

Exhibit A



**Bayboro, N.C.
Established 1881**

**Amended and Restated
Unified Development Ordinance
N.C.G.S. Chapter 160D**

Adopted June 4, 2024

Dates Amended: 6/2/2026,

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Article 1 General Provisions

Section 1-1 Short Title

This ordinance shall be known as the “Unified Development Ordinance” or “UDO” or “UDO Zoning Ordinance.”

Section 1-2 Authority

In accordance with Chapter 160D of the General Statutes (hereinafter “G.S.”) of North Carolina, the Town of Bayboro (hereinafter the “Town”) is given the authority to adopt and enforce this Unified Development Ordinance. The UDO is a legal document and is not advisory in nature. The Zoning Administrator is also known as the Unified Development Ordinance or UDO Zoning Administrator.

Section 1-3 Purpose

The purpose of this Ordinance shall be to promote the public health, safety, morals and general welfare; provide for the orderly development of the Town; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Section 1-4 Jurisdiction

This Ordinance shall apply to all lands within the corporate limits of the Town.

Section 1-5 Relationship to Land-Use Policies

This Ordinance is designed to assist the citizens, elected and appointed boards, and the UDO Zoning Administrator in guiding land development within the planning and development jurisdiction. It has been developed with a spirit of concern for both the individual rights of landowners and public responsibility to promote the orderly development of the community. These development guidelines were specifically designed to implement land use policies formulated by the Town.

Section 1-6 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for various permits. The amount of the fees charged shall be established by the Town Council. Applicable fees shall be paid when an application is submitted to the Town for review and consideration. The fee schedule shall be reviewed from time to time and if amended shall be considered for adoption with each fiscal budget year.

Section 1-7 Zoning Impacts on Existing Regulations, etc.

The Ordinances listed and enforced by this UDO are not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulations, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provisions, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulations.

Section 1-8 Zoning Affects all Land and Buildings

No land, building, or structure shall be used, no building or structure shall be erected, and no existing building or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged, or altered, except in conformity to these regulations.

Section 1-9 One Principal Building on a Lot

In any district, no more than one principal use may be erected on a single lot, except where it is specifically provided in this Ordinance.

Section 1-10 All Lots Adjacent to a Public Right-of-Way or Approved Private Road

Every building hereafter erected or moved shall be on a lot adjacent to a dedicated street right-of-way or Town approved private street or drive.

Section 1-11 Adoption and Effective Date

The provisions of this Ordinance were adopted and became effective on April 2, 2024.

Article 2 Administrative Structure

Unified Development Ordinance Planning Board

Section 2-1 Appointment and Terms of the Planning Board

- (A) There shall be a Planning Board consisting of five (5) members and one alternate member appointed by the Town Council.
- (B) The Planning Board members shall be appointed for three-year terms after the initial terms, but members may continue to serve until their successors have been appointed:
 - (1) Members terms shall be three years.
 - (2) One Town Member shall be appointed as an Alternate Member to the Planning Board.
 - (3) The Town Clerk may serve as Secretary to the Town Planning Board.
- (C) Members may be appointed to successive terms without limitation.
- (D) Planning Board members may be removed by the Town Council at any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Town Council shall hold a hearing on the removal before it becomes effective.
- (E) If a member of the Planning Board moves outside the planning jurisdiction of Bayboro, the Town Council shall remove that member immediately.

Section 2-2 Meetings of the Planning Board

- (A) The Planning Board shall meet frequently enough so that it can take action in conformity with Section 12-4 (Request to be Heard Expeditiously).
- (B) Since the Board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles 12 and 13. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
- (C) Minutes shall be kept of all Planning Board proceedings by an appointed member of the Board or a Town employee assigned by the Town Council.
- (D) All Board meetings shall be open to the public and whenever feasible the agenda for each Board meeting shall be made available in advance of the meeting.

Section 2-3 Quorum and Voting

- (A) A quorum for the Planning Board shall consist of a majority of the Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.
- (B) All actions of the Planning Board shall be taken by majority vote provided a quorum is present.
- (C) A roll call vote shall be taken upon the request of any member.

Section 2-4 Planning Board Officers

- (A) At the first meeting of each calendar year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the Board's meetings and one member to serve as vice chairman. A secretary shall be appointed and may be the Town Clerk.
- (B) The chairman and vice-chairman may take part in all deliberations and vote on issues.

Section 2-5 Powers and Duties of Planning Board

- (A) In addition to the powers stated within N.C. Gen. Stat. § 160D-301, the Planning Board may:
 - (1) make studies and recommend to the Town Council plans, goals, and objectives relating to the growth, development, and redevelopment of the Town;
 - (2) develop and recommend to the Town Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner (i.e. CAMA Land Use Plan);
 - (3) make recommendations to the Town Council on proposed zoning map or text changes; and
 - (4) perform any other duties assigned by the Town Council.
- (B) The Planning Board may adopt rules and regulations governing its procedure and operations not inconsistent with the provisions of the Ordinance.

Board of Adjustment

Section 2-6 Appointment and Terms of the Board of Adjustment

- (A) The five (5) members of the Town Planning Board shall also serve as the Board of Adjustment. One alternate member shall be appointed by the Town Council. When any member of the Board of Adjustment is absent or disqualified, an alternate may step in and replace him. The replacement member shall have the full powers and responsibilities of the regular member.
- (B) Since members of the Planning Board serve as members of the Board of Adjustment, the terms shall be the same for each board. All members may be reappointed to successive terms without limitation.
- (C) Members may be removed by the Town Council at any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Town Council shall hold a hearing on the removal before it becomes effective.
- (D) If a member of the Board of Adjustment (with the exception of the Town Clerk) moves outside the planning jurisdiction of Bayboro, the Town Council shall remove that member immediately.

Section 2-7 Meetings of the Board of Adjustment

- (A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 12-4 (Request to be Heard Expeditiously).
- (B) The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles 12 and 13.
- (C) Minutes shall be kept of all Board of Adjustment proceedings by an appointed member of the Board or a town employee assigned by the Town Council.
- (D) All meetings of the Board of Adjustment shall be open to the public and whenever feasible the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.

Section 2-8 Quorum

- (A) A quorum for the Board of Adjustment shall consist of four-fifths of the regular board membership (four of the five members of the board excluding vacant seats). If a regular

member is absent, an alternate shall assume a position on the Board as a regular member with full rights to vote on issuing brought before it. A quorum is necessary for the Board of Adjustment to take official action as specified in Subsection 2-9 (A) below.

- (B) A member who has withdrawn from the meeting without being excused as provided in Section 2-9 below shall be counted as present for purposes of determining whether a quorum is present.

Section 2-9 Voting

- (A) The concurring vote of four-fifths of the regular Board of Adjustment membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the UDO Zoning Administrator or to decide in favor of the applicant any matter upon which it is required to pass under any Ordinance or to grant any Variance. All other actions of the Board of Adjustment shall be taken by majority vote. For example, if there are only four members present at a meeting including alternates, all four members must vote affirmatively before the board can overrule an appeal from the administrative officer or approve a Variance or Special Use, if specified in the Ordinance.
- (B) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 2-9 (C) or has been allowed to withdraw from the meeting in accordance with Subsection 2-9 (D).
- (C) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) if the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) if the matter at issue involves the member's own official conduct; or
 - (3) if participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (4) if a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (D) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (E) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

Section 2-10 Board of Adjustment Officers

- (A) At its first regular meeting of each calendar year the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the Board's meetings and one member to serve as vice-chairman. The Town Clerk may serve as secretary. Any appointed secretary shall serve at the pleasure of the Board. Vacancies among the elected officials may be filled for the unexpired terms only by majority vote of the Board membership (excluding vacant seats).
- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the Board.
- (C) The chairman and vice-chairman may take part in all deliberations and vote on all issues.

Section 2-11 Powers and Duties of Board of Adjustment

- (A) The Board of Adjustment shall hear and decide:
 - (1) appeals from any order, decision, requirement, or interpretation made by the UDO Zoning Administrator, as provided in Article 12;
 - (2) applications for Variances as provided in Article 12;
 - (3) questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Article 12;
 - (4) applications for Special Use Permits as provided in Article 11 and,
 - (5) any other matter the board is required to act upon by any other Ordinance.
- (B) The Board of Adjustment may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

UDO Zoning Administrator

Section 2-12 Duties of the UDO Zoning Administrator

- (A) Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance may be assigned by the Town Council to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "Unified Development Ordinance Zoning Administrator" or "UDO Zoning Administrator."

- (B) The UDO Zoning Administrator is authorized by the Town Council to administer and enforce the provisions of this Ordinance. Duties shall include, but not be limited to: processing applications; reviewing site plans; inspecting premises; issuing compliance permits; and providing signed copies of the application(s) regarding his decision to the Town Council. Inspections may be undertaken only by entering the premises within the at reasonable hours for the purposes of inspection or other enforcement action and upon presentation of proper credentials, so long as the appropriate consent has been given for inspection of areas not open to the public or an appropriate administrative search warrant has been secured.
- (C) The UDO Zoning Administrator does not have the authority to take final action on Variances, Special Use Permits, zoning amendments (text or map) or any other final actions reserved to the Town Council, Board of Adjustment, or the Planning Board. However, the UDO Zoning Administrator shall issue Zoning Permits that meet the requirements of this Ordinance without the Town Council, Planning Board or Board of Adjustment having to meet.
- (D) All Zoning Applications, once reviewed by the Town Clerk for completeness, shall be submitted to the UDO Zoning Administrator. Copies shall be retained in the Town Hall office.

Town Council

Section 2-13 Powers and Duties of the Town Council

- (A) As a legislative body the Town Council shall adopt the original UDO Zoning Ordinance and act on any proposed amendment to either the text or Zoning Map. In its legislative capacity the Council shall operate in accordance with the requirements of Article 15.
- (B) Any appeals from the decision of the Board of Adjustment shall be directed to the Superior Court in Pamlico County. However, any policy changes requiring an amendment to the zoning text or map shall be reviewed by the Planning Board and acted upon by the Town Council in their role as a legislative body.

Conflicts of Interest

Section 2-14 Standards Applied to All Boards and Staff

- (A) Governing Board: A governing board 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 governing 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.

- (B) Appointed Boards: Members of appointed boards 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 or such other staff person as may be designated by the development regulation or other Ordinance.

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 a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

- (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.

Oath of Office

Section 2-15 Requirement

All members appointed to boards under this Ordinance shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160A-61.

Article 3 UDO Zoning Districts and UDO Zoning Map

Section 3-1 Comprehensive Plan Established

Pursuant to N.C. Gen. Stat. § 160D-501, the Town has adopted the Pamlico County – Mesic Vandemere Bayboro Minnesott Beach – CAMA Land Use Plan.

Zoning Districts

Section 3-2 Residential Districts Established

- (A) The following residential districts are hereby established: R10, R10M, R6M
- (B) R10 Residential District
 - (1) Intent. This district is intended for developed areas as well as areas planned for residential development within which single family dwellings on individual lots containing at least 10,000 square feet are the primary land use. Compatible uses such as churches, schools and bed and breakfast homes, as well as Class A and B manufactured homes on individual lots, may be allowed provided the residential character of the community is not harmed. High density development such as apartments or manufactured home parks are excluded because they are inconsistent with development patterns promoted by this district. Public water and sewer are generally expected for all developed lots in this district.
- (C) R10M Residential District
 - (1) Intent. The purpose of this district shall be to provide compatible mixture of single-family, two-family, and multi-family dwellings through the use of adequate controls to ensure that high density residential development will not be detrimental to the surrounding development.
- (D) R6M District
 - (1) Intent. The purpose of this district is similar to the R10M by providing a compatible mixture of single-family, two-family, and multi-family dwellings through the use of adequate controls to ensure that high density residential

development will not be detrimental to the surrounding development. However, development can occur at a higher density than the R10M district.

Section 3-3 Business Districts Established

(A) The following business district is hereby established: RB

(B) RB Business District

- (1) Intent. This district is intended for areas within the Town established for a wide range of commercial activities as specified in the table of permitted uses that cater to the traveling public in motor vehicles. Single-family dwellings may also be permitted provided they comply with the dimensional requirements specified below in Article 5.

Section 3-4 Manufacturing Districts Established

(A) The following manufacturing district is hereby established: M1

(B) M1 Light Manufacturing District

- (1) Intent. This district is intended for areas established for limited manufacturing, wholesale, warehouse, and related business uses/services, which in their normal operation, have little or no adverse effect upon adjoining properties. Most of their operation is inside the principal structures on the property with few negative external impacts such as outdoor storage of equipment or products, high noise levels, or offensive odors. Conversely, uses that have a detrimental impact on adjoining uses shall be prohibited. These activities need to be located in areas better suited to accommodate heavy industrial uses in other parts of the county.

Zoning Map

Section 3-5 Official Zoning Map

- (A) There shall be a map known and designated as the Official Town of Bayboro Zoning Map. The Town of Bayboro Zoning Map is the graphical depiction of the location of the zoning districts and is adopted by reference into this UDO and shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be drawn on materials from which prints can be made, shall be dated, and shall be kept in Bayboro's Town Hall for public inspection.
- (B) Should the Official Town of Bayboro Zoning Map be lost, destroyed, or damaged, the UDO Zoning Administrator may have a new map drawn on material from which prints can be made. No further authorization or action by the Town Council is required so long as no district boundaries are changed in this process.

Section 3-6 Amendments to Official Zoning Map

- (A) Amendments to the Official Town of Bayboro Zoning Map are accomplished using the same procedures that apply to other amendments to this Ordinance (See Article 15).
- (B) The UDO Zoning Administrator shall update the Official Town of Bayboro Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.
- (C) (C)No unauthorized person may alter or modify the Official Town of Bayboro Zoning MapD) The UDO Zoning Administrator shall keep copies of superseded prints of the zoning map for historical reference and public inspection.
- (D) The UDO Zoning Administrator shall keep copies of state and federal maps incorporated by reference into the Official Town of Bayboro Zoning Map.

Article 4
Uses by UDO Zoning Districts

Section 4-1 Permissible Uses and Specific Exclusions

- (A) Because the list of permissible uses set forth in the Table of Uses by Districts cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed ones.
- (B) Uses not designated as permitted uses shall be prohibited. The UDO Zoning Administrator shall have the authority to interpret a use that is not listed, to the closest similar use, if applicable.
- (C) Without limiting the generality of the foregoing provisions, the following uses are prohibited as specified below:
 - (1) No additional Class C manufactured dwelling units may be located in the planning area. However, existing units may remain subject to provisions of this ordinance regarding nonconforming uses (See Article 10).
 - (2) Any principal use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible, explosive or hazardous materials.
 - (3) Stockyards, slaughterhouses, or rendering plants.
 - (4) Intense Livestock Operations such as commercial chicken, turkey, and hog operations (See definition in Article 16).

Section 4-2 Accessory Uses

- (A) The Table of Uses by Districts classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool is an accessory to a dwelling which is a principle use in a residential district.
- (B) The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
- (1) offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;
 - (2) hobbies or recreational activities of a noncommercial nature; and
 - (3) the renting out of one or two rooms within a single-family residence to not more than two persons who are not part of the family that resides in the single-family dwelling.

Section 4-3 Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this ordinance, a Zoning or Special Use Permit may not be necessary for the following uses:

- (1) electric power, telephone, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way; and,
- (2) neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.

Section 4-4 CAMA Regulations

The North and South Prongs of Bay River are classified as Conservation Land by CAMA. These regulations overlay those imposed by this UDO. Whenever there is a conflict, the more restrictive regulations shall govern.

Section 4-5 Table of Uses by District

Permitted Uses P = Permitted By Right; S = Special Use Permit	R10	R10M	R6M	RB	M1
Accessory Uses and Structures					
Accessory Uses and Structures (customary) <u>See Article 6, Section 6-1</u>	P	P	P	P	
Home Occupations, <u>See Article 6, Section 6-7</u>	S	S	P	P	
Agriculture Uses					
Agriculture Production-Crops	P	P			
Forestry	P	P			
Educational/Institutional					
Churches	P	P	P	P	

Permitted Uses P = Permitted By Right; S = Special Use Permit	R10	R10M	R6M	RB	M1
Clubs (non-profit organizations such as Moose lodges, VFW, or Ruritans)	P	P	P	P	
Day Care Homes, Adult (5 or less) <u>See Article 6, Section 6-4</u>	P	P	P	P	
Day Care Centers, Adult (6 or more) <u>See Article 6, Section 6-3</u>		S	S	S	
Day Care Homes, Children (5 or less) <u>See Article 6, Section 6-4</u>	P	P	P	P	
Day Care Centers, Children (6 or more) <u>See Article 6, Section 6-3</u>		S	S	S	
Government Offices (town and county, including jail facilities)				P	
Libraries				P	
Post Office				P	
Public Safety Facilities, including fire, police		S	S	P	
Schools, Private					
Schools, Public	S			P	
Water and Sewer Offices			S	P	
Manufacturing					
Fish Processing Plants					P
Manufacturing, Light					P
Machine and Welding Shops					P
Seafood packaging and Shipping Facilities					P
Recreation Uses					
Private and Public Parks (Including recreation facilities and associated buildings)	P	P	P	P	

Residential					
Bed and Breakfast Dwellings, provided they comply with the development standards in Article 6, Section 6-2	P	P	P	P	
Dwelling, multi-family, provided they comply with the development standards in Article 6, Section 6-11		P	P	P	
Dwellings, Single Family, Detached (site- built and modular unit only)	P	P	P	P	
Dwelling, Single-Family, Manufactured Home, Class A or B provided they comply with the development criteria in Article 6, Sections 6-8 and 6-9	S	S	S	S	
Dwellings, Two-family		P	P	P	
Family Care Homes, provided they comply with the development criteria in Article 6, Section 6-6	P	P	P	P	
Permitted Uses P = Permitted By Right; S = Special Use Permit	R10	R10M	R6M	RB	M1
Manufactured Home Parks See Article 6, Section 6-10		S			
Planned Unit Developments See Article 6, Section 6-13		S			
Commercial					
ABC Stores				S	
Accounting and Bookkeeping				P	
Appliance Store, sales and services				P	
Apparel and Accessory Stores				P	
Art Galleries and Studios				P	
Antique Stores				P	
Auto parking lots				P	
Auto Parts, new only				P	
Auto Repair Shops (garage)				P	
Auto Sales				P	
Auto Service Stations				P	
Auto Car Washes				P	
Bakeries				P	
Banks or other Financial Institutions				P	
Beauty shops/Barber Shops/Stylists				P	
Billiard or Pool Halls				S	
Boat and Boat Trailer, Sales and Service				P	
Bookstores				P	
Bookstores, Adult				S	
Ceramic Shops				P	
Clothing Stores				P	

Craft /Curio Shops				P	
Computer, Sales and Service				P	
Convenience Stores <i>without</i> gas pumps				P	
Convenience Stores <i>with</i> gas pumps				P	
Contractor Offices with storage of equipment and materials outside					P
Contractor Offices with storage of equipment or materials in an enclosed building				P	
Drug Stores				P	
Dry cleaners and laundries				P	
Electronic Gaming Operation <u>See</u> Article 6, Section 6-5				S	
Electrical or electronic, sales and service				P	
Permitted Uses P = Permitted By Right; S = Special Use Permit	R10	R10M	R6M	RB	M1
Farm Supply, sales and repair				P	
Farmers Market				P	
Feed and Grain, sales and storage				P	
Flea Market				S	
Floor Covering Store				P	
Florists, including gift shops (but no commercial greenhouses)				P	
Food and Grocery Stores				P	
Funeral Homes				P	
Furniture Stores				P	
Gas, fuel oil, LP gas distributors				S	
General Merchandise Stores, including the sale of fishing equipment and supplies				P	
Glass, Sales and Service				P	
Gift Shops				P	
Greenhouse and Plant Nurseries				P	
Hardware Stores				P	
Hotels/Motels				P	
Insurance Agencies				P	
Jewelry Stores including watch repair				P	
Kennel				S	
Live Entertainment <u>See</u> Article 6, Section 6-14	S	S	S	S	S
Locksmiths and Gunsmiths				P	
Restaurants, including drive-through				P	
Restaurants, excluding drive-through				P	
Medical offices and clinics				P	
Newspaper and Printing Operations				P	

Permitted Uses P = Permitted By Right; S = Special Use Permit	R10	R10M	R6M	RB	M1
Photographic studios				P	
Paint Stores				P	
Planned Business Developments (shopping centers, business parks, etc.) provided they comply with the development criteria in Article 6, Section 6-11				S	S
Pottery Shops				P	
Professional Offices (including, but not limited to lawyers, surveyors, architects, engineering, etc.)				P	
Real Estate Offices, sales and rental				P	
Snack and Coffee Shop				P	
Shoe Repair				P	
Tailoring and dressmaking				P	
Tax Preparation Offices				P	
Taxi Stands				P	
Telephone Offices				P	
Temporary Uses/Events					
Temporary Construction, storage or offices	P	P	P	P	
Vape Shop <u>See</u> Article 6, Section 6-15				S	

Article 5
Dimensional Requirements Table¹

Districts	Minimum Lot Area ² (sq. ft)	Minimum Lot Width (ft)	Minimum Setbacks ³ (ft)				Maximum Height of Structures ⁵ (ft)
			Front	Rear	Side Interior	Side Corner	
R10 Single-family Dwellings	10,000	60	20 ⁴	20	8	20	35
R10M Single-family Dwellings	6,000	60	20	20	8	30	35
Two-family	10,000	80	30	20	8	30	35
Multi-family Dwellings	10,000 first unit, 5,000 second unit, 2,000 each additional unit	60+10 for each additional unit	30	20	8	30	35
R6M Single family Dwellings	6,000	50	30	20	8	20	35
Two Family	10,000	60	30	20	8	30	35
Multi-family	6,000 first unit, 3,000 second unit, 2,000 each additional unit	50+10 for each additional unit	30	20	8	30	35
RB Single family	6,000	60	30	20	8	25	35
Nonresidential	6,000	60	30	25	8	25	35
M1 All Uses	10,000	60	30	25	20	25	35

- (1) A lot requirement for a principal use may also be included as a requirement for another principal use on the same lot.
- (2) When public sewer is not available, the Pamlico County Health Department may require larger lots.
- (3) Any yard setback (front, side, or rear) fronting on a public roadway shall be measured from the right-of-way line. All other setbacks shall be measured from the property line.
- (4) The front yard setback requirements of this Ordinance shall not apply to any lot where the average setback of existing building located within 100 feet on either side of the dwelling and on the same side of the block is less than the minimum required front yard depth. In such cases, the setback on such lots may not be less than the average of the existing setbacks, but not less than 10 feet from the street right-of-way line.
- (5) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building. When measuring heights, the following features are exempt from the district height limitations: chimneys, water tanks, church spires, elevator shafts or similar structural appendages not intended as places of occupancy or storage; flagpoles; heating and air conditioning equipment, solar collectors, and similar equipment.

Article 6

Development Standards for Specific Uses

The development standards listed herein are in addition to the requirements listed elsewhere in this Ordinance. The development standards listed below are use specific and apply only to their uses designated in the Table of Uses by Districts. In addition, uses requiring a Special Use Permit shall meet these standards as minimum permit conditions.

Section 6-1 Accessory Buildings

- (A) Numbers: No more than 2 accessory buildings may be placed on any residential lot as an accessory use.
- (B) Location: Accessory building(s) shall be limited to the rear and side yards on any residential lot. On corner lots where there are two sides fronting on a street, accessory buildings shall be restricted to the rear yard.
- (C) Separation: No separate accessory building or use shall be erected within 10 feet (or compliance with North Carolina Building Code if stricter) of any other building or from any property line.
- (D) Area: The total square footage of all accessory building shall not exceed the area of the principal structure.

Section 6-2 Bed and Breakfast Dwellings

- (A) Resident Operators: The facility is operated by someone who resides full time in the house.
- (B) Dwelling Only: The use shall be located in a structure which was originally constructed as a dwelling.
- (C) Food: Meals served on the premises shall only be for guests.
- (D) Public Health Rules: All facilities shall comply with the rules governing the Sanitation of Bed and Breakfasts as specified in 15A NCAC 18A.2200; and
- (E) Signs: Signage shall be limited to one home occupation sign not to exceed 2-foot square in area, which shall be mounted on the building or freestanding.

Section 6-3 Day Care Centers, Child or Adult

- (A) Licensing: All day care centers shall be licensed by the State of North Carolina.

Section 6-4 Day Care Homes, Child or Adult

- (A) Licensing: All day care homes shall be licensed by the State of North Carolina.

Section 6-5 Electronic Gaming Operations

- (A) Operation shall be subject to the following standards, in addition to any requirements of any county ordinance that might apply:
1. Hours of operation. Limited to 8:00 a.m. through 12:00 am., seven days per week.
 2. Alcohol sales or consumption are prohibited.
 3. Food or beverage service or distribution shall meet the requirements of the Pamlico County Health Department, including any and all permits and licenses.
 4. Occupancy limit, shall be set by the Fire Marshal for the establishment prior to submission of the electronic gaming operations permit application.
 5. Maximum daily cash payout. Shall not exceed \$600.00. Winnings that exceed this amount shall be paid out in the form of a check or credit. All establishments engaged in internet and sweepstakes operations must comply with all reporting requirements regulated by the Internal Revenue Service.
- (B) Off-street parking. Adequate parking must be provided, including handicap accessibility. A driveway permit will be needed from NC Department of Transportation for any stand-alone buildings.
- (C) Location. Electronic gaming operations shall be located a minimum distance of 1,000 feet, determined by the Pamlico County GIS Coordinator, measured in a straight line in any direction from closest point of the building and parking lot of the proposed business to the property line of any of the following:
1. A residence or the RE zoning district;
 2. A place of worship or other religious institution;
 3. A government building or office;
 4. A day care center or facility, public school, and/or private school; and
 5. Another Electronic Gaming Operations establishment.

Section 6-6 Family Care Homes

- (A) Use Separation: No such facility shall be located within one-half mile radius of another such use.
- (B) Licensing: All family care facilities shall be licensed by the State of North Carolina.

Section 6-7 Home Occupations (See definition in Article 16)

- (A) Maximum Area: Area set aside for home occupations can occupy no more than 25 percent of the gross floor area of the residence.

- (B) Outside Storage: No outside storage of items associated with the home occupation is permitted.
- (C) Inside Building: The home occupation must be conducted entirely within the residence and be a use which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence. Home occupations are not permitted in detached garages or other accessory buildings.
- (D) Types: Examples of uses permitted include, but are not limited to telephone sales, barber/beauty services, doctor/dentist office, accountants, family day care, and hand crafts.
- (E) Limited Sales Items: Only displays, stock-in-trade, or commodities made on the premises shall be permitted.
- (F) Employees: Only one person may be employed who is not an occupant of the residence.
- (G) Limited Activities: Any activity shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district where it is located.

Section 6-8 Manufactured Homes, Class A

- (A) Construction Standards: A mobile home that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development.
- (B) Appearance criteria: Each unit shall satisfy the following criteria:
 - (1) **Width**: The home has a minimum width of 16 feet (double wide units only);
 - (2) **Pitch**: The pitch of the roof has a minimum vertical rise of 3 for each 12 feet of horizontal run. A different pitch may be acceptable if compatible with neighboring residential units;
 - (3) **Roof Material**: The roof is finished with a type of shingle that is commonly used in standard residential construction;
 - (4) **Projecting Eave**: The roof structure shall provide an eave projection of no less than 6 inches, which may include a gutter; this requirement may be waived on certain models where no eaves are provided;
 - (5) **Exterior**: The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

- (6) **Foundation:** A continuous, permanent masonry foundation, unpierced except for required ventilation and access is installed under the home;
- (7) **Set-up:** The unit is set up in accordance with the standards set by the North Carolina Department of Insurance;
- (8) **Entrances:** Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored to the ground;
- (9) **Materials Removed:** The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy; and
- (10) **Orientation:** The longest side shall face the front of the lot. However, the Board of Adjustment may waive this requirement because of unique lot characteristics.

Section 6-9 Manufactured Homes, Class B

- (A) **Construction Standards:** A manufactured home that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development but that does not satisfy all of the criteria necessary to qualify the house as a Class A manufactured home.
- (B) **Appearance Criteria:** Each unit satisfies each of the following criteria:
 - (1) **Width:** The home has a minimum width of 8 feet (single wide units);
 - (2) **Pitch:** The pitch of the home's roof has a minimum vertical rise of 3 feet for each 12 feet of horizontal run;
 - (3) **Roof Material:** The roof is finished with a type of shingle that is commonly used in standard residential construction;
 - (4) **Projecting Eaves:** The roof structure shall provide an eave projection of no less than 6 inches, which may include a gutter. This requirement may be waived by the Board of Adjustment on certain models where no eaves are provided;
 - (5) **Exterior:** The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

- (6) **Foundation:** A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home;
- (7) **Set up:** The unit is set up in accordance with the standards set by the North Carolina Department of Insurance;
- (8) **Entrances:** Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored to the ground;
- (9) **Materials Removed:** The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy; and
- (10) **Orientation:** The longest side shall face the front of the lot. However, the Board of Adjustment may waive this requirement because of unique lot characteristics.

Section 6-10 Manufactured Home Parks

(A) General Provisions

- (1) Manufactured home parks must meet or exceed the minimum standards contained in the North Carolina Building Code and comply with the Pamlico County Manufactured Home Park Ordinance.
- (2) Prior to the construction of a manufactured home park or the expansion of an existing park, the developer shall make application to the UDO Zoning Administrator for a permit to construct or expand such a park. The application shall be accompanied by five copies of the proposed park plan. (See Appendix A for specifics of site plan). Such application shall be received 15 working days prior to a regularly scheduled meeting of the Board of Adjustment.
- (3) A registered surveyor or engineer's signature shall be required on plans for all manufactured home parks.

(B) **Park Size:** Manufactured home parks shall contain a minimum of 3 manufactured home spaces and a maximum of 50 manufactured home spaces.

(C) **Space Requirements:** Each unit within the park shall be located in a designated parking space at least 5,000 square feet in area if public water and sewer systems are available. However, if septic tanks are used as the method of sewage disposal and soil conditions dictate, larger manufactured home spaces may be required by the Bay River Metropolitan Sewer District and/or Pamlico County Health Department.

(D) Site Development and Parking:

- (1) **Parking:** Each park shall provide at least 2 parking spaces per home. The minimum size of each space shall be 8½ feet by 18 feet.
- (2) **Siting:** A manufactured home shall be sited so that: (1) it is located at least 16 feet (or the minimum number of feet required by the N.C. Building Code) from adjacent homes; (2) at least 20 feet from any other building; and (3) at least 15 feet from any street right of way is maintained. Parking spaces shall be at least 5 feet from adjacent home spaces.
- (3) **Setbacks:** No manufactured home shall be located closer than 30 feet to the exterior boundary of the park or a bounding street or highway right-of-way. Buildings used for laundry or recreational purposes shall be located no closer than 40 feet to the exterior boundary of the park or the right-of-way of a boundary street or highway.
- (4) **Avoid Flood Hazard Areas:** Manufactured home parks shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
- (5) **Lighting:** All parks shall be adequately lighted.
- (6) **Tie downs:** All units shall have tie downs which comply with the North Carolina Regulations for Mobile or Manufactured Homes issued by the N.C. Department of Insurance.
- (7) **Underpinning:** Each manufactured home shall have vinyl underpinning or similar materials installed.
- (8) **Trees:** The park owner shall attempt to preserve as many of the trees on the site as possible or replace them with new ones.
- (9) **Landscaping:** A buffer and screen as specified in Article 9 shall be provided along the perimeter of the park site.
- (10) **Signage:** Each manufactured home park shall have located at its entrance, perpendicular to the public road, a permanent sign no larger than 16 square feet nor less than 12 square feet, indicating the park name in a minimum of 6 inch letters on both sides of the sign. It may be indirectly lighted, but no flashing lights are permitted. A permanent sign requires a Zoning Permit. All signage must comply with the Pamlico County 911/Addressing Regulations, if applicable.
- (11) **Space Marking:** Each proposed home space in a manufactured home park shall be clearly marked by a permanent home space number sign or marker. The home space number shall be of a size (numbers shall be at least three inches high),

reflectivity and color, and in a location which is readily identifiable by emergency personnel and inspectors. All home space number signs shall be consistent within a park and be consistent with the Pamlico County 911/addressing program, if applicable.

- (12) **Staked Lot:** Home spaces shall be properly staked.
- (13) **Orientation:** All manufactured homes located adjacent to state-maintained roads shall be oriented to ensure that the longer side is parallel, or as close as possible, to the centerline of the public roadway, unless otherwise approved by the UDO Zoning Administrator.
- (14) **Recreational Space:** Each park containing 10 or more home spaces shall provide at least one specifically designated recreational area amounting to 200 square feet per home space. Within this recreational space(s) shall be recreational facilities for the age groups served by the park.

(E) Road and Street Systems:

All streets within manufactured home parks shall be designed as private roads and shall be paved.

- (1) **Road Width:** Roads shall be paved and be at least 20 feet wide.
- (2) **Cul-de-sacs:** Every permanent dead-end street shall be developed as a cul-de-sac and shall not exceed 600 feet in length, except where the shape of the tract of land being developed makes this requirement impractical with a turn around of at least 80 feet in diameter.
- (3) **Street Offsets:** Street offsets within a park shall be at least 125 feet. Offsets created by manufactured home park streets intersecting with primary highways or secondary roads shall be at least 250 feet.
- (4) **Access:** Each space shall have direct access to a public or private street. Private easements are not acceptable.

(F) Utility Requirements:

- (1) **Water:** Each manufactured home space shall be provided with a connection to an adequate source of safe and potable water. When a public water supply is available the developer at his cost shall connect to it.
- (2) **Sewer:** Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks.

- (3) **Standards:** All utilities shall be constructed in accordance with municipal rules and standards and appropriate county and state agencies.

(G) Solid Waste:

The manufactured home park operator is responsible for the proper collection and disposal of all solid waste. The operator may contract with a solid waste collection contractor to provide such services.

(H) General Requirements Applicable to All Manufactured Home Park Owners:

- (1) **Manufactured Home Park Ownership:** Manufactured home park operators shall be required under this Ordinance to specifically comply with G.S. 105-316(a)(1), which requires that each year manufactured home park operators furnish the Pamlico County Tax Supervisor with the name of the owner of each home and a description of each manufactured home located in the park.
- (2) **Sale of Manufactured Homes:** It shall be unlawful to sell manufactured homes within a park except that an individual owner shall be allowed to sell the manufactured home in which he resides. One unit in the park may be used as an administrative office.
- (3) **Animal Control:** Manufactured home park owners shall establish park regulations to ensure adequate control of animals and comply with the Town's Animal Control Ordinance.
- (4) **Garbage Disposal:** The collection and disposal of trash and garbage shall comply with the Town's Trash Service Collection Ordinance and be provided for in such a manner as to maintain a clean and orderly appearance. Junked vehicles, appliances, furniture, and similar materials shall not be allowed to accumulate on manufactured home park premises.
- (5) **Commercial Operations within a Manufactured Home Park:** Commercial operations are prohibited within a manufactured home park, except services designed to serve the needs of the park residents exclusively.

Section 6-11 Multi-Family Dwellings

- (A) Density: See Table of Dimensional Requirements.
- (B) Mean Lot Width: See Table of Dimensional Requirements.
- (C) Building Setback Lines: See Table of Dimensional Requirements.
- (D) Buffers: Landscape buffers and screens as specified in Article 9.

- (E) Control of Potential Nuisance Uses: Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas, and sporting facilities shall not be placed within 50 feet of adjacent land used or anticipated to be used as single-family residential areas and must comply with the Town's Nuisance Ordinance.

- (F) Internal Relationships: Structures, uses, and facilities shall be grouped in a safe, efficient convenient and harmonious relationship in order to preserve desirable natural features and minimum disturbances of the natural topography.

- (G) Interior Circulation System: Streets, drives, parking, and service areas shall provide safe and convenient access to dwelling units. Specifically, streets should be laid out not to encourage outside traffic to traverse the development on minor streets and streets should not create unnecessary fragmentation of the development into small blocks.

- (H) Vehicular Access to Public Roads: When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.

- (I) Signs: Signage shall comply with the requirements specified in Article 7 Signs.

- (J) Off-Street Parking: Off-street parking standards shall comply with Article 8.

- (K) Open Space: A minimum of 15 percent of the gross acreage shall be reserved as open space.

- (L) Recreation Facilities: Family oriented multi-family projects shall provide family-oriented space based on the number of bedrooms as established in the following table:

Number of Bedrooms Per Apartment	Minimum Space per Bedroom (sq feet)
1 bedroom	0
2 bedroom	25
3 bedroom	50
4 bedroom	100

These recreational areas shall be reasonably located to assure safe and convenient access. These areas shall not be less than 30 feet times 30 feet or 900 square feet in area. Projects which would provide less than 900 square feet based on the above formula shall be exempt from this requirement.

- (M) Spacing Between Circulation System and Buildings:
Automobile parking spaces and drives shall not be located closer than 10 feet to the front, side, or rear of any building.

- (N) Building Relationships: One building wall that has both window and door openings shall be located no closer than 50 feet to another building. Two building walls that have only window openings or only door openings shall be located no closer than 25 feet to another building.
- (O) Courtyard: Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.
- (P) Streets (Interior): Streets shall either be public or private. However, all streets shall be paved and built to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways and comply with the Town's Streets Ordinance.

Section 6-12 Planned Business Developments (shopping centers, business park, etc.)

- (A) Plans Required: Plans as specified in Appendix A shall be submitted and approved by the Board of Adjustment for all Planned Business Developments.
- (B) Permitted Uses: Activities shall be limited to uses permitted for the underlying UDO Zoning District where the development is proposed.
- (C) Setbacks: To encourage creativity of design and diversity of uses within a cohesive, unified project, development standards for each use may be waived, provided any structures located around the perimeter shall comply with the setback requirements from property lines and rights-of-way.
- (D) Screens and Buffers: Buffers and screens around the perimeter shall be provided in accordance with standards in Article 9.
- (E) Accessibility: All planned business developments shall abut and have direct access to a public thoroughfare or collector street adequate to accommodate the projected traffic volume.
- (F) Curb Cuts: The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience, and congestion.
- (G) Signage: Each project shall contain an identification sign per public entrance in accordance with the development criteria for signage. Signage shall comply with the requirements specified in Article 7 Signs.

Section 6-13 Planned Unit Developments (PUDs)

- (A) Plans Required: Plans as specified in Appendix A shall be submitted and approved by the Board of Adjustment for all PUDs.
- (B) Location: Planned unit developments are permitted in any residential zoning district as designated in the Table of Permitted Uses.

- (C) Permitted Uses: All permitted and special uses are allowed in the zoning district where the PUD is located. In addition, retail sales/services and office space will be permitted if primarily for the convenience and service of the residents of the development and represent no more than 10 percent of the total development.
- (D) Dimensional Requirements: Yard setback, lot size, and frontage requirements are waived, provided that the spirit and intent of this subsection are met in the total development plan. The Planning Board may determine that certain setbacks are required within all or a portion of the perimeter of the site.
- (E) Density: The density of development (units per acre) may not exceed the density allowed in the district where the PUD is located except under the bonus provisions explained below. If the development falls into more than one zoning district, the overall density will be the combined proportion of each district.
- (F) Density Bonus: A density bonus of up to 25 percent over the density normally allowed in the basic zoning district may be approved based on the provision of common open space as listed below.

Density Bonus Scale	
Percent of Residential Area to be Common Open Space	Percent Density Bonus
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22
70 or more	25

- (G) Conveyance and Maintenance of Common Open Space: A common open space shown on the final development plans shall be conveyed in accordance with one of the following methods:
 - (1) By dedication to the Town and maintained as common open space.
 - (2) By leasing or conveying title (including beneficial ownership) to a corporation, association, or other legal entity.
 - (3) The Town has the right to accept or reject the dedication of any common open space. The developer shall file in the Pamlico County Register of Deed's Office legal documents restricting the use of common open space for the designated

purposes. The Town shall review and approve these documents before they are submitted to the Register of Deed's Office.

- (H) Utilities: Whenever the Planning Board determines it is reasonable, a planned unit development shall provide for underground installation of utilities (including electricity and telephone). All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the Town Council. Public water and sanitary sewer service shall be required unless the developer can show good cause that these requirements should be waived without being inconsistent with the spirit and intent of a planned unit development.

Section 6-14 Live Entertainment and Adult Books/Videos/Marital Aids

- (A) Applicability: The following regulations apply to live entertainment when associated with commercial entertainment, commercial recreation – indoor or outdoor.
- (B) Limitation on Type of Entertainment:
- (1) The type of live entertainment provided shall only be that type approved under the Special Use Permit.
 - (2) If another type of entertainment is proposed, a new Special Use Permit shall first be obtained.
- (C) Additional Conditions:
- (1) The hours of operation may be limited by the Town Council.
 - (2) No alcohol shall be sold or permitted on site or on the off-site parking associated with use.
 - (3) The property owner/manager shall be responsible for daily pick up of litter and debris on and around the site.
 - (4) In the event the Sheriff's Department informs the Mayor or his/her designee and/or any other member of the Town Council or Planning Board of any disturbances or problems at the site, the Town Council may review the terms of the Special Use Permit and recommend that the Permit be revoked pursuant to the procedures in Section 14-5.
 - (5) The owner/manager is responsible for obtaining any and all required permits relevant to the business including but not limited to proof of insurance, health department permits, septic permits, building permits, privilege license, fire inspections, etc.
 - (6) Parking: As required per Article 8.

- (7) All adult video and adult “marital aids” shall be housed in a secured and restricted area and comply with applicable state and federal law.
- (8) The entrance to the restricted area shall be monitored at all times.
- (9) It shall be unlawful to knowingly, recklessly, or negligently allow any person younger than eighteen (18) years of age in an establishment that sells or rents adult videos, books or marital aides.
- (10) Items rented or purchased must be packaged in a way as not to be visible to the public.

Section 6-15 Vape Shop: The following requirements apply to a Vape Shop

- (A) Off-street parking. Adequate parking must be provided, including handicap accessibility. A driveway permit will be needed from NC Department of Transportation for any stand-alone buildings.
- (B) Location. Vape shops shall be located a minimum distance of 1,000 feet, determined by the Pamlico County GIS Coordinator, measured in a straight line in any direction from closest point of the building and parking lot of the proposed business to the property line of any of the following:
 - 1. A residence or the RE zoning district;
 - 2. A place of worship or other religious institution;
 - 3. A government building or office;
 - 4. A day care center or facility, public school, and/or private school; and
 - 5. Another Electronic Gaming Operations establishment.

Article 7 Signs

Section 7-1 Intent

Signs are a necessary part of the built environment, however, some limitations must be placed on their number, size, and location in order to prevent confusion, promote effective communication, and limit visual clutter.

Section 7-2 Permit Required

With the exception of those signs specifically authorized in Section 7-11, no sign shall be erected without an application and an approved permit issued by the UDO Zoning Administrator.

Section 7-3 Permit Application

Applications for permits shall be submitted on forms obtained at Town Hall. Each application shall be accompanied by plans which shall:

- (1) indicate the proposed site by identifying the property by ownership, location, and use;
- (2) show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and existing signs; and
- (3) show size, character, complete structural specifications, and methods of anchoring and support.

Section 7-4 Structural Requirements

Structural requirements for signs shall be those required in the North Carolina State Building Code and meet the requirements of Pamlico County's Sign Ordinance.

Section 7-5 Sign Area Computation

Sign area shall be computed by the smallest square, triangle, rectangle, circle, or any combination thereof which will encompass the entire sign, including wall work, frame, or supports incidental to its decoration. In computing the area, only one side of the structure shall be considered.

Section 7-6 Maintenance

All signs, together with all supports and braces, shall be kept in good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the UDO Zoning Administrator, structurally unsafe and endangers the safety of the public or property. The UDO Zoning Administrator may order the removal of any sign that is not maintained in

accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within 10 days after written notification has been issued. If the order is not implemented within 30 days, the UDO Zoning Administrator may remove the sign at the expense of the owner or lessee, if authorized by the Town Council. Any temporary sign shall be removed within 30 days from the date the purpose ceases to exist.

Section 7-7 Location

- (A) No sign shall be erected or constructed so as to interfere with visual clearance along any street or at any intersection of 2 or more streets or highways. No sign shall be located in a street right-of-way.
- (B) No sign attached to a building shall project beyond the street curb or hang lower than 8 feet from the sidewalk or ground level.

Section 7-8 Traffic Safety

- (A) No sign shall be allowed that would, by its location, color, or nature, be confused with or obstruct the view of traffic signs or signals or would be confused with a flashing light of an emergency vehicle.
- (B) No sign shall use admonitions such as "Stop", "Go", "Slow", or "Danger", which might be confused with traffic directional signals.

Section 7-9 Illumination

Except for time or temperature units, no flashing or intermittent illuminated sign shall be permitted. Illumination devices such as, but not limited to, flood spotlights, shall be so placed and so shielded as to prevent the rays of illumination being cast upon neighboring buildings and/or vehicles approaching from either direction.

Section 7-10 Nonconforming Signs

Nonconforming signs shall be allowed to remain in good repair for an indefinite period. However, under the following conditions, nonconforming signs shall comply with the regulations of this Ordinance.

- (A) Any nonconforming sign on a lot where the principal structure is vacant for a period of 180 days shall be altered to conform to the regulations of this section or removed.
- (B) Any alteration of a nonconforming sign shall make that sign conform to the regulations of this section.
- (C) Any nonconforming sign damaged over 60 percent by any means either shall be removed or repaired in a manner to conform with the regulations of this section.

- (D) Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may such signs be replaced with another nonconforming sign.

Section 7-11 Signs Permitted in All Districts Without a Permit

The signs listed below shall be allowed in all zoning districts without a permit from the UDO Zoning Administrator. However, all signs using electrical wiring and connections shall require an electrical permit.

- (A) Occupant and House Number: Signs not exceeding 2 square feet in area and bearing only property numbers, box numbers, names of occupants, or other identification not having commercial connotations. Such signs shall not be illuminated.
- (B) Public or Private Directional and Information: Signs erected and maintained by public agencies which direct the public to specific sites or provide general information about a structure. Included in this category are historic markers, street and traffic control signs, and entrance and exit signs. Such signs shall not exceed 8 square feet, except entrance and exit signs shall not exceed 4 square feet in total area. They may be directly or indirectly illuminated.
- (C) Professional and Home Occupation: One professional or home occupation sign per dwelling not to exceed 2 square feet in area, which must be mounted flat against a wall or door or hung from a mailbox or lamp post. Such signs may be directly or indirectly illuminated except in a residential district, where they shall only be indirectly illuminated.
- (D) Church or Nonprofit Organization Bulletin Board: These signs shall not exceed 20 square feet in area and not be closer than 15 feet to the property line. Such signs may be directly or indirectly illuminated.
- (E) Temporary Lease, Rent, or Sale: One temporary real estate sign not exceeding 4 square feet in area may be placed on property that is for sale, lease, rent, or barter in a residential district and 16 square feet in a commercial, institutional, or manufacturing district. When the property fronts on more than one street, one sign shall be allowed on each street frontage. Such signs shall not be illuminated.
- (F) Construction: During the construction, repair, or alteration of a structure, temporary signs which denote builder, or other participants in the project, or its occupant to be, may be placed within the required yard setbacks as ground, wall, or roof signs. The total area of such signs shall not exceed 35 square feet. Such signs shall not be illuminated.
- (G) Political: For a period of 30 days prior to an election, campaign signs are permitted on any business, dwelling, or industry.
- (H) Agricultural Products: Unlighted signs that advertise farm products produced on-site.

Section 7-12 Signs Requiring a Zoning Permit

(A) Residential Subdivision Entrance Signage:

- (1) **UDO Zoning Districts Where Permitted:** All residential districts.
- (2) **Number of Signs:** One per entrance or two smaller matching pillars per entrance.
- (3) **Location:** Such signs shall not be located in a public right-of-way.
- (4) **Maximum Size:** Any one sign shall not exceed 18 square feet in area. If matching entrance pillars are constructed at the entrance of a subdivision, neighborhood, school, or similar use, the total sign area shall not exceed 18 square feet.
- (5) **Lighting:** Such signs may be directly or indirectly illuminated.
- (6) **Height:** Such signs shall not exceed 6 feet in height.

(B) Business Signs: Wall (Attached)

- (1) **UDO Zoning Districts Where Permitted:** RB and M1 Districts
- (2) **Number of Signs:** None specified.
- (3) **Location:** Wall signs shall be located on the front of the building. However, they may be located on the side or rear of a building that is adjacent to an off-street parking area or a street right-of-way. Such signs shall be mounted parallel to the building and project no more than 18 inches from the building.
- (4) **Sign Area:** The total area of all attached signs shall not exceed 20 percent of the total wall area. However, the total sign area shall not exceed 100 square feet in RB and 150 square feet in the M1 Districts.
- (5) **Lighting:** Such signs may be directly or indirectly illuminated.
- (6) **Height:** No sign shall extend beyond the roof line of the building to which it is attached.

(C) Business Signs: Freestanding

- (1) **UDO Zoning Districts Where Permitted:** RB and M1 Districts. (If a multi-unit sign is used no freestanding sign shall be permitted on the same lot.)

- (2) **Number of Signs:** Any business may erect one freestanding sign for each 200 feet of frontage on a public street. If the lot fronts on more than one street, these standards shall apply to each street frontage.
 - (3) **Location:** Any freestanding sign shall be set back at least 5 feet from the property line and not be closer than 100 feet from a lot where a dwelling is situated. A billboard shall not be closer than 400 feet from a lot where a dwelling is situated.
 - (4) **Area:** Sign area shall be one square foot per linear foot of business frontage. However, the maximum size per sign shall not exceed 150 square feet.
 - (5) **Lighting:** Such signs may be directly or indirectly illuminated.
 - (6) **Height:** Any sign shall not exceed 16 feet in height.
- (D) Business Signs: Projecting
- (1) **UDO Zoning Districts Where Permitted:** RB and M1 Districts.
 - (2) **Number of Signs Permitted:** One projecting sign per principal building.
 - (3) **Location:** Such signs may project horizontally a maximum of 6 feet but shall be set back at least 2 feet from the back face of the curb or outer edge of the pavement where there is no curb. Setback distances for projecting signs which front on state roads must be approved by the North Carolina Department of Transportation.
 - (4) **Area:** Projecting signs shall not exceed 9 square feet in the RB District and 16 square feet in the M1 Districts.
 - (5) **Lighting:** Such signs may be directly lighted.
 - (6) **Height:** They shall be erected at a height of not less than 9 feet above the sidewalk or other pedestrian passageway and a projecting sign shall not extend above the roof line of the building.
- (E) Multi-Unit Signs (shopping centers, industrial, parks, etc.):
- (1) **UDO Zoning District Where Permitted:** RB and M1 Districts.
(If a multi-unit sign is used, no freestanding signs shall be permitted on the same lot.)
 - (2) **Number of Signs:** One per each main street frontage.
 - (3) **Location:** Such signs shall not be located in any road right-of-way.

- (4) **Area:** Each sign shall not exceed 100 square feet.
- (5) **Lighting:** Such signs may be directly or indirectly illuminated.
- (6) **Height:** Any sign shall not exceed 16 feet above the pavement or ground surface.
- (7) **Design Criteria:** Each individual identification sign shall be designed to reflect a unified graphic appearance (e.g., color, script, type) and other design matters as determined by the UDO Zoning Administrator. Individual commercial logos are permitted on multi-unit signs so long as they do not constitute more than 25 percent of the area of the applicable individual occupancy identification sign.

(F) Billboards (Off-Site Business Signs):

- (1) **UDO Zoning District Where Permitted:** M1 District.
- (2) **Number of Signs:** None Specified.
- (3) **Location:** Each billboard shall be at least 1,000 feet radius from another one. No billboard shall be located less than 400 feet from any lot where a dwelling is situated. No sign shall be placed within 10 feet of a right-of-way of a public street or highway, except signs necessary for public safety.
- (4) **Area:** 400 sq ft.
- (5) **Lighting:** None specified.
- (6) **Height:** None specified.

(G) Portable Signs:

- (1) **UDO Zoning District Where Permitted:** RB and M1 Districts.
- (2) **Number of Signs:** None specified.
- (3) **Location:** Any sign shall be setback at least 5 feet from the curb or the edge of pavement where no curb exists.
- (4) **Area:** None specified.
- (5) **Lighting:** No blinking lights shall be permitted.
- (6) **Height:** None specified.
- (7) **Advertisement:** Only advertisements for goods and services provided on the lot where the sign is located shall be permitted.

Article 8

Parking and Loading

Section 8-1 Parking

(A) **Off-Street Parking Required:**

When a building is erected or a principal building is enlarged or increased in capacity by adding dwelling units, seats, or floor area, or before conversion from one type of use to another, permanent off-street parking space shall be on a graded open space.

(B) **Parking Design Criteria:**

- (1) Each parking space shall be not less than 8 1/2 by 18 feet, exclusive of adequate egress and ingress drives, landscaping, and maneuvering space.
- (2) Parking spaces shall be permanent and shall not be used for any other purposes.
- (3) The required parking space for any number of separate uses may be combined in one lot. The required space assigned to only one use may not be assigned to another use except that 1/2 of the parking space required for churches, theaters, or assembly halls where attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
- (4) If the off-street parking space required by this Ordinance cannot reasonably be provided on the same lot where the principal use is located, such space may be provided on any land within 500 feet of the main entrance to such principal use provided the land is in the same ownership as the principal use. This land cannot be used for any other purposes as long as the on-site parking requirements are not met.
- (5) The following provisions must be met where parking lots for more than 5 automobiles are permitted in residential districts:
 - (a) The lot may be used only for parking in relation to the principal use of the lot and not for any type of loading, sales, repair work, dismantling, or servicing.
 - (b) All entrances, exits, barricades at sidewalks, and drainage works shall be approved by the UDO Zoning Administrator prior to construction.
 - (c) Only one entrance and one exit sign no larger than four square feet in area prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

(C) Enforcement:

- (1) Each application for a Zoning Permit or Certificate of Occupancy shall include information regarding location and dimensions of off-street parking space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the UDO Zoning Administrator to determine whether or not the requirements of this Ordinance are met.
- (2) The certificate of occupancy of the use of any structure or land where off-street parking space is required shall be withheld until the provisions of this Ordinance are fully met. If at any time such compliance ceases, any Certificate of Occupancy which has been issued for the use of the property shall immediately become void.

(D) Schedule of Parking Spaces

The required number of off-street parking spaces for each land use are specified below:

LAND USE	REQUIRED PARKING SPACES
Auto service stations	Two spaces for each pump; plus, three spaces for each grease rack or similar facility
Barber/beauty shops	Three spaces/operator
Banks and other financial Institutions	One space for each 200 sq. ft gross floor area (GFA); plus stacking for 4 vehicles at each drive thru window
Churches	One space for each 4 seats in the principal sanctuary
Convenience stores with gas sales	One space for each 200 sq. ft GFA; plus, 4 stacking spaces at pump island
Fire stations	One space for each employee on largest shift; plus adequate parking for emergency vehicles
Hotels/Motels	One space for each room; plus, one space for each two employees
Day care centers	One space for each employee and 4 spaces for off-street drop off and pickup
Jails/Correction Facilities	One space/10 inmates, plus 2 spaces/each 3 employees on the largest shift, plus one space for each emergency vehicle used
Libraries	One space for each 450 sq. ft GFA; plus, one space for each 2 employees on the largest shift
Medical offices and clinics	Six spaces for each doctor practicing at the clinic, plus one space for each employee
Manufactured homes/manufactured home parks	One space for each manufactured home
Multi-family dwellings	One and half spaces for each 1-bedroom unit One and three-fourth spaces for each 2-bedroom unit Two spaces for each 3-bedroom unit One space for each elderly housing unit

Nursing, retirement centers	One space per two rooms, plus one space for each employee on the shift with the largest number of employees
Offices, business professional or public	One space for each 3 persons able to use such facility at its maximum capacity, plus, 10 spaces for waiting; plus one space for each 2 employees
Outdoor recreational areas	One space for each 3 persons able to use such facility at its maximum capacity, plus, 10 spaces for waiting plus one space for each two employees
Residential dwellings, single or duplexes	Two spaces for each dwelling unit
Restaurants, drive- thru	One space for each 3 seats or stools; plus, one space for each 2 employees on the largest shift; plus, 5 stacking spaces at each ordering station
Restaurants, in-door	One space for each 3 seats or stools; plus, one space for each 2 employees on the shift with the largest employment
Retail business and consumer service outlets	One space for each 200 square feet of GFA
Schools, public or private	One space for each teacher or employee plus one space for each 10 students in grade 10-12 (Spaces should be calculated for the maximum staff and students for which the facility was designed)
Shopping centers	One space for each 200 sq. ft. GFA
Swimming pools, community or private	One space for each 5 memberships
Wholesaling and manufacturing uses	One space for each 2 employees at maximum employment on a single shift; plus, one space for each truck used in the business operation

Section 8-2 Handicap Parking

Handicapped parking requirements are as specified by the North Carolina Building Code.

Section 8-3 Loading and Unloading

(A) Area to Be Required:

- (1) At the time of the erection or expansion of any main building or part which is used for commercial or industrial use, off-street loading and unloading space shall be required as specified in this section.
- (2) Off-street loading and unloading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the premises. These spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on the public right-of-way.

(B) Schedule of Loading Spaces:

- (1) For purposes of this section, an off-street loading berth shall have minimum dimensions of 12 feet by 30 feet and 14 feet overhead clearance with adequate means of ingress and egress.
- (2) For any structure containing less than 20,000 square feet of gross floor area, no berths shall be required. Larger structures, however, shall provide berths as specified below:

Floor Area of Commercial or Industrial Uses	Required Berths
0-19,999	0
20,000-39,999	1
40,000-59,999	2
60,000-109,999	3
110,000-159,999	4
160,000	Add one berth for each additional 80,000 sq. ft

(C) Enforcement:

- (1) Each application for a Zoning Permit or Certificate of Occupancy shall include information as to the location and dimensions of off-street loading and unloading space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the UDO Zoning Administrator to determine whether or not the requirements of this Ordinance are met.
- (2) The Certificate of Occupancy for the use of a structure or land where off-street loading and unloading space is required shall be withheld until the provisions of this Ordinance are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void and of no effect.

Article 9 Buffers and Screens

Section 9-1 Purpose and Intent

(A) Purpose and Intent:

The buffer and screening requirements of this Ordinance are used to reduce the inherent incompatibilities between certain land uses allowed within the UDO Zoning Districts. The standards presented within this section are designed to provide visual and functional separation between uses in order to:

- (1) reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts;
- (2) safeguard property values and preserve the character and integrity of the community; and
- (3) protect the health, safety, and welfare of the public.

(B) Difference between Buffers and Screens:

Buffers typically represent horizontal distances between uses which provide functional separation while screens are vertical objects providing visual separation.

Section 9-2 Application of Regulations

Existing development shall not be required to comply with buffer and screening regulations. However, all new development as well as expansion of existing uses shall be subject to the provisions of this Article.

Section 9-3 Determination of Buffers and Screens

(A) Buffer and screening requirements are based on proposed and adjacent land uses, not proposed and adjacent UDO Zoning Districts. To simplify the process of assigning buffer and screening standards to particular land uses, the proposed and adjacent land uses have been grouped in the following manner.

- (1) **Agriculture (AG):** This group includes all bona fide farm operations.
- (2) **Single-Family Residential (SFR):** This group includes one-family and two-family residential developments.
- (3) **Multi-Family Residential (MFR):** This group includes apartments, townhouses, and manufactured home parks.

- (4) **Rural Business (RB):** This group includes all commercial uses which are currently allowed in the RB Rural Business zoning district.
- (5) **Manufacturing (M):** This group includes all industrial uses which are currently allowed in the M1 zoning district and other uses which require outdoor storage, have high trip generation rates, or have the potential for nuisance to adjacent properties due to noise, light and glare, or typical hours of operation. The following list of specific uses identified shall have the same buffers and screens as are required for industrial uses:
- (a) Auto service stations
 - (b) Auto towing facilities with storage areas
- (B) To determine the type of buffer and screen needed, identify the "use group" listed in Section 9-3 (A) above, for the proposed project and all adjacent properties, excluding properties located across a public right-of-way. Then use the following table to identify the buffer and screen type required. The number refers to the buffer required and the letter to the screen. For example, if a property owner proposes to locate a business adjacent to an existing single-family dwelling, he shall be required to provide for a 2-C screen/buffer as specified below in Subsection (C).

Summary of Buffer & Screening Requirements

Use Proposed	Use of Adjacent Property				
	AG	SFR	MFR	RB	M
SFR					
MFR	2	2-A		2-B	2-C
RB	3	2-C	2-B		
M	3	3-D	3-B		

- (C) The following tables list the specifications for required buffers and screens. *The buffer area listed below includes any required setbacks.*

Buffer Areas

1	10 Feet
2	20 Feet
3	30 Feet
4	40 Feet

Screens
(Minimum Plant Material per 100 Linear Feet)

A	2 deciduous trees; 8 primary evergreen plants; 10 supplemental evergreen shrubs
B	3 deciduous trees; 10 primary evergreen plants; 12 supplemental evergreen shrubs
C	4 deciduous trees; 12 primary evergreen plants; 16 supplemental evergreen shrubs
D	5 deciduous trees; 14 primary evergreen plants; 20 supplemental evergreen shrubs

Section 9-4 Additional Requirements

- (A) Fractional Calculations: Fractional planting requirement calculations shall be rounded to the next highest whole number.
- (B) Existing Plant Material: Existing plant material within the required screen may be included in the computation of the required plantings with approval of the Planning Board.
- (C) Fence or Wall Option: An opaque fence or wall may be used in lieu of not more than 50 percent of the required evergreen screen planting with the approval of the Planning Board and providing the following conditions are met, where applicable.
 - (1) **Fence Height for Industrial Zoning**: The minimum required fence height shall be 8 feet above ground level when the proposed project zoning type is classified as manufacturing;
 - (2) **Fence Height for Zoning Types Except Industrial**: The minimum required fence height shall be 6 feet above ground level when the proposed project zoning type is classified as any zoning type except those classified as manufacturing;
 - (3) **Vegetation Planted on Exterior Sides**: Where a fence or wall is used as part of the required screening all required vegetation shall be planted on the exterior side of the fence or wall; and,
 - (4) **Remaining Vegetation Distribution**: Where a fence is used in lieu of vegetation, the remaining percentage of vegetation to be used in conjunction with the fence or wall shall be evenly distributed along the length of the fence.

Section 9-5 Buffer Location

Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, with the following exceptions.

- (A) Portion of Site Proposed for Development: If only a portion of a site is proposed for development, the required buffer and/or screen may be located at the limit of the construction perimeter with approval of the Planning Board;
- (B) Topographic Irregularities: Where topographic irregularities require a different location to meet the intent of this section, the location of the buffers and screens may be varied with approval of the Planning Board; and
- (C) Rights-of-Way and Streets: Buffers and/or screens shall not be located on any portion of an existing, dedicated or proposed right-of-way or a private street.

Section 9-6 Size of Plant Materials

- (A) Deciduous trees planted in buffers 30 feet in width or less may be either medium or large varieties; however, at least one-half of the required trees shall be large variety. Deciduous trees in buffers of greater than 30 feet in width shall be large variety trees.
- (B) All deciduous trees used for screening must be a minimum of 6 feet in height at installation and shall be at least 2 inches in diameter measured one inch above ground level.
- (C) All primary evergreen trees shall be a minimum of 6 feet in height at time of planting unless combined with an approved earthen berm and shall be not less than 10 feet in height at maturity.
- (D) All supplemental evergreen shrubs shall be a minimum of 18 inches in height at installation and shall attain a minimum height of 36 inches 3 years after installation.

Section 9-7 Spacing of Plant Materials

- (A) All deciduous trees shall be installed with tree trunks spaced a minimum distance of 30 feet apart and a maximum distance of 60 feet apart.
- (B) All primary evergreen plants shall be distributed evenly along the length of the buffer and shall be staggered where quantities permit. Primary evergreen plants shall be installed with tree trunks spaced a minimum of 7 feet apart and a maximum of 15 feet from other primary evergreen plants and from any required deciduous tree.
- (C) All supplemental evergreen shrubs shall be distributed evenly along the length of the buffer and shall be staggered where quantities permit.

Section 9-8 Maintenance

Any fence, earthen berm or plant material used for screening shall be maintained in sound condition by the property owner. Maintenance includes replacement of any required screening materials which are damaged and or dying.

Section 9-9 Multiple Use of Buffers

- (A) Buffers may be used to satisfy minimum setback requirements.
- (B) Buffers may be used for the following additional purposes:
 - (1) passive recreation, provided no plant material is eliminated, total width of the buffers is maintained and all other requirements of this Ordinance are met; and
 - (2) installation of underground utilities, provided the location and use of the utility lines do not interfere with the required screen plantings.
- (C) Prohibited uses in a buffer shall include playfields, stables, swimming pools, tennis courts or other similar active recreation uses and storage or parking facilities.

Section 9-10 Variance to Buffer and Screen Requirements

Variances to the buffer and screen requirements of this Ordinance may be made by the Board of Adjustment as specified in Article 12. Variance petitions must exhibit practical difficulties and unnecessary hardships based upon at least one of the following conditions:

- (1) **Narrow:** Unusually narrow sections of land are available for planting within the back and or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings.
- (2) **Steep Slopes:** Existing slopes in excess of 2:1 exist in locations where a buffer is required.
- (3) **Public Safety:** Specialized land uses such as public utilities, airports, etc. exist where strict adherence to the screening standards would significantly interfere with the function of that use and would create a public safety problem.
- (4) **Public Agency:** Lot size reduction due to public action.
- (5) **Platting or Deeding:** Difficulties have arisen from a plat or deed which was recorded prior to the adoption of this Ordinance.

Article 10

Nonconforming Uses and Buildings

Section 10-1 General

Any parcel of land, use of land, building or structure existing at the time of the adoption of this Ordinance, or any amendment, that does not conform to the use or dimensional requirements of the district in which it is located, may be continued and maintained subject to the following categories of nonconforming uses.

Section 10-2 Nonconforming Vacant Lots

Nonconforming vacant lots are ones that have been platted and recorded in the Office of the Register of Deeds of Pamlico County and which, at the time of adoption of this Ordinance, fail to comply with the minimum area and/or width requirements of the districts where they are located. Any such nonconforming lot may be used for any of the uses permitted in the district where it is located provided that:

- (1) Where the lot area is below the minimum specified in this Ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.
- (2) Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district where such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this Ordinance for the district where such lots are located.

Section 10-3 Nonconforming Occupied Lots

Nonconforming occupied lots are ones occupied by buildings or structures at the time of the adoption of this Ordinance that fail to comply with the minimum requirements for area, width, yard, and setbacks for the district where they are located. These lots may continue to be used without complying with the specific requirements for use or dimensional requirements.

Section 10-4 Nonconforming Open Uses of Land

Nonconforming open uses of land are lots used for storage yards, used car sales, auto wrecking, junkyards, and similar open spaces where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this Ordinance, in the district in which it is located. A legally established nonconforming open use of land may be continued except as follows:

- (1) when a nonconforming open use of land has been changed to a conforming use, it shall not thereafter revert to any nonconforming use;
- (2) nonconforming open use of land shall be changed only to a conforming use;
- (3) a nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming; and,
- (4) when any nonconforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district where the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Section 10-5 Nonconforming Uses of Structures

Nonconforming uses of structures are ones used at the time of enactment of this Ordinance for purposes or uses not permitted in the district in which they are located. Such uses may be continued as follows:

- (1) an existing nonconforming use may be changed to another nonconforming use of the same or higher classification, provided that the other conditions in this Article are met. For the purpose of this Ordinance, the rank order of uses from higher to lower shall be: 1) residential, 2) public, 3) commercial, and 4) industrial (for example, a nonconforming barber shop may be changed to another barber shop or a nonconforming residential dwelling, but not a manufacturing facility);
- (2) when a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use;
- (3) a nonconforming use may not be extended or enlarged, nor shall a structure containing a nonconforming use be altered except:
 - (a) structural alterations as required by law or Ordinance to secure the safety of the structure; or
 - (b) maintenance and repair necessary to keep a structure in sound condition; or
 - (c) expansion of a nonconforming use of a building or structure into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use.
- (4) When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not hereafter be used except in conformance with the regulations of the district where it located.

Section 10-6 Reconstruction of Damaged Buildings or Structures

Any nonconforming use, except manufactured dwelling units (See Section 10-8 below) which has been damaged by fire, wind, flood, or other causes, may be repaired and used as before provided:

- (1) the damage to the building does not exceed 50% of the appraised value (appraised value is the value recorded by the county tax assessor for county and municipal tax purposes) at the time of destruction;
- (2) repairs are initiated within 12 months and completed within two years of such damage;
- (3) the total amount of space devoted to a nonconforming use may not be increased; and
- (4) reconstructed buildings may not be more nonconforming with respect to dimensional restrictions.

Section 10-7 Avoid Undue Hardship

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried out.

Section 10-8 Nonconforming Manufactured Homes

Any existing nonconforming manufactured home may be used indefinitely. Existing manufactured units may be replaced if the present unit is damaged or destroyed, or if the owner wants to replace his unit with a Class A or Class B manufactured dwelling unit. These newer replacement units may be larger and cover more of the lot than the original manufactured home. However, if a lot where a nonconforming manufactured home is located is subsequently abandoned for more than 180 days, the re-establishment of a manufactured home on the lot shall not be permitted.

Section 10-9 Abandoned Structures

If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted under G.S. 160D-1203(4) (finding that the dwelling is unfit for human habitation) or after the UDO Zoning Administrator issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this section, then the Town Council may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that the dwelling would

continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the Town, then in such circumstances, the Town Council may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- (1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.
- (2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

The ordinance shall be recorded in the office of the Pamlico County Registry of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the UDO Zoning Administrator shall effectuate the purpose of the ordinance.

Article 11

Permits

Section 11-1 Permits Required

No person shall undertake any development activity or use of land that is subject to this Ordinance without a permit.

Section 11-2 General Requirements

- (A) All applications for permits shall be submitted by the owner of the property or his authorized agent. The UDO Zoning Administrator may require reasonable proof of ownership from any person submitting an application.
- (B) The UDO Zoning Administrator may wave submission of required elements of information when in his opinion such information is otherwise available or is not necessary. He may return any application that is not complete.
- (C) All applications for permits shall be submitted, reviewed, and processed in accordance with the requirements specified in this Ordinance.
- (D) Written notice of a decision on the application shall be provided to the applicant by regular mail, electronic mail or personal delivery after the review process. If the application is approved, such notice shall include the required permits. A similarly marked copy of the notice of a decision shall be retained in the Town Hall.
- (E) All Permits shall be issued in writing and shall contain a provision that the development activity or use of land shall comply with all state and local laws and regulations.
- (F) All Permits shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs.
- (G) All Permits shall expire within twelve months after issuance if the work authorized by the Permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the Permit therefore shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured. Written notice shall be given by the Town Clerk or UDO Zoning Administrator.
- (H) In addition to any permit required by this Ordinance for Zoning purposes, if any proposed development will damage town-owned streets or sidewalks requires a separate approval by the UDO Zoning Administrator in conjunction with the Head of the Town's maintenance department. This requirement also applies to moving houses and damage to any bridges, culverts, lights or signs. Said approval will not be unreasonably withheld and shall require said damaged sidewalk or town-owned street to be repaired to applicable engineering standards.

Section 11-3 Zoning Permit and Certificate of Occupancy

- (A) No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be started until a Zoning Permit has been issued by the UDO Zoning Administrator. When the UDO Zoning Administrator is satisfied that work has been completed in accordance with all provisions of this Ordinance, a Certificate of Occupancy shall be issued.
- (B) No temporary utilities shall be connected until a building permit is issued. No permanent utilities shall be connected until a Certificate of Occupancy is issued.
- (C) An application for a Zoning Permit shall be obtained from Town Hall. The completed Zoning Permit Application is to be returned to the Town Clerk along with the requisite applicable paperwork and fees paid to the Town.
- (D) A copy of the completed Zoning Permit Application and all required information is to be filed with the Town office and a copy provided to the applicant.
- ~~(E) The Administrator may require a site plan to approve a Zoning Permit as specified in Appendix A. Only the information necessary to determine compliance to the Ordinance will be required. One copy shall be returned to the owner upon approval.~~
- (F) If the use is listed in the table of permitted uses and complies with all the development standards in this Ordinance, the UDO Zoning Administrator shall issue a Zoning Permit. However, if the UDO Zoning Administrator determines the use:
 - (1) is not a permitted use in a particular district, the applicant may appeal his interpretation to the Board of Adjustment or seek a Zoning Amendment from the Town Council; or
 - (2) cannot comply with all dimensional requirements the applicant may appeal to the Board of Adjustment for a Variance; or
 - (3) is indicated in the table of uses by districts as a Special Use it shall be submitted to the Board of Adjustment for action.

Section 11-4 Special Use Permit

- (A) The development and execution of this Ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for that use in that particular location.

- (B) Those uses listed in Section 4-5 as permitted uses, subject to a Special Use Permit may be established in that district only after the issuance of an approved Special Use Permit.
- (C) Applications for a Special Use Permit approval shall be addressed to the Board of Adjustment and presented to the UDO Zoning Administrator. Each application shall contain or be accompanied by a site plan, if required. It shall be submitted at least 10 working days prior to the next scheduled meeting of the Board of Adjustment.
- (D) When the UDO Zoning Administrator receives a completed application, he shall seek comments from town officials or other appropriate agencies or officials to determine if it conforms to requirements of this Ordinance as well as other municipal requirements.
- (E) Their written comments along with the application shall be submitted to the Board of Adjustment by the UDO Zoning Administrator.
- (F) The UDO Zoning Administrator shall set a date for a public hearing before the Board of Adjustment. At the hearing, the Board of Adjustment shall review the application and comments from the UDO Zoning Administrator or other appropriate agencies, hear testimony and examine exhibits pertaining to the application.
- (G) No Special Use Permit shall be approved unless the Board of Adjustment makes the following findings concerning the proposed Special Use:
 - (1) It is listed among the special uses in the district for which application is made;
 - (2) It is essential or desirable to the public convenience or welfare;
 - (3) It will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
 - (3) It will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the community;
 - (4) It will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and,
 - (5) It will have ingress and egress designed to minimize traffic congestion in the public streets.
- (H) At the conclusion of the Public Hearing, the Board of Adjustment shall approve, approve with conditions, or disapprove the application.
- (I) In approving a Special Use Permit Application, the Board of Adjustment may impose such reasonable and appropriate conditions as it may deem necessary in order that the

purpose and intent of this Ordinance is served. Said conditions shall not exceed the Board's statutory authority.

- (J) If the application has been denied, or withdrawn after the public notice has been published, the UDO Zoning Administrator shall not accept the same application for at least 12 months. The UDO Zoning Administrator may accept an application if (1) the circumstances affecting the property have substantially changed; (2) the application has changed in some substantial way; and (3) new information is available which could not with reasonable diligence have been presented at the previous public hearing.
- (K) The UDO Zoning Administrator shall notify the applicant of the Board's decision in writing and shall file a copy with the Town Clerk. If the permit is approved with conditions, the UDO Zoning Administrator shall obtain the applicant's written consent to the conditions related to the Special Use Permit and issue the permit in accordance with the action of the Board. The Special Use Permit shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs.
- (L) An approved Special Use Permit shall be null and void if the applicant has not begun work as specified in the permit within twelve months or within such further time agreed to in the approval. The applicant may seek an extension if he applies within the original time specified.
- (M) Granting a Special Use Permit does not exempt applicants from complying with other requirements of this Ordinance. In any case where the conditions of a permit have not been or are not being met, the UDO Zoning Administrator shall give the grantee notice of intention to revoke approval. Said notice shall be given at least 10 days prior to any action by the Board of Adjustment.

Section 11-5 Commencement of Use Before Final Approval

In cases when because of weather conditions or other factors beyond the control of the permit recipient (exclusive of financial hardship), it shall be unreasonable to require them to comply with all of the requirements of this Ordinance, or any conditions imposed by a Special Use Permit, prior to commencing the intended use of the property or occupying any buildings, the Town Council may authorize the commencement of the intended use or the occupancy of buildings. However, the permit recipient shall provide a certified check, irrevocable letter of credit, performance bond, certificate of deposit, or other security satisfactory to the Town Council for 125 percent of the cost of the required improvements to ensure that all of the requirements will be fulfilled within a reasonable period. In no case, however, shall such period exceed twelve months. All securities shall be the same as cash and shall be redeemable within the corporate limits of the town.

Section 11-6 Temporary Use Permit

The Board of Adjustment shall issue Temporary Use Permits on a case-by-case basis. Specific time limits shall be stated for each use. Specific activities that are allowed are indicated in the Table of Uses. Temporary Use Permits may be renewed by the Board of Adjustment. Activities are permitted as specified in Section 4-5 Table of Uses by District.

Section 11-7 Revocation

Revocations of permits shall follow the same process as issuance.

Section 11-8 Vested Rights and Permit Choice

Site-specific vesting plans to establish vested rights shall follow the procedures laid out in G.S. § 160D-108.1.

Pursuant to G.S. § 160D-108, a multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

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 then permit choice governed by G.S. 143-755 applies.

Article 12

Appeals, Variances and Interpretations

Section 12-1 Appeals

- (A) An appeal from any final order or decision of the UDO Zoning Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the UDO Zoning Administrator and the Board of Adjustment a written notice of appeal specifying the grounds. A notice of appeal shall be considered filed with the UDO Zoning Administrator and the Board of Adjustment when delivered to the UDO Zoning Administrator or Town Clerk.
- (B) An appeal must be taken within 30 days after the date of the decision. The date of the decision is the date when the final decision is filed with the Town Clerk and UDO Zoning Administrator and copies of the decision mailed to the interested parties.
- (C) Whenever an appeal is filed, the UDO Zoning Administrator shall transmit to the Board of Adjustment all the materials of the case.
- (D) The UDO Zoning Administrator shall appear as a witness in all appeals.
- (E) An appeal stays all actions by the UDO Zoning Administrator enforcing the requirements of this Ordinance, including fines, unless the UDO Zoning Administrator certifies to the Board of Adjustment that a stay would cause imminent peril to life and property or that because the violation charged is transitory in nature a stay would seriously interfere with the enforcement of the Ordinance. In that case the proceedings shall be stayed only by a restraining order issued by the Board of Adjustment or by a court of record.
- (F) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision, or determination that in its opinions ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

Section 12-2 Variances

- (A) An application for a Variance shall be submitted to the Board of Adjustment by filing a copy of the application with the UDO Zoning Administrator and Town Clerk.
- (B) A Variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the Ordinance would result in unnecessary hardships for the applicant. The Board shall vary any of the provisions of the UDO upon a showing of all of the following:

(1) That an unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(2) That the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;

(3) That 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 is not a self-created hardship; and

(4) That the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

(C) A Variance may be issued for an indefinite duration or for a specified duration only.

Section 12-3 Interpretations

(A) The Board of Adjustment is authorized to interpret the Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the UDO Zoning Administrator, they shall be handled as provided in Section 12-1.

(B) An application for a Zoning Map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the UDO Zoning Administrator. The application shall contain sufficient information to enable the Board to make the necessary interpretation.

(C) Where uncertainty exists as to the boundaries as shown on the Official Town of Bayboro Zoning Map, the following rules shall apply:

(1) boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

(2) boundaries indicated as approximately following lot lines, Town limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

(3) boundaries indicated as following creeks or streams shall be construed to follow such water courses even if they change over time; and

- (4) where a district boundary divides a lot or where distances are not specifically indicated, the boundary shall be determined by measurements from the Official Town of Bayboro Zoning Map.

Section 12-4 Requests to be Heard Expeditiously

The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures and obtain the necessary information to make sound decisions.

Section 12-5 Burden of Proof in Appeals and Variances

- (A) When an appeal is taken to the Board of Adjustment in accordance with Section 12-1, the UDO Zoning Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- (B) The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions on those issues remains with the applicant seeking the Variance.

Section 12-6 Board Action on Appeals and Variances

- (A) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order.
- (B) Before granting a Variance, the Board of Adjustment must take a separate vote and vote affirmatively (by a four-fifths majority) on each of the required findings stated. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in subsection 12-2 (B) above shall include a statement of the specific reasons or findings of fact supporting such motion.

Article 13

Hearing Procedures for Applications and Appeals

Section 13-1 Hearing Required on Applications and Appeals

- (A) Before making a decision on an application or an appeal for a Variance, a Special Use Permit, or a petition from the UDO Zoning Administrator to revoke a Special Use Permit, the Board of Adjustment shall hold a quasi-judicial evidentiary hearing and issue a decision that includes findings of fact and conclusions of law that applies the development regulations and the Board's exercise of discretion when applying those regulations. The term quasi-judicial includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.
- (B) The hearing shall be open to the public and all persons interested in the outcome of the application or appeal. Individuals with standing shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- (C) The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- (D) The Board of Adjustment may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of 6 weeks or more elapses between hearing dates.

Section 13-2 Notice of Hearing on Applications and Appeals

- (A) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than 10 days before the hearing. Said notice shall be presumed received on the third business day after it is sent.
- (B) Notice shall be given to abutting property owners by mailing a written notice not later than 10 days before the hearing to those persons who have listed for taxation real property.
- (C) A Public Notice shall be published in a newspaper of general circulation in Bayboro at least 2 successive weeks with the first notice published not less than 10 days nor more than 25 days prior to the date of the hearing.
- (D) The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal and give a brief description of the action requested or proposed.

Section 13-3 Evidence

- (A) The provisions of this section apply to all hearings for which a notice is required by Section 13-1.
- (B) All persons who intend to present evidence to the Board shall be sworn. The presentation of evidence, cross-examining witnesses, objecting to evidence, and making legal arguments shall be allowed.
- (C) All findings and conclusions that establish the facts necessary to the issuance or denial of the requested permit or appeal shall be based upon competent, material, and substantial evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available.
- (D) The Board Chair shall preside and rule on objections to inclusion of administrative material. Appeals of such rulings shall be made to the full Board.

Section 13-4 Modification of Application at Public Hearing

- (A) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- (B) Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the UDO Zoning Administrator.

Section 13-5 Record

- (A) A tape recording should be made of all hearings required by Section 13-1 and such recordings shall be kept for at least 30 days. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- (B) Whenever practical, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept for a minimum of two years by the Town.

Section 13-6 Written Decision

- (A) Any decision made by the Board of Adjustment regarding decisions involving Variances, Special Use Permits, certificates of appropriateness, and appeals of administrative determinations shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
- (B) In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings of fact and conclusions of law, as well as supporting reasons or facts, whenever this Ordinance requires the same as a prerequisite to taking action.

Article 14

Enforcement and Review

Section 14-1 Complaints Regarding Violators

Whenever the UDO Zoning Administrator discovers or receives a written, signed complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the violator in writing what actions have been or will be taken.

Section 14-2 Liability

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 14-3 Procedures Upon Discovery of Violation

- (A) If the UDO Zoning Administrator finds that a provision of this Ordinance is being violated, he shall issue a written notice of violation. The notice of violation shall be delivered to the party responsible for the violation as well as to the applicant for or holder of the permit and to the owner of the property involved, if the owner is not the applicant for or holder of the permit, by personal delivery, electronic delivery, 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 indicating the nature of the violation and ordering the action necessary to correct it. The notice of violation may be posted on the property. The person providing the notice of violation shall certify that the notice was provided and submit copies of the same to the Town Clerk.
- (B) The final written notice shall state what action the UDO Zoning Administrator intends to take if the violation is not corrected and shall advise that the UDO Zoning Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 14-1.
- (C) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the UDO Zoning Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 14-5.

Section 14-4 Penalties and Remedies for Violation of the Ordinance

- (A) Violations of the provisions of Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in

connection with grants of variances, or Special Use Permits may be enforced by the remedies available under applicable state law, including but not limited to G.S. 160A-75.

- (B) Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the issuance of Variances or Special Use Permits, shall also subject the offender to a civil penalty of \$50. If the offender fails to pay within 10 days after being cited for a violation, this penalty may be recovered by the jurisdiction in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 14-4 and did not take an appeal to the Board of Adjustment within the prescribed time.
- (C) This Ordinance may also be enforced by any appropriate equitable action.
- (D) Each day that any violation continues after notification by the UDO Zoning Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (E) Any development requiring a Zoning Permit begun within the Town limits of Bayboro without the applicant having obtained the permit and paid associated fees, the applicant will be charged the original application fee(s) plus a penalty equal to the original application fee(s).
- (F) If a building permit is issued within the Town limits of Bayboro for any development requiring a Zoning Permit without the developer, contractor or owner first having complied with any part of this Ordinance, the building permit shall immediately become null and void.
- (G) One, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Section 14-5 Permit Revocation

- (A) A Zoning Permit or Special Use Permit may be revoked by the permit issuing body if the permit recipient fails to develop or maintain the property in accordance with the plans submitted the requirements of this Ordinance, or any additional requirements lawfully imposed by the Board of Adjustment.
- (B) Before a Special Use Permit may be revoked, all of the notice and hearing and other requirements of Article 13 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 - (1) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

- (2) Before a permit may be revoked, the UDO Zoning Administrator shall give the permit recipient 10 days' notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the UDO Zoning Administrator shall provide to the permittee a written statement of the decision and the reasons.
- (3) No persons may continue to make use of land or buildings in the manner authorized by any Zoning Permit or Special Use Permit after such permit has been revoked in accordance with this section.

Section 14-6 Judicial Review

- (A) Every decision of the Board of Adjustment shall be subject to review by the Superior Court of Pamlico County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Pamlico County Clerk of Court within 30 days after the latter of the following occurrences:
 - (1) A written copy of the Board's decision has been filed in Town Hall; and
 - (2) A written copy of the Board's decision has been sent to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

Article 15 Amendments

Section 15-1 Amendments In General

Amendments to the text of this Ordinance or to the Town of Bayboro Official Zoning Map shall be made in accordance with the provisions of this article.

Section 15-2 Initiation of Amendments

- (A) A request to amend the text of this Ordinance including the Town of Bayboro Official Zoning Map may be initiated by: the Town Council, Planning Board, Board of Adjustment, or any property owner or citizen.
- (B) The petition shall be filed with the UDO Zoning Administrator and shall include the following information, along with the information deemed relevant by the UDO Zoning Administrator:
 - (1) the name, address, and phone number of the applicant;
 - (2) a description of the land affected by the amendment if a change in Zoning District classification is proposed; and
 - (3) a description of the proposed map change (the proposed map change shall be shown on a county tax map) or a summary of the specific objective of any proposed change in the text of this Ordinance.

Section 15-3 Planning Board Consideration of Proposed Amendments

- (A) All amendments shall be referred to the Planning Board for its consideration. The Planning Board shall consider the comprehensive plan adopted in Section 3-1 above and generate a report either recommending the zoning amendment or not recommending the zoning amendment with a detailed explanation for either recommendation. If recommending the amendment, then Planning Board shall evaluate and comment on whether the amendment is consistent with the comprehensive plan in Section 3-1.
- (B) The Planning Board shall submit its recommendation to the Town Council at or before the public hearing on the amendment.
- (C) If no written report is received from the Planning Board within 45 days of referral of the amendment to the Planning Board, then the Town Council may act on the amendment without the Planning Board's report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

- (D) No ordinance that amends any of the provisions of this Ordinance may be adopted until a public hearing has been held on such ordinance.
- (E) The UDO Zoning Administrator or Town Clerk shall publish a notice of the public hearing on any amendments to this Ordinance once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.
- (F) With respect to map amendments, the UDO Zoning Administrator shall mail written notice of the public hearing by first class mail to the owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 days but not more than 25 days prior to the date of the hearing. For amendments to the zoning map that propose changes to the zoning designation of more than fifty properties owned by at least fifty different property owners, the UDO Zoning Administrator or Town Clerk may elect the notice procedures contained within G.S. 160D-602(b).
- (G) The UDO Zoning Administrator shall also prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the UDO Zoning Administrator shall post sufficient notices to provide reasonable notice to interested persons.
- (H) The notice required or authorized by this section shall:
 - (1) state the date, time, and place of the public hearing;
 - (2) summarize the nature and character of the proposed change;
 - (3) reasonably identify the property whose classification would be affected by the amendment, if the proposed amendment involves a change in zoning district classification;
 - (4) state the full text of the amendment can be obtained from the Town Clerk; and
 - (5) state that substantial changes in the proposed amendment may be made following the public hearing.

Section 15-4 Town Council Action on Amendments

- (A) Before adopting, amending, or repealing any ordinance or development regulation authorized by this Ordinance, the Town Council shall hold a legislative hearing. A development regulation adopted pursuant to this Ordinance shall be adopted by ordinance.
- (B) A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- (C) At the conclusion of the hearing on a proposed amendment, the Town Council may proceed to vote, refer it for further study, or take any other action consistent with its usual rules of procedure.
- (D) When adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Town Council 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 or land-use plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. 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.
- (E) When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Town Council. 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.

- (F) The Town Council is not required to take final action within any specific period of time, but it should proceed as expeditiously as practicable since inordinate delays can result in the petitioner incurring unnecessary costs.
- (G) Voting on amendments to this Ordinance shall proceed in the same manner as other ordinances.

Section 15-5 Down Zoning

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 Council.

For purposes of this section, “down-zoning” means a zoning ordinance that affects an area of land in one of the following ways: (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage or (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

Section 15-6 Ultimate Issue Before Town Council on Amendments

- (A) The Town Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Town Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (B) The Town Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.

Section 15-7 Waiting Period After Denial of Petition

When a petition for amendment is denied by the Town Council, a period of 12 months must elapse before another petition for the same change may be submitted.

Article 16 Definitions

Section 16-1 Interpretation of Words and Terms

- (A) The present tense includes the future tense, and the future tense includes the present tense.
- (B) The singular number includes the plural number and the plural number includes the singular number.
- (C) The word “building” includes the word “structure.”
- (D) The word “lot” includes the word “plot” or “parcel.”
- (E) The word “map” shall mean the Official UDO Zoning Map(s) of Bayboro, North Carolina.
- (F) The word “may” is permissive, the word “shall” is mandatory.
- (G) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (H) The words “used” or “occupied” include the words “intended, designed, or arranged, to be used or occupied.”

Section 16-2 Words and Term Definitions

Accessory Use. A use that is secondary to a principal use.

Accessory Structure. A minor building that is located on the same lot as a principal building or structure and that is used incidentally to a principal building or structure.

Actual Construction. The placing of construction materials in permanent position and fastened in a permanent manner, provided that actual construction work shall be diligently carried on until the completion of the building involved.

Antenna. Equipment designed to transmit or receive electronic signals.

Bed and Breakfast Dwellings. An owner-occupied or manager-occupied residential structure providing rooms for overnight lodging or lodging and meals.

Bedroom. Sleeping Room.

Building. A structure designed to be used as a place of occupancy, storage, or shelter.

Building, Accessory. A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

Building, Principal. The primary building on a lot or a building that houses a principal use.

Day Care Center (adult or child). Any adult/childcare arrangement that provides day care on a regular basis for more than four hours per day for more than 5 adults/children of preschool age.

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

Dwelling Unit. A structure containing sleeping, kitchen, bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

Dwelling Unit, Two-family. Two separate dwelling units within a single structure.

Electronic Gaming Operations. A business enterprise, whether principal or accessory, where persons utilize electronic machines or devices, including but not limited to computers and gaming terminals, to conduct games of odds or chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Specifically excluded from this definition is any lottery approved by the State of North Carolina. It is the activity that defines an electronic gaming operation, not the name; so an internet café, cybercafé, cyber sweepstakes, video arcade, game room, etc. might or might not be an electronic gaming operation. That is, there could be two businesses with the same kind of name (say, two video arcades or two internet cafés), and one might qualify as an electronic gaming operation and the other might not, based upon the actual activity within the business itself.

Existing development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (1) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by the G.S. 160D-1110, or
- (3) having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by G.S. 160D-108.1,

Family. One or more persons living together as a single housekeeping unit.

Family Care Home. A residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Person residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

Flea Market. A business operation which normally operations on weekends in a permanent structure or out-of-doors. Unlike a yard sales it usually operates throughout the year.

Governing Body. Bayboro Town Board of Commissioners.

Home Occupation. A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Intensive Livestock Operation. Any enclosure, pen, feedlot, building or group of buildings intended to be used or actually used to feed, confine, maintain or stable cattle, horses, sheep, turkeys, chickens or swine where their dietary needs are met primarily by means other than grazing, or any combination thereof with at any time sufficient numbers of animals on site to equal or exceed the following threshold levels.

100 head of cattle
75 horses
250 swine
1,000 sheep or goats
30,000 birds (with a liquid waste system)

Kennel. A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or be associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

Lot Area. The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and (ii) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lot Coverage. That portion of a lot occupied by a structure, either at ground level or equivalent thereto when a structure is elevated on pilings.

Lot Depth. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Frontage. That portion of a lot abutting a street.

Lot, Corner. A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meeting at an interior angle of less than 135 degrees.

Lot Interior. A lot other than a corner lot with only one frontage on a street.

Lot, Through. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred as a double frontage lots.

Lot of Record. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Width. The distance between the side lot lines as measured at the rear of the required front yard, except for lots on the running circle of cul-de-sacs which shall be at least 80 percent of the required lot width and maintain an average lot width between the front and rear property lines of at least the minimum lot width for the zoning district in which the lots are located.

Manufactured Home. A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the state building code applicable to site-built homes, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds 40 feet in length and eight feet in width.

Manufactured Home, Temporary. Manufactured homes used for a specific period of time as permitted in Article 4 which meets the development criteria specified in Article 6.

Manufactured Home, Class A. A double-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the appearance criteria in Article 6.

Manufactured Home, Class B. A single-family manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and meets the appearance criteria in Article 6.

Manufactured Home, Class C. Any manufactured home that was constructed prior to July 1, 1976 and does not meet the appearance criteria of a Class A or Class B Manufactured home.

Manufactured Home Park. A site with required improvements and utilities (See Article 6 for specific requirements) for the long-term parking of two or more manufactured homes which may include facilities and services for the exclusive use of residents such as a club house or laundry room.

Mixed Use. A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first and thus a combination use is not established.) In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use).

Modular Home. A dwelling unit constructed in accordance with the standards set forth in the state building code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a Manufactured home except that the modular home meets the state building code applicable to site-built homes, or a series of panels or room sections transported on a truck and erected or joined together on the site.

Nonconforming Lot. A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming Project. Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Use. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

Parking Space. A portion of the vehicle accommodation area set aside for the parking of one vehicle.

Parking space, Handicap. Parking spaces designed and assigned to handicap drivers or passengers.

Person. An individual,, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Unit Development (PUD). A development constructed on a tract of land under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land

Planning Jurisdiction. The area which the community is authorized to plan for and regulate development, as set forth in Article I, Section 1-4

Principle Use. The primary purpose for which a lot or the main structure is designed or intended, and for which it is or may be used, occupied or maintained.

Residence, Single-Family Detached, One Dwelling Unit Per Lot. A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Shopping Centers. A type of planned business development involving two or more businesses clustered in a unified project constructed on a tract of land under single ownership, planned and developed as an integral unit

Sign. Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phases, sentences, emblems, devices, designs, trade name or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, trees, or other structures or supports. Murals approved by the Town Board of Commissioners shall be exempt from this definition of a sign.

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

Sign, Nonconforming. A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in Article 7 Signs of the Bayboro Zoning Ordinance.

Sign, Off-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Permit. A permit issued by the land-use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, Temporary. A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Sleeping Room. A room designated as sleeping or bedroom on the plans and permit application.

Special Events. Circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than one day but not longer than two weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

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 this ordinance.

Tower. Any structure whose principal function is to support an antenna.

Town Board. Bayboro Town Board of Commissioners.

Unified Development Ordinance Zoning Administrator. Except as otherwise provided, primary responsibility for administering and enforcing this ordinance is the Mayor, or his or her designee(s).

Use. The activity or function that actually takes place or is intended to take place on a lot.

Uses-by-right. A use-by-right designed in Article 4 by the letter “P”, because of its nature and impact, is automatically allowed within a designated use district.

Use, Principal. A use listed in the Table of Permissible Uses.

Utility Facilities. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the appropriate provision of state law and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Variance. A grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

Vape Shop. Any business whose principal product line for retail sale is electronic nicotine delivery systems. Principal means that the retailer either devotes twenty percent (20%) or more of floor area or display area to, or derives seventy-five percent (75%) or more of gross sales receipts from, the sale or exchange of electronic nicotine delivery systems.

Vested rights. The right to undertake and complete the development and use of real property which, when completed, will be in conflict with the provisions of this ordinance at its effective date, or any amendments.

Yard. An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except where encroachments and accessory buildings are expressly permitted.

Yard, Front. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building, projected to the side line of the lot. On all corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the front yard.

Yard, Side. An open, unoccupied space on the same lot with the principal building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the lot and extending from the rear line of the front yard to the front line of the rear yard. On all corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

Zoning Permit. A permit issued by the land-use administrator (and reviewed and signed by the Bayboro Town Clerk) that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Appendix A Site Plan

A-1 Site Plan Required

A site plan clearly indicating the developer's intention to comply with the provisions of this Ordinance shall be submitted to the Town. However, the UDO Zoning Administrator or the permit issuing agency may waive this requirement if they determine that such information is not necessary to issue a Zoning Permit or Special Use Permit. The following types of development shall always submit a site plan for review:

- (1) Multi-family Developments (apartments)
- (2) Manufactured Home Parks
- (3) Planned Business Developments
- (4) Planned Unit Developments (PUDs)

A-2 Review Process

- (A) All site plans shall initially be submitted to the UDO Zoning Administrator who will determine whether or not the site plan contains the information required by this ordinance.
- (B) If there is a separate Planning Board, the site plan shall be submitted to them for review and comments. This body has 45 days to prepare and submit their comments to the permit issuing body. If the Planning Board and the Board of Adjustment are the same body, this review step shall be eliminated and the site plan shall be submitted directly to the Board of Adjustment as specified in Subsection (C) below.
- (C) The UDO Zoning Administrator shall submit the completed site plan along with all written information to the Board of Adjustment for review and action (approval, approve with conditions, or disapproval). The permit issuing authority may require more information or accept as sufficient less information according to the circumstances of the particular case.
- (D) If the plan is approved, the UDO Zoning Administrator shall issue a Special Use Permit. This Permit is authority to construct the project. If disapproved, the conditions for approval shall be stated. Once the conditions are agreed to by the owner or his representative and the Special Use Permit issued, the UDO Zoning Administrator shall issue a Zoning Permit, allowing the project to be constructed.
- (E) When the project is completed the owner or his authorized representative shall apply to the UDO Zoning Administrator for a Certificate of Occupancy (CO) which authorizes the developer to lease or sale the property.

A-3 Graphic Materials Required For Plans

- (A) The plans shall include a location map that shows the project in relation to the overall planning area.
- (B) Site plans shall be drawn to scale. A scale shall be used where all features are readily discernible.
- (C) Site plans should show on the first page the following information:
 - (1) name of applicant;
 - (2) name of development;
 - (3) north arrow;
 - (4) legend; and
 - (5) scale.

A-4 Existing Conditions on the Site

Site plans shall show existing natural, man-made, and legal features on the site including, but not limited to the following:

- (A) Existing natural features:
 - (1) natural cover (woods, pasture land, etc.)
 - (2) streams, ponds, or rivers;
 - (3) historic sites;
 - (4) fragile environmental areas.
 - (3) contour lines(shown as dotted line) at appropriate intervals.
- (B) Existing man-made features:
 - (1) parking and loading areas, including handicap spaces;
 - (2) streets;
 - (3) drainage facilities;
 - (4) utilities;
 - (5) buildings and signs (including dimensions of each).
- (C) Existing legal features:
 - (1) the zoning of the property, including zoning district lines;
 - (2) property lines;
 - (3) street right-of-way lines; and,
 - (4) utility or other easements.

A-5 Proposed Changes in Existing Features or New Features

The site plans shall show changes in existing natural, man-made and legal features as well as show proposed new legal features, (especially new property lines, street right-of-way lines and utility and other easements) as well as proposed man-made features, including, but not limited to the following:

- (1) Boundaries of the tract showing bearings and distances;
- (2) lot dimensions;
- (3) The number, size and location of all manufactured home spaces (manufactured home park);
- (4) location and dimensions of all buildings and freestanding signs;
- (5) location and dimensions of all recreational areas;
- (6) areas intended to remain as usable open space. The plan shall clearly indicate such open space areas are intended to be offered for dedication to public use or remain privately owned;
- (7) streets;
- (8) drainage facilities;
- (9) easements;
- (10) utilities (including water, sewer, electric, and telephone);
- (11) dimensions and layout of parking areas;
- (12) proposed planting to comply with buffering requirements;
- (13) new contour lines (shown as solid lines) resulting from earth movement at appropriate intervals.

A-6 Documents and Written Information in Addition to Plans

In addition to the written application and the plans, other relevant information or documents shall be provided, such as sedimentation and erosion control plans, evidence the North Carolina Department of Transportation has been made aware of the project and the developer will obtain the proper permits.

AMENDMENT REGARDING DRIVEWAY INSTALLATION AND MAINTENANCE

APPROVED BY THE TOWN OF BAYBORO COUNCIL ON JUNE 2, 2026

On a motion made by Chris Broughton and seconded by Joseph Cole, the Board unanimously approved the following:

Effective immediately, all driveway installation, maintenance and/or repairs are the responsibility of the homeowner, and the Zoning Ordinance(s) shall be updated to reflect this change.