meet and socialize, and give children and others who do not drive mobility options.

(B) Applicability: Pedestrian sidewalks shall be installed prior to the issuance of a certificate of occupancy permit.

PARKING AND LOADING

Section 7-9-7 Off Street Parking Required

At the time of the erection of any building, or at the time any principal building is enlarged or expanded by more than 25% permanent off-street parking space shall be provided in the amount specified by this article. Such parking space may be provided in a parking garage or property guarded open space together with adequate driveway and maneuvering space and loading areas. Where an existing structure is expanded by more than 25%, additional parking required shall be calculated based on the increase in square footage in floor area, above the 25% threshold, of the expanded building. No additional parking is required for a change of use and/or redevelopment where the principal building is expanded by 25% or less. Where public on-street parking spaces are located within 500 feet of the structure occupied by the use, the off street parking requirement may be reduced by 50%.

Section 7-9-8 Certification of Minimum Parking Requirements

Each application for a Zoning Permit shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Article are met.

Section 7-9-9 Combination of Required Parking Spaces

The required parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use, except that one-half (½) of the parking spaces required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

Section 7-9-10 Remote Parking Spaces

If the off street parking spaces required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to such principal use, provided such land is in the same ownership as the principal use or an agreement with the owner may be provided and in the same zoning district.

Section 7-9-11 Requirements for Parking Lots

(A) Where parking lots for more than five (5) spaces are required, the plan shall comply with the following provisions:

- (1) The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not

- preclude convention exhibits or parking of rental vehicles.
- (2) All entrances exits and drainage plans shall be approved and constructed before occupancy.
 - (3) A strip of land five (5) feet wide adjoining any street line, right of way or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers, curb and or other, and planted in grass and/or shrubs or trees, exclusive of driveways.
 - (4) Only one (1) entrance and one (1) exit sign, no larger than two (2) square feet prescribing parking regulations, may be erected at each entrance or exit.
 - (5) Any lighting of parking areas shall be shielded so as to avoid casting light upon adjacent properties and streets.

(B) In addition to the requirements for parking lots of more than five (5) spaces, where a lot contains 25 or more spaces the lot shall be paved with concrete, asphalt material, or with alternative paving material determined to exhibit equivalent water resistance and load bearing characteristics as asphalt or concrete as evidenced by a sealed statement of a licensed North Carolina Professional Engineer.

Section 7-9-12 Vehicle Storage

(A) Residential Districts - Only vehicles intended for personal use shall be parked or stored on any property zoned for residential use. No storage of commercial inventory whatsoever shall be permitted, and no inoperative or unlicensed vehicles shall be permitted to be parked or stored, except as permitted by this ordinance. Commercial trucks, buses or vans driven home by employees shall be allowed. The intent of this section is to regulate those motor vehicles which are visible from a public street.

(B) Non-Residential Districts - Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk or wrecking yard.

Section 7-9-13 Minimum Off-Street Parking Requirements

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use. The required number of off-street parking spaces specified for each use shall be considered as a minimum. These spaces shall be outside of the right-of-way, in addition, a developer shall evaluate the needs of his development to determine if such needs are greater than the minimum specified by this Ordinance. Required handicapped spaces shall be in accordance with all applicable North Carolina State Building Codes.

Section 7-9-14 Land Uses Required Parking

Air, truck, and rail freight terminals

Two (2) parking spaces for each three (3) employees, plus one (1) space for each business or commercial vehicle in the operations.

Airports, railroad passenger stations,

One (1) parking space for each four (4) seats waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.

Auditoriums

One (1) parking space for each four (4) seats in the largest assembly room.

Banks and finance offices

One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.

Barber and beauty shops

One (1) parking space for each service chair, plus one (1) additional parking space for each employee.

Bed and breakfast operations

One (1) parking space for each room to be rented, plus residential requirement.

Bowling alleys

Two (2) parking spaces for each alley plus one (1) space for each two hundred (200) square feet of gross floor.

Camp or care center

One (1) parking space for each employee, and one (1) parking space for each five (5) beds.

Cemeteries

One (1) parking space for each employee.

Churches

One (1) parking space for each four (4) seats in the largest assembly area.

Civic clubs, fraternal lodges, or community centers

One (1) parking spaces for each two hundred (200) square feet of gross floor space.

Clinics (medical/dental)

Five (5) parking spaces for each doctor, plus one (1) parking space for each employee.

Child care center and preschools

One (1) parking space for each employee, plus one (1) parking space for every five (5) students.

Dwellings

Two (2) parking spaces per single or duplex dwelling unit, two (2) parking spaces per multi-family dwelling.

Electronic Gaming Operation	One and one-half (1½) parking spaces per machine or 100 square feet of floor space whichever is greater.
Fire Stations	One and one-half (1½) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space for each four (4) seats in the largest assembly room.
Golf courses	Four (4) spaces for each hole and one (1) space for each employee.
Greenhouse and nursery operations	One (1) parking space for each employee, plus five (5) parking spaces for each greenhouse.
Home occupations	One (1) parking space per home occupation in addition to residence requirement.
Hospitals and sanitariums	One (1) parking space for each employee on the longest shift, plus one (1) parking space for each two (2) beds.
Hotels, motels, or tourist homes	One (1) parking space for each room to be rented, plus one (1) additional parking space for each two (2) employees and additional parking spaces as may be required for any commercial or business located in the same building.
Industrial and manufacturing uses	One (1) parking space per two (2) employees.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Nursing, retirement, and convalescent homes	One (1) parking space for each five (5) beds intended for patient use.
Offices	One (1) parking space for each employee.
Private clubs and lounges	One (1) parking space for each two (2) seats at the bar, and one (1) space for each four (4) seats at tables.
Public building	One (1) parking space for each employee plus one (1) space for every two hundred (200) square feet.
Public utility buildings	One (1) parking space for each employee.

Recreational facilities not otherwise listed (without facilities for spectators)	One (1) parking space for each employee, plus one (1) parking space for every two (2) participants at full capacity.
Recreational facilities not otherwise listed (with facilities for spectators)	Same as recreational facilities without spectators, plus one (1) parking space for every (4) spectator seats.
Restaurants and cafeterias	One (1) parking space for each four (4) seats at tables and one (1) parking space for each two (2) seats at counters or bars, plus one (1) parking space for each two (2) employees.
Retail uses not otherwise listed	One (1) parking space for each four hundred (400) square feet of gross floor area.
Riding facility and stables	One (1) parking space for each employee, plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Schools - elementary, junior high or middle	One (1) parking space for each classroom and administration office, plus one (1) parking space for each employee and one (1) large space for each bus.
Schools – senior or high	One (1) parking space for each fifteen (15) students for which the building was designed, plus one (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee, plus one (1) large space for each bus.
Schools – college, technical, and trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service stations	Five (5) parking spaces for each service bay.
Services not otherwise listed	One (1) space for every two hundred (200) square feet of floor space.

Shopping centers	Six (6) parking for each one thousand (1,000) square feet of gross floor space in the center.
Stadiums and arenas	One (1) parking space for each four (4) seats in stadium or arena.
Stores, department	One (1) parking space for each two hundred (200) square feet of gross floor area.
Stores, retail food	One (1) parking space for each two hundred (200) square feet of gross floor area.
Theatres, indoor	One (1) parking space for each four (4) seats up to four hundred (400) seats plus one (1) space for each six (6) seats above four hundred (400).
Wholesale uses	One (1) parking space for each employee on the longest shift.

Section 7-9-15 Design Standards for Off Street Parking

All off street areas required by this Article shall conform to the following design standards:

- (A) All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length. All access or backup aisles shall conform to the following minimum dimensions:

Parking Angle	Aisle Dimension
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

- (B) The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single family and two (2) family dwellings.
- (C) Parking area edges shall be protected by suitable curbing, wheel guards or other means to prevent vehicular encroachment on a public right of way or on adjacent property, and to protect the public right of way and adjoining properties from the damaging effects from surface drainage from parking lots.
- (D) Where parking or loading areas are provided adjacent to the public street, ingress and

egress shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Administrator and NCDOT finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

(E) Businesses adjacent to, or integrated in, a shopping center or cluster of commercial uses shall use the common access with other business establishments in the center.

(F) No driveway shall be located closer than twenty-five (25) feet to any street intersection.

(G) Any lighting of parking areas shall be shielded so as to cause no direct light upon adjacent properties and streets.

BUFFERS AND SCREENING

Section 7-9-19 Purpose of Buffers

Buffers or screens are required to protect an authorized use from adverse impacts caused by another authorized use, screen its functional aspects from the street and neighboring properties, and absorb and/or deflect any excessive noise.

Section 7-9-20 Buffers Required

In all districts, a uniform buffer or screen is required along the side and rear lot lines between commercial and industrial uses and residential or rural agricultural districts or residential uses. Buffers, only as specified in Section 7-9-21(A)(1), are required between proposed manufactured home parks, RV/campsites or multi-family dwellings and single family districts or uses. Information shall be submitted to the Zoning Administrator showing details of the proposed buffer as to the location and type of buffer.

Section 7-9-21 Buffer Specifications

(A) Unless specified elsewhere in this Ordinance, a buffer shall be one (1) of the following:

- (1) A six (6) foot high opaque fence/wall installed no closer than three (3) feet from the property line, with the finished side facing the adjoining parcels; or
- (2) A buffer that is eight (8) feet wide shall include two (2) staggered rows of evergreen plantings, to include six (6) trees, six (6) feet in height and twenty (20) shrubs per 100 feet; or
- (3) A twenty (20) foot wide natural wooded barrier; or
- (4) A combination of a barrier and plantings as approved by the Zoning Administrator

- (B) A buffer shall not be placed in the right of way or where it will interfere with a sight triangle. The opaque fence or wall must dampen noise and shall not permit visibility from one side to the other. It may be of decorative masonry, wood plank or basket weave construction. Where evergreens (trees and shrubs) are used, it is recommended that a size no less than a three (3) gallon container size be used. The natural wooded barrier shall be undisturbed, natural low bushes, shrubs or trees. The natural buffer must provide reasonable screening in the estimation of the Zoning Administrator.

Section 7-9-22 Construction and Maintenance

A buffer must be installed or constructed prior to the issuance of a Certificate of Occupancy. Once erected, a buffer shall be properly maintained at all times. The construction and maintenance of a buffer shall be the responsibility of the landowner, business owner or developer, except as provided below in deferring requirements.

Section 7-9-23 Deferring Requirements

The required planting may be deferred for up to five (5) months after the approval of the deferment by the Zoning Administrator, upon the receipt of a buffering guarantee security payable to the Town of Holly Ridge and meeting the following requirements:

- (A) The developer may deposit cash, cashier's check, bond or an Irrevocable Letter of Credit, either to the Town of Holly Ridge or in escrow with a financial institution designated as an official depository of the Town of Holly Ridge.
- (B) The developer or property owner shall provide a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.
- (C) The amount shall equal one and one half (1 ½) times the entire cost of installing all required landscaping, based on the average of three (3) landscapers' bids.
- (D) Any guarantee of \$9,999.99 or less must be in the form of a cashier's check or similar bank check payable to the Town of Holly Ridge and valid for a minimum period of six (6) months.
- (E) Any guarantee of \$10,000.00 or more may be a cashier's check, cash, bond or irrevocable letter of credit.
- (F) In the case of a failure on the part of the property owner or developer to complete the landscaping, the town may complete the work and the town may retain the actual cost and a service charge of twenty-five (25) percent of its total cost and return the balance to the property owner or developer. This provision does not preclude the town from pursuing all other legal or equitable remedies necessary to enforce the construction of appropriate buffers.

ARTICLE X. SIGNS

- Section 7-10-1 Signs Permitted In All Zoning Districts
- Section 7-10-2 Permitted Signs Requiring and Permit
- Section 7-10-3 Attached Signs
- Section 7-10-4 Freestanding Signs
- Section 7-10-5 Outdoor Advertising Signs
- Section 7-10-6 Prohibited Signs
- Section 7-10-7 Sign Maintenance
- Section 7-10-8 Illumination
- Section 7-10-9 Sign Setback Requirements
- Section 7-10-10 Non-Conforming Signs
- Section 7-10-11 Removal of Non-Conforming Signs
- Section 7-10-12 Filing Procedure

Section 7-10-1 Signs Permitted In All Zoning Districts

- (A) The following signs shall be permitted in all zoning districts.
- (B) Such signs shall not require a sign permit as long as they conform to the requirements stated below.
 - (1) Official Government Signs such as traffic or similar regulatory or directional signs and legal notices.
 - (2) Identification Signs not to exceed two (2) square feet in display area bearing only addresses or names of occupants of the premises and located on privately owned property.
 - (3) Memorial Plaques such as cornerstones, historical tablets and similar devices.
 - (4) Instructional Signs such as signs on private property, not to exceed the six (6) square feet in display area, which provide direction, safety or convenience exits, freight entrances and similar devices, warning danger, church/civic directional and no trespassing signs.
 - (5) Flags or Emblems of civic, philanthropic, educational or religious organizations erected on private property, provided that such flags or emblems shall not exceed sixteen (16) square feet in size.
 - (6) Temporary signs. Temporary signs are any signs that are not permanently affixed or attached to the ground or structure, and which can be removed without special handling. Temporary signs shall be removed within 40 days if in the right-of-way. Temporary signs may be posted within the right-of-way, with a minimum distance of two feet from any roadway. All state sign regulations on state roads shall supersede this section. Temporary signs shall not be illuminated. The sign owner must obtain permission of any property owner fronting the right-of-way where a sign would be erected. To ensure removal in accordance with this provision, all temporary signs must have the date of placement visibly

noted in contrasting ink in the lower right-hand corner on either the front or the back of the sign. Any sign that does not show the date of placement will be subject to removal from the right-of-way in accordance with the removal procedure outlined in Section 7-10-11 of this ordinance.

Section 7-10-2 Signs Requiring a Permit

(A) – Permit Required. All signs other than temporary signs shall require a permit, unless otherwise provided herein. There shall be a limit of one (1) such sign for each street front or entrance to a development. Entrance signs shall not exceed 32 square feet in area.

(B) On premise signs are signs which publicize and direct attention to a profession, commodity, activity, product, service, or entertainment conducted, sold or offered upon the premises where such a sign is located. These signs include pole and ground mounted signs. On premise signs shall be permitted on the premises of the business in districts in which the principal use is permitted either by right or as a Special use.

(1) Attached Signs. Signs attached to a building shall not project more than one foot from any building wall or canopy. If suspended from a canopy, the sign must be at least eight feet above the sidewalk, pavement, or ground level. Attached signs shall have a total display area in square feet per establishment no greater than one square foot for each linear foot of building front, but in no case greater than 300 square feet. The building front and one side may have an attached sign.

(2) Freestanding Signs. Freestanding signs are signs that are attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign” is also a freestanding sign.

Freestanding signs shall be set back one foot from the right-of-way or property line. Business establishments shall be permitted one freestanding sign no greater than 200 square feet in area. A shopping center consisting of three or more businesses located in a unified building or group of buildings shall only have one freestanding sign not to exceed 300 square feet in area per street front. No freestanding sign shall exceed 30 feet in height.

(C) Billboard signs (off premise signs) are any sign supported by uprights or other means and is permanent which advertises an establishment, service, commodity, good or entertainment sold or offered on premises other than where the sign is located.

(1) Billboard signs. The following restrictions shall apply to spacing of outdoor advertising signs:

(a) No billboard sign shall exceed 64 square feet nor shall such sign be placed

within 1,000 feet of any residential district or any other billboard exceeding 32 square feet.

(b) No billboard signs smaller than 32 square feet shall be placed any closer than 200 feet of any other billboard sign or any closer than 200 feet of any residential district.

(c) Signs may not be located in a manner to obscure, or otherwise physically interfere with the effectiveness of any official sign, signal, or device, or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(2) All billboards shall be plainly marked with the name, address, and phone number of the person, firm, or corporation responsible for the sign and its maintenance.

(3) All billboard signs existing at the time this ordinance comes into effect shall be grandfathered.

(4) All state sign regulations on state roads shall supersede this section.

Section 7-10-6 Prohibited Signs

(A) Any sign that obscures a sign displayed by a public authority for the purposes of giving traffic instruction or direction or other public information.

(B) Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or, which for any reason, is likely to be confused with any sign displayed by a public authority.

(C) Any sign that obstructs any door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress.

(D) Any sign that is placed in the public right of way except for signs placed by governmental agency and temporary signs.

(E) No sign of any kind may be affixed or attached to any utility or service pole.

Section 7-10-7 Sign Maintenance

(A) Whenever a sign becomes structurally unsafe or endangers the safety of a building or the public, the Zoning Administrator shall order that such a sign be made safe or be removed. A period of ten (10) days following receipt of said order by the person, firm or corporation owning or using the sign shall be allowed for compliance.

(B) No sign shall have more than twenty (20) percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than thirty (30) successive days.

- (C) No sign shall be allowed to have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street or highway from which it is to be viewed for a period of more than thirty (30) successive days. Before any removal of said vegetation, a permit may be required from NCDOT.

Section 7-10-8 Illumination

All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the State Building Code. The following signs shall be allowed:

- (A) Illuminated signs shall be limited to those lighted internally with glass or plastic faces.
- (B) Exposed neon tubing, incandescent and other bulbs shall not exceed fifteen (15) watts each.
- (C) LED lighted signs with the capability of motion and/or intermittent flashing shall not change in intervals of less than three (3) seconds. Display lighting shall be shielded to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching a public right of way from any direction. Flame as a source of light is prohibited.

Section 7-10-9 Sign Setback Requirements

Signs shall be set back at least one (1) foot from any public right of way or property line and no part of any sign shall project over any right of way or property line. All signs shall be set back at least fifty (50) feet from a road intersection (measured at the intersection of the right of way line) except those erected for orderly traffic control and other governmental purposes, or directional signs of less than six (6) square feet.

Section 7-10-10 Non-Conforming Signs

All non-conforming signs, other than temporary signs, existing on the effective date of this ordinance may remain in place subject to the following requirements:

- (A) No non-conforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message. However, this ordinance shall not prohibit the normal maintenance of signs to keep them neat.
- (B) No non-conforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any non-conforming sign be relocated unless said change or relocation causes the sign to conform to the terms of this ordinance.
- (C) No non-conforming signs shall be allowed to remain after the activity, business or use to which it was related has been discontinued. If a non-conforming sign is damaged in such a manner that the estimated expense of repairs exceeds forty (40) percent

of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed or brought into compliance.

Section 7-10-11 Removal of Non-Conforming Signs

(A) Whenever a sign has been abandoned, advertises an activity, business, product or service no longer conducted on the premises or is erected in violation of the provisions of this ordinance, the Zoning Administrator shall cause such sign to be removed or brought into compliance in accordance with the follow:

(1) The Zoning Administrator shall give the owner of the non-conforming sign notice of the violation by first class certified mail, by depositing with a designated delivery service authorized pursuant to 26 U.S.C § 7502(f)(2), or by personal service. If the owner is unable to be served by one of these methods, service may be had by first class mail along with posting a copy of the notice on the non-conforming sign. Notice to the owner or the occupant of the premises on which the sign is located shall be sufficient. These notices shall contain a brief statement of the particulars in which this subchapter is violated and the manner in which such violation is to be remedied and the right to request a meeting with the Zoning Administrator.

Section 7-10-12 Filing Procedure

(A) Applications for permits to erect, hang, place or alter the structure of a sign shall be submitted on forms obtainable from the Zoning Administrator. Each application shall be accompanied by a plan showing the following:

- (1) Property on which the sign is to be located;
- (2) Size, character, general layout and design proposed for painted displays;
- (3) The method and type of illumination, if any;
- (4) The location proposed for such signs in relation to property lines and existing signs;
- (5) If conditions warrant, the Zoning Administrator may require such additional information as will enable him or her to determine if such signs are to be in compliance with this ordinance.

(B) Applicants shall pay any administrative fee established by the Town at the time of the application.

ARTICLE XI. ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES

ABANDONED MOTOR VEHICLES

Section 7-11-1 Abandonment unlawful

It shall be unlawful to abandon any motor vehicle on any public street, public vehicular area or public grounds or upon any privately-owned property, and it shall be unlawful for any person controlling privately owned property to abandon or to permit the abandonment thereupon of any motor vehicle on that property. Violation of this Section shall be a misdemeanor punishable by fine or imprisonment or both: provided, however, that no person controlling privately owned property shall be criminally liable for the abandonment of motor vehicles thereupon by others if he shall assist the duly designated officials and agents of the town in disposing of said vehicles in the manner prescribed in this article. Provisions of Article XI and Sections 7-11-1 through 7-11-17 shall be applicable to all property within the corporate limits or within one mile thereof.

Section 7-11-2 Statutory Definitions

- (A) For the purposes of this article, pursuant to G.S. 160A-303 and 160A-303.2, the following words and phrases shall have the meanings respectively ascribed to them:
- (B) Abandoned Vehicles Defined - A motor vehicle shall be determined to have been abandoned when:
 - (1) It has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
 - (2) It is partially dismantled or wrecked; or
 - (3) It is incapable of self-propulsion or being moved in the manner for which it was originally intended; or
 - (4) It is left on property owned or operated by the town for a period of not less than twenty-four (24) hours; or
 - (5) It is left on private property without the consent of the owner, occupant, or lessee thereof for a period of not less than twenty-four (24) hours; or
 - (6) It is left on any public street or highway of the town for a period of not less than seven (7) days.

Section 7-11-3 Removal of Abandoned Motor Vehicles

Any abandoned, junked or motor vehicle found to be in violation of this ordinance may be removed to a storage area for safekeeping under the direction of the Holly Ridge Police

Department by another person, firm, or corporation so designated by the town. Written notice by mail of such removal shall be promptly given to the registered owner of the vehicle in accordance with G.S. 20-219.11(a) and (b).

JUNKED MOTOR VEHICLES

Section 7-11-4 Junked motor vehicles prohibited.

Pursuant to G.S. 160A-193, G.S. 160A-303, and G.S. 160A-303.2, no person shall leave or allow to remain any junked motor vehicle in as defined under the provisions of this Section on property under his/her control in such a manner that it is totally visible from any street and/or any adjacent property within the town.

Section 7-11-5 Statutory Definitions

(A) Junked Vehicles Defined - A motor vehicle shall be determined to have been junked when:

- (1) It is partially dismantled or wrecked; or
- (2) It is incapable of self-propulsion or being moved in the manner for which it was originally intended; or
- (3) ***Currently awaiting repairs.*** For the purposes of this article, "currently awaiting repairs" is a period of time during which active effort is expended to place a vehicle back in operation through replacement of parts, repair of operation systems and circuits, fabrication and repair of broken structural members and testing. If parts or materials are not available or not on order, the item is not currently under repair. A vehicle which has remained unrepaired for thirty (30) days is considered unrepairable unless procurement of long lead time replacement parts can be demonstrated or unless the vehicle is subject to pending litigation and/or awaiting an insurance settlement. (The property owner/tenant must provide documentation to substantiate "currently awaiting repairs" over thirty (30) days).
- (4) is being used for storage for other items.
- (5) One as offensive to the sight as to diminish adjoining property values, or denigrate the community, neighborhood or area appearance.

Section 7-11-6 Removal of Junked Motor Vehicles

Any vehicle meeting the definition of a junked motor vehicle found to be in violation of this article shall be stored, parked, or placed on the property in such a manner so as to be totally screened as per Section 7-9-21 Buffer Requirements from view from any street and/or from any adjacent property, or shall be removed from private property by the property owner. (per G.S. 160A-303.2). Total screening shall constitute the placement of the vehicle(s) either within a building or/and area behind a building screened from any adjacent property, by plant materials, fences, berks, or a combination thereof, with a minimum height of six (6) feet,

NUISANCE MOTOR VEHICLES

Section 7-11-7 Nuisance motor vehicles prohibited.

Pursuant to G.S. 160A-193, G.S. 160A-303, and G.S. 160A-303.2, no person shall leave or allow to remain any nuisance motor vehicle in as defined under the provisions of this Section on property under his/her control in such a manner that it is totally visible from any street and/or any adjacent property within the town.

Section 7-11-8 Statutory Definitions

- (A) *Nuisance motor vehicle.* Pursuant to the authority granted in G.S. 160A-193 to regulate public nuisances, a motor vehicle on public or private property shall be determined and declared by the code enforcement officer to be a nuisance motor vehicle if the vehicle is a junked motor vehicle and is found to be any one of the following:
- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
 - (2) A point of heavy growth of weeds or other noxious vegetation over ten (12) inches in height;
 - (3) A point of collection of pools or ponds of water;
 - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
 - (5) One situated or located in such a manner that there is a danger to children or others due to broken glass, sharp objects and possible entrapment.
 - (6) One as offensive to the sight as to diminish adjoining property values, or denigrate the community, neighborhood or area appearance.

Section 7-11-9 Duty of owner

Any vehicle meeting the definition of a nuisance motor vehicle found to be in violation of this article shall be stored, parked, or placed on the property in such a manner so as to be totally screened from view as per Section 7-9-21 Buffer Requirements from any street and/or from any adjacent property, or shall be removed from private property by the property owner, Total screening shall constitute the placement of the vehicle(s) either within a building or/and area behind a building screened from any adjacent property, by plant materials, fences, berks, or a combination thereof, with a minimum height of eight (8) feet. under his/her control in such a manner that it is totally visible from any street and/or any adjacent property within the town.

NOTICE AND APPEALS

Section 7-11-10 Notice of violation.

- (A) Whenever an abandoned, junked or nuisance motor vehicle is found to exist within the town, the Town Manager shall give written notice to the registered owner at his last known address according to the latest registration certificate or certificate of title on file with the department of motor vehicles or the registered owner of the real property upon which it is located. The notice shall be sent by certified mail. The Town Manager shall retain a written record to show the name(s) and address/ (as) to which mailed, and the date mailed. If such names and addresses cannot be ascertained, notice shall be given by affixing same on the windshield or some other conspicuous place on the vehicle. The notice shall inform the owner that they are in violation:
- (1) An order to store, park, or place an abandoned, junked or nuisance motor vehicle found to be in violation of this article on the property in such a manner so as to be totally screened from view from any street and/or from any adjacent property, or to remove it from the property within fifteen (15) days of receipt of the letter;
 - (2) That he/she may request a hearing before the Town Manager within a stated time, not to exceed ten (10) days if he/she disagrees with the findings;
 - (3) The location of the abandoned, junked or nuisance motor vehicle;
 - (4) A description of what constitutes an abandoned, junked or nuisance motor vehicle;
 - (5) If removal of the abandoned, junked or nuisance motor vehicle is required, the findings justifying its removal;
 - (6) A statement of acts necessary to comply with this article;
 - (7) A statement that if the abandoned, junked or nuisance motor vehicle is not moved, screened, or disposed of and no request is made within the prescribed time, the town may subject the owner to a civil penalty of fifty dollars (\$50.00) for each day the violation continues to exist.

Section 7-11-11 Appeal Hearing

If the owner or person entitled to possession chooses to appeal the determination that the vehicle is an abandoned, junked or nuisance motor vehicle, he/she may request a hearing before the Town Manager, or designee, within ten (10) days of the date of receipt of the notice. Failure to request a hearing shall waive the right to do so after the removal period has elapsed. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the removal order. Upon completion of the hearing, the Town Manager shall consider the evidence before them and shall either revoke the initial order,

issue a final order which differs from the initial order, or reinstate the initial order as a final order to either rectify the violation or order the removal of the junked motor vehicle with reasonable costs incidental to the removal. Appeal of a towed vehicle shall be in accordance with G.S. 20-219.11.

Section 7-11-12 Civil penalties

- (A) If the owner of the abandoned, junked or nuisance motor vehicle continues to violate this Section beyond the time specified, he/she shall be subject to a civil penalty of fifty dollars (\$50.00). No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by certified mail or in person.
- (B) For each day the violation is not corrected, the violator will be guilty of a new and separate offense and subject to additional civil penalties.
- (C) If the violator fails to pay this penalty within ten (10) days after being cited for violation, the penalty may be recovered by the town in a civil action in the nature of debt.
- (D) If the same violation occurs within a five-year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to an additional civil penalty as set forth in this Section

Section 7-11-13 Exceptions

- (A) Nothing in the provisions of this article shall apply to any vehicle:
 - (1) Located in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town;
 - (2) Currently awaiting repairs per 7-11-5; or
 - (3) Kept or stored at a bona fide automobile graveyard or junkyard as defined in G.S. 136-143.

BUFFER SPECIFICATIONS

Section 7-11-14 Residential Screening

- (A) Any accumulation or collection of items of salvage materials shall be screened from view by the same requirements as 7-9-21 (b).
- (B) Motor vehicle/(s) that is/are located in a residential district which has been parked for more than 30 days that is being restored, currently waiting on parts for repair or that is incapable of self-propulsion, shall be stored, parked, or placed on the property in such a manner so as to be totally screened from view from any street and/or from any adjacent property, or shall be removed from private property by the vehicle owner, or the property owner (per G.S. 160A- 303.2). Total screening shall constitute the placement of the vehicle(s) either within a building or/and area behind a building screened from any adjacent property, by plant materials, fences, berks, or a combination thereof, with a minimum height of six (6) feet.

Section 7-11-15 Commercial Screening

- (A) Salvage material and junk accumulations located within 500 feet of the centerline of any paved state or town-maintained road, or public vehicular area within the town shall be screened along the road or public vehicular area frontage, and all parts exposed to public view.
- (B) New commercial establishments which deal in the exchange, storage, or processing of salvage material and accumulated junk, located within 500 feet of any residence, school, or church must be properly screened from view.
- (C) New commercial establishments which deal in the exchange, storage, or processing of salvage materials and accumulated junk created after the effective date of the ordinance from which this chapter is derived must comply with the specific requirements set forth in this chapter before a permit to operate as such an establishment will be issued by the town manager.
- (D) The following are commercial establishments requiring compliance:
 - (1) Commercial salvage yards, junkyards, and vehicle graveyards, by the nature of their activities in processing and recycling salvageable materials, parts and accessories, operate in an accumulated junk environment and shall comply with the requirements set forth in this chapter. The public display of salvaged parts and accessories for sale or exchange shall be permitted outside the salvage yard, junkyard, or vehicle graveyard screen only during the establishment's normal hours.

- (2) New vehicle dealers and used vehicle dealers, in their activities relating to repairs and services of wrecked and inoperable vehicles and in their exchange of vehicles, may gradually accumulate wrecked, inoperable, junked, and cannibalized vehicles to the point where they essentially become commercial salvage yards, junkyard, or vehicle graveyards. This chapter identifies six or more disassembled, wrecked, inoperable, cannibalized, junked or abandoned vehicles not currently awaiting repairs, so that they remain unrepaired, inoperable, or abandoned for six months or longer, to constitute accumulated junk.
- (3) Vehicle repair facilities and service stations providing repair services for customers may gradually accumulate disassembled, wrecked, inoperable, cannibalized, junked and abandoned vehicles so that they essentially become commercial salvage yards, junkyards, and vehicle graveyards. This chapter identifies six or more disassembled, wrecked, inoperable, cannibalized, junked or abandoned vehicles not currently awaiting repairs, so that they remain unrepaired, inoperable, or abandoned for six months or longer, to constitute accumulated junk.
- (4) Boat and boat trailer repair facilities, new boat dealers and used boat dealers may gradually accumulate wrecked, inoperable and cannibalized boats and boat trailers to the point where they become commercial salvage yards, or boat and boat trailer junkyards. This chapter identifies six or more disassembled, wrecked, inoperable or cannibalized boats or boat trailers not currently awaiting repair which have remained disassembled, wrecked, and inoperable for six months or longer to constitute accumulated junk.
- (5) New appliance dealers, used appliance dealers and appliance repair facilities, used furniture and used household item dealers may accumulate damaged, disassembled, inoperable, and cannibalized appliances or furniture to the point where they become commercial junkyards and salvage yards. This chapter identifies three or more disassembled, inoperable, or cannibalized appliances not currently awaiting repair for three months or longer to constitute accumulated junk. Three or more items of used furniture and used household items stored in the public view by any commercial establishment also constitute accumulated junk.
- (6) Used building materials dealers, selling or trading in used building materials, shall display these materials in a manner used by new building materials dealers and traders. This chapter identifies used building materials which are stored or displayed in a disorganized, haphazard, or unsightly manner to constitute accumulated junk.
- (7) Commercial vehicle tire dealers, vehicle repair facilities, vehicle service stations, tire recapping/recycling facilities may accumulate damaged, un-repairable, and unserviceable vehicle tires to the point where they essentially become vehicle tire junkyard. This chapter identifies the accumulation of 30 or more damaged and/or

un-repairable vehicle tires that have remained on the premises for more than 30 days or more to constitute accumulated junk.

- (8) Commercial aircraft repair facilities, new aircraft dealers and used aircraft dealers may gradually accumulate wrecked, inoperable and cannibalized aircraft to the point where they become commercial salvage yards or aircraft junkyard. This chapter identifies four or more disassembled, wrecked, inoperable, or cannibalized aircrafts not currently awaiting repair that have remained disassembled, wrecked, and inoperable for six months or longer to constitute accumulated junk.
- (9) Commercial vehicle wrecker services which are required to store vehicles requiring a title per city, county, and state regulations are exempt from screening requirements when they verify that the processing for change of ownership or sale of impounded vehicles is in progress. Vehicles impounded for one year or more will require screening.
- (10) Antique vehicles and other vehicles which are properly registered and are in a verifiable restoration process are exempt from the standards set forth in this chapter.
- (11) In the event a property is developed adjacent to an existing establishment dealing in salvaged material and accumulated junk, the screening requirements shall not be the responsibility of the commercial establishment.

(E) Specific screening requirements.

- (1) Commercial junkyard, salvage yards and accumulated junk establishments as defined in this chapter, must screen accumulated junk from public view. If screening is not provided by building, topographical features or dense vegetation, manmade and installed or man planted screening shall be provided.
- (2) Screening shall consist of opaque fencing, buildings, dense vegetation, or a combination of these, to a minimum height of six feet, to conceal vertically accumulated junk. Screening shall be freestanding and extend from the ground level. Tarpaulins, tents or other temporary screens are not acceptable screening materials.
- (3) Deteriorated screening materials and vegetation shall be replaced to maintain complete screening. Accumulated junk establishments have two months from the date of notification that screening has deteriorated to initiate restoration on complete screening, consistent with seasonal planting conditions. Vegetation which has seasonal changes that open the accumulated junk to public view are not sufficient to meet the requirements of this chapter and must be replaced by fencing or suitable vegetation.

- (4) Screening materials shall be set back from the road or street right-of-way or the property boundaries a distance of one foot, or a sufficient distance to allow installation of the screening material between the accumulated junk and the public. Accumulated junk shall not be used to support the screening material or comprise part of the screen itself.
- (5) An owner/operator may install the screen adjacent to the accumulated junk to facilitate screening from public view if the property boundaries are more than five feet from the accumulated junk.

ARTICLE XII. TEMPORARY HOUSING

Section 7-12-1 Temporary Housing

Temporary housing units shall be permitted in all residential zoning districts subject to the following standards:

(A) A temporary housing permit shall be issued by the Zoning Administrator for all temporary housing units at the time of placement onto the lot, or when a Building Permit is applied for in the case of repair and reconstruction of the primary structure either within or outside the Town of Holly Ridge.

(B) The temporary housing permit shall be issued for a period of time not to exceed 12 months while repair and reconstruction of the primary structure is taking place and may be renewed for additional six (6) month periods provided significant progress has been made in the repair and reconstruction of the primary structure. Permit extensions may be granted by the Zoning Administrator upon submittal of a Temporary Housing Permit Extension Application provided all application requirements have been met, and at least fifty (50) percent of the repair and reconstruction work has been completed on the primary structure. Maximum extension shall not exceed 12 months.

The temporary housing permit application shall indicate the location of the temporary housing unit and include a description of the proposed provisions for utilities.

(C) A maximum of one (1) temporary housing unit (or two (2) in the case of a two-family dwelling) shall be permitted provided:

1. The temporary housing unit must maintain an adequate source of potable water and wastewater disposal and a permitted electrical service hookup. Emptying of wastewater disposal systems shall be done in accordance with all ONWASA and Town regulations.

(D) Temporary housing units must be removed from the lot within thirty (30) days following completion of repair and reconstruction on the primary structure, or within thirty (30) days

following expiration of the Temporary Housing Permit.

(E) For the purposes of this section:

A recreational vehicle/travel trailer means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck' and (4) is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.

(F) Setback requirements may be waived during the duration that the temporary housing unit is permitted, such that the placement of the temporary housing unit will allow for unobstructed repair and reconstruction on the site, provided the temporary housing unit does not extend into any public right-of-way, easement, or adjacent property.

(G) A maximum of two (2) temporary storage containers up to sixteen (16) feet long, eight (8) feet wide, and nine (9) feet tall, shall be permitted on a lot subject to the requirements of this section. Setback requirements for temporary storage containers may be waived during the duration that the temporary housing unit is permitted, such that the placement of the temporary storage containers will allow for unobstructed repair and reconstruction of the primary structure and the temporary storage containers do not extend into any public-right-of – way, easement, or adjacent property.

(H) All Town-related permit fees will be waived for temporary housing for a period of sixty (60) days after the emergency or natural disaster occurs.

ARTICLE XIII. DEFINITIONS

For the purpose of this ordinance, certain terms and words are defined as follows: Words used to identify one gender shall be interpreted as including all genders; words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual; the word “lot” includes the word “plot” or “parcel”; the word “building” includes the word “structure”; the word “shall” is always mandatory and not directory; the word “may” is permissive; the words “used” or “occupied” as applied to any land or building, shall be construed to include the words “intended,” “arranged,” or “designated to be used” or “occupied”; the words “residential property” shall apply to land zoned for residential use and to other land occupied by residential structures. The words “a map”, “a zoning map”, or “Town of Holly Ridge Zoning Map” shall mean the Zoning Map of Holly Ridge, North Carolina; the words “article,” “Zoning Ordinance” or “Town of Holly Ridge Zoning Ordinance” shall mean the Zoning Ordinance of Holly Ridge, North Carolina; the words “Holly Ridge planning area” or “planning area” shall mean the area within which Holly Ridge exercises zoning authority. All other words not defined below shall be defined by the North American Industry Classification System (NAICS). If the word cannot be found in the NAICS, the standard edition of the Webster’s Dictionary shall be used.

ACCESSORY APARTMENT - A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

ACCESSORY STRUCTURE - See Structure, Accessory.

ACCESSORY USE - See Use, Accessory.

ACCESS EASEMENT - The right of a dominant property owner to use the property of an owner for egress and ingress. For purposes of this ordinance, all access easements shall include the right to install utilities.

ADMINISTRATIVE DECISION - A decision made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance.

ADMINISTRATOR OF ZONING - The Administrator of the Town of Holly Ridge Planning Department.

ADULT ESTABLISHMENTS - Any use which meets the definition of adult business or sexually oriented business as defined in G.S. 14.202.10. For the purposes of this ordinance, lingerie modeling, exotic dancing and private dancing shall be considered as such and subject to the same ordinances and regulations as those provided for adult uses. (Licensed health massage/body work therapists shall not be considered an adult massage business).

AGRICULTURAL LAND - Any parcel of land which is used in the raising of agricultural, dairy or forest products, livestock, poultry or fur bearing animals (see bona fide farm).

AGRICULTURAL, CROP PRODUCTION - The use of land for the primary purpose of raising and harvesting row, field or tree crops on a commercial basis on a bona fide farm. The growing and sale of agricultural crops on the premises shall not constitute agricultural crop production (see bona fide farm).

AGRICULTURAL, LIVESTOCK PRODUCTION - The use of land for the primary purpose of raising animals or producing animal products, such as eggs or dairy products, on a commercial basis on a bona fide farm, including grazing, ranching and dairy farming (see bona fide farm).

AIRPORT - Landing fields, aircraft parking or service facilities, passenger or baggage terminals, or related facilities for operation, service, fueling, repair, storage, charter, sales or rental of aircraft, operated by an airport authority or other corporation.

ALLEY - A vehicular way used for providing service access along rear or side property lines of lots.

AMORTIZATION - The process of providing for a time extension of a use, which is not in compliance with this ordinance.

AMUSEMENT PARK - A commercially operated enterprise that offers rides, games, and other forms of entertainment. This does NOT relate to an Adult Establishment or Use.

ANIMAL HOSPITAL/VETERINARY CLINIC - Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding or selling of pet supplies.

AQUARIUM - An establishment where aquatic collections of living organisms are kept and exhibited.

APARTMENT - A room or suite of rooms which provides complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation in each separate unit.

APPEAL - An action requesting reversal or modification of an interpretation or decision made by the Zoning Administrator in the application of these regulations.

ASPHALT PRODUCTS MANUFACTURING - A facility preparing asphalt and/or concrete mixtures for street, parking lot and driveway paving.

AUCTION HOUSE - A structure or enclosure where goods are sold by auction.

AUTOMATIC TELLER MACHINE - A machine that provides banking or financial services.

AUTOMOBILE SALVAGE YARD - Any establishment which is maintained, used or operated for storing, keeping, buying and/or selling two (2) or more wrecked, junked, scrapped, ruined, dismantled or inoperable motor vehicles, regardless of the length of time which individual motor vehicles are stored or kept at said establishment.

AUTOMO, TRUCK AND MOTORCYCLE SALES - An establishment primarily engaged in the retail sale of new and used automobiles, trucks, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go carts, golf carts, utility trailers and similar items.

BASE FLOOD - A flood having a one (1) percent chance of being equaled or exceeded in any given year (see Flood Ordinance).

BASE FLOOD ELEVATION - The elevation of the reach of the one hundred year flood waters (see Flood Ordinance).

BED AND BREAKFAST - The owner-occupied or manager-occupied residential facility providing no more than twelve (12) rooms for overnight lodging or lodging and meals.

BONA FIDE FARM - A property that is located in the Town’s extraterritorial jurisdiction that is used for bona fide farm purposes in accordance with G.S. 160D-903(a) and is exempt from zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to G.S. 160D-903A.

BOARD OF ADJUSTMENT –A Quasi-Judicial body, appointed by Town Council, responsible for hearing and deciding appeals, variances requests, special exceptions, and interpretations of the zoning regulation.

BUFFERS - The portion of a yard where special plantings or fences may be required by the Zoning Ordinance to separate and partially screen two (2) adjacent land uses that are ordinarily incompatible. Buffers may include uniform walls, fences, hedges, landscaped areas, berms, additional setbacks, or at the discretion of the Zoning Administrator, combinations of the above.

BUILDABLE AREA - The area of a zoning lot remaining after the minimum setback requirements of this Ordinance have been satisfied.

BUILDING - (SEE STRUCTURE)

BUILDING, PRINCIPAL - The building in which the principal use of the zoning lot is conducted.

BUILDING HEIGHT- The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest adjacent grade to the building to the highest point on the building.

CAMPGROUNDS, TRAVEL TRAILERS, AND RECREATIONAL VEHICLE PARKS - A site intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes.

CAMPSITES - Unimproved sites for tents only, no utility hookups are permitted.

CARPORT - A roofed structure enclosed on not more than two (2) sides and used for the parking of motor vehicles.

CAR WASH - A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually operated equipment or automatic machinery.

CEMETARY- Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium.

CERTIFICATE OF ZONING COMPLIANCE - A statement, signed by the Zoning Administrator, stating that the plans for a building, structure, or use of land complies with the Zoning Ordinance of the Town of Holly Ridge.

CHIEF CODE ENFORCEMENT OFFICER- The Town Manager

CHILD CARE CENTER – A facility as defined by the NC Division of Child Development and Early Education and subject to all regulations of that Division and those of G.S. 110-91.

CHILDREN’S HOME - A facility engaged in the care of children who have been abandoned or given up for adoption. Such home may include living quarters, dining areas, recreation areas, education facility, etc. (see home occupation).

CHURCH - A facility of a religious organization operated for worship and which may include religious training or study.

CLUB OR LODGE - A building or land used for the activities of a non-profit membership organization for recreation or social purposes but not adjunct to, or operated in connection with, a drinking establishment (bar, nightclub, or tavern). This does NOT relate to an Adult Establishment or Use.

CODE ENFORCEMENT ADMINISTRATOR- A sworn Code Enforcement Officer designated by the Town Manager as head of enforcement for the provisions of this Ordinance and the North Carolina State Building Codes.

CODE ENFORCEMENT DEPARTMENT - Holly Ridge Code Enforcement Department (Inspections Department).

CODE ENFORCEMENT OFFICER- A sworn officer to enforce the provisions of this Ordinance and the North Carolina State Building Codes.

COLLEGE OR UNIVERSITY - An institution of higher education offering associate, undergraduate and/or graduate degrees.

COMMERCIAL RECREATION - A commercial facility that is typically outdoors and that provides entertainment, recreational, and amusement opportunities. Outdoor examples include water parks, mazes, drive-in theaters, and miniature golf. Indoor examples include billiards, bowling, dinner theaters, fortune tellers, skating rinks, pickleball, and coin-operated games.

COMMON OPEN SPACE - Open space held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants.

COMMUNITY CENTER, DEVELOPMENT AMENITY – An area or facility established to serve as a recreation and/or meeting area for the residents of a subdivision or development if the site is shown on the approved subdivision or development plans.

COMMUNITY CENTER, PUBLIC - An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

CONDOMINIUM - A dwelling unit owned as a single-family home within a multiple property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms such as attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools and in the case of an apartment house, hallways, basements, heating units and elevators.

CONSTRUCTION, START OF - After issuance of a building permit by the Inspections Department, the first placement of a structure, including a manufactured home, on a site for which a building inspection is required. This shall include forming and bracing for concrete placement; the subsequent installation and tying of steel reinforcements for footings, piles or columns (if required), the pouring of slabs, or footings or excavation or the placement of a manufactured home on a foundation.

CONTIGUOUS AREA - Any area which abuts directly on a subject property or is separated from the subject property by a street or the right of way of a railroad or other utility or public service corporation.

CONVENIENCE CENTER - A lot or parcel of land established by a local government for the collection of recycling material and/or other solid waste.

CONVENIENCE STORE - Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same.

CORNER LOT - See Lot, Corner.

CORRECTIONAL FACILITY - A facility providing housing and care for individuals confined by law, operated under the authority of local, State or Federal government.

CREMATORIUM - A location containing a properly installed, certified apparatus intended for the use in the act of cremation.

CROP PRODUCTION - See Agricultural Crop Production.

DENSITY - The ratio of dwelling units permitted on a zoning lot to the area of the zoning lot.

DEVELOPMENT AMENITIES (CLUBHOUSE, POOL, ETC) – See Community Center/Development Amenity.

DEVELOPMENT APPROVAL - An administrative or quasi-judicial approval made pursuant to this ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, and variances. The term also includes all other regulatory approvals required by regulations adopted

pursuant to this ordinance, including plat approvals, permits issued, and building permits issued.

DEVELOPMENT REGULATION - A zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this ordinance, or a local act or charter that regulates land use or development.

DRINKING ESTABLISHMENTS – Bars, lounge, pub, or similar establishments engaged in activities either as primary or accessory to principal use involving the preparation and sale of alcoholic beverages for on-site consumption and not defined as a “Restaurant”.

DWELLING, DUPLEX - A building containing two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from the exterior wall to exterior wall, except from a common stairwell exterior to both dwelling units.

DWELLING, MODULAR- A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant, having a permanent foundation, and inspected as a site-built home.

DWELLING, MODULAR (ON FRAME) - See Manufactured Home.

DWELLING, MULTI FAMILY - A building constructed on site in compliance with the North Carolina State Building Code and designed for three (3) or more dwelling units.

DWELLING, SINGLE FAMILY (SITE BUILT) - A residential building constructed completely on site for occupancy by one (1) single family.

EASEMENT - A grant of one (1) or more of the property rights for a specific purpose by the property owner to, or for the use by the public, a utility or other persons.

ELECTRONIC GAMING OPERATION - A business enterprise where persons utilize electronic machines, included but not limited to personal computers and dedicated gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise, or other prizes are redeemed or otherwise distributed. May also be referred to as cyber or internet sweepstakes.

ENGINEER - A person licensed to practice engineering in the State of North Carolina.

ENVIRONMENTAL HEALTH - Onslow County Environmental Health Department.

EROSION - The wearing away of land surface by the action of wind, water, gravity or any combination thereof.

EROSION CONTROL ACT - The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments (regulated by NCDEQ).

EROSION, NATURAL - The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions on property undisturbed by man.

EVIDENTIARY HEARING – See Quasi-judicial evidentiary hearing.

FAMILY - One (1) or more persons related by blood, adoption or marriage and their foster parents, or children or step parents or step children, living together in a single dwelling unit; or a number of persons eighteen (18) years or older, not exceeding four (4) and their children or step children under eighteen (18) years of age, living together in a single dwelling unit, though not all related by blood, adoption or marriage; and such domestic servants as are employed on the same premises. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, social, honorary or professional organization.

FAMILY CARE HOME - A facility as defined in N.C.G.S. 131D-2.1(3) and (9) and N.C.G.S. 168-21 and licensed by the State of North Carolina, Division of Health Service Regulation. This use shall not serve primarily as an alternative to incarceration and shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C3(11) and shall not include persons living together as a fraternal, social, honorary, or professional organization.

FAMILY CHILD CARE HOME – A facility as defined by the NC Division of Child Development and Early Education and subject to all regulation of that Division and those of N.C.G.S. 110-91.

FARM TENANT HOUSING - A dwelling unit occupied by the family of a person employed in agriculture related activities on the premises.

FEDERAL AVIATION ADMINISTRATION - FAA.

FEDERAL COMMUNICATIONS COMMISSION - FCC.

FEDERAL TELECOMMUNICATIONS ACT OF 1996 -FTA.

FIRE DEPARTMENT – Holly Ridge Fire Department.

FIREARM - any gun from which a bullet is propelled by means of hot gases generated by burning powder (smokeless or black powder).

FLAG LOT - An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, where a minimum lot width is prescribed, this width shall be measured at the building setback line.

FLASHING SIGN - Any sign which contains a light source and maintains the same appearance or copy display for at least three (3) seconds or more. Electronic message boards whose copy display or message does not change more frequently than every thirty (30) seconds shall not be considered flashing.

FLEA MARKET - A commercial operation held on a regular periodic basis and patronized by individual entrepreneurs who transport a variety of merchandise to a common geographical area for the purpose of sale or trade to the general public. This definition does not include sporadic and infrequent yard sales held in residential areas.

FLOOD BOUNDARY AND FLOODWAY MAP - An official map on which the Federal Emergency Management Agency had delineated both the floodway and floodway fringe areas. Said maps also contain cross sectional information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

FLOOR AREA, GROSS - The total number of square feet on all floors of a building, as measured from the outside faces of the building.

FOOD STORE - An establishment primary engaged in selling food for home preparation and consumption, and other related items.

FOOD TRUCK - a motorized vehicle with power on board, refrigeration, food preparation facilities, and usually room for two (2) or four (4) employees. Food trucks shall also be considered a mobile vendor for the purposes of this ordinance.

FRONT LOT LINE - See Lot Line, Front.

FRONT YARD - See Yard, Front.

FRONTAGE - The property abutting on one (1) side of a street measured along the street right of way line.

FUNERAL HOME - An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging funerals.

FURNITURE AND HOME FURNISHINGS STORE - An establishment primarily engaged in the retail sale of new or used household furniture, floor coverings, draperies, curtains and upholstery materials, and miscellaneous home furnishings, such as bedding and linens, lamps and shades, mirrors, venetian blinds, and window shades.

GOLF COURSE (PUBLIC OR PRIVATE) – An area open and designed for golf, including a Par 3 golf course, with each hole having a tee, fairway, green and one (1) or more hazards.

GOLF DRIVING RANGE - An open-air golf practice facility.

GRADING BUSINESS - A business that provides grading services and that does not store equipment nor manufacture or store asphalt, concrete, sand or other similar materials on site.

GREENHOUSE, PRIVATE - A small facility where plants are grown for personal use, not for retail or commercial sale.

GREENHOUSES AND NURSERIES, COMMERCIAL - An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools and other garden supplies to the general public.

GREENWAY - A linear open space along a natural or constructed corridor which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, schools or historic sites with each other and with populated areas.

GROUND COVER - Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion (EROSION CONTROL).

GROUP DEVELOPMENT - Development of multiple buildings and/or uses within single parcel or parcels such as a manufactured home park, multifamily development, shopping center, mini warehouses or office complex.

HARDWARE STORE - An establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, paint and house wares, lumber and other related items.

HATCHERIES - An establishment where the eggs of fish or chicken are incubated and raised for commercial purposes.

HAZARDOUS MATERIAL - Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances; or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances).

HAZARDOUS SUBSTANCE - Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable and reactive. Health hazards include, but are not limited to, chemicals which are carcinogens, toxins, corrosives and irritants.

HOME OCCUPATION - A business, profession, occupation or trade for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the lot.

HOSPITAL - A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, administration and other related services.

HOTEL OR MOTEL - A building or group of buildings used principally to provide shelter, with or without meals, for not fewer than four (4) paying guests.

JUNKYARD - Any open area which is maintained, operated or used for storing, keeping, dismantling, disassembling, salvaging, buying or selling junk regardless of length of time that junk is stored or kept and shall meet the requirements of all Holly Ridge Ordinances.

KENNEL - Any facility used for the purpose of boarding domesticated animals for hire. Kennels may conduct other such incidental activities, such as the sale of animals, treatment of the animals, grooming or cleaning, and the sale of pet supplies. Domesticated animals, for the purpose of this ordinance, shall be defined as dogs, cats, and other generally accepted household pets.

LAKE OR NATURAL WATERCOURSE - Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or manmade.

LAND DISTURBING ACTIVITY - Any use of the land by any person that results in a change in the natural cover or topography that may cause or contribute to sedimentation. May require a permit from NCDEQ.

LANDFILL, CONSTRUCTION AND DEMOLITION - A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings or other structures. Such landfills shall meet criteria set by the State of North Carolina.

LANDFILL, SANITARY - A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances. Such landfills shall meet criteria set by the State of North Carolina.

LANDOWNER - Any owner of real property, including the heirs, successors, assigns and personal representatives of each owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for purposes of submitting a proposed site-specific vesting plan in the manner allowed by this Ordinance.

LANDSCAPE ARCHITECT - A person licensed to use the title of landscape architect in the State of North Carolina.

LEGISLATIVE DECISION - The adoption, amendment, or repeal of a regulation under this ordinance, including those actions which amend the Town’s official zoning map.

LIBRARY, PUBLIC - A public operated facility housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

LIGHT INDUSTRIAL – The purpose of this district is to provide locations for light industrial and/or manufacturing, processing, and assembly uses and to protect adjacent rural/residential

areas from such land uses. For the purpose of this Ordinance, light industry is defined as the manufacture of small or light articles.

LIQUOR STORE - An establishment regulated by the Alcoholic Beverage Control Board selling alcoholic beverages.

LIVESTOCK PRODUCTION - SEE AGRICULTURAL LIVESTOCK PRODUCTION.

LIVESTOCK SALES - A commercial establishment wherein livestock is collected for sale or auctioning.

LOG HOME MANUFACTURING - A facility where all components of log homes are produced and shipped to work sites.

LOT - A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax map) and which is recognized as a separate tract for purposes of transfer of title. For purposes of this Ordinance, the word “lot” shall mean any number of contiguous lots or portions of lots upon which one principal building and its accessory buildings are located or are intended to be located.

LOT, ADJACENT - Any lot or parcel, which has a common boundary, right of way, or easement with the subject lot.

LOT, CORNER - A lot abutting two (2) or more streets in their intersection.

LOT COVERAGE - That portion of the lot area, expressed as a percent that is covered by impervious surface.

LOT, DOUBLE FRONTAGE - A lot having frontage on two (2) or more streets. A corner lot shall not be considered as having double frontage unless it has frontage on three (3) or more streets.

LOT, INTERIOR - A lot other than a corner or double frontage lot.

LOT FRONT - That side of a lot, which fronts on a street regardless of the orientation of the house/building. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations by labeling the front and side building lines as such on the final plat or plot plan.

LOT LINE - A line or series of connected line segments bounding a lot.

LOT LINE, FRONT - The line which separates the lot from a street right of way or access easement. Regardless of the orientation of the house, the front lot line is that along the right of way or easement.

LOT LINE, REAR - That lot line which is opposite and more distant from the front lot line. In cases where neither of these conditions is applicable, the Zoning Administrator shall designate

the rear lot line.

LOT LINE, SIDE - A lot line other than a front or rear lot line.

LOT, NON-CONFORMING - A lot which does not meet all the dimensional requirements of the zoning district in which it is located, which exists by virtue of the fact that it lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.

LOT OF RECORD - A lot which is a part of a subdivision plat which has been recorded in the office of the Register of Deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

LOT WIDTH - The horizontal distance between the side lot lines at the building front setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

MALL - SEE SHOPPING CENTER.

MANUFACTURED HOME - A dwelling unit that is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant after 1976 and designed to be transported to the home site on its own chassis.

MANUFACTURED HOME PARK - (MOBILE HOME PARK) - A tract of land set up with two (2) or more mobile or manufactured home spaces for lease or rent. Manufactured home parks shall be developed and operated in compliance with all prevailing regulations of the Zoning Ordinance provided however, that the following shall not be included within this definition:

- Mobile or manufactured classrooms placed upon public school grounds under the auspices of the county board of education;
- Individual lots conveyed in fee simple by a grantor to a grantee(s) for the placement or erection of a mobile or manufactured home on a lot purchased and occupied by the grantee;
- Mobile or manufactured homes used in conjunction with seasonal farming operations, for the purpose of housing migratory farm workers and their families; and
- Mobile or manufactured homes temporarily placed in areas designated by the town office of emergency management to house victims of a natural disaster or cataclysmic event.
- Recreational vehicles or a vehicular type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation or recreation purposes, which are self-propelled or is mounted on or drawn by another vehicle.

MANUFACTURED HOME PARK PLAN – A Site Plan of a proposed mobile home

park, prepared by the developer in accordance with the Zoning Ordinance.

MANUFACTURED AND ON FRAME MODULAR HOMES AND RECREATIONAL

VEHICLE SALES - An establishment primarily engaged in the retail sale of new and used manufactured homes, modular homes, recreational vehicles, and similar items.

MANUFACTURED HOME SPACE - The land in a manufactured home park allotted to or designed for the accommodation of one (1) manufactured home.

MEAT PACKING AND POULTRY PROCESSING PLANTS - An establishment primarily engaged in the slaughtering of cattle, chickens, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing and freezing and in making sausage, lard and other products.

MEDICAL AND DENTAL CLINIC - An establishment primarily engaged in furnishing medical and surgical services and licensed for such practice by the State.

MEDICAL OR DENTAL LABORATORIES - An establishment primarily engaged in providing professional analytic or diagnostic services; or an establishment primarily engaged in making dentures, artificial teeth, or orthodontic devices.

MENTAL HEALTH, INPATIENT – A health station, retreat or an institution for the recuperation and treatment of persons with disabilities or mental illness.

METAL FABRICATION PLANT - A large scale (greater than 3,001 square feet) facility which is engaged in the shaping, cutting, bending, fabricating, or welding of metal and similar materials.

METAL MACHINING, WELDING AND FABRICATION SHOP – A small scale (3,000 square feet or less) facility which is engaged in the shaping, cutting, bending, fabricating, or welding of metal, sheet metal and similar materials.

MICROBREWERY - A microbrewery as permitted by NCGS 18B-1104 is an enterprise which engages in one or more of the following: (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the manufacturing of malt beverages; (2) Sell, deliver and ship malt beverages in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations; (3) Give its products to its employees and guests for consumption on its premises.

MICRODISTILLERY - A distillery as permitted by NCGS 18B-1105 is an enterprise which engages in one or more of the following: (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor; (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public

agencies or establishments of other states or nations; (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.

MINING, QUARRYING OR RESOURCE EXTRACTION - Any mining activity, as defined in State law, including:

- (A) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter.
- (B) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from its original location.
- (C) The preparation, washing, cleaning or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial and other uses.

Mining shall not include plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land. Mining shall not include excavation or grading when conducted solely in aid of onsite farming or of onsite construction for purposes other than mining. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered mining when done only for the purpose and to the extent necessary to determine the location, quantity or quality of any natural deposit, provided that no ores or mineral solids removed during such exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business and provided further that the affected land resulting from any such exploratory excavation does not exceed one (1) acre in area.

MINI WAREHOUSE - Moving and/or storage services for household and business goods, including self-service storage facilities.

MOBILE HOME – SEE MANUFACTURED HOME

MOBILE HOME PARKS - SEE MANUFACTURED HOME PARK.

MOBILE VENDOR - a readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed, and equipped to serve food and/or sell merchandise on a temporary stationery basis.

MODULAR HOMES – Homes that are built in sections at the factory and then transported to a building site on truck beds, then joined together. Modular homes are built to conform to all state, local, or regional building codes at their destinations.

MONUMENT SALES - An establishment where concrete or rock-based monuments, such as yard décor, tombstones, etc., are sold.

MOTOR VEHICLE - Every vehicle, which is self-propelled, and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition,

the term motor vehicle shall also include vehicles or implements used in farming or construction, but shall not include golf carts, ATVs, and other similar recreational vehicles.

MOTOR VEHICLE BODY OR PAINT SHOP - An establishment primarily engaged in bodywork, painting or customizing of automobiles or other motor vehicles.

MOTORCROSS TRACK - A facility designed as a business or commercial enterprise for public use and used for the racing of two wheeled motorcycles, bikes, four-wheel all-terrain vehicles, or similar motorized vehicles.

MOTOR VEHICLE REPAIR - An establishment engaged in providing mechanical automotive maintenance and repair. This use includes service stations but does not include body working or painting.

MUSEUM OR ART GALLERY - A structure used for the display and preservation of paintings, sculpture and other constructed or natural objects illustrating human or natural art and/or history. This does NOT relate to an Adult Establishment or Use.

MULTI-PHASED DEVELOPMENT PLAN - A development containing 25 acres or more that is submitted for development permit approval to occur in more than one phase and subject to a master development plan with committed elements showing the type and intensity of use of each phase.

NCDEQ - North Carolina Department of Environment Quality.

NC DOT - North Carolina Department of Transportation.

N.C.G.S. or G.S. - North Carolina General Statute.

NURSING, CONVALESCENT, ASSISTED LIVING FACILITY - A home for persons aged, ill or with disabilities in which two (2) or more persons, not of the immediate family of the owner or manager of said home, are provided with food, shelter, and nursing care.

OIL AND GASOLINE BULK STORAGE - The storage on a zoning lot of two thousand five hundred (2,500) gallons or more of flammable liquid, or two thousand (2,000) gallons water capacity or more of flammable gas, including storage tanks, above and below ground.

OPAQUE BARRIER - A vertical structure constructed of masonry, concrete, metal, wooden material, or berm, which does not allow light to pass through.

OPEN SPACE - Any area, which is not divided into private or civic building lots, streets, rights of way, parking, or easements for purposes other than open space conservation.

OPEN SPACE, COMMON - Open space within a development not in individually owned lots, which is designed and intended for the common use or enjoyment of the occupants of the development.

OPEN STORAGE FACILITY - Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for

outdoor repair areas or service stations, motor vehicle dealers, or inspection stations as the principal use, but excluding temporary construction and related activities and closed bay docks.

INDOOR/OUTDOOR FIRING RANGE (SHOOTING RANGE) - A facility designed for the purpose of providing a place on which to discharge firearms. Noncommercial firearms training ranges and complexes operated by and for municipal, county and state law enforcement officers, and the Veterans of Foreign Wars (VFW) facility located at 188 Stump Sound Church Road are exempt from this definition. Nonprofit or charitable organizations engaging in fundraising activities by use of a shotgun using number four-shot through number nine-shot for a period not to exceed six consecutive weeks are exempt from this definition. A shotfall zone consisting of 900 feet of unencumbered space shall be required.

OUTPARCEL SITE - A lot developed separately but linked functionally to a shopping center.

OVERLAY DISTRICT - A zoning district which overlays and combines with one (1) of the principal zoning districts established by this Ordinance. In such case the property involved is subject to the requirements of both districts.

PARKING, COMMERCIAL - A principal use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles; to include boat and RV storage.

PARKING SPACE, OFF STREET - For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Such space shall be permanently located on site and not located within the right-of-way.

PAVING AND GRADING OPERATION – A business that provides paving and grading services and stores equipment and/or stores or manufactures asphalt, concrete, sand, and other similar materials on site.

PERSON - Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body or other legal entity.

PLANNED RESIDENTIAL DEVELOPMENT - A residentially zoned area, planned and developed as a unit, which is characterized by environmentally sensitive design through the use of flexible development standards.

PLANNED UNIT DEVELOPMENT - Land under unified control which is planned and developed as a whole in a single development operation or a programmed series of operations, including all land and buildings for principal and accessory structures and uses substantially related to the character of the underlying district as well as those of surrounding districts. The planned unit development shall be developed according to comprehensive and detailed sites and the like, but also site plans, floor plans, and elevations of all buildings as intended to be located, constructed, used, and related to each other and detailed plans for other uses and

improvements on land as related to the building. The planned unit development shall also make provisions for the operation and maintenance of such areas, improvements, facilities, and service as will be for common use by some or all of the occupants of the planned unit development, but will not be provided, operated, or maintained at the expense of the general public.

PLANNING BOARD - The Holly Ridge Planning Board.

PLANNING STAFF - The Zoning Administrator or appointed authorized official(s) in the Holly Ridge Community Development Department.

PLANTING AREA - An outdoor area, the surface of which may not be covered by impervious surface cover, such as asphalt, concrete or gravel, nor by structures, and must be devoted entirely to the planting and maintenance of trees, shrubs and groundcovers or construction of fences, walls and/or earth berms.

PLAT - A surveyed map or plan of a parcel of land which is to be or has been subdivided. A map or plan of a parcel of land which is to be, or which has been subdivided.

PLAT, FINAL - The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements, and any other requirements of the Subdivision Regulations which is presented for local government approval and subsequent recordation with the Register of Deeds.

PLAT, PRELIMINARY - A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage and any other requirements of the Subdivision Regulations which is presented for preliminary approval.

PORTABLE SIGN - SEE SIGN, PORTABLE.

POST OFFICE - A facility or structure used for the collection, sorting and distribution of mail and having retail services for the general public.

PREMISES - A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

PRINCIPAL BUILDING - SEE BUILDING, PRINCIPAL.

PRINCIPAL USE - SEE USE, PRINCIPAL.

PRIVATE RECREATION CLUBS - A private facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, tennis courts, swimming pools, tot lots and similar uses. This does NOT relate to Adult Establishments.

PRIVATE SEWER SYSTEM - A wastewater treatment facility established to serve all or a

portion of a residential or commercial development.

PROPERTY - Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the town.

PUBLIC - Under the control or responsibility of the elected body on behalf of the general population, rather than individual or private control.

PUBLIC SEWER SYSTEM - An approved sewage disposal system, including municipal and sanitary district sewerage systems as well as “package” plants constructed in a location and to specifications approved by the Environmental Health Department and/or NCDEQ or other public utility.

PUBLIC UTILITY FACILITY - Facilities of any agency which, under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic signals or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

PUBLIC WATER SUPPLY SYSTEM - An approved water supply system, including municipal and sanitary district water systems approved by the Environmental Health Department in consultation with the NC Division of Health Services or other public utilities.

QUARRY - SEE MINING.

QUASI-JUDICIAL DECISION - A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

QUASI-JUDICIAL EVIDENTIARY HEARING - A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this ordinance.

RADIO AND TELEVISION STUDIOS - An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting or cable and other pay television services but excluding those uses classified as utilities.

RECREATIONAL AREA, COMMON - An area which is required in certain types of developments for active or passive recreational uses. This does NOT relate to Adult Establishment or Use.

RECREATIONAL VEHICLE - A vehicular type accommodation, other than a manufactured

home, designed as temporary accommodations for travel, vacation or recreation purposes, which is self-propelled or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE SPACE - A plot of land within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle, tent, or other individual camping unit on a temporary basis.

RECYCLING COLLECTION CENTER - An incidental use that serves as a community drop off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public or institutional areas, such as churches and schools.

RECYCLING FACILITY - A facility at which recoverable resources such as wood, rock, cement, landscape material and other beneficial fill materials are recycled and treated to be reused as fill or landscape material. Sheetrock and other material listed in the Recycling Plant definition are not included. This is not a C&D or LCID Landfill.

RECYCLING PLANT - A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; and/or other products are recycled and treated to return such products to a condition in which they may again be used for production.

REFINERIES - A facility which produces petroleum-based products.

REHABILITATION FACILITY - A facility engaged in the treatment of substance abuse patients and or to restore (a person with disabilities, for example) to useful life through education and therapy.

RENTAL OF VEHICLES - An establishment primarily engaged in furnishing motor vehicle rental, leasing and parking services to the public.

RESEARCH ACTIVITIES - An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing and industrial X-ray inspection services.

RESIDENTIAL - Referring to permanent dwellings as defined herein.

RESTAURANT – An establishment which prepares and serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas, or to customers in motor vehicles, or to customers for consumption either on or off the premises. This includes cafes, tearooms, and outdoor cafes. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people.

RETAIL STORE - An establishment primarily engaged in selling merchandise for personal

or household consumption not classified elsewhere.

ROADSIDE STAND - A temporary structure on land adjacent to a street subject to property owner permission. Common roadside stands sell local food, produce, firewood, handcrafted items or imported goods.

SCHOOL, ELEMENTARY, MIDDLE, HIGH - A structure used primarily by and for any age or grade levels and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law.

SCHOOL, PRIVATE - Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure a major part of its funding from any governmental agency.

SCREENING - The method by which sound or the view from one site to an adjacent site is shielded or hidden. Screening techniques include buffers, berms, opaque fences or walls, and certain vegetative screens.

SEDIMENTATION - Solid particulate matter, both mineral and organic, that has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

SEDIMENTATION AND EROSION CONTROL PLAN - Plan that shows the measures, structures or devices which control the soil material within the land area under responsible control of the person conducting the land disturbing activity (REGULATED BY NCDEQ).

SEPTIC SERVICES - A service provider who collects and disposes of solid and liquid wastes from private sewage disposal systems.

SERVICES, BUSINESS -

- (A) An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed building. This does NOT relate to an Adult Establishment or Use.
- (B) An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. This does NOT relate to an Adult Establishment or Use.

SERVICES, HEALTH - Kidney dialysis centers, blood banks, birth control clinics, drug treatment centers and similar uses.

SETBACK LINES - The lines on the front, rear and sides of a lot which delineates the area within which a structure may be built and maintained according to the district regulations. The front setback shall be measured from the right of way from the road facing the front of the

structure.

SHOPPING CENTER - A building or group of buildings either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public.

SIDE YARD - SEE YARD, SIDE.

SIGN AREA - The sign area shall be the sum of each smallest possible square foot area that can be enclosed around each sign face within either or fewer lines that join each other at right angles. Two sided freestanding signs shall be computed on the basis of one (1) face only provided that the opposite face is identical. The sign area of three (3) dimensional or multi-sided signs shall not exceed the maximum sign area as would be permitted for a two-sided freestanding sign.

SIGN FACE - The part of the sign that is or can be used to identify, advertise or communicate information. The frames or structural members may be considered a part of the sign face if it is so designed with lighting or other ornamentation, which is incorporated in the sign design.

SIGN, PORTABLE - A sign which, by design, can be moved easily and is not on a permanent foundation. These signs shall be considered a freestanding sign for the purposes of this ordinance.

SIGHT TRIANGLE – On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street (Ref Sec 7-9-2)

SITE-SPECIFIC VESTING PLAN - A site-specific vesting plan consists of a plan submitted to the Town in which the applicant requests vesting pursuant to this ordinance and in accordance with the required procedure for approval, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property.

SITE PLAN - A plan which has been submitted to the town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

SPECIAL USE PERMIT - A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of the zoning ordinance or as well as any additional requirements imposed by the Board of Adjustment.

STABLES (PRIVATE) - A facility intended to house, board, handle, and train or otherwise keep or care for horses belonging to the owner.

STABLES (PUBLIC) - A facility intended to house, board, handle, and train or otherwise keep or care for horses belonging to the owner or occupant of the property, customers, patrons and/or others.

STICK BUILT - A single family or multi-family dwelling constructed on site in accordance

with the North Carolina State Building Code.

STREAM BUFFER - A natural or vegetated area through which storm water runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the top of the bank defining the edge of the stream channel.

STREAM, PERENNIAL - A watercourse that flows year round, including rivers, streams, lakes, and ponds, indicated as a solid blue line on the most recent version of USGS 7.5 minute (1:24,000 scale) topographic maps.

STREET - A public right of way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities, private access or pedestrians.

STREET, PRIVATE - Street, road, or right of way, which affects access to abutting properties, requires a subdivision streets (roads) disclosure statement in accordance with G.S. 136-102.6 and is not dedicated to or maintained by the public.

STREET RIGHT OF WAY - Street right of way shall mean any right of way set aside for public travel.

STRIP MALL - Group of buildings connected which is designed with common parking, pedestrian movement, ingress, and egress and used for sale of merchandise or services to the public.

STRUCTURE - Anything constructed or erected which is above grade including a manufactured home and a storage trailer. For purposes of this Ordinance, structure does not include landscape features such as ornamental pools, planting boxes, sculptures, and birdbaths, open terraces, at grade bridges and walkways, at grade slab patios, driveways, recreational equipment, flagpoles, underground fallout shelters, air conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, cemetery markers or monuments, bus shelters and parking lots.

STRUCTURE, ACCESSORY - A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes freestanding satellite dishes, any other devices which access satellites and amateur radio antennae. Items excluded include doghouses, fences, and other minor personal property.

Provided, however, that in a district classified OAR, Accessory Structure such as incidental storage buildings and public restrooms shall be permitted without the necessity that there be a principal building on the zoning lot.

SUBDIVISION - Refer to the Holly Ridge Subdivision Ordinance, as amended, for definition of "subdivision."

SUPERMARKET - Food markets or combination food markets and department stores

with more than 3,000 square feet of floor area.

SURVEYOR - A person licensed to practice surveying in the State of North Carolina.

SWIMMING POOL, PRIVATE - A swimming pool intended for the private, non-commercial use by a property owner(s), homeowner's association, residential development, or club.

SWINE FARM - Any tract or contiguous tract of land in Holly Ridge devoted to raising animals of the porcine species, served by animal waste management systems having a design capacity of 600,000 steady state live weight (SSLW) or greater regardless of the actual number of swine on the farm.

TELEPHONE CALL CENTERS - An establishment primarily engaged in answering telephone calls and relaying messages to clients and/or in providing telemarketing services on a contract or fee basis for others, such as promoting clients' products or services by telephone, taking orders for clients by telephone and soliciting contributions or providing information for clients by telephone.

TEMPORARY HOUSING – Temporary accommodations for individuals or families whose homes have been destroyed or significantly damaged, through no fault of the owner, by an emergency or natural disaster.

TEMPORARY HOUSING UNIT – Recreational vehicle or travel trailer providing temporary housing accommodations.

THOROUGHFARE - Any street or street extension designed on an official transportation plan.

TOWNHOUSE - A one (1) family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having an exposed front and rear wall to be used for access, light and ventilation.

TRAILER, TRAVEL - SEE RECREATIONAL VEHICLE.

TRUCK/FREIGHT TERMINAL - Any facility for handling and/or transporting freight, with or without storage and maintenance facilities.

UPPER – STORY RESIDENTIAL – One of more residential dwelling units above ground floor non-residential use.

USE - The purpose or activity for which land or structures are designed, arranged or intended or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this Ordinance.

USE, ACCESSORY - A use or activity which is customarily incidental to a specific principal use and which is located on the same zoning lot as the associated principal use.

USE, NON-CONFORMING - Any use not permitted in the zoning district in which it is located, which lawfully exists by virtue of the fact that it lawfully existed or lawfully existed as of the effective date of the Zoning Ordinance or subsequent amendments, and which has not been discontinued under the provisions of the Zoning Ordinance.

USE, PRINCIPAL - Those uses of land listed in Table of Uses in the Zoning Ordinance.

USE, TEMPORARY - A use which may be located in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.

USGS - United States Geological Survey.

VARIANCE - An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

VESTED RIGHT - A right pursuant to General Statute 153A-344(b) to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan.

VETERINARY CLINIC - SEE ANIMAL HOSPITAL/VETERINARY CLINIC.

WAREHOUSING - Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and/or farm products.

WATER SUPPLY WATERSHED - An area from which water drains to a point of impoundment and the water is then used principally as a source for public water supply.

WETLANDS - Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas and fall under the jurisdiction of the State and/or the US Army Corps of Engineers.

WINERY - A manufacturing facility or establishment engaged in the processing and/or the producing of wine or wine like beverages.

WOODWORKING PLANT - A large scale (greater than 3,001 square feet) facility which is engaged in the shaping of wood and similar materials.

WOODWORKING FABRICATION SHOP - A small scale (3,000 square feet or less) facility which is engaged in the shaping of wood and similar materials.

YARD - Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT - The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this Ordinance.

YARD, INTERIOR SIDE - The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this Ordinance, provided that the side lot line is not adjacent to a public street right of way.

YARD, REAR - The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this Ordinance.

YARD, SIDE - The yard extending between the sideline of the building and the adjacent sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard.

YARD, STREET SIDE - The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right of way or private access easement and between the side lot line and the side building setback line as required in this Ordinance.

YARD SALE - The sporadic and infrequent sale of used personal items within residential areas. Such sales shall be temporary and limited to not more than twice per calendar year per property.

ZERO LOT LINE - A common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

ZONING ADMINISTRATOR - Individual or individuals appointed by the Town Manager charged with the administration and/or enforcement this Ordinance to the general public.

ZONING LOT - A lot, or portion thereof, with a single zoning district shall be considered and treated as one (1) zoning lot.

ZONING PERMIT - A permit issued by the Zoning Administrator or designee which authorizes the recipient to use or occupy a tract of land or a structure, or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance.